

5220

STATE OF ALABAMA, :  
 :  
 PETITIONER :  
 :  
 :  
 VS. :  
 :  
 :  
 :  
 :  
 PATRICE INCORPORATED, A DOMESTIC :  
 CORPORATION, AND BALDWIN COUNTY, :  
 A POLITICAL SUBDIVISION OF THE :  
 STATE OF ALABAMA, :  
 :  
 :  
 RESPONDENTS :  
 :

IN THE  
PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

FINAL ORDER OF CONDEMNATION

This day came, Randolph McGowan, Glenn A. Page,  
and Connie Council, Jr., commissioners heretofore  
appointed by this Court to assess and ascertain the damages and  
compensation to which the owners and other parties interested in  
the tract of land as set forth in the application for condemnation  
of lands heretofore filed in this cause are entitled and filed  
their report in writing and under oath setting forth that they  
awarded compensation and damages to the said owners and other  
parties interested of Tract No. One, Project S-965-B, in  
the amount of \$ 15,400.00 Dollars.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court  
that the said report of commissioners be filed and recorded.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that  
the property described in the application for condemnation hereto-  
fore filed in this cause be and the same is hereby condemned for  
the uses and purposes set forth in said application for condemnation.

IT IS FURTHER ORDERED by the Court that said petitioner pay  
all cost of this proceeding.

This the 18 day of June, 1967.

W. R. Smith  
-Judge of Probate-

STATE OF ALABAMA,

PETITIONER

VS.

PATRICE INCORPORATED, A  
DOMESTIC CORPORATION, AND  
BALDWIN COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE  
OF ALABAMA,

RESPONDENTS

IN THE

PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

FINAL ORDER OF CONDEMNATION

On the 15<sup>th</sup> day of June, 1962, came Randolph McGowan, Glenn A. Page, and Connie Council, Jr., commissioners heretofore appointed by this Court to assess and ascertain the damages and compensation to which the owners and other parties interested in the tract of land as set forth in the application for condemnation of lands heretofore filed in this cause are entitled and filed their report in writing and under oath setting forth that they awarded compensation and damages to the said owners and other parties interested of Tract No. One, Project S-965-B, in the amount of \$15,400.00 Dollars.


IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the said report of commissioners be filed and recorded.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the property described in the application for condemnation heretofore filed in this cause be and the same is hereby condemned for the uses and purposes set forth in said appli-

cation for condemnation upon the payment of the damages and compensation so ascertained, assessed and reported or the deposit of the same in Court as provided in Section 16 of Title 19 of the Code of Alabama 1940.

IT IS FURTHER ORDERED by the Court that said petitioner pay all costs of the proceeding.

Done this the 13<sup>th</sup> day of July, 1962.

  
Judge of Probate

STATE OF ALABAMA,

PETITIONER

VS.

PATRICE INCORPORATED, A  
DOMESTIC CORPORATION, AND  
BALDWIN COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF  
ALABAMA,

RESPONDENTS

IN THE

PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

NOTICE OF APPEAL

Comes the State of Alabama, petitioner in the above-styled cause, and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama, from the final orders and decrees of condemnation rendered by the Probate Court of Baldwin County,

Alabama, in the above-styled cause on the 18<sup>th</sup> and of June and  
the 13<sup>th</sup> of July, 1962.

The State of Alabama does herewith file in the Probate Court of Baldwin County, Alabama, the Court rendering the final orders and decrees of condemnation this its written notice of appeal to the Circuit Court of Baldwin County, Alabama, and said appeal is taken against each and all claimants to said lands described herein.

The State of Alabama demands a jury trial in this cause in the Circuit Court of Baldwin County, Alabama.

This the 13<sup>th</sup> day of July, 1962.

STATE OF ALABAMA, BALDWIN COUNTY

Filed July 13, 1962Recorded W.R. S. Searl book      page     

Judge of Probate

STATE OF ALABAMA  
BY -

Mac Donald Gallion  
MACDONALD GALLION  
ATTORNEY GENERAL

Samuel L. Stockman  
SAMUEL L. STOCKMAN  
ASSISTANT ATTORNEY GENERAL

R. E. L. Cope, III  
R. E. L. COPE, III  
ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the  
above notice of appeal on Mr. J. B. BLACKBURN, Attorney  
for the Respondents in the above-styled cause, by placing a copy  
of the same in the United States mail, postage prepaid, properly  
addressed to him at Bay Minette, Alabama.

This the 13<sup>th</sup> day of July, 1962.

R. E. L. Cope, III  
R. E. L. COPE, III  
ASSISTANT ATTORNEY GENERAL

STATE OF ALABAMA,	:	
	:	
PETITIONER	:	
	:	IN THE
VS.	:	PROBATE COURT OF
	:	BALDWIN COUNTY, ALABAMA
PATRICE INCORPORATED, A DOMESTIC	:	
CORPORATION, AND BALDWIN COUNTY,	:	
A POLITICAL SUBDIVISION OF THE	:	
STATE OF ALABAMA,	:	
	:	
RESPONDENTS	:	
	:	

REPORT OF THE COMMISSIONERS

TO THE HONORABLE W. R. STUART, JUDGE OF THE PROBATE COURT  
OF BALDWIN COUNTY, ALABAMA:

Come the undersigned, RANDOLPH MCGOWAN;  
GLENN A. PAGE,

and

CONNIE COUNCIL, JR.

the Commissioners duly appointed to assess the damages on Tract No. 1, Project No. S-965-B, to which the owner and other parties interested in the tract of land as set forth and described in the original application for condemnation of lands filed in this cause, are entitled for the condemnation of such lands, and having been duly sworn as jurors are sworn, and having viewed the lands described in said application for condemnation, and having set a time and place for the hearing of the evidence to be offered by any party touching the amount of damages the owners of the lands and other parties interested therein will sustain and the amount of compensation they are entitled to receive, and having received all legal evidence offered, do hereby state that the amount of

STATE OF ALABAMA, BALDWIN COUNTY  
Filed June 15, 1962  
Recorded Per M. M. M. book 27 page 477  
W. R. Stuart  
Judge of Probate

damages and compensation has been ascertained and assessed by the undersigned according to law and that the said owners of said tract of land and other parties interested therein are entitled to receive as damages and compensation for the condemnation of their property, the following amount:

Project No. S-965-B, Tract No. 1,  
\$ 15,400<sup>00</sup> Dollars.

We hereby certify that we have not been consulted with, advised with or approached by any person with reference to the value of the lands other than as to the evidence submitted to and considered by us or the proceedings to condemn the same prior to the assessment of damages, and that we know nothing of the same prior to our appointment.

Randolph McGowan  
W. D. Page  
Connie Cornille

Sworn to and subscribed before

me this 15<sup>th</sup> day of  
June, 1962.

W. R. Stewart

-Judge of Probate-



STATE OF ALABAMA,  
Petitioner

1041  
IN THE PROBATE COURT OF

- VS -

BALDWIN COUNTY, ALABAMA.

PATRICE INCORPORATED, A  
DOMESTIC CORPORATION, AND  
BALDWIN COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE

OF ALABAMA - Respondents.

TO: PATRICE, INCORPORATED, SPANISH FORT, ALABAMA.  
(c/o George E. Fuller)

YOU WILL PLEASE TAKE NOTICE that an application was filed in this Court by the State of Alabama, a copy of which said application is attached hereto, alleging that it desires to have condemned an easement or right-of-way for a public road across lands belonging to the above named respondents, which said lands are particularly described in the said application;

And the application prays that a day be appointed for the hearing thereof and for such further, other and different orders and decrees as may be necessary and proper for the acquisition by the Applicant of the easement or right-of-way over and across the above mentioned property.

THIS IS TO NOTIFY YOU that the Probate Court of Baldwin County, Alabama, has, by an order this day made and entered, appointed the 1st day of June, 1962, at 9:30 o'clock A.M., as the day and time upon which said application will be heard, at which time you may appear and contest the same, if you choose to do so.

Done this the 14th day of May, 1962.

  
Judge of Probate.  
By:  Chief Clerk

91454  
1042

Received 14 day of May 1962  
and on 16 day of May, 1962  
I served a copy of the within Process  
on Patrice, Inc.  
George Fuller  
By service on George Fuller Jr.

TAYLOR WILKINS, Sheriff  
By W. A. Falbert D. S.  
Spanish Fort

Sheriff claims 44 miles at  
Ten Cents per mile Total \$ 4.40  
TAYLOR WILKINS, Sheriff  
BY Falbert  
DEPUTY SHERIFF

NOTICE TO SHERIFF

STATE OF ALABAMA )  
BALDWIN COUNTY )

TO THE SHERIFF OF SAID COUNTY:

You are hereby commanded to notify RANDOLPH MCGOWAN,  
BAY MINETTE, ALA.  
CONNIE COUNCIL, JR., FAIRHOPE, ALA., and  
GLENN A. PAGE, BAY MINETTE, ALA.,

that in a proceeding in this court styled State of Alabama v. Patrice Incorporated, a domestic corporation, and Baldwin County, a political subdivision of the State of Alabama, in which the STATE OF ALABAMA sought to condemn a certain right-of-way or easement over certain lands in this county for the purposes of a public highway or road as stated in the application for condemnation in this cause, this court rendered a decree condemning the right-of-way or easement over the lands therein sought, and appointed them to view said property sought to be condemned, hear evidence and assess such damages and compensation as the owners and interested parties are entitled to recover for the taking of the same for said public uses and purposes.

You are hereby commanded to serve a copy of the commissions hereto attached upon each of said commissioners within five days from the receipt hereof, and make return as to how you have executed this mandate.

This the 15<sup>th</sup> day of JUNE, 1962.

W. R. Stewart  
By: Harry M. Doane - Judge of Probate - Chief Clerk

Sheriff claims 70 miles at  
Ten Cents per mile Total \$ 7.00  
TAYLOR WILKINS, Sheriff  
BY Seibert  
DEPUTY SHERIFF

104

Received 5 day of June 1962  
and on 6 day of June 1962  
I served a copy of the within Notice  
on Connie Council

By service on Connie Council

TAYLOR WILKINS, Sheriff  
By Fred Seibert D. S.  
F. hope

Received 5 day of June 1962  
and on 5 day of June 1962  
I served a copy of the within Notice  
on Randolph McEwan,  
Glenn A. Page, Connie Council  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By Seibert & Seibert D. S.

STATE OF ALABAMA,	:	
	:	
PETITIONER	:	
	:	
VS.	:	IN THE
	:	
	:	PROBATE COURT OF
	:	
PATRICE INCORPORATED, A DOMESTIC CORPORATION, AND BALDWIN COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ALABAMA,	:	BALDWIN COUNTY, ALABAMA
	:	
RESPONDENTS	:	
	:	

ORDER OF PROBATE JUDGE  
GRANTING APPLICATION FOR CONDEMNATION  
AND APPOINTING COMMISSIONERS

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This cause having heretofore been set for hearing on the 1st day of June, 1962, at 9 o'clock as set forth in the application of State of Alabama to condemn the right-of-way or easement on Tract No. 1, Project No. S-965-B, as specified in said application for condemnation over the lands therein described for the uses and purposes of a public road or highway for the State of Alabama, and it appearing to the court that notice of the filing of said application for condemnation and of the day set for the hearing of the same has been given to the owners and interested parties by service of a notice upon them for more than ten days prior to this date.

Whereupon, after examination of said application and after hearing the evidence in support thereof, the court is of the opinion that the allegations contained in said application are true and that it is necessary to condemn the easement or right-of-way over the lands

as described in said application, all for the uses and purposes of a public road or highway in and for the State of Alabama, and no cause having been shown why said application should not be granted;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the prayer of said application for condemnation be granted and that the easement or right-of-way over the lands described in said application is hereby condemned for the uses and purposes of a public road or highway in Baldwin County, Alabama.

IT IS FURTHER ORDERED, by the court that RANDOLPH McGowan,  
Connie Council, and Glenn A. Page  
who are resident citizens of Baldwin County, Alabama, possessing the qualifications of jurors and who are disinterested in these proceedings (each of these facts being ascertained by the court) be and they are hereby appointed commissioners to view said property and hear any evidence offered by interested parties and report to the court within twenty days after their appointment the amount of damages and compensation to which the owners and interested parties are entitled to receive for the condemnation of said right-of-way.

IT IS FURTHER ORDERED by this court that a notice of their appointment be at once issued to said commissioners, and that the Sheriff of said county serve notice of said appointment upon each of the commissioners as required by law.

This the 1<sup>st</sup> day of JUNE, 1962.

W. B. Stuart  
- Judge of Probate -  
By: Harry M. Doline Chief Clerk

STATE OF ALABAMA,	:	
	:	
PETITIONER	:	
	:	
VS.	:	IN THE
	:	
	:	PROBATE COURT OF
PATRICE INCORPORATED, A DOMESTIC	:	
CORPORATION, AND BALDWIN COUNTY,	:	BALDWIN COUNTY, ALABAMA
A POLITICAL SUBDIVISION OF THE	:	
STATE OF ALABAMA,	:	
	:	
RESPONDENTS	:	
	:	

COMMISSIONS

TO: RANDOLPH MCGOWAN,  
CONNIE COUNCIL, JR.,  
and GLENN A. PAGE :

Know ye, that having full faith and confidence in your integrity and competency, you have been by order and decree of the Probate Court of Baldwin County, Alabama, designated and appointed as commissioners in the above styled cause, with all the power, authority and duties vested in or which may devolve on you as such commissioners under and by virtue of the provisions of Chapter I of Title 19 of the Code of Alabama of 1940.

You will be sworn as jurors and you or a majority of you shall assess the damages and compensation to which the owners and interested parties are entitled by virtue of and on account of the condemning of the right-of-way or easement over the tract of land as described in the application for condemnation filed in this cause, all for the uses and purposes of a public road or highway in and for the State of Alabama. A description of the lands and the names of the

owners and the easement sought are specifically set out in the application for condemnation filed in this cause.

You may view the lands to be subjected and you must receive all legal evidence offered by any party touching the amount of damages or compensation the owner of said lands and interested parties will sustain and are entitled to receive. Any person interested in the proceedings may be present in person or by attorney at any of these proceedings which you may have.

You must within twenty days from the day of your appointment, which is on this date, make a report in writing to the court stating the amount of damage and compensation ascertained and assessed by you for the owners and parties interested in the tract of land, and file a certificate along with your award that none of you have been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages, and that you knew nothing of the same prior to your appointment.

GIVEN under my hand and seal of office, this 1<sup>ST</sup> day of JUNE, 1962.

W. E. Stuart  
Judge of Probate.  
By: Harry M. D'Onofrio Chief Clerk

STATE OF ALABAMA )  
                              )  
BALDWIN COUNTY    )

We, and each of us do solemnly swear that we will well and truly try the cause now pending and submit it to our decision, said case being styled State of Alabama v. Patrice Incorporated, a



domestic corporation, and Baldwin County, a political subdivision of the State of Alabama, and that we are not directly, nor indirectly interested in the issues to be tried, and that we are not biased or prejudiced against either of said parties, and that we will render such compensation to the defendants as to us shall seem just and proper in the presence, so help us God.

Randolph McManis  
Wm A. Page  
Connie Council

Sworn to and subscribed before  
me this 15<sup>th</sup> day of  
JUNE, 1962.

W. R. Stuart  
-Judge of Probate-

STATE OF ALABAMA,

VS.

PATRICE, INCORPORATED,  
ET AL.,

Petitioner,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 5220

JUDGMENT ON CONDEMNATION AND ASSESSMENT OF COMPENSATION

This cause coming on to be heard on this date, which is the date heretofore set for hearing this cause, it has been made to appear to the court and the court finds as follows:

A. The State of Alabama heretofore filed in the Probate Court of Baldwin County, Alabama, its application for condemnation of the property described in the application for the purposes stated therein.

B. In the Probate Court of Baldwin County, Alabama, due and appropriate proceedings, as required by law, were had, resulting in an Order of Condemnation of the lands described in the application and the assessment of compensation therefor.

C. Thereafter, and within the time required by law, the applicant, the State of Alabama, appealed to the Circuit Court of Baldwin County, Alabama, from the Order of Condemnation and demanded a trial by jury.

D. The applicant, the State of Alabama, was represented on this appeal by Samuel L. Stockman, an Assistant Attorney General. Patrice, Incorporated, a domestic corporation, one of the defendants named in the said application, was represented in this cause by J. B. Blackburn as its attorney. Baldwin County, a political subdivision of the State of Alabama, was not represented on this appeal, nor did it file any pleadings in this cause, but due and legal notice of the taking of the said appeal was heretofore given to it.

E. The applicant, the State of Alabama, has on this date withdrawn its demand for a jury trial, which was consented to by the attorney for Patrice, Incorporated, and it was announced by the

attorneys for the applicant and for Patrice, Incorporated, that they had agreed on a settlement of this cause and that Patrice, Incorporated, be awarded damages in the amount of Fourteen Thousand Dollars (\$14,000.00); upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

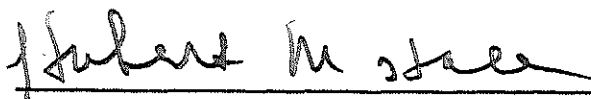
1. The property described in the Application for Condemnation heretofore filed in this cause shall be and it is hereby condemned for the uses and purposes set forth in the said Application for Condemnation.

2. Baldwin County, Alabama, a political subdivision of the State of Alabama, owns no right or title to or interest in, or has or holds no lien or encumbrance on the lands described in the said Application for Condemnation or any part thereof.

3. The lands described in the said Application for Condemnation are owned by the defendant, Patrice, Incorporated, and its damages for the taking of the said property shall be and they are hereby fixed at the sum of Fourteen Thousand Dollars (\$14,000.00), for which execution may issue.

4. The costs of this proceeding are hereby taxed against the applicant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 13th day of September, 1962.



Judge of the Circuit Court of Baldwin  
County, Alabama

JUDGMENT ON CONDEMNATION AND AS-  
SESSMENT OF COMPENSATION.

STATE OF ALABAMA,

Petitioner,  
VS.  
PATRICE, INCORPORATED, ET AL.,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

NO. 5220

*Patrice, Inc. et al.*

*Patrice, Inc. et al.*

FILED

JUL 26 1962

ALICE J. DUCK, CLERK  
REGISTER

BOOK ~~27~~ PAGE ~~485~~

STATE OF ALABAMA,

PETITIONER

BOOK 27 PAGE 465

VS.

IN THE

PATRICE INCORPORATED, A DOMESTIC  
CORPORATION, AND BALDWIN COUNTY,  
A POLITICAL SUBDIVISION OF THE  
STATE OF ALABAMA,

PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NUMBER 4728

RESPONDENTS

APPLICATION FOR CONDEMNATION

TO THE HONORABLE W. R. STEWART  
JUDGE OF PROBATE OF  
BALDWIN COUNTY, ALABAMA

Comes the State of Alabama, petitioner in the above styled cause,  
and files this its application in the Probate Court of Baldwin County,  
Alabama, for order of condemnation of a right of way over the lands  
hereinafter described for a public road or highway and as a basis for  
the relief sought shows unto the Court as follows:

(1) Petitioner is authorized under the Constitution of Alabama  
1901 and under the provisions of Title 19, Section 1, Code of Alabama  
1940, as amended, to institute and prosecute these proceedings in its  
own name for the purposes of a public road or highway.

(2) That said public highway has been designated by the State  
Highway Director as a part of the State Highway System and also known  
as Project No. S-965-B, Baldwin County, Alabama.

(3) That said public highway begins at a point approximately  
one mile east of Spanish Fort, Alabama on U. S. Highway 31 and runs  
thence northwesterly to a point that intersects with the Bromley Road.

(4) The right of way over the property and lands hereinafter  
described as Tract Number 1 and as set out in the right of way map on  
Project No. S-965-B on file in the State Highway Department and in the  
office of the Judge of Probate of Baldwin County, Alabama, has been deemed  
necessary by the State Highway Director in order to facilitate the flow  
of traffic and promote public safety.

STATE OF ALABAMA, BALDWIN COUNTY

Filed May 1, 1962 M

Recorded Probate book 27 page 465

W. R. Stewart  
Judge of Probate 165

(5) That said tract of land necessary for use by petitioner as a right of way for such public highway and in which petitioner seeks to condemn an easement or right of way is located wholly within Baldwin County, Alabama, and is described as follows:

TRACT NO. 1

PARCEL NO. 1: Commencing at the Southeast corner of Northwest Quarter of Section 29, Township 4 South, Range 2 East; run North along the Half Section Line a distance of 575 feet, more or less, to the present North right of way line of U. S. Highway 31, thence run West along said right of way line a distance of 100 feet for a point of beginning; continue thence West along the said right of way line a distance of 50 feet to a point; thence turn an angle of  $135^{\circ} 00'$  right and run 70.7 feet to a point that is 50 feet Westerly of and at right angles to center line of Highway project number S-965-B as recorded in office of Judge of Probate, Baldwin County, Alabama, at Station 1+65 thence run South  $00^{\circ} 40'$  East a distance of 50 feet, more or less, to the point of beginning.

PARCEL NO. 2: A strip of land 50 feet wide on each side of the center line of highway project number S-965-B from Station 1+15 to Station 61+23.5 and widening evenly on a straight line on each side of the center line to 100 feet on each side of the center line at Station 61+73.5 the end of project, lying in the East Half of Northwest Quarter of Section 29, the East Half of Southwest Quarter, the Southwest Quarter of Northwest Quarter and the Northwest Quarter of Southwest Quarter of Section 20, all in Township 4 South, Range 2 East, in Baldwin County and containing 14.02 acres, more or less, said center line being located as follows: Commencing at the Southeast corner of Northwest Quarter of Section 29, Township 4 South, Range 2 East; run North along the Half section line a distance of 575 feet, more or less, to the present north right of way line of U. S. Highway 31; thence run West along said right of way line a distance of 50 feet for a point of beginning; thence run North  $0^{\circ} 40'$  West along the centerline of said project a distance of 1872.5 feet, more or less, to P. C. Station 19+87.5, thence run in a Northwesterly direction along a  $3^{\circ} 00'$  curve, concave Southwesterly, having a radius of 1910.08 feet a distance of 1036.1 feet, more or less, to P. T. Station 30+23.6; thence run North  $31^{\circ} 45'$  West a distance of 1337.2 feet, more or less, to P. C. Station 43+60.8, thence run northwesterly along a  $3^{\circ} 20'$  curve (concave southwesterly) having a radius of 1719.07 feet a distance of 1793.5 feet, more or less, to P. T. Station 61+54.3, thence run South  $88^{\circ} 28'$  West a distance of 19.2 feet, more or less, to Station 61+73.5, the point of ending and the end of project.

(6) That the right of way or easement which petitioner seeks to condemn for highway purposes is set out and described in the right of way map on Project No. S-965-B, which is on file in the State Highway Department and in the office of the Judge of Probate of Baldwin County, Alabama.

(7) That a diligent search has been made of the records of Baldwin County, Alabama and diligent inquiry made to ascertain the names of the parties owning said tract of land and according to the best of petitioner's information, knowledge and belief the said lands are owned and interest in said lands are claimed by the parties named as respondents in this cause.

(8) That Baldwin County, Alabama, a body corporate under the laws of the State of Alabama with its county seat in the City of Bay Minette, Alabama, may have or claim an interest in said tract by reason of taxes and assessments due and chargeable, and is hence made a respondent herein.

(9) That Patrice, Inc., named as a party respondent in this proceeding, is a domestic corporation incorporated under the laws of the State of Alabama on October 7, 1959, and filed for record in Corporate Record Book 9, pages 397 - 403 in the Probate Court of Baldwin County.

(10) That George E. Fuller is president and treasurer of said Patrice, Inc., is over the age of 21 years, and resides at Spanish Fort Estates, Spanish Fort, Alabama.

Wherefore the premises considered petitioner respectfully prays:

(1) That an order be made appointing a day for the hearing of this application and that notice of the filing thereof and of the day set for the hearing thereof be given to the respondents.

(2) That this Court will appoint commissioners to ascertain and report the compensation and damages occasioned by such taking.

(3) That upon final hearing of this petition an order and decree be made by this court condemning the easement for the right of way, as set out in the right of way map on Project S-965-B, over the lands as set out in Paragraph No. 5 of this application, all for the uses and purposes of a public highway for the State of Alabama.

Mac Donald Gallion  
MACDONALD GALLION,  
Attorney General

Robert M. Hill, Jr.  
ROBERT M. HILL, JR.,  
Assistant Attorney General

Samuel L. Stockman  
SAMUEL L. STOCKMAN,  
Assistant Attorney General

STATE OF ALABAMA

Before me, C. W. Clemen, a Notary Public in  
and for said State, personally appeared Robert M. Hill, Jr.  
Assistant Attorney General of the State of Alabama, who is personally  
known to me, and known to me in his official capacity as an Assistant  
Attorney General of the State of Alabama, and also being first duly sworn,  
deposes and says that the allegations of the foregoing application for  
condemnation are true and correct.

Robert M. Hill, Jr.  
\*Affiant\*

Sworn and subscribed before me on this the 28 day of  
April, 1962.

C. W. Clemen  
Notary Public, State at Large



ORDER OF PROBATE COURT

BOOK 27 PAGE 159

The foregoing application for condemnation having been presented to the Probate Court of Baldwin County, Alabama, and considered by the Court,

IT IS ORDERED that the same be and is hereby set for hearing on the 1<sup>st</sup> day of June, 1962, at 9:30 o'clock, A.M..

IT IS FURTHER ORDERED that notice of the application for condemnation and of the date set for the hearing thereof be given to respondents at least ten days before the hearing of this application.

This the 14<sup>th</sup> day of MAY, 1962.

[Signature]  
\*Probate Judge\*

By: [Signature] Chief Clerk