

| | | |
|--------------------------|---|-------------------------|
| BALDWIN COUNTY, ALABAMA, | Y | |
| Condemnor, | Y | IN THE CIRCUIT COURT OF |
| | Y | |
| vs. | Y | BALDWIN COUNTY, ALABAMA |
| | Y | |
| MARY W. STEEDLEY | Y | NUMBER 5432 |
| Condemnee. | Y | |
| | Y | |

MOTION

Comes now Baldwin County, Alabama, by its attorneys, and moves this Honorable Court to dismiss the appeal heretofore taken in this cause by the Condemnee, Mary W. Steedley, from the Order of Condemnation of the Probate Court of Baldwin County, Alabama, made and entered on the 30th day of November, 1963, and the Report of Commissioners therein referred to; and tax the said Mary W. Steedley with the costs of said appeal to this Honorable Court from the Probate Court of Baldwin County, Alabama, and assigns separately and severally, the following:

1. That the said Mary W. Steedley is estopped from the further prosecution of this appeal in that she has accepted the award made to her by the Probate Court of Baldwin County, Alabama, in and by the terms of its decree of November 30, 1963.

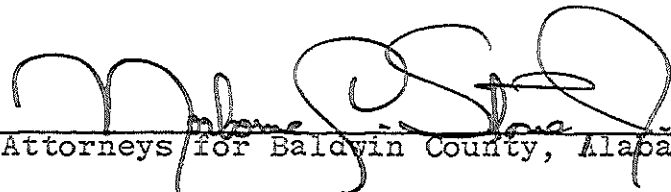
2. That the said Mary W. Steedley, on the 20th day of August, 1963, endorsed and presented for payment the check of W. R. Stuart as Probate Judge of Baldwin County, Alabama dated December 19, 1962, payable to the order of the said Mary W. Steedley in the amount of Fifty and no/100 (\$50.00) for damages assessed to her by the Probate Court of Baldwin County, Alabama, in the matter of the condemnation of and easement or right of way for public road purposes across lands belonging to her as more particularly set forth in the Order of Condemnation of the Probate Court of Baldwin County, Alabama, dated November 30, 1962, in full payment of such damages, a photostatic copy of which check is attached to this motion and marked "EXHIBIT A" and by reference made a part hereof as though incorporated herein; and that the amount of the damages awarded to and accepted by the said Mary W.

Steedley are the subject matter of this appeal and there is now no issue before this Honorable Court and it is without jurisdiction to hear and determine any matters relative to such award or Order of Condemnation.

3. That the said Mary W. Steedley has accepted the damages awarded to her in and by the terms of the decree of the Probate Court of Baldwin County, Alabama, dated November 30, 1962, and from which decree she has appealed to this Honorable Court.

Respectfully submitted,


CHASON & STONE

By: 
Attorneys for Baldwin County, Alabama

CERTIFICATE OF SERVICE

I, Norborne C. Stone, Jr., do hereby certify that I have this day served a copy of the foregoing motion on Honorable Kenneth Cooper, the attorney for Mary W. Steedley, in the above styled cause by delivery of a copy thereof to him at his office in Bay Minette, Alabama.

Witness my hand this 7th day of September, 1963.


Norborne C. Stone, Jr.

FILED

SEP 9 1963

ALICE J. DUCK, CLERK
REGISTER

VOID IF NOT PRESENTED WITHIN
30 DAYS

W. R. STUART
AS
PROBATE JUDGE, BALDWIN COUNTY
BAY MINETTE, ALABAMA

8094

61-258

DATE December 19 1962

PAY TO THE ORDER OF Mary W. Steedley

\$50.00

*****Fifty- and no/100*****

DOLLARS

Damages - Baldwin Co. VS J.R. Crosby, Jr. et al.

BY ENDORSEMENT THIS CHECK IS ACCEPTED IN FULL PAYMENT OF THE ABOVE

BALDWIN COUNTY BANK
BAY MINETTE, ALABAMA

W. R. STUART AS PROBATE JUDGE

W. R. Stuart

⑆9061⑉0258⑆

*Mary W. Steedley
To be deposited
in the account
of M. W. Steedley*

Pay Any Bank, Banker or Trust Co. or Order
ALL PRIOR ENDORSEMENTS GUARANTEED
AUG 20 1963
F. J. JENKINS & MERCHANTS BANK
FOLEY
ALABAMA
61-252

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA