

**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

**SHELBY COUNTY, ALABAMA,**  
a political subdivision of the State of  
Alabama,

Plaintiff,

vs.

**CASE NO. CV 2001-935**

**LEIGH ARTHUR, RICHARD MADDOX,**  
**LARRY MADDOX, et al.,**

Defendants.

**RECEIVED AND FILED**  
**MARY H. HARRIS**

**MAY 23 2005**

**CIRCUIT & DISTRICT**  
**COURT CLERK**  
**SHELBY CO.**

**CONSENT FINAL ORDER GRANTING CONDEMNATION**

This cause coming on to be heard on the Application for Order of Condemnation heretofore filed by Shelby County, Alabama, a political subdivision of the State of Alabama, Plaintiff, to condemn certain properties in fee simple, more particularly described or designated in said Application, and said Application as amended, for the uses and purposes therein stated, and all parties being present in open court by and through their respective attorneys of record, the Court is advised by the Plaintiff and the Defendants that the parties have reached an agreement that this Court should enter this Consent Final Order Granting Condemnation, and upon due consideration thereof, the Court is of the opinion that the Plaintiff, Shelby County, Alabama, is entitled to the relief prayed for in said Application, and said Application as amended, and the Court therefore renders its findings of fact and of law and finds and orders as follows:

**FINDINGS OF FACT AND LAW**

1. That the Plaintiff is a political subdivision of the State of Alabama duly formed and existing under the laws of the State of Alabama whose principal address is in Shelby County, Alabama, at: Shelby County Commission, P. O. Box 467, Columbiana, Alabama 35051.
2. That the Plaintiff has full power and authority to acquire real property by condemnation or eminent domain proceedings pursuant to provisions of Section 11-80-1 of the Code of Alabama 1975, as last amended, and by general provision of the laws of the State of Alabama.
3. That the Applicant, said Shelby County, Alabama, is vested under the laws of the State of Alabama, with power and capacity, among other things, to construct and maintain public buildings and to provide parking and other accommodations therefor, and to condemn land in



fee simple for public building sites or additions thereto, or for enlargements of sites; that Shelby County is now engaged in purchasing and acquiring property in said County for the purpose of constructing and maintaining public building sites, parking, and providing public services for the Shelby County Courthouse located in Columbiana, Alabama, and adjacent properties, and for the purpose of constructing and maintaining the necessary public improvements thereon and for other legal public purposes.

4. That in order to construct, maintain, and improve said public improvements, it is necessary to condemn in fee simple a parcel of land situated in the City of Columbiana, Alabama, which is more particularly described as follows:

Described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein.

The Application is made to this Court for a decree and order of condemnation of fee simple title in the above said property and investing all such right, title, interest, and estate therein in Shelby County, Alabama, for public building sites or addition thereto or for enlargement of sites already owned by Shelby county and for other lawful public use.

5. That improvements on said property will be constructed and maintained by Shelby County for use by the public.

6. That there are named as Defendants herein all persons, firms, or corporations are owners of or have any claim or interest in the property sought to be taken, and the nature of each said Defendant's interest is as stated herein:

(a) That the Defendant, Larry Maddox, is over the age of nineteen years and is a bona fide resident citizen of the State of Alabama; that said Defendant represents and warrants to the Plaintiff and to this Court, and the Court so finds, that he is the owner or one of the owners of the property described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, which said property is otherwise shown on the map attached hereto and made part and parcel hereof.

(b) That the Defendant, Richard Maddox, is over the age of nineteen years and is a bona fide resident citizen of the State of Alabama; that said Defendant represents and warrants to the Plaintiff and to this Court, and the Court so finds, that he is the owner or one of the owners of the property described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein or may claim some right, title, or interest therein, which said property is otherwise shown on the map attached hereto and made part and parcel hereof.

(c) That the Defendant, Leigh Arthur is one and the same person as Virginia Maddox, and the said Defendant represents and warrants to the Plaintiff and to this Court, and the Court so finds, that the said Leigh Arthur, otherwise known as Virginia Maddox, owns all unencumbered and unlimited fee simple title and all right, title, and interest in and to said



property above described; that the Defendant, Walter C. Maddox, has heretofore deceased and did not own any interest in said property at the time of his death.

(d) That the Defendants, Leigh Arthur, otherwise known as Virginia Maddox, Larry Maddox and Richard Maddox, all represent and warrant to the Plaintiff and to the Court that they are the current owners of the land described in the Application for Condemnation and all of the right, title, and interest therein and that there are no liens or encumbrances against same.

### ORDER

It is, therefore, CONSIDERED, ORDERED, ADJUDGED, and DECREED by this Court as follows:

1. That fee simple title to the property, lands, and interest therein sought to be condemned which is described in said Application heretofore filed in said cause by the Plaintiff, and all rights and interest therein described, be and the same are hereby condemned, granted, and awarded to Plaintiff, Shelby County, Alabama, a political subdivision of the State of Alabama, and that all right, title, and fee simple interest prayed for in said Application is now condemned, granted, and awarded to Shelby County, Alabama, in and by this Order, and title thereto is hereby divested out of the Defendants, Leigh Arthur, also known as Virginia Maddox, Walter C. Maddox, his heirs, devisees, and successors, Larry Maddox, and Richard Maddox, and invested in Plaintiff, Shelby County, Alabama; and it is further ORDERED, ADJUDGED, and DECREED by this Court that Plaintiff be and it is hereby granted, as to the parties and land named and described in the Application, and Application as amended, the relief, rights, interest, title, property, right of possession and privileges set out and described and prayed for in said Application, as amended.

2. The Order of Condemnation heretofore entered in this cause by the Probate Court of Shelby County, Alabama entitled "Decree Granting Condemnation And Appointing Commissioners" dated June 7, 2001, and the Order entered by the Probate Court of Shelby County, Alabama entitled Order On Filing Report Of Commissioners" dated July 31, 2001, in this cause are hereby reinstated, separately and severally, in all aspects not specifically inconsistent with the other remaining terms, provisions, and conditions of this Order.

3. The total compensation and damages to be awarded to all the Defendants in said cause and all the owners of said property and/or the owners of any interest in or lien or encumbrance on said property shall be Two Hundred Sixty-two Thousand Seven Hundred Forty-four and 17/100 Dollars (\$262,744.17) from which will be subtracted the sum of Two Hundred Thirty-six Thousand Two Hundred Seventy-three and 67/100 Dollars (\$236,273.67), which is on deposit with the Clerk of this Court, leaving a balance due of Twenty-six Thousand Four Hundred Seventy and 50/100 Dollars (\$26,470.50) to be paid by the Plaintiff to the Defendants in this cause and said owners of any interest in or lien or encumbrance on said property. All obligations of the Plaintiff to the Defendants, or any of them, or any owner of any interest in or lien or encumbrance on said property shall be discharged upon the payment of the aforesaid sum



of Twenty-six Thousand Four Hundred Seventy and 50/100 Dollars (\$26,470.50) to the Clerk of this Court.

Costs of court are hereby taxed against the Plaintiff for which let execution issue after the expiration of thirty (30) days from the date hereof.

DONE this 23rd day of May, 2005.

*Dan Reeves*

Dan Reeves, Circuit Judge

Certified a true and correct copy

Date: 9/29/06

*Mary H. Harris*

Mary H. Harris, Circuit Clerk  
Shelby County, Alabama



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Shelby Cnty Judge of Probate, AL  
10/05/2006 01:28:49PM FILED/CERT

## EXHIBIT "A"

Beginning at an iron peg on the East boundary of the L & N RR right-of-way approximately 15 ft. South of West College St.; run thence North 43 deg. 30 min. East 15.9 ft. to the South boundary of West College St.; run thence South 55 deg. 10 min. East 193.4 ft.; run thence South 65 deg. 10 min. East 188.4 ft. for point of beginning of lot herein described, continue thence South 65 deg. 10 min. East along the South boundary of said West College St. 138 ft.; run thence South 2 deg. 30 min. West 186.4 ft.; run thence South 84 deg. 10 min. West 200 ft. to a point 59.4 ft. from right-of-way of L & N RR; run thence North 17 deg. 35 min. 276.5 ft. to point of beginning. Containing .9 acres and situated in Shelby County, Alabama.

also further described as follows:

Commence at the southwest corner intersection of Depot Street and Lester Street and run in a southwesterly direction along the easterly right of way line of Lester Street a distance of 442.63 feet to a point on the southerly right of way line of West College Street; thence turn an angle to the left of 78 degrees 38 minutes 08 seconds and run in a southeasterly direction of 9.30 feet to the Point of Beginning; of Leigh Arthur Property as recorded in Deed Book 349, page 137; thence continue along last described course a distance of 138.04 feet; thence turn an angle to the right of 67 degrees 01 minutes 20 seconds and run in a south westerly direction a distance of 185.50 feet; thence turn an angle to the right of 81 degrees 16 minutes 03 seconds and run in a southwesterly direction a distance of 201.52 feet; thence turn an angle to the right of 113 degrees 41 minutes 02 seconds and run in a northeasterly direction a distance of 279.45 feet to the Point of Beginning. Said parcel containing 37,573 square feet or 0.86 acres more or less.