

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

**STATE OF ALABAMA,
Plaintiff**

vs.

**OWEN SCOTT SMITHERMAN, owner of the fee,
MERCHANTS AND PLANTERS BANK AKA
PEOPLES BANK & TRUST COMPANY
(MORTGAGEE) and ANNETTE D. SKINNER,
SHELBY COUNTY TAX COLLECTOR,
Defendants**

Case No. 42-264

**DECREE GRANTING CONDEMNATION
AND APPOINTING COMMISSIONERS**

This cause came on to be heard on the 1st day of October, 2002, upon the Complaint and Amendment to Complaint of the State of Alabama, to condemn certain lands or interests in lands for public road or highway purposes.

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 on the 1st day of October, 2002, the allegations of the Complaint and the Amendment thereto 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 and Amendment have been established and proven by legal evidence as to every party named therein, and that the Complaint and Amendment should be granted.

It is, therefore, ORDERED, ADJUDGED and DECREED that the Complaint and Amendment be and the same are 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 interest in lands sought to be condemned by the plaintiff, and it appearing to the Court that Jim Strickland, Eddy Jowers and Corley Ellis, 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 DECREED that Jim Strickland, Eddy Jowers, and Corley Ellis 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 Amendment to Complaint are entitled.

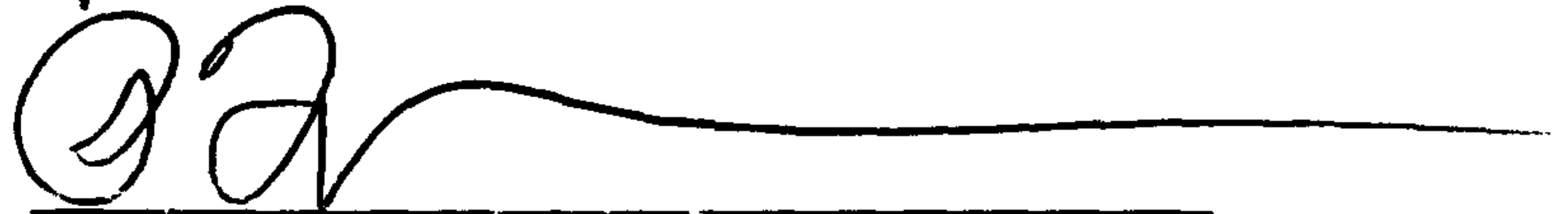
Decree Granting Condemnation and Appointing Commissioners

42-264

Page 2

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 14 day of October, 2002.



PATRICIA YEAGER FUHRMEISTER
Judge of Probate

cc: Owen Scott Smitherman
Merchants and Planters Bank & Trust
Annette D. Skinner
Ayn Traylor-Sadberry, Esq.
Michael B. Odom, Esq.

ENTERED AND FILED

OCT 14 2002

Kimberly Melton, Chief Clerk
Probate Court
Shelby County, Alabama

THIS INSTRUMENT PREPARED BY:

ALABAMA DEPARTMENT OF TRANSPORTATION
BIRMINGHAM, ALABAMA 35202

STATE OF ALABAMA)

COUNTY OF SHELBY)

TRACT NO. 4

FEE SIMPLE

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, for and in consideration of the sum of _____ dollars, cash in hand paid to the undersigned by the State of Alabama, the receipt of which is hereby acknowledged, we (I) the undersigned grantor(s), _____ have (has) this day bargained and sold, and by these presents do hereby grant, bargain, sell and convey unto the State of Alabama the following described property, lying and being in Shelby County, Alabama and being more particularly described as follows:

AND AS SHOWN ON THE RIGHT-OF-WAY MAP OF PROJECT NO. BR-458(6) of record with 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:

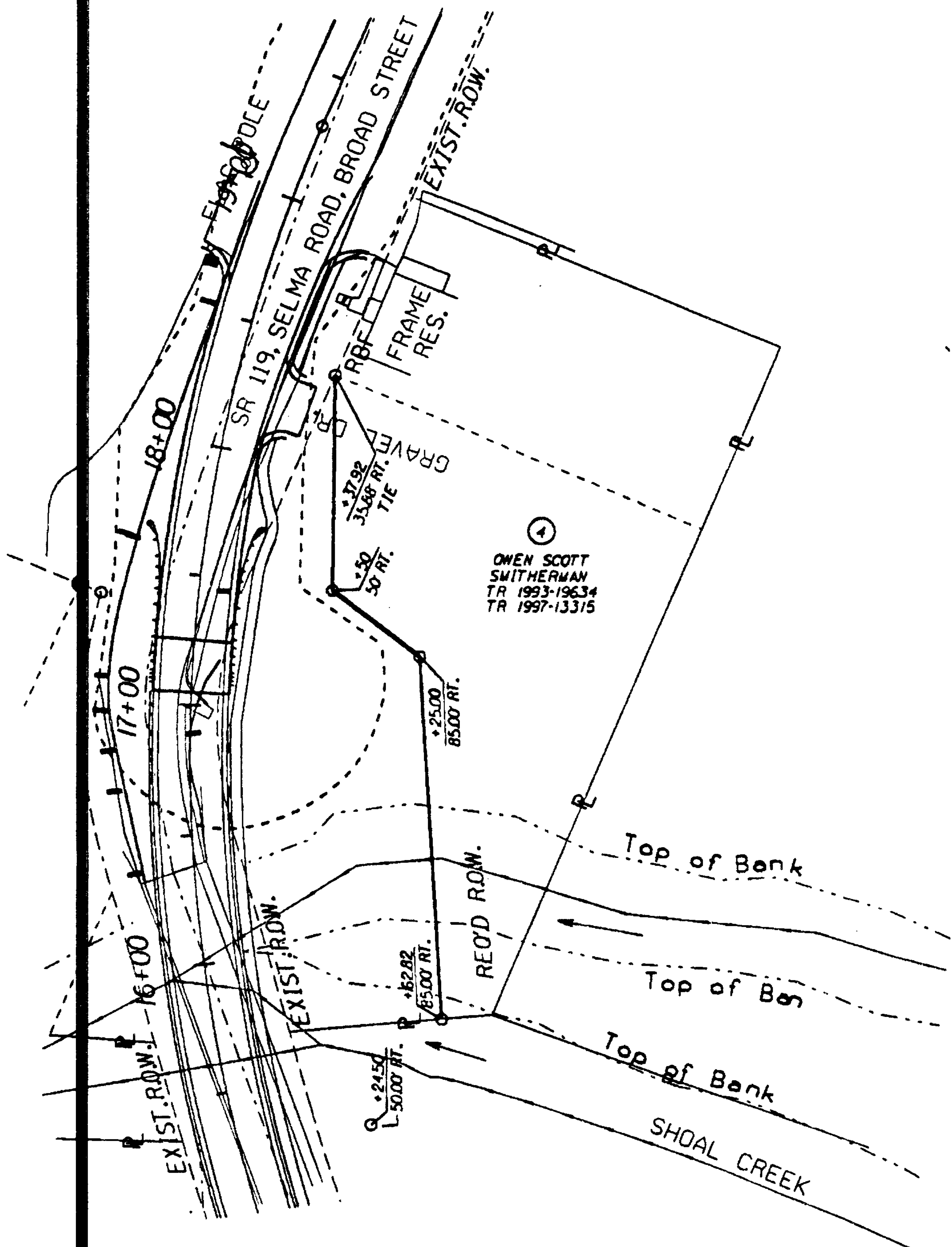
Part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 28, T-22-S, R-3-W, identified as Tract No. 4 on Project No. BR-458(6) in Shelby County, Alabama and being more fully described as follows:

Commencing at the Southeast Corner of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$; thence west along the south line of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ a distance of 184.32 feet to the existing east right of way line of State Route 119; thence northerly along said right of way line a distance of 242.62 feet to the point of beginning of the property herein to be conveyed; thence northerly along said right of way line a distance of 264.34 feet to a point that is 35.88 feet easterly of and radial to the centerline of said project at Station 18+37.92; thence south a distance of 83.03 feet to a point that is 50 feet easterly of and radial to said centerline at Station 17+50; thence southeasterly, a distance of 41.49 feet to a point that is 85 feet easterly of and radial to said centerline at Station 17+25; thence south a distance of 139.73 feet to a point that is 85 feet easterly of and radial to said centerline at Station 15+62.82, the south property line; thence west along said south property line a distance of 57.45 feet to the point of beginning. Containing 0.2936 acre, more or less.

The Grantor's, the Successors and Assigns of said Grantors herein, hereby reserves the mineral rights to the property hereby conveyed to the State of Alabama, but it is understood and agreed by and between the Parties to this conveyance that the rights so reserved will in no way affect or interfere with any maintenance of public roads and highways on the property herein conveyed.

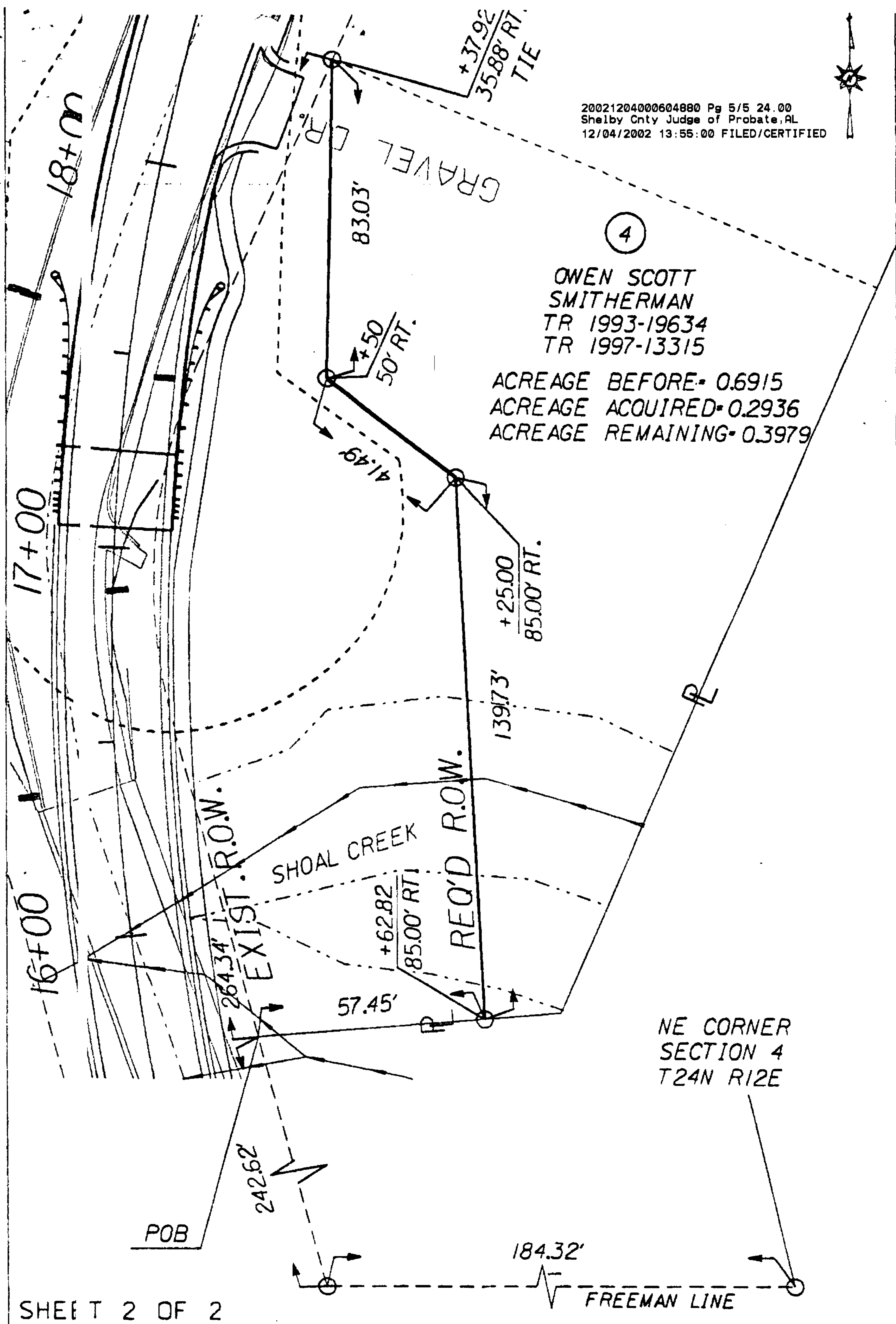
TO HAVE AND TO HOLD, unto the State of Alabama, it's successors and assigns in fee simple forever.

AND FOR THE CONSIDERATION AFORESTATED, we (I) do for ourselves (myself), for our (my) heirs, executors, administrators, successors and assigns covenant to and with the State of Alabama that we (I) are (am) lawfully seized and



SHEET 1 OF 2

TRACT NUMBER	4	ALABAMA DEPT. OF TRANSPORTATION
OWNER:	OWEN SCOTT SMITHERMAN	PROJ. NO. BR-458(6)
		COUNTY: SHELBY
TOTAL ACREAGE:	0.6915	SCALE: 1" = 50'
R/W REQUIRED:	0.2936	DATE:
REMAINDER:	0.3979	REVISED:



TRACT NUMBER 4

OWNE R: OWEN SCOTT

-----SMLTHERMAN

TOTAL ACREAGE: 0.6915

R/W REQUIRED: 0.2936

REMAINDER: 0.3979