

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

L. DOUGLAS JOSEPH, GEORGE DREHER  
PAUL DREHER  
Plaintiff,

Case No. 39-137

VS.

CHARLES L. WARREN AND PEGGY S.  
WARREN  
Defendants.

I certify this to be a true and  
correct copy *Patricia Younger Fuhrmeister*  
8-13-01  
Probate Judge  
Shelby County

ORDER ON PAYMENT OF AWARD

L. Douglas Joseph, George Dreher and Paul Dreher having paid into Court, on September 12, 2000, the sum of \$11,625.00, such being the amount assessed by the Commissioners heretofore appointed to determine the amount of damages and compensation to which the owners and other interested parties were entitled (and which such amount includes costs of court), it is ORDERED that each respondent and defendant be notified.

It is further ORDERED that each defendant or respondent claiming an interest in said funds set forth the extent of such interest in writing, to the Court within 30 days.

DONE and ORDERED this 12 day of September, 2000.

*Patricia Younger Fuhrmeister*

7000 0520 0014 4605 4471  
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Bahakel  
2131 12th Ave North  
Birmingham, AL 35234-9798

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *R. B. Bahakel* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No  
YES, enter delivery address below:

OCT - 4 2000  
PROBATE JUDGE'S OFFICE

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0520 0014 4605 4471

PS Form 3811, July 1999

Domestic Return Receipt

08/13/2001-34227

03:07 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
006 MEL 26.00

Inst # 2001-34227

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

L. DOUGLAS JOSEPH, GEORGE DREHER AND )  
PAUL DREHER )

Plaintiff, )

vs. )

CHARLES L. WARREN AND PEGGY S. )  
WARREN )

Defendants. )

I certify this to be a true and  
correct copy *Patricia Yeager Fuhrmeister*

8-13-01

Case No. 39-137

Probate Judge  
Shelby County

ORDER ON FILING REPORT OF COMMISSIONERS

On August 18, 2000, came Jim Strickland, Eddy Jowers and Johnny Lowe, commissioners heretofore appointed by the court to assess the damages and compensation to which the respondents and defendants, the owners of said lands described in said report, are entitled for the taking and use of said lands for ingress and egress purposes, and the said commissioners have filed their report in writing. The said commissioners also filed with their report a written certificate that none of them has ever been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to their appointment, and that they knew nothing of the same before their appointment; and it further appears to the court from said report, that the said commissioners have awarded to the said respondents or defendants, for taking of said lands, the sum of Ten Thousand Six Hundred Fifty Seven Dollars and 50/100 (\$10,657.50).

It is therefore ORDERED that the said report be filed and recorded and the property as described in Plaintiff's complaint for condemnation be condemned upon payment or deposit into court of the aforesaid amount. Provided further that any party may appeal from this Order to the Circuit Court of Shelby County, Alabama, with thirty (30) days hereof.

DONE and ORDERED this the 21<sup>st</sup> day of August, 2000.

*Patricia Yeager Fuhrmeister*  
PATRICIA YEAGER FUHRMEISTER  
Judge of Probate

cc: James F. Burford, III, Esq.  
John Bahakel, Esq.  
L. Douglas Joseph  
George Dreher  
Paul Dreher  
Charles L. Warren  
Peggy S. Warren

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

L. DOUGLAS JOSEPH, GEORGE DREHER and )  
PAUL DREHER )

Plaintiff, )

v. )

CHARLES L. WARREN and PEGGY S. )  
WARREN )

Defendants. )

I certify this to be a true and  
correct copy Charles L. Warren

8-13-01

Probate Judge  
Shelby County

CASE NO. 39-137

ORDER CLARIFYING PREVIOUS ORDER

This matter came before the Court on Motion for Clarification of Order filed by Charles L. Warren and Peggy S. Warren, defendants. Upon consideration of said motion, the Court amends its ORDER GRANTING COMPLAINT AND APPOINTING COMMISSIONERS as follows:

1) Defendants' motion to dismiss Plaintiff's complaint, which was taken under advisement, is DENIED.

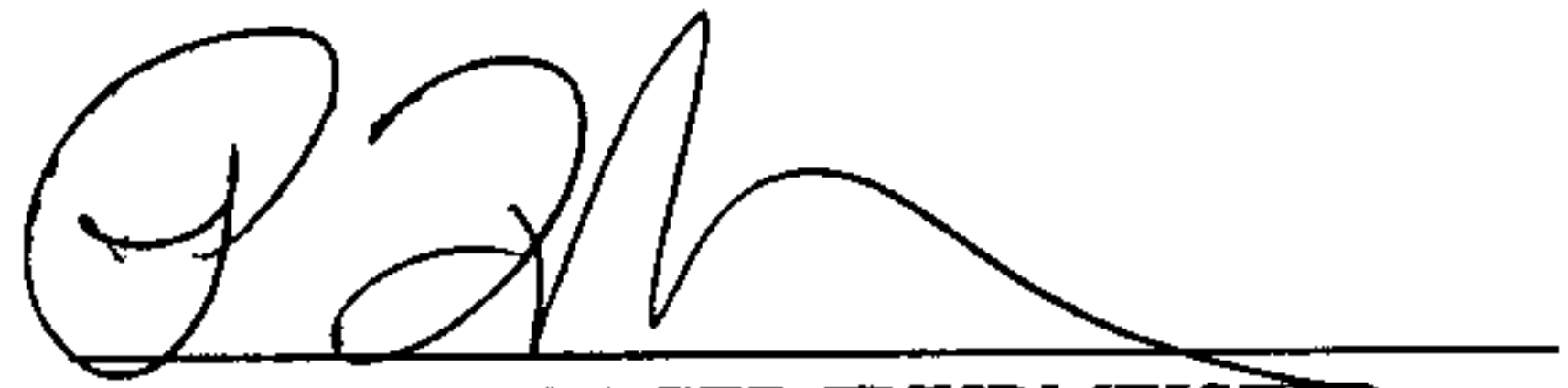
2) Plaintiff's Application for Acquisition of Right of Way is granted as to property of defendants described in Plaintiff's Exhibit 1 (survey and legal description) submitted at the trial of this matter, particularly described as follows:

From a 2" pipe accepted as the N.E. corner of the SW1/4 - NW1/4 of Section 19, T20S-R1E, being the point of beginning of herein described 30' easement for ingress and egress, run thence South along the accepted East boundary of said SW1/4-NW1/4 a distance of 30.03 feet; thence turn 87°30' 09" right and run 8.69 feet to the P.C. of a curve concave right, having a Delta angle of 76°29'31" and tangents of 90.00 feet; thence turn 38° 14'46" right and run a chord distance of 141.36 feet to the P.T.; thence turn 38° 14' 46" right and run 170.60

feet to the P.C. of a curve concave left, having a Delta angle of 68° 08' 02" and tangents of 60.00 feet; thence turn 34° 04' 01" left and run a chord distance of 99.41 feet to the P.T.; thence turn 34° 04' 01" left and run 40.00 feet to a point on the East boundary of Shelby County Highway #49 (80' R.O.W.); thence turn 90° 00' 00" right and run 30.00 feet along said Highway boundary; thence turn 90° 00' 00" right and run 40.00 feet to the P.C. of a curve concave right; having a Delta angle of 68° 08' 02" and tangents of 80.29 feet; thence turn 34° 04' 01" right and run a chord distance of 133.02 feet to the P.T.; thence turn 34° 04' 01" right and run 170.60 feet to the P.C. of a curve concave left, having a Delta angle of 76° 29' 31" and tangents of 66.35 feet; thence turn 38° 14' 46" left and run a chord distance of 104.22 feet to the P.T.; thence turn 38° 14' 46" left and run 10.00 feet to the point of beginning of herein described 30' easement.

To the extent not modified herein, this Court's previous orders remain in full force and effect.

**DONE and ORDERED** this 2nd day of August, 2000.

  
PATRICIA YEAGER FUHRMEISTER  
JUDGE OF PROBATE

cc: James F. Burford, III, Esquire  
John Bahakel, Esquire

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

L. DOUGLAS JOSEPH, GEORGE DREHER and  
PAUL DREHER

Plaintiff,

v.

CHARLES L. WARREN and PEGGY S. WARREN

Defendants.

I certify this to be a true and  
correct copy *Catherine Warren*

8-13-01

Probate Judge  
Shelby County

CASE NO. 39-137

**AMENDED**

**ORDER GRANTING COMPLAINT AND APPOINTING COMMISSIONERS**

This cause came on to be heard on the 4th day of April, 2000, upon the Complaint of L. Douglas Joseph, George Dreher and Paul Dreher, to condemn certain lands or interests in lands, and was continued pending a view and examination of such property;

And it further appearing to the Court that all defendants who are named in the Complaint have had notice of the filing of the Complaint and of the day set for hearing thereof, as provided by law;

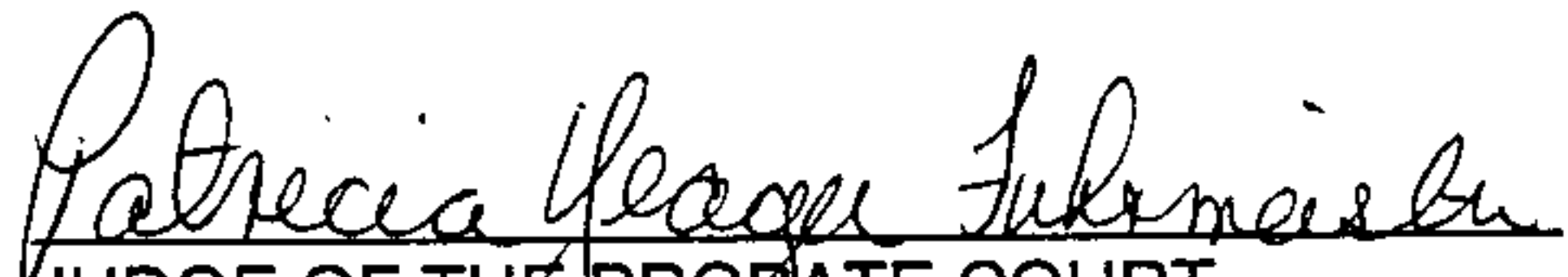
Thereupon, the Court proceeded to hear the allegations of the Complaint and responsive pleadings filed by the defendants and all evidence thereon offered by the parties, and upon consideration of the same the Court now determines that the allegations of the Complaint have been established and proven by legal evidence as to every party named therein, and that the Complaint should be granted.

It is, therefore, **ORDERED, ADJUDGED and DECREED** that the Complaint be and the same is hereby granted as to all parties named therein. And the Court now coming to appoint commissioners to assess the damages and compensation to which the defendants are entitled for the structures, lands or interests in lands sought to be condemned by the plaintiff, and it appearing to be Court that Jim Strickland, Eddy Jowers and Johnny Lowe, are citizens of Shelby County, Alabama, the county in which the structures and lands sought to be condemned are located, and that each of them possesses the qualifications of jurors under the laws of the State of Alabama and is disinterested in the proceeding;

It is, therefore, **ORDERED, ADJUDGED** and **DECREE** that Jim Strickland, Eddy Jowers , and Johnny Lowe, are hereby appointed commissioners to assess the damages and compensation to which the defendants, as owners and parties holding or claiming some interest in the lands described in the Complaint are entitled.

It is further ordered that notice of the appointment of the commissioners be served upon each of such commissioners and that they report to this Court, in writing, the amount of damages and compensation so ascertained and assessed by them as being due said owners of, or the owners of an interest in, said structures and lands within the time prescribed by law.

**DONE** and **ORDERED** this the . . . day of . . . , 2000.

  
JUDGE OF THE PROBATE COURT  
OF SHELBY COUNTY, ALABAMA

cc: James F. Burford, III, Esq.  
John Bahakle, Esq.

Inst # 2001-34227

08/13/2001-34227  
SHELBY COUNTY JUDGE OF PROBATE  
006 MEL 26.00

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