

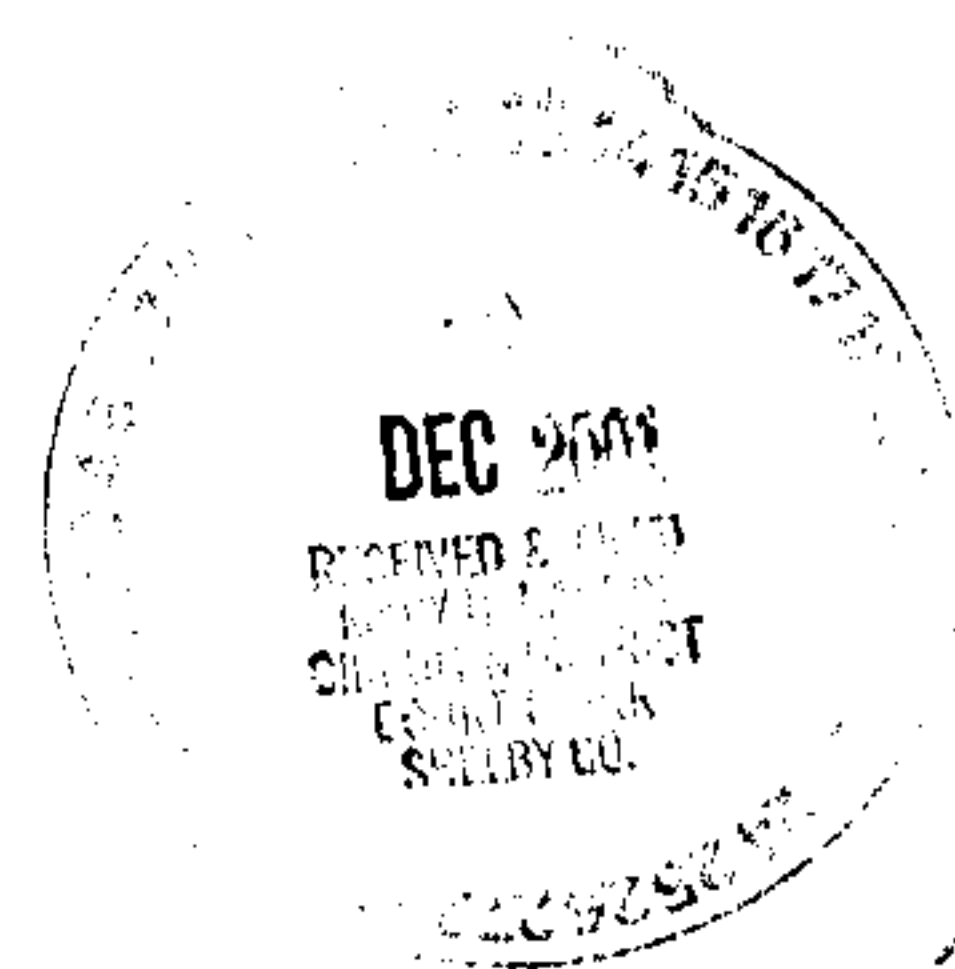
IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA,
PLAINTIFF.

V.

CV00-8990H

CLARENCE CRUMPTON AND JEWEL CRUMPTON, ET AL
DEFENDANT(S).



Inst # 2002-00232

ORDER AND DECREE OF CONDEMNATION

THIS CAUSE was commenced on April 3, 2000, in the Probate Court of Shelby County, Alabama, by filing an application to condemn the property hereinafter described under and pursuant to Section 23 of the Constitution of Alabama, Title 18, Chapter 1, and Title 23-3-5 of the Code of Alabama, 1975. The parties and their respective counsel of record were ordered to mediation, with each party sharing equally in the costs of mediation. Subsequently, the parties reported to the Court their inability to successfully reach a settlement through the mediation process, and proceeded to trial by jury on November 27, 2001. Upon hearing testimony taken from the Plaintiff's and Defendants' experts and testimony from Plaintiff and Defendant's at said trial, with exhibits from both parties being admitted into evidence, the jury rendered a verdict finding for the Defendants, awarding them the sum of \$148,103.50.

Now comes the Plaintiff, State of Alabama, and shows unto the Court that it has heretofore in said case deposited with the Judge of Probate of Shelby County, Alabama the total sum of \$101,752.50, which was the damages and compensation awarded by the Probate Court for the condemnation of said land. Hereafter, pursuant to an Order of the Court the property owners withdrew the sum of \$49,220.00, leaving the sum of \$52,532.50 on deposit with the Clerk of this Court. Pursuant to the stipulation of the parties, the Court calculated the interest due the property owners to accrue at the rate of \$7.62 per day, said calculation being made in accordance with §18-1A-211 Code of Alabama, 1975, as amended, effective July 28, 1995, pursuant to Act No. 95-502. The Court's calculation of said accrued interest is as follows:

By taking the amount of the jury verdict in the of \$148,103.50 and subtracting therefrom the sum of \$101,752.50, which was the damages and compensation awarded by the Probate Court for the condemnation of said land and which was deposited into said Court, leaving a difference of \$46,351.00, and then by multiplying the said difference of \$46,351.00 by 6.00%, which said amount when multiplied by said rate equals \$2,781.06, then dividing said sum of \$2,781.06 by 365 (days), thereby equaling \$7.62 per day.

Accrued interest, at the rate of \$7.62 per day, commences on August 8, 2000, which the date of entry of Judgment in Probate Court, and continues to November 28, 2001, which is the date of the jury's verdict, for a total of 478 days.

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The amount of interest calculates as follows:

\$148,103.50	Circuit Court Award
<u>-101,752.50</u>	Paid into Court by State
\$ 46,351.00	
x <u>6.00</u>	Interest rate
\$ 2,781.06	Interest
<u>365</u>	Days
\$ 7.62	Interest per day
x <u>478</u>	Days
\$ 3,642.36	Interest to be paid to land owners

The Court further finds that the property owners are entitled to the interest earned on the sum of \$52,532.50 invested by the Clerk of this Court pursuant to the Order of Court.

The Court further finds that the total sum owed to the property owners is \$46,351.00, plus interest accruing at the said rate of \$7.62 per day for 478 days which equals \$3,642.36, plus interest earned on the said \$52,532.50 invested by the Clerk of this Court. The property owners have withdrawn the sum of \$49,220.00 and the clerk has on deposit \$52,532.50. Therefore the Plaintiff, State of Alabama, owes to the Clerk of the Court the additional sum of \$46,351.00+ \$3,642.36=\$49,993.36.

Now, therefore it **ORDERED, ADJUDGED and DECREED** by the Court that the Plaintiff, the State of Alabama, pay the Clerk the additional sum of \$49,993.36, and that upon receipt of the payment of said sum the Clerk is ordered and directed to pay the same to the property owner. The clerk is also ordered to pay to the property owner the sum of \$52,532.50 together with the interest earned on said sum while on deposit pursuant to an Order of this Court, all of which, together with the sum previously paid to the property owner of \$49,220.00, is the amount of damages and compensation, including interest, to which the property owners are entitled in this cause.

It is further **ORDERED ADJUDGED and DECREED** by the Court that the Plaintiff, the State of Alabama, be and is hereby given and awarded and there is hereby transferred and conveyed to the Plaintiff, the State of Alabama, all interest in and to the following described land for the use and purposes sought in the application for Order of Condemnation. The said lands being condemned and awarded to the Plaintiff, the State of Alabama, are described as follows:

As shown on the right of way map of Project No. STPAA-458(1) of record in the Alabama Department of Transportation, a copy of which is also deposited in the Office of the Judge of Probate of Shelby County, Alabama, as an aid to persons and entities interested therein and as shown on the property plat attached hereto and made a part hereof:

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A part of the NW ¼ of the NW ¼, Section 14, Township 21 South, Range 3 West, identified as Tract No. 7, Project No. STPAA-458(1), Shelby County, Alabama, and being more fully described as follows:

Commence at the southeast corner of said NW1/4 of NW1/4, thence west along the south line of said NW1/4 of NW1/4 a distance of 530 feet, more or less, to the present northwest right of way line of Alabama Highway 119; thence northeasterly along said right of way line a distance of 104 feet, more or less, to the south property line and the point of beginning of the property herein to be conveyed; thence continue northeasterly along said right of way line a distance of 400 feet, more or less, to the north property line; thence westerly along said property line a distance of 37 feet, more or less, to a point on a line which extends from a point that is 90 feet northwesterly of and at right angles to the centerline of said Project No. STPAA-458(1) at P. T. Station 455+90.39 to a point that is 80 feet northwesterly of and at right angles to said centerline at Station 461+25; thence southwesterly a distance of 215 feet, more or less, to said point that is 90 feet northwesterly of and at right angles to the centerline of said Project No. STPAA-458(1) at P. T. Station 455+90.39; thence southwesterly, parallel with said centerline, along a curve to the left (concave southwesterly), a distance of 193 feet, more or less, to the south property line; thence easterly along said property line a distance of 60 feet, more or less, to the point of beginning. Containing 0.444 acre, more or less.

Clarence and Jewel Crumpton
P. O. BOX 153
ALABASTER, AL 35007

Fee

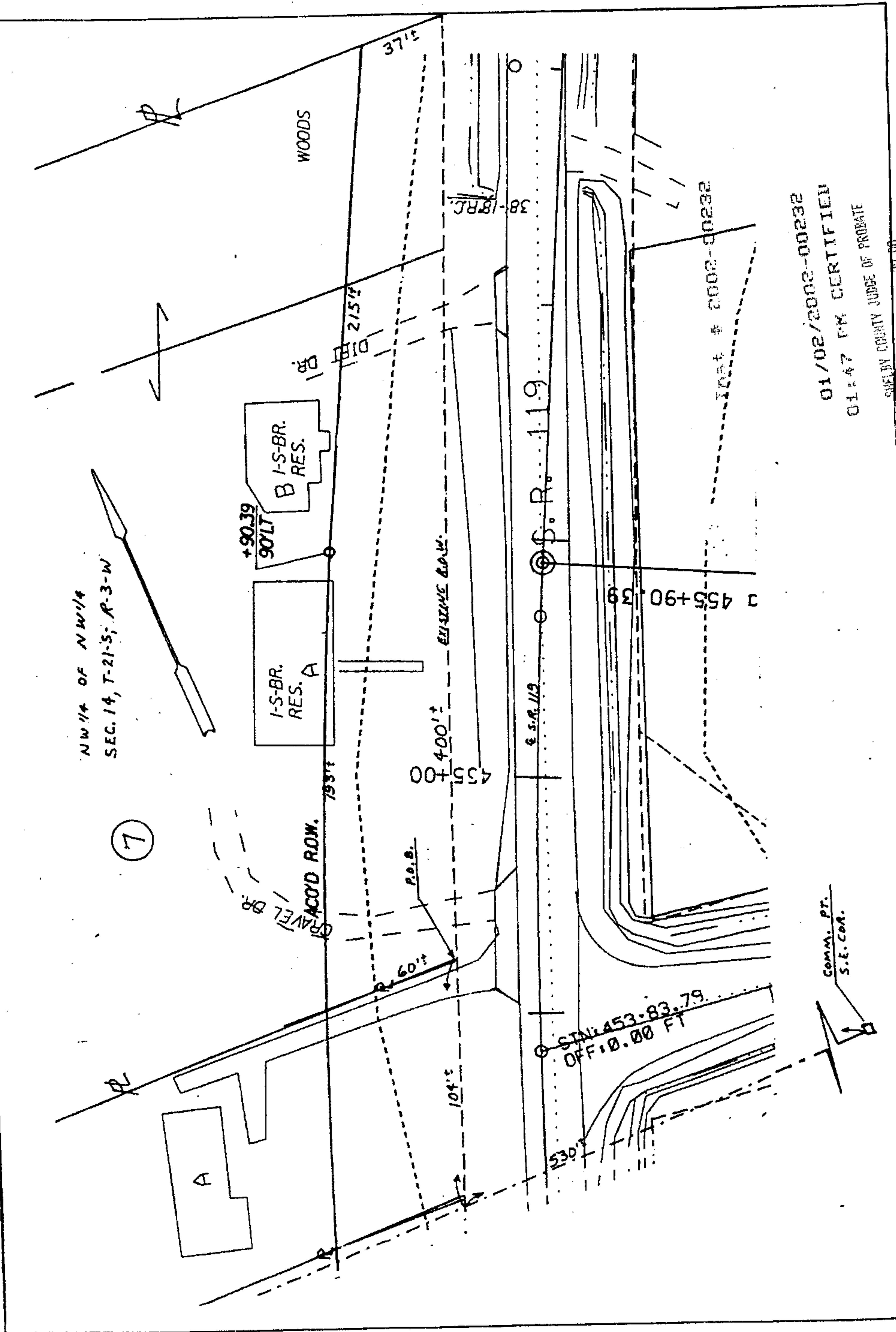
Annette D. Skinner
P. O. BOX 1298
COLUMBIANA, AL 35051

Tax Collector

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the Court costs be, and are hereby taxed against the Plaintiffs, for which let execution issue. Further the State agrees to pay the sum of One Hundred Fifty and 00/100ths Dollars (\$150.00) representing one-half of the mediation fee in this matter with the Defendant paying the sum of One Hundred Fifty and 00/100th Dollars (\$150.00) representing one-half of the mediation fee in this matter.

DONE AND ORDERED this 12th day of December, 2001.


CIRCUIT COURT JUDGE



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SHELBY COUNTY JUDGE OF PROBATE

TRACT NUMBER <u>7</u>	ALABAMA DEPARTMENT OF TRANSPORTATION
OWNER: <u>CLARENCE C. CRUMPTON</u>	PROJECT NO. STPAA-458(1)
	SHELBY COUNTY
TOTAL ACREAGE: <u>7.150</u>	SCALE: 1" = <u>50'</u>
R/W REQUIRED: <u>0.444</u>	DATE: <u>12-12-97</u>
REMAINDER: <u>6.706</u>	REVISED: <u>7-30-98</u>