

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHTHERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO 16-0624-CG-MU</b>
	)	
<b>4.11 ACRES MORE OR LESS, LOCATED</b>	)	
<b>IN BALDWIN COUNTY, STATE OF</b>	)	
<b>ALABAMA AND RANDY FELIX,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**STIPULATED FINAL JUDGMENT**

Pursuant to this stipulation signed and jointly filed herein by the Plaintiff United States of America, and Defendant Randy Felix, **IT IS HEREBY ORDERED AND ADJUDGED THAT:**

1. On December 19, 2016, the United States filed a Complaint in Condemnation and a Declaration of Taking against 4.11 acres of land owned by Defendant Randy Felix. (Docs. 1 & 3).
2. The United States moved to deposit estimated just compensation in the sum of One Hundred Twenty-Six Thousand Dollars (\$126,000) on December 19, 2016. (Doc. 5). The Court granted the Motion on December 22, 2016. (Doc. 8). At that time, title to the property, to the extent set forth in the Declaration of Taking, vested in the United States by operation of law. 40 U.S.C. § 3114.
3. On January 19, 2017, Defendant Randy Felix moved this Court to withdraw the estimated just compensation. (Doc. 18). The Court granted the Motion on January 30, 2017. (Doc. 21).

4. The full just compensation payable by the United States for the taking of the property interest identified in the Complaint in Condemnation (Doc. 1) and Declaration of Taking (Doc. 3), the title to which has already vested in the United States, shall be the sum of Two Hundred Five Thousand Dollars (\$205,000). The parties agree that this settlement is inclusive of all costs, attorney fees, and interest.
5. Judgment shall be and hereby is entered against the United States in the amount of Two Hundred Five Thousand Dollars (\$205,000).
6. The said sum of \$205,000 shall be just compensation and in full satisfaction of any and all claims of whatsoever nature against the United States by reason of the institution and prosecution of this action and taking of said interests, including any potential air traffic, noise, and military training complaints under 28 U.S.C. § 1346, and the Tucker Act, 28 U.S. Code § 1491.
7. The said sum of \$205,000 shall be subject to all liens, encumbrances, and charges of whatsoever nature existing against the Property at the time of vesting of title thereto in the United States, and all such liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from the said sum.
8. As the United States has previously deposited \$126,000 as estimated just compensation, the deficiency amount plus interest, between the amount deposited and the stipulated just compensation of \$205,000 is Seventy-Nine Thousand Dollars (\$79,000). Upon entry of a judgment on this stipulation, the United States shall pay into the registry of the Court the deficiency amount of \$79,000.
9. Upon the Court's Order entering judgment and the United States' deposit of the deficiency amount into the registry of the Court, in accord with this stipulation of just

compensation, the Defendant may seek immediate distribution of the deficiency to Randy Felix, with check payable to: "Davis & Fields, P.C. IOLTA".

10. Defendant Randy Felix warrants that he is the sole owner of the subject property at the date of the taking, and that he has the exclusive right to the compensation herein, excepting the interests of parties having liens or encumbrances of record and unpaid taxes and assessments, if any, and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
11. In the event that any other party is ultimately determined by a Court of competent jurisdiction to have any right to receive compensation for the property taken in this case, Defendant Randy Felix shall refund into the registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at the rate of 52-week Treasury Bills, calculated in accordance with the provisions of 40 U.S.C. § 3116, from the date of receipt of the deposit by the Defendant to the date of repayment into the registry of the Court.
12. Defendant shall save and hold harmless the United States of America from all claims or liability resulting from any unrecorded leases or agreements affecting the Property on the date of taking.
13. By stipulation, the signatory parties hereto will take no appeal from this Stipulated Judgment.
14. Parties shall be responsible for their own legal fees, costs, and expenses (including attorney's fees, consultant's fees, and any other expenses).
15. This proposed stipulated judgment may be signed in counter parts.

16. The District Court shall retain jurisdiction to the extent needed to enforce this stipulated judgment.

**DONE and ORDERED** this 14th day of September, 2018.

/s/ Callie V. S. Granade  
SENIOR UNITED STATES DISTRICT JUDGE

DATED: September 11, 2018

UNITED STATES OF AMERICA

RICHARD W. MOORE

United States Attorney

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**DEFENDANT'S COUNSEL**

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<sup>1</sup> I attest that I have permission from Defendant's counsel to file this joint submission. /s/ Bhavna Changrani

**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2018, I hereby certify that I have filed the foregoing with the Clerk of Court using the CM/ECF system and mailed by United States Postal Service the document to the following non-CM/ECF participants:

Baldwin County Revenue Commissioner  
Mr. Teddy J. Faust  
P.O. Box 1389  
Bay Minette, AL 36507

s/ Bhavna Changrani  
BHAVNA CHANGRANI  
Attorney, Department of Justice