

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

CITY OF ALABASTER, ALABAMA, a municipal  
Corporation within the State of Alabama and  
Shelby County, Alabama,  
Plaintiff,

vs.

ELIZABETH SWAIN, ANNETTE SKINNER, Tax  
Collector; JOHN DOE, and A, B, C and D, those  
fictitious parties whom claim to own any title interest  
in that tract of land located in Shelby County,  
Alabama and herein below described, and who will  
be added by amendment when ascertained.  
Defendants.



20040218000085100 Pg 1/3 17.00  
Shelby Cnty Judge of Probate, AL  
02/18/2004 16:02:00 FILED/CERTIFIED

Case No. PR-2003-000446

**ORDER CONDEMNING PROPERTY BY CONSENT  
AND WITHOUT OBJECTION**

This cause, coming to be heard, upon the Consent to Judgment filed by the named Defendants concerning the property sought to be acquired by the City of Alabaster pursuant to its Complaint for Condemnation, said interest being:

A Fee Simple, subject to any and all mineral and mining rights reservation, easements and public rights of way of record, in the following property, to wit: as shown on Exhibit A.

And said parties having submitted to the Court the agreed upon amount, in writing setting out the amount of damages and compensation ascertained and assessed by them which should be awarded as to said property as follows:

Award: \$44,000.00

It is further ORDERED, ADJUDGED and DECREED that the relief sought in the Complaint for Condemnation, as amended, for the condemnation of said real property as described herein is GRANTED by Consent and the same is hereby condemned, granted and awarded to the Plaintiff, the City of Alabaster, Alabama, and that all rights, title and interest prayed for in said Complaint, as amended, which are condemned, granted, and awarded to the Plaintiff be, and the same hereby are divested of said defendants, the owners of, or the owners of an interest in, the lands heretofore described, and vested in the Plaintiff. Such condemnation is effective upon the payment of the damages and compensation and the deposit of the same in Court. Appeal rights have been waived by the parties.

I certify this to be a true and  
correct copy *Christina Jones*  
Probate Judge  
Shelby County

Order Condemning Property by Consent and Without Objection

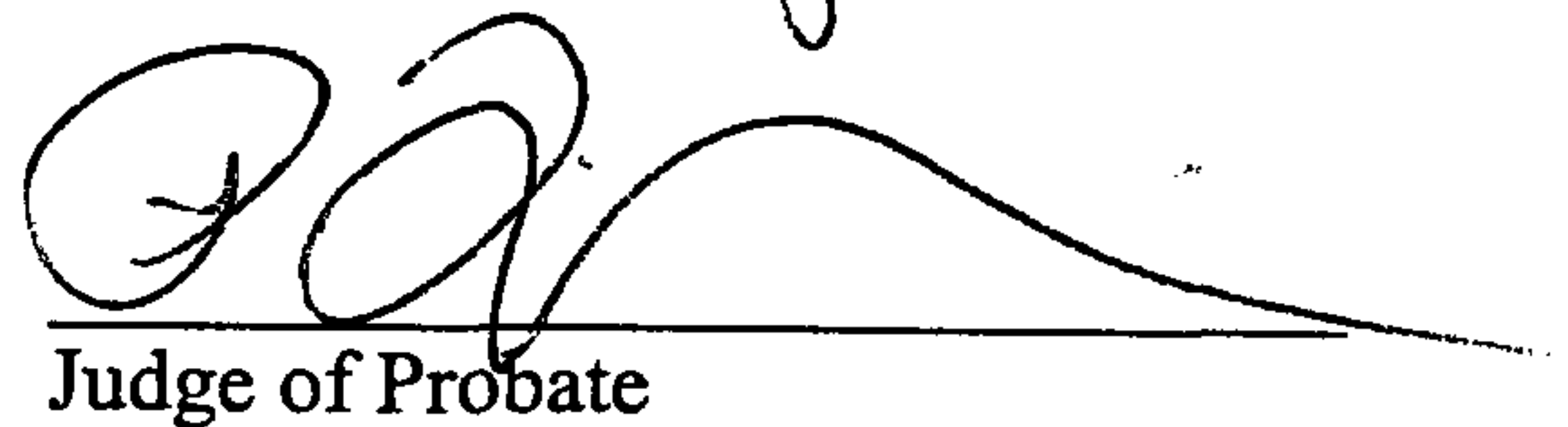
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It is further ORDERED, ADJUDGED and DECREED that the Court shall hold a hearing to ascertain the interests of any and all persons in said money deposited with the Court. Said notice of hearing shall be sent to all parties of record at the place where served, or, if represented by counsel, to their attorney of record.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Petitioner, the City of Alabaster, Alabama, pay all costs incurred in this cause with respect to the Court and the Guardian ad Litem.

DONE and ORDERED, this the 29 day of January, 2004.



Judge of Probate

cc: Jim Pino, Esq.  
Greg Morris, Esq.  
Jeffrey W. Brumlow, Esq.  
Jack H. Harrison, Esq.  
Frank C. Galloway, III, Esq., GAL  
Hon. Annette Skinner

ENTERED AND FILED

JAN 29 2004

Kimberly Molton, Chief Clerk  
Probate Court  
Shelby County, Alabama

## **Exhibit "A"**

A tract of land situated in the Southwest Quarter of the Southeast Quarter of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama, and more particularly described as follows:

Commence at the Southwest corner of said quarter-quarter section and run East along the South line thereof, a distance of 644.09 feet to the West line of a public road; thence an angle left of 95 degrees, 48 minutes, 58 seconds and run in a Northerly direction along said West line a distance of 211.09 feet; thence an angle left of 84 degrees, 11 minutes, 02 seconds and run West and parallel to the South line of said Section 1 a distance of 309.0 feet to the point of beginning; thence continue along last described course a distance of 245.47 feet to a point on the Northeast right of way line of U.S. Highway No. 31; thence an angle left of 144 degrees, 25 minutes, 58 seconds and run in a Southeasterly direction along said right of way line a distance of 305 feet, more or less, to a point South of and perpendicular to the point of beginning; thence in a Northerly direction and perpendicular to the South line of Section 1 a distance of 181 feet, more or less, to the point of beginning.