

Deed Book 67048 Pg 293
Filed and Recorded Aug-02-2023 03:46pm
2023-0192855
Real Estate Transfer Tax \$0.00
Georgia Intangible Tax Paid \$0.00
CHE ALEXANDER
Clerk of Superior Court
Fulton County, Georgia

IN THE SUPERIOR COURT OF
FULTON COUNTY
GEORGIA

DEPARTMENT OF TRANSPORTATION
VS.

DOCKET NO. 2023CV380374
IN REM _____

0.211 acres of land; and certain easement rights; and
JAYANT CHAUDHARY; BYLINE BANCORP, INC. DBA BYLINE BANK; ST. IVES
COUNTRY CLUB HOMEOWNERS ASSOCIATION, INC.; CITY OF JOHNS CREEK;
HONORABLE KENYA JOHNSON, JUDGE, FULTON COUNTY PROBATE COURT;
AND ARTHUR E. FERDINAND, FULTON COUNTY TAX COMMISSIONER; and any
and all others having or claiming an interest in the herein described lands, individually

ORDER AND JUDGMENT

The petition in the above stated case with Declaration of Taking attached, and the certificate of the Clerk showing the filing of such petition and Declaration and deposit into Court of the sum of money estimated as just compensation for the property taken, as authorized by the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, it is Considered, Ordered, and Adjudged:

- 1) That the property described in the petition of the Department of Transportation and in the Declaration of Taking filed currently therewith being shown to be within the bounds of the required right of way of Georgia Highway Project P.I. # 721000 is hereby condemned in fee simple to the use of the Department of Transportation, together with such rights as described in such petition and such Declaration, under authority of the Official Code of Georgia Annotated, and the Department of Transportation and its successors are hereby vested with full,

Parcel No. 44

15.



complete, and unencumbered title to such property, if any, for the purposes described in said petition and Declaration; but nothing herein contained is to be construed as depriving the named defendant, or any person having an interest in, title to, or claim against said property of the right to appeal the estimated amount of just compensation to a jury in this Court, or of the right to petition the Court for an interlocutory hearing and the appointment of assessors to review and determine the correctness of the amount of estimated compensation, as so deposited, or of the right to petition the Court to vacate and set aside said Declaration and this Judgment; but this Judgment shall be construed only as vested title and the right of possession in the Plaintiff-Condemnor, as contemplated by the Official Code of Georgia Annotated;

- 2) Department of Transportation having applied to me for possession, not later than 30 days from the date of filing of the Declaration of Taking, of said property, and it being provided in the Official Code of Georgia Annotated, that "... the court shall have power to fix the time, the same to be not later than 60 days from the date of filing of the declaration of taking, as provided in Code Section 32-3-6, within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner", let all persons in possession of such property, as well as named condemnees, be served with a copy of said petition and Declaration of Taking, and this Order, and they are hereby directed to surrender possession of the property to the Department of Transportation not later than 30 days from the date of filing of the Declaration of Taking;
- 3) It be further ordered that the Department of Transportation is authorized to grant a written extension of time to the persons in possession of the condemned property to extend the date of possession, and this decision

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16.



shall be in sole discretion of the Department and shall be effective upon terms and conditions prescribed by the Department;

- 4) It is further ordered and directed that the petition, together with said Declaration of Taking, be served in accordance with the provisions of the aforesaid Official Code of Georgia Annotated; that, where shown by the petition, there are nonresidents of the State of Georgia, who have title to, Claims against, or any interest in said property, whose names and addresses are known, the Clerk provide for the service of such parties by United States Registered mail, with return card requested, as provided for in said Official Code, and certify such service to the Court, as part of the record in the case;
- 5) That second originals of this petition, including all orders and proceedings in connection therewith, as well as the Declaration of Taking, be issued by the Clerk for service upon the following named non-residents of this County: N/A;
- 6) It is further ordered that a copy of this petition and of said Declaration be served upon the tax collecting authorities of said City and County;
- 7) It being the purpose of this Order, to make certain, so far as is possible that all persons having title to, or interest in, or claims against the described property be given notice of the pendency of this proceeding; it is further ordered that such additional service be made as may be called for by the allegations of the petition, together with the provisions of the Official Code of Georgia Annotated for such service; and, further that the Clerk of the

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17.



Superior Court shall cause a citation to be issued and published in the official newspaper of said County, entitled in this cause, describing the property condemned in this proceeding, reciting also the filing of the Declaration of Taking by condemnor, setting forth the names of the persons known or believed to be owners, or having an interest in, or claims against said property and citing such persons, as well as all others claiming any title to or interest in said property, or in said fund on deposit with the Clerk which amount shall be set out in such citation, to appear in this Court and make known their claims; and let such citation be published in such newspaper for two (2) consecutive weeks.

Let this Order be filed as part of the record in this case.

This 23rd day of May, 2023.



HONORABLE URAL GLANVILLE
CHIEF JUDGE
FULTON COUNTY SUPERIOR COURT
ATLANTA JUDICIAL CIRCUIT

Presented by:

GREGORY DOYLE CALHOUN & ROGERS, LLC

By: /s/ Richard W. Calhoun
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CHE ALEXANDER
Clerk of Superior Court
Fulton County, Georgia

Parcel No. 44

18.



