

IN THE PROBATE COURT OF MOBILE COUNTY, ALABAMA

IN THE MATTER OF

: CASE NO. 2018-1259

STATE OF ALABAMA,
Plaintiff,

: Inst. # 2019023060 Pages: 1 of 15 Doc: ORDR
: I certify this instrument filed on 4/29/2019 3:27 PM
: Don Davis, Judge of Probate
: Mobile County, AL. Rec: \$40.50

-VS-

: Clerk: JHANCOCK

MARY ANNE H. WILSON, et. al.,
Defendants.

:

Condemnation of Land

:

**JUDGMENT,
ORDER FILING REPORT OF COMMISSIONERS
AND ORDER OF CONDEMNATION**

Heretofore on September 20, 2018 came Gerard Blum, Merrill Pratt Thomas and Larry Simison, the Commissioners heretofore appointed by this Court to assess and ascertain the damages and compensation to which the owners and other parties claiming or holding some right, title or interest in and to the said land described in said Complaint, are entitled and filed their report in writing and under oath, setting forth among other things that after each of them had been sworn as jurors are sworn they executed their duties in strict accordance with the conditions of the commissions issued and the decree of this Court; and

The Commissioners awarded compensation and damages to the following named persons, in the following amount, for their interest to the following described land, situated in the County of Mobile, State of Alabama, viz:

[This area left intentionally blank]

LEGAL DESCRIPTION AND PARTIES OF INTEREST IN TRACT NUMBER 3

A part of Section 26, Township 4-S, Range 1-W, identified as Tract No. 3 on Project No. ST-049-I10-006 in Mobile County, Alabama and being more fully described as follows:

Parcel 1 of 2:

Commencing at a found concrete R/W monument on the present east R/W line of S. Carolina St. and approximately offset 337' RT of the centerline of project;

thence northwesterly and along said present R/W line a distance of 104 feet, more or less, to a point on the acquired R/W line (said point offset 226.85' RT from centerline of project);

thence northeasterly and along the acquired R/W line a distance of 98 feet, more or less, to a point on the grantor's west property line, which is the point and place of BEGINNING;

thence N 81°48'55" W and along the grantor's said property line a distance of 91.35 feet to a point on the present south R/W line of I-10;

thence N 32°8'32" E and along said R/W line a distance of 135.73 feet to a point on said R/W line;

thence N 50°12'11" E and along said R/W line a distance of 3.70 feet to a point on the grantor's property line;

thence S 81°51'59" E and along the grantor's property line a distance of 111.18 feet to a point on the acquired R/W line (said point offset 243' RT from centerline of project and tied to the present north R/W line of S. Lawrence St.);

thence S 39°34'31" W and along the acquired R/W line a distance of 148.64 feet to the point and place of BEGINNING, containing 0.30 acre(s), more or less.

Parcel 2 of 2:

Commencing at a found concrete R/W monument on the present east R/W line of S. Carolina St. and approximately offset 337' RT from centerline of project;

thence southeasterly and along said present R/W line a distance of 20 feet, more or less, to a point on the present NW R/W taper of S. Lawrence St.;

thence easterly and along said present R/W taper a distance of 17 feet, more or less, to a point on the present north R/W line of S Lawrence St.;

thence northeasterly and along said present R/W line a distance of 115 feet, more or less to a point on said present R/W line;

thence northeasterly and along said present R/W line a distance of 217 feet, more or less, to a point on the grantor's property line, which is the point and place of BEGINNING;

thence N 81°51'59" W and along the grantor's property line a distance of 65.83 feet to a point on the grantor's property line;

thence N 50°12'11" E and along the grantor's property line a distance of 97.77 feet to a point on the grantor's property line;

thence S 7°52'47" W and along the grantor's property line a distance of 72.58 feet to the point and place of BEGINNING, containing 0.05 acre(s), more or less.

Also condemned are all existing, future, or potential common law or statutory rights of access between the right-of-way of the public way identified as Project No. ST-049-I10-006, County of Mobile, Alabama and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property condemned or are connected thereto by other parcels owned by the grantor.

And as shown on the right of way map of record in the Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.

EQUIPMENT OR FIXTURES TO BE ACQUIRED:

Damages

OWNERS AND PARTIES OF INTEREST:

Mary Anne H. Wilson (Owner)
11 McPhillips Avenue
Mobile, Alabama 36604

Catherine H. Borland (Owner)
1414 Pecan Trace Court
Sugarland, Texas 77479

Kim Hastie Revenue Commissioner
Post Office Box 1169
Mobile, Alabama 36633-1169

\$ 65,000 FOR THE CONDEMNATION OF THE ABOVE
DESCRIBED TRACT 3.

LEGAL DESCRIPTION AND PARTIES OF INTEREST IN TRACT NUMBER 9

A part of Section 26, Township 4-S, Range 1-W, identified as Tract No. 9 on Project No. ST-049-110-006 in Mobile County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commencing at the intersection of the present west R/W line of S. Conception St. and the present south R/W line of Maryland St.;

thence southerly and along said present R/W line of S. Conception St. a distance of 253 feet, more or less, to a point on the acquired R/W line (said point offset 675.60' RT and perpendicular to the centerline of project at station 457+84.98);

thence northwesterly and along the acquired R/W line a distance of 119 feet, more or less, to a point on the grantor's east property line, which is the point and place of BEGINNING;

thence S 7°58'52" W and along the grantor's said property line a distance of 101.10 feet to a point on the present north R/W line of Virginia St.;

thence N 81°55'43" W and along said present R/W line a distance of 208.96 feet to a point on the present east R/W line of S. Franklin St.;

thence N 7°59'2" E and along said present R/W line a distance of 154.72 feet to a point on the grantor's north property line;

thence S 81°55'43" E and along the grantor's said property line a distance of 118.59 feet to a point on the acquired R/W line (said line between a point that is offset 460.95' RT and perpendicular to centerline of project at station 457+71.84 and a point that is offset 316.46' RT and perpendicular to centerline of project at station 459+15.03);

thence S 5°46'18" E and along the acquired R/W line a distance of 14.81 feet to a point on the acquired R/W line (said point offset 460.95' RT and perpendicular to centerline of project at station 457+71.84);

thence S 57°37'36" E and along the acquired R/W line a distance of 95.36 feet to the point and place of BEGINNING, containing 0.67 acre(s), more or less.

Also condemned are all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. ST-049-110-006, County of Mobile, Alabama and all of the grantor's remaining property consisting

of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property condemned or are connected thereto by other parcels owned by the grantor.

And as shown on the right of way map of record in the Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof

EQUIPMENT OR FIXTURES TO BE ACQUIRED:

All Structures (including without limitation office/warehouse and carport)
All Site improvements (including without limitation chain-link fencing, paved lot, landscaping, although these improvements have no contributory value)
Damages

OWNERS AND PARTIES OF INTEREST:

Frances Williams Morrisette (Owner)
Edward Dickson Williams, Jr. (Owner)
Mildred Williams McAleer (Owner)
Charles Leatherbury Williams (Owner)
c/o J. Casey Pipes, Esq., their attorney and authorized agent
150 Government Street
Suite 2000
Mobile, AL 36602

The State of Alabama Ex Rel Vernon Barnett as Commissioner of the Alabama
Department of Revenue (Tax lien holder, numbers 0000160297, 1384663552,
2053208576, 307747328 as to Eddie Williams,
and lien number 159974912 as to Charles Williams)
c/o Deputy Commissioner Michael Gamble, its Secretary
Gordon Persons Building
50 North Ripley Street
Montgomery, Alabama 36130

Kim Hastie
Revenue Commissioner
P.O. Box 1169
Mobile, Alabama 36633-1169

\$ 208,950⁰⁰ FOR THE CONDEMNATION OF THE ABOVE

DESCRIBED TRACT 9.

It is **ORDERED, ADJUDGED** and **DECREED** by the Court that the said report of commissioners be filed and recorded.

It now appears to the Court that the State of Alabama, the Plaintiff in this cause, has the authority and right to take said property by eminent domain pursuant to Ala. Code § 23-1-82 (1975), it is therefore further **ORDERED, ADJUDGED** and **DECREED** by the Court that the property heretofore described, be and the same is hereby condemned for the uses and purposes set forth in said Complaint and that title to the said property shall be transferred to the Plaintiff upon the payment of the damages and compensation so assessed, or the deposit of the same in the Court, **plus interest thereon, if any.**

It is further **ORDERED** by the Court that said plaintiff pay all costs of this proceeding, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

The Clerk of the Court shall forward a copy of this Order by United States First Class Mail to all interested parties; Electronic mail to all counsel of record.

Date: September 21, 2018



Don Davis, Judge of Probate

The foregoing is a
CERTIFIED TRUE COPY
Probate Court of Mobile Co., AL
Don Davis, Judge

Signature

C. Mark Erwin, Chief Clerk

Date

29 April 2019

STATE OF ALABAMA : PROBATE COURT OF SAID COUNTY

MOBILE COUNTY :

STATE OF ALABAMA, EX REL, :
JOHN R. COOPER, DIRECTOR :
OF THE ALABAMA DEPARTMENT :
OF TRANSPORTATION, :

Petitioner, :

v. :

CASE NO. 2018-1259

MARY ANN H. WILSON and :
CATHERINE H. BORLAND (Tract 3) :
FRANCES WILLIAMS :
MORRISSETTE, EDWARD :
DICKSON WILLIAMS, JR., :
MILDRED WILLIAMS MCALEER, ;
CHARLES LEATHERBURY :
WILLIAMS, and THE STATE OF :
ALABAMA, EX REL VERNON :
BARNETT as Commissioner of the :
Alabama Department of Revenue, :
(Tract 9) :

Defendants. :

Condemnation of Land

PAYMENT OF AWARD INTO COURT

Pursuant to the Order of Condemnation entered in the above entitled matter on to-wit, September 21, 2018, heretofore came the State of Alabama and paid into this Court the amount of damages assessed and awarded by the Commissioners to the persons named as owners, or holders of interest in the following described lands, situated in the County of Mobile, State of Alabama, to-wit:

LEGAL DESCRIPTION AND PARTIES OF INTEREST IN TRACT NUMBER 3

A part of Section 26, Township 4-S, Range 1-W, identified as Tract No. 3 on Project No. ST-049-110-006 in Mobile County, Alabama and being more fully described as follows:

Parcel 1 of 2:

Commencing at a found concrete R/W monument on the present east R/W line of S. Carolina St. and approximately offset 337' RT of the centerline of project;

thence northwesterly and along said present R/W line a distance of 104 feet, more or less, to a point on the acquired R/W line (said point offset 226.85' RT from centerline of project);

thence northeasterly and along the acquired R/W line a distance of 98 feet, more or less, to a point on the grantor's west property line, which is the point and place of BEGINNING;

thence N 81°48'55" W and along the grantor's said property line a distance of 91.35 feet to a point on the present south R/W line of I-10;

thence N 32°8'32" E and along said R/W line a distance of 135.73 feet to a point on said R/W line;

thence N 50°12'11" E and along said R/W line a distance of 3.70 feet to a point on the grantor's property line;

thence S 81°51'59" E and along the grantor's property line a distance of 111.18 feet to a point on the acquired R/W line (said point offset 243' RT from centerline of project and tied to the present north R/W line of S. Lawrence St.);

thence S 39°34'31" W and along the acquired R/W line a distance of 148.64 feet to the point and place of BEGINNING, containing 0.30 acre(s), more or less.

Parcel 2 of 2:

Commencing at a found concrete R/W monument on the present east R/W line of S. Carolina St. and approximately offset 337' RT from centerline of project;

thence southeasterly and along said present R/W line a distance of 20 feet, more or less, to a point on the present NW R/W taper of S. Lawrence St.;

thence easterly and along said present R/W taper a distance of 17 feet, more or less, to a point on the present north R/W line of S Lawrence St.;

thence northeasterly and along said present R/W line a distance of 115 feet, more or less to a point on said present R/W line;

thence northeasterly and along said present R/W line a distance of 217 feet, more or less, to a point on the grantor's property line, which is the point and place of BEGINNING;

thence N 81°51'59" W and along the grantor's property line a distance of 65.83 feet to a point on the grantor's property line;

thence N 50°12'11" E and along the grantor's property line a distance of 97.77 feet to a point on the grantor's property line;

thence S 7°52'47" W and along the grantor's property line a distance of 72.58 feet to the point and place of BEGINNING, containing 0.05 acre(s), more or less.

Also condemned are all existing, future, or potential common law or statutory rights of access between the right-of-way of the public way identified as Project No. ST-049-110-006, County of Mobile, Alabama and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property condemned or are connected thereto by other parcels owned by the grantor.

And as shown on the right of way map of record in the Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.

EQUIPMENT OR FIXTURES TO BE ACQUIRED:

Damages

OWNERS AND PARTIES OF INTEREST:

Mary Anne H. Wilson (Owner)
11 McPhillips Avenue
Mobile, Alabama 36604

Catherine H. Borland (Owner)
1414 Pecan Trace Court
Sugarland, Texas 77479

Kim Hastie Revenue Commissioner
Post Office Box 1169
Mobile, Alabama 36633-1169

\$ 65,000 FOR THE CONDEMNATION OF THE ABOVE
DESCRIBED TRACT 3.

LEGAL DESCRIPTION AND PARTIES OF INTEREST IN TRACT NUMBER 9

A part of Section 26, Township 4-S, Range 1-W, identified as Tract No. 9 on Project No. ST-049-110-006 in Mobile County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commencing at the intersection of the present west R/W line of S. Conception St. and the present south R/W line of Maryland St.;

thence southerly and along said present R/W line of S. Conception St. a distance of 253 feet, more or less, to a point on the acquired R/W line (said point offset 675.60' RT and perpendicular to the centerline of project at station 457+84.98);

thence northwesterly and along the acquired R/W line a distance of 119 feet, more or less, to a point on the grantor's east property line, which is the point and place of BEGINNING;

thence S 7°58'52" W and along the grantor's said property line a distance of 101.10 feet to a point on the present north R/W line of Virginia St.;

thence N 81°55'43" W and along said present R/W line a distance of 208.96 feet to a point on the present east R/W line of S. Franklin St.;

thence N 7°59'2" E and along said present R/W line a distance of 154.72 feet to a point on the grantor's north property line;

thence S 81°55'43" E and along the grantor's said property line a distance of 118.59 feet to a point on the acquired R/W line (said line between a point that is offset 460.95' RT and perpendicular to centerline of project at station 457+71.84 and a point that is offset 316.46' RT and perpendicular to centerline of project at station 459+15.03);

thence S 5°46'18" E and along the acquired R/W line a distance of 14.81 feet to a point on the acquired R/W line (said point offset 460.95' RT and perpendicular to centerline of project at station 457+71.84);

thence S 57°37'36" E and along the acquired R/W line a distance of 95.36 feet to the point and place of BEGINNING, containing 0.67 acre(s), more or less.

Also condemned are all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. ST-049-110-006, County of Mobile, Alabama and all of the grantor's remaining property consisting

of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property condemned or are connected thereto by other parcels owned by the grantor.

And as shown on the right of way map of record in the Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof

EQUIPMENT OR FIXTURES TO BE ACQUIRED:

All Structures (including without limitation office/warehouse and carport)
All Site improvements (including without limitation chain-link fencing, paved lot, landscaping, although these improvements have no contributory value)
Damages

OWNERS AND PARTIES OF INTEREST:

Frances Williams Morrisette (Owner)
Edward Dickson Williams, Jr. (Owner)
Mildred Williams Mcaleer (Owner)
Charles Leatherbury Williams (Owner)
c/o J. Casey Pipes, Esq., their attorney and authorized agent
150 Government Street
Suite 2000
Mobile, AL 36602

The State of Alabama Ex Rel Vernon Barnett as Commissioner of the Alabama
Department of Revenue (Tax lien holder, numbers 0000160297, 1384663552,
2053208576, 307747328 as to Eddie Williams,
and lien number 159974912 as to Charles Williams)

c/o Deputy Commissioner Michael Gamble, its Secretary
Gordon Persons Building
50 North Ripley Street
Montgomery, Alabama 36130

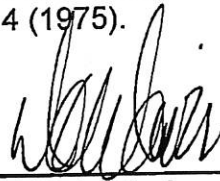
Kim Hastie
Revenue Commissioner
P.O. Box 1169
Mobile, Alabama 36633-1169

\$ 208,950⁰⁰ FOR THE CONDEMNATION OF THE ABOVE

DESCRIBED TRACT 9.

It is **ORDERED** that the said award be accepted and deposited with the Court.

If an interested party seeks payment of all or a portion of the award now held by the Court, reference should be made to Ala. Code § 18-1A- 214 (1975).

A handwritten signature in dark ink, appearing to read 'Don Davis', is written over a horizontal line.

Don Davis, Judge of Probate

To All Interested Parties:

This will serve as **OFFICIAL NOTICE** to you, pursuant to Ala. Code §18-1A-282 (1975), that by order of the Probate Court of Mobile County, a copy of which is attached hereto, certain property in which you may have an interest has been condemned by the Plaintiff upon payment or deposit of damages and compensation assessed by the commissioners.

NOTICE OF APPEAL. Please be further notified of the following Ala Code §18-1A-283. Appeal from order of condemnation. Any of the parties may appeal from the order of condemnation to the Circuit Court of the county within 30 days from the making of the order of condemnation by filing in the Probate Court rendering that judgment a written notice of appeal, a copy of which shall be served on the opposite party or his attorney, and on such appeal, the trial shall be de novo, and it shall be necessary to send up the proceedings only as to the parties appearing or against whom an appeal is taken (Acts 1985, No. 85-548, p. 802, §§1614).

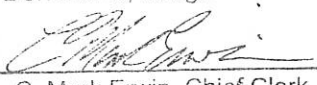
If you have any question or if this Court may be of any assistance in the matter, please do not hesitate to contact us.

Probate Court of Mobile County

Note: Copy of notice and order forwarded to all defendants and counsel of record.

The foregoing is a
CERTIFIED TRUE COPY
Probate Court of Mobile Co., AL
Don Davis, Judge

Signature


C. Mark Erwin, Chief Clerk

Date

29 April 2019