

BALDWIN COUNTY, ALABAMA,

Condemnor,

vs.

J. D. CROSBY, JR., ANNIE  
BELLE GULLEY and MARY W.  
STEEDLEY,

Condemnees.

X  
X  
X  
X  
X  
X  
X

BOOK 030 PAGE 01  
IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

5433

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

Comes your Applicant, Baldwin County, Alabama, acting by  
and through John B. Hadley, as Chairman of the County Commission  
of Baldwin County, Alabama, its Agent, and respectfully represents  
and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That under the laws of the State of Alabama, Baldwin  
County, Alabama, is charged with the duty of providing rights-of-  
way for public roads constructed or to be constructed within said  
County; and it has, acting by and through the State Highway Depart-  
ment, surveyed and proposes to construct a public road over and ac-  
ross the lands hereinafter described.

SECOND:

That the County Commission of Baldwin County, Alabama, has  
by resolution determined that it is necessary that a right-of-way  
be acquired over and across said lands, and it has been requested  
to acquire such right-of-way by the State Highway Department of  
the State of Alabama, acting by and through D'Olive Bill, its Resi-  
dent Engineer, all as shown by a certified copy of a resolution of  
this County Commission attached hereto and marked "EXHIBIT A" and  
by reference made a part hereof, in which resolution is incorpora-  
ted a request from the State Highway Department of the State of  
Alabama.

THIRD:

That the lands over which it is necessary that Baldwin  
County, Alabama, acquire a right-of-way for a public road are  
described as follows:

STATE OF ALABAMA, BALDWIN COUNTY  
Filed  
Recorded  
book page  
W. R. Stuart  
Judge of Probate

PARCEL ONE

Begin at the Northeast Corner of Section 10, Township 2 South, Range 3 East, run thence South 0° 10' East a distance of 275 feet; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 275 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

PARCEL TWO

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 275 feet to the point of beginning; run thence South 0° 10' East a distance of 200 feet to a point; run thence West and perpendicular to the last described course a distance of 30 feet to a point; run thence North 0° 10' West 200 feet to a point; run thence East and perpendicular to the last described course a distance of 30 feet to the point of beginning.

PARCEL THREE

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 308.6 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 308.6 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

PARCEL FOUR

Beginning at a point 20 feet East of the Northwest Corner of Section 11, Township 2 South, Range 3 East, run South 0° 10' East 1332 feet to a point; run thence East and perpendicular to the last described course 10 feet to a point; run thence North 0° 10' West 1332 feet to a point; run thence West and perpendicular to the last described course 10 feet, more or less, to the point of beginning.

That the property hereinabove described as "PARCEL ONE" is owned by J. D. Crosby, Jr., who is a resident of Bay Minette, Baldwin County, Alabama. This property is subject to a mortgage from J. D. Crosby, Jr., to Harry L. Russell, doing business as Russell Dry Kiln Company of Fordyce, Arkansas, dated October 31, 1961, and recorded in Mortgage Book 376 at page 450. That the parcel hereinabove described as "PARCEL TWO" is owned by Annie Belle Gulley, who is a resident of Bay Minette, Baldwin County, Alabama, and is subject to a mortgage from Annie Belle Gulley to J. D. Crosby, Jr., dated November 30, 1960, and recorded in Mortgage Book 353 at page 70, which mortgage was assigned to the First National Bank of Bay Minette, Alabama, by assignment dated July 11, 1961, and re-

recorded in Mortgage Book 367 at page 594. That the parcel hereinabove described as "PARCEL THREE" is owned by J. D. Crosby, Jr. of Bay Minette, Alabama, and is subject to a mortgage to the Baldwin County Savings and Loan Association of Robertsdale, Alabama, said mortgage being dated March 9, 1960, and recorded in Mortgage Book 336 at page 220. That the parcel hereinabove described as "PARCEL FOUR" is owned by Mary W. Steedley who is a resident of Bay Minette, Baldwin County, Alabama. That all of the above named persons are over the age of twenty-one years.

FIFTH:

That Baldwin County, Alabama, proposes to acquire an easement or right-of-way over and across each of the above described parcels of land for public road purposes.

SIXTH:

That Baldwin County, Alabama, does not know of any other person, firm or corporation who owns any right, title or interest in either of the above described parcels of land and has used reasonable diligence to ascertain if any other person, firm or corporation other than those named own any right, title or interest in said parcels.

WHEREFORE, the premises considered your Applicant respectfully prays that this Honorable Court will, on the filing of this application, make and enter an order appointing a day for the hearing thereof and will cause notice of such filing and of the day set to be given to the above named persons by service upon them of a copy of such notice at least ten days before the day appointed for the hearing hereof in accordance with the statutes in such cases made and provided. And your Applicant further prays that on the day set for the hearing of the application, or any day to which the same might be continued, that this application will be granted by the Court and that Your Honor will appoint three citizens of Baldwin County, Alabama, in accordance with the statutes in such cases made and provided, and cause notice to be issued to them, to assess the damages and compensations to which each of the owners are entitled. And the Applicant prays for such other, further and dif-

ferent decrees as in the premises may be necessary and proper for the acquisition by Baldwin County, Alabama, of an easement or right-of-way for a public road over and across each of the above described parcels of land.

Respectfully submitted,  
BALDWIN COUNTY, ALABAMA

By: John B. Hadley  
As Agent and Chairman of the County  
Commission of Baldwin County, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Emmett Humphries, a Notary Public, in and for said County in said State, personally appeared John B. Hadley, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is the duly elected and qualified Chairman of the County Commission of Baldwin County, Alabama, and as such is the Agent of Baldwin County, Alabama. That he executed the foregoing application as such and he is informed and believes, and upon such information and belief states that the facts alleged in the foregoing application are true and correct.

John B. Hadley

Sworn to and subscribed before me on this  
the 10 day of October, 1962.

[Signature]  
Notary Public, Baldwin County, Alabama

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WHEREAS, the following described lands are needed and desired as a right-of-way for a Public County road which has been surveyed and approved by the State Highway Department for construction and surfacing, all of which appears by letter of the State Highway Department by D'Olive Bill, Resident Engineer, dated the 2 day of Oct, 1962, in words and figures as follows:

"County Commission of Baldwin County  
Bay Minette, Alabama

Gentlemen:

The following lands are needed and desired as a right-of-way for a public County road, to-wit:

PARCEL ONE

Begin at the Northeast Corner of Section 10, Township 2 South, Range 3 East, run thence South 0° 10' East a distance of 275 feet, run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 275 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

PARCEL TWO

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 275 feet to the point of beginning; run thence South 0° 10' East a distance of 200 feet to a point; run thence West and perpendicular to the last described course a distance of 30 feet to a point; run thence North 0° 10' West 200 feet to a point; run thence East and perpendicular to the last described course a distance of 30 feet to the point of beginning.

PARCEL THREE

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 308.6 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 308.6 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

PARCEL FOUR

Beginning at a point 20 feet East of the Northwest Corner of Section 11, Township 2 South, Range 3 East, run South 0° 10' East 1332 feet to a point; run thence East and perpendicular to the last described course 10 feet to a point; run thence North 0° 10' West 1332 feet to a point; run thence West and perpendicular to the last described course 10 feet, more or less, to the point of beginning.

Parcel One is owned by J. D. Crosby, Jr., Bay Minette, Alabama; Parcel Two is owned by Annie Belle Gulley, Bay Minette, Alabama; Parcel Three is owned by J. D. Crosby, Jr., Bay Minette, Alabama and Parcel Four is owned by Mary W. Steedley, Bay Minette, Alabama.

Request is hereby made that you proceed to acquire the same by purchase or condemnation.

Yours very truly,

By: /s/ D'Olive Bill  
D'Olive Bill, Resident  
Engineer "

And it appearing that the lands described in said letter are needed by the County for a public right-of-way, and that the State Highway Department has approved and requested this commission to acquire the same for such purposes,

THEREFORE, BE IT RESOLVED, that it be, and it is hereby, judicially ascertained and determined that it is necessary and proper and to the best interest of the County that an easement across said lands be acquired and owned by the County for and as a public road right-of-way and that John B. Hadley, as Chairman of the County Commission be, and he hereby is, authorized and directed to institute eminent domain proceedings to acquire an easement across said lands for and as a right-of-way for a public road.

\* \* \* \* \*

I, John B. Hadley, as Chairman of the County Commission, and as such the custodian of the records of the County Commission, do hereby certify that the foregoing is a true and correct and literal copy of a resolution adopted by the County Commission at its meeting held on the 2 day of Oct, 1962, as the same appears in the minutes of the same meeting.

Witness my hand and official seal on this the 10 day of Oct, 1962.

John B. Hadley  
John B. Hadley, Chairman of the  
Commission

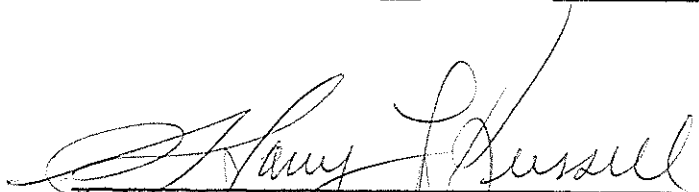
BOOK 000 PAGE 09

STATE OF ARKANSAS

COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS: That I, Harry L. Russell, doing business as Russell Dry Kiln Company of Fordyce, Arkansas, do hereby acknowledge receipt of a copy of the Application of BALDWIN COUNTY, ALABAMA, to condemn for public road purposes a parcel of land in Section 10, Township 2 South, Range 3 East, in Baldwin County, Alabama, on which I hold a mortgage, said land being "PARCEL ONE" as described in said application. I do hereby waive any notice required by law to be given to me as one of the owners in the condemnation of such lands; and I do hereby expressly consent and agree that said condemnation proceedings be conducted without further notice to me.

WITNESS, my hand and seal on this the 8th day of October, 1962.

  
Individually and doing business as  
Russell Dry Kiln Company of Fordyce,  
Arkansas

STATE OF ARKANSAS

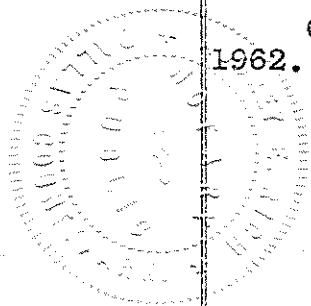
COUNTY OF DALLAS

I, Audrey E. Rich, a Notary Public, in and for said County in said State, hereby certify that Harry L. Russell, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 8th day of October, 1962.

My Commission Expires Aug. 1, 1963

  
~~Notary Public, Baldwin County, Alabama~~  
Notary Public, Dallas County, Arkansas



|                            |   |                         |
|----------------------------|---|-------------------------|
| BALDWIN COUNTY, ALABAMA,   | X |                         |
| Condemnor,                 | X | IN THE PROBATE COURT OF |
| vs.                        | X |                         |
|                            | X | BALDWIN COUNTY, ALABAMA |
| J. D. CROSBY, JR., ET AL., | X |                         |
| Condemnees.                | X |                         |

ORDER APPOINTING DAY TO HEAR  
APPLICATION TO CONDEMN LANDS

This day came Baldwin County, Alabama, acting by and through John B. Hadley, as its Agent and Chairman of the County Commission of Baldwin County, Alabama, and filed its application to have condemned an easement or right-of-way for public road purposes over and across the lands therein described; and it appearing to the Court from the allegations of said application that it is necessary that Baldwin County, Alabama, acquire such easement or right-of-way and that Baldwin County, Alabama, desires to have such easement or right-of-way condemned; and the Court having considered the same is of the opinion that an order should be entered appointing a day for the hearing of said application and that notice should be given to all of the owners of such lands as shown by the application; it is, therefore

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that the 23<sup>rd</sup> day of October, 1962, at 9:00 A. M. be, and the same is hereby, appointed as the day for the hearing of said application and that notice of the filing of said application and of the day set for the hearing of said application be given to J. D. Crosby, Jr., to Annie Belle Gulley and to Mary W. Steedley, by service upon them by the Sheriff of the County in which they reside, of a notice of the filing of said application and of the day set herein for the hearing of the same.

Done this the 10<sup>th</sup> day of October, 1962.

*W. R. Stuart*  
\_\_\_\_\_  
Judge of Probate  
By: *Harry M. Delane* Chief Clerk

100 000 03



|                            |   |                         |
|----------------------------|---|-------------------------|
| BALDWIN COUNTY, ALABAMA,   | ℥ |                         |
| Condemnor,                 | ℥ | IN THE PROBATE COURT OF |
| vs.                        | ℥ |                         |
|                            | ℥ | BALDWIN COUNTY, ALABAMA |
| J. D. CROSBY, JR., ET AL., | ℥ |                         |
| Condemnees.                | ℥ |                         |

Comes now Baldwin County, Alabama, by its attorneys, and respectfully represents and shows unto this Honorable Court as follows:

FIRST:

That at the time of the filing of the original application in this matter the Condemnor had been informed that the land described as "PARCEL ONE" and "PARCEL THREE" in the original application was all of the land of J. D. Crosby, Jr. over which it was necessary that the Condemnor acquire an easement or right-of-way for public road purposes.

SECOND:

That since the filing of the application, the order of this Honorable Court setting the same down for hearing and the issuance and service of notices on the several Condemnees, the Condemnor has learned that "PARCEL THREE" is incorrectly described in that it is necessary that Baldwin County, Alabama, acquire an easement or right-of-way for public road purposes over and across a strip of land 30 feet in width and 747 feet in length rather than 308.6 feet in length so that a correct description of the lands of J. D. Crosby, Jr. situated in the South 857 feet of the Northeast Quarter of the Northeast Quarter of Section 10, Township 2 South, Range 3 East is as follows.

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 747 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 747 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

THIRD:

That the Condemnor does hereby amend its application so that "PARCEL THREE" shall be described the same as the description set out immediately above.

WHEREFORE, the Condemnor respectfully prays that notice be given to J. D. Crosby, Jr., of the filing of this amendment and that notice also be given thereof to the Baldwin County Savings and Loan Association of Robertsdale, Alabama, the owner and holder of a mortgage covering all of said property.

Respectfully submitted,

CHASON & STONE

By:

  
Attorneys for Condemnor

WHEREAS, the following described lands are needed and desired as a right-of-way for a Public County road which has been surveyed and approved by the State Highway Department for construction and surfacing, all of which appears by letter of the State Highway Department by D'Olive Bill, Resident Engineer, dated the 16<sup>th</sup> day of October, 1962, in words and figures as follows:

"County Commission of Baldwin County  
Bay Minette, Alabama

Gentlemen:

Re: Stuckey Mill Road

Since my last letter to you concerning the necessity of acquiring a right-of-way for the completion of the construction of the above road I have learned that the County will need to acquire an easement or right-of-way over more land of J. D. Crosby, Jr. than was originally indicated.

The total footage needed along the East side of the Northeast Quarter of the Northeast Quarter of Section 10, Township 2 South, Range 3 East, is 1222 feet. Mr. Crosby owns the North 275 feet, the next 200 feet is owned by one Annie B. Gulley and the remaining 747 feet is also owned by Mr. Crosby. When we first requested that you secure a right-of-way from him we thought that we only needed an additional 308.6 feet, but we now know that we need an additional 747 feet South of the Gulley property.

I would like to therefore request that Baldwin County, Alabama take the necessary steps to secure an easement or right-of-way for public road purposes over and across the following described real property situated in Baldwin County, Alabama, to-wit:

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 747 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 747 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

Yours very truly,

(Signed) D'Olive Bill  
D'Olive Bill, Resident Engineer"

And it appearing that the lands described in said letter are needed by the County for a public right-of-way, and that the State Highway Department has approved and requested this commission to acquire the same for such purposes,

THEREFORE, BE IT RESOLVED, that it be, and it is hereby, judicially ascertained and determined that it is necessary and proper and to the best interest of the County that an easement across said lands be acquired and owned by the County for and as a public road right-of-way and that John B. Hadley, as Chairman of the County

BOOK 1000 PAGE 11

Commission be, and he hereby is, authorized and directed to institute eminent domain proceedings to acquire an easement across said lands for and as a right-of-way for a public road.

\* \* \* \* \*

I, John B. Hadley, as Chairman of the County Commission, and as such the custodian of the records of the County Commission, do hereby certify that the foregoing is a true and correct and literal copy of a resolution adopted by the County Commission at its meeting held on the 16<sup>th</sup> day of October, 1962, as the same appears in the minutes of the same meeting.

Witness my hand and official seal on this the 19<sup>th</sup> day of October, 1962.

John B. Hadley  
John B. Hadley, Chairman of the Commission

BALDWIN COUNTY, ALABAMA,

Condemnor,

vs.

J. D. CROSBY, JR., ET AL.,

Condemnees.

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

TO: J. D. CROSBY, JR., BAY MINETTE, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 10<sup>th</sup> day of October, 1962, Baldwin County, Alabama, acting by and through John B. Hadley, as its Agent and as Chairman of the County Commission of Baldwin County, Alabama, filed an application in writing for the condemnation of an easement or right-of-way for public road purposes over and across the following described real property situated in Baldwin County, Alabama, alleged to be owned by you:

Begin at the Northeast Corner of Section 10, Township 2 South, Range 3 East, run thence South 0° 10' East a distance of 275 feet, run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 275 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 308.6 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 308.6 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning,

and that the 23<sup>rd</sup> day of October, 1962, at 9:00 A. M. has been appointed as the day for the hearing of said application, at which time you may appear and contest the same if you so desire.

Done this the 10<sup>th</sup> day of October, 1962.

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

CHASON & STONE  
Attorneys for Condemnor

BOOK 630 PAGE 13

1058

received 12 day of Oct 1962  
nd on 12 day of Oct 1962  
served a copy of the within Notice  
n J. D. Crosby, Jr.  
by service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By W. A. Zalbert s.  
Omni

BALDWIN COUNTY, ALABAMA, X  
Condemnor, X IN THE PROBATE COURT OF  
vs. X  
BALDWIN COUNTY, ALABAMA X  
J. D. CROSBY, JR., ET AL., X  
Condemnees. X

NOTICE OF APPOINTMENT OF COMMISSIONERS

TO: TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA:

YOU ARE HEREBY NOTIFIED that the undersigned Judge of Probate of Baldwin County, Alabama, has, in the above styled cause now pending in said Court, appointed MERRILL BANKSTER, J. F. DUSENBURY and RANDOLPH MCGOWAN, SR., as Commissioners to assess the damages and compensation, if any, to which J. D. Crosby, Jr., the owner of "PARCEL ONE", subject to a mortgage to Russell Dry Kiln Company of Fordyce, Arkansas, dated October 31, 1961 and recorded in Mortgage Book 376 at page 450; Annie Belle Gulley, the owner of "PARCEL TWO", subject to a mortgage to J. D. Crosby, Jr., dated November 30, 1960, and recorded in Mortgage Book 353 at page 70, which said mortgage was assigned to the First National Bank of Bay Minette, Alabama, on July 11, 1961, and recorded in Mortgage Book 367 at page 594; J. D. Crosby, Jr., as the owner of "PARCEL THREE", subject to a mortgage to the Baldwin County Savings and Loan Association of Robertsdale, Alabama, and Mary W. Steedley, the owner of "PARCEL FOUR", said parcels of land being situated in Baldwin County, Alabama, to-wit:

PARCEL ONE

Begin at the Northeast Corner of Section 10, Township 2 South, Range 3 East, run thence South 0° 10' East a distance of 275 feet, run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 275 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

PARCEL TWO

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 275 feet to the point of beginning; run thence South 0° 10' East a distance of 200 feet to a point; run thence West and perpendicular to the last described course a distance of 30 feet to a point; run thence North 0° 10' West 200

feet to a point; run thence East and perpendicular to the last described course a distance of 30 feet to the point of beginning.

PARCEL THREE

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 747.0 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 747.0 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

PARCEL FOUR

Beginning at a point 20 feet East of the Northwest Corner of Section 11, Township 2 South, Range 3 East, run South 0° 10' East 1332 feet to a point; run thence East and perpendicular to the last described course 10 feet to a point; run thence North 0° 10' West 1332 feet to a point; run thence West and perpendicular to the last described course, 10 feet, more or less, to the point of beginning.

are entitled.

And you are hereby required to serve a copy of this notice upon each of the persons designated herein as commissioners within five days of the receipt of this notice, which said commissioners must, within twenty days from this date, make a report in writing, to the Court stating the amount of damages and compensation ascertained and assessed by them for the owners of the above described land.

And you are required to make due return on this notice to this court.

Done this the 6<sup>th</sup> day of November, 1962.

W. C. Stewart  
Judge of Probate  
By: Harry M. Deline Chief Clerk

Received 8 day of Nov. 1962  
and on 13 day of Nov 1962

I served a copy of the within Notice  
on Merrill Bankster

J. L. Dunsenbury, Ralph McHenry, Jr.  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. A. Talbot D. S.  
O. M. M.

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BALDWIN COUNTY, ALABAMA, X  
Condemnor, X IN THE PROBATE COURT OF  
vs. X  
BALDWIN COUNTY, ALABAMA X  
J. D. CROSBY, JR., ET AL., X  
Condemnees. X

TO: J. D. CROSBY, JR., BAY MINETTE, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 20<sup>th</sup> day of October, 1962, Baldwin County, Alabama, filed an amendment to its application to condemn an easement or right-of-way for public road purposes over and across certain lands alleged to be owned by you situated in Baldwin County, Alabama, so that the lands described in said application alleged to be owned by you and over which an easement or right-of-way for public road purposes is sought to be condemned are described as follows:

Begin at the Northeast Corner of Section 10, Township 2 South, Range 3 East, run thence South 0° 10' East a distance of 275 feet; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 275 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 747 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 747 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning,

and that the 6<sup>th</sup> day of November, 1962, at 9:00 o'clock A. M. has been appointed as the day for the hearing of said amended application, at which time you may appear and contest the same if you so desire.

Done this the 22<sup>nd</sup> day of October, 1962.

Received 22 day of Oct 1962  
and on 23 day of Oct 1962

I served a copy of the within notice  
on J. D. Crosby, Jr.

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. A. Zolbert D. S.  
2 miles North of B.M.

By: Harry M. Robins Chief Clerk

Sheriff claims 4 miles at

Ten Cents per mile Total \$ 40  
TAYLOR WILKINS, Sheriff

BY Zolbert  
DEPUTY SHERIFF

By: N. M. D. D. S.

BALDWIN COUNTY, ALABAMA,

Condemnor,

vs.

J. D. CROSBY, JR., ET AL.,

Condemnees.

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

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TO: ANNIE BELLE GULLEY, BAY MINETTE, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 10<sup>th</sup> day of October, 1962, Baldwin County, Alabama, acting by and through John B. Hadley, as its Agent and as Chairman of the County Commission of Baldwin County, Alabama, filed an application in writing for the condemnation of an easement or right-of-way for public road purposes over and across the following described real property situated in Baldwin County, Alabama, alleged to be owned by you:

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 275 feet to the point of beginning; run thence South 0° 10' East a distance of 200 feet to a point; run thence West and perpendicular to the last described course a distance of 30 feet to a point; run thence North 0° 10' West 200 feet to a point; run thence East and perpendicular to the last described course a distance of 30 feet to the point of beginning,

and that the 23<sup>rd</sup> day of October, 1962, at 9:00 A. M. has been appointed as the day for the hearing of said application, at which time you may appear and contest the same if you so desire.

Done this the 10<sup>th</sup> day of October, 1962.

W. R. Stuart  
Judge of Probate  
By: Harry M. O'Leary Chief Clerk

CHASON & STONE  
Attorneys for Condemnor

Received 12 day of Oct 1962  
and on 12 day of Oct 1962  
I served a copy of the within notice  
on Annie Belle Gulley

Sheriff claims 4 miles at  
Ten Cents per mile Total \$ 40  
TAYLOR WILKINS, Sheriff  
BY W. A. Zilbert  
DEPUTY SHERIFF

By service on

TAYLOR WILKINS, Sheriff  
By W. A. Zilbert D. S.

2 miles north of B.M.

BALDWIN COUNTY, ALABAMA,

Condemnor,

vs.

J. D. CROSBY, JR., ET AL.,

Condemnees.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

BOOK 630 PAGE 19

TO: MARY W. STEEDLEY, BAY MINETTE, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 10<sup>th</sup> day of October, 1962, Baldwin County, Alabama, acting by and through John B. Hadley as its Agent and as Chairman of the County Commission of Baldwin County, Alabama, filed an application in writing for the condemnation of an easement or right-of-way for public road purposes over and across the following described real property situated in Baldwin County, Alabama, alleged to be owned by you:

Beginning at a point 20 feet East of the Northwest Corner of Section 11, Township 2 South, Range 3 East, run South 0° 10' East 1332 feet to a point; run thence East and perpendicular to the last described course 10 feet to a point; run thence North 0° 10' West 1332 feet to a point; run thence West and perpendicular to the last described course 10 feet, more or less, to the point of beginning,

and that the 23<sup>rd</sup> day of October, 1962, at 9:00 A. M. has been appointed as the day for the hearing of said application, at which time you may appear and contest the same if you so desire.

Done this the 10<sup>th</sup> day of October, 1962.

CHASON & STONE  
Attorneys for Condemnor

W. C. Stewart  
Judge of Probate  
By: Harry M. DeLine Chief Clerk

Sheriff claims 4 miles at  
Ten Cents per mile Total \$ 40  
TAYLOR WILKINS, Sheriff  
W. A. Zallert  
DEPUTY SHERIFF

Received 12 day of Oct 1962  
and on 12 day of Oct 1962

I served a copy of the within Notice  
on Mary W. Steedley

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By: W. A. Zallert D. S.  
2 miles north of B M

BALDWIN COUNTY, ALABAMA,

Condemnor,

vs.

J. D. CROSBY, JR., ET AL.,

Condemnees.

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

TO: THE FIRST NATIONAL BANK OF BAY MINETTE, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 10<sup>th</sup> day of October, 1962, Baldwin County, Alabama, acting by and through John B. Hadley as its Agent and as Chairman of the County Commission of Baldwin County, Alabama, filed an application in writing for the condemnation of an easement or right-of-way for public road purposes over and across the following described real property situated in Baldwin County, Alabama, on which you are alleged to hold a mortgage:

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 275 feet to the point of beginning; run thence South 0° 10' East a distance of 200 feet to a point; run thence West and perpendicular to the last described course a distance of 30 feet to a point; run thence North 0° 10' West 200 feet to a point; run thence East and perpendicular to the last described course a distance of 30 feet to the point of beginning,

and that the 23<sup>rd</sup> day of October, 1962, at 9:00 A. M. has been appointed as the day for the hearing of said application, at which time you may appear and contest the same if you so desire.

Done this the 10<sup>th</sup> day of October, 1962.

W. R. Stuart

Judge of Probate  
By: Sam M. Deane Chief Clerk

CHASON & STONE  
Attorneys for the Condemnor

Received 12 day of Oct 1962  
and on 15 day of Oct 1962  
I served a copy of the within notice  
on The First National Bank  
By service on Marvin Kelly

TAYLOR WILKINS, Sheriff  
By: W. A. Talbert D. S.  
B. mu

BALDWIN COUNTY, ALABAMA,

Condemnor,

vs.

J. D. CROSBY, JR., ET AL.,

Condemnees.

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

BOOK 630 PAGE 21

TO: BALDWIN COUNTY SAVINGS AND LOAN ASSOCIATION, ROBERTSDALE, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 20<sup>th</sup> day of October, 1962, Baldwin County, Alabama, filed an amendment to its application to condemn an easement or right-of-way for public road purposes over and across certain lands on which you are alleged to hold a mortgage, situated in Baldwin County, Alabama, so that the lands described in said application on which you are alleged to hold a mortgage and over which an easement or right-of-way for public road purposes is sought to be condemned are described as follows:

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 747 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 747 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning,

and that the 6<sup>th</sup> day of November, 1962, at 9:00 o'clock A. M. has been appointed as the day for the hearing of said amended application, at which time you may appear and contest the same if you so desire.

Done this the 22<sup>nd</sup> day of October, 1962.

*W. R. Stuart*

Judge of Probate

By: *Harry M. Nohle* Chief Clerk

Received 22 day of Oct 1962

and on 23 day of Oct 1962

I served a copy of the within notice

on Baldwin Co. Savings

& Loan Assoc.

By service on Robert Muckler

TAYLOR WILKINS, Sheriff

By *R. D. Davis* D. S.

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY *R. D. Davis* DEPUTY SHERIFF

BALDWIN COUNTY, ALABAMA,

CONDEMNOR,

vs.

J. D. CROSBY, ET AL.,

CONDEMNNEES.

X

X

X

X

X

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

BOOK 180 PAGE 22

ORDER OF CONTINUANCE

This being the day heretofore appointed by the Court for the hearing of the application heretofore filed in this Court, praying that this Court condemn certain lands described therein for the purpose set forth therein; and it appearing to the Court that said hearing should be continued for the purpose of perfecting service of notice under the amended application filed in this cause; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that said hearing be, and the same is hereby continued until Tuesday, November 6, 1962, at 9:00 A. M.

Done this the 23<sup>rd</sup> day of OCTOBER, 1962.

W. B. Smith  
Judge of Probate  
By: Harry M. B. Smith Chief Clerk

BALDWIN COUNTY, ALABAMA,

Condemnor,

vs.

J. D. CROSBY, JR., ET AL.,

Condemnees.

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

BOOK 000 PAGE 23

This being the day appointed by the Court for the hearing of the amended application heretofore filed in this Court praying that this Court condemn certain lands described therein for the purpose set forth therein, now comes said Applicant, by its Attorney, and the condemnees having had due notice as required by law, the Court proceeds to hear said application, together with all legal evidence touching the same; and it appearing to the Court that the allegations of said application are true and that it is necessary that said lands be condemned for the purposes mentioned in said application and the Court having considered all of the above; it is, therefore

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that said application be, and the same is hereby, granted.

And it further appearing to the Court that MEARILL BANKS J. F. Dusenbury and RANDOLPH MCGOWAN, SR. are three citizens of the County possessing the qualifications of jurors, and who are disinterested, and that the above named citizens are proper and competent persons to act as Commissioners to view the lands described in said application, and, after hearing all evidence offered, to assess the damages and compensation to which the owners of the several parcels are entitled, and they are hereby appointed as Commissioners for the purposes aforesaid.

Done this the 6<sup>th</sup> day of NOVEMBER, 1962.

W. R. Street  
Judge of Probate

By: Harry M. D'Almeida Chief Clerk



BALDWIN COUNTY, ALABAMA,

Condemnor,

vs.

J. D. CROSBY, JR., ET AL.,

Condemnee.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

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

The undersigned Randolph McGowan, Sr., Merril

Bankester and J.F.Dusenbury, who were heretofore appointed by the Probate Court of Baldwin County, Alabama, as Commissioners to assess the damages and compensation to which J. D. Crosby, Jr., as the owner of "PARCEL ONE", subject to a mortgage to Harry L. Russell, doing business as Russell Dry Kiln Company of Fordyce, Arkansas, and as the owner of "PARCEL THREE", subject to a mortgage to the Baldwin County Savings and Loan Association of Robertsdale, Alabama; to which Annie Belle Gulley as the owner of "PARCEL TWO", subject to a mortgage to J. D. Crosby, Jr., which mortgage was assigned by J. D. Crosby, Jr., to the First National Bank of Bay Minette, Alabama, and to which Mary W. Steedley, as the owner of "PARCEL FOUR", are entitled on the application of Baldwin County, Alabama, for an order of condemnation of an easement for road purposes over and across the following described lands situated in Baldwin County, Alabama, to-wit:

PARCEL ONE

Begin at the Northeast Corner of Section 10, Township 2 South, Range 3 East, run thence South 0° 10' East a distance of 275 feet; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 275 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

PARCEL TWO

From the Northeast corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 275 feet to the point of beginning; run thence South 0° 10' East a distance of 200 feet to a point; run thence West and perpendicular to the last described course a distance of 30 feet to a point; run thence North 0° 10' West 200 feet to a point; run thence East and perpendicular to the last described course a distance of 30 feet to the point of beginning.

PARCEL THREE

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 747.0 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 747.0 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

PARCEL FOUR

Beginning at a point 20 feet East of the Northwest Corner of Section 11, Township 2 South, Range 3 East, run South 0° 10' East 1332 feet to a point; run thence East and perpendicular to the last described course 10 feet to a point; run thence North 0° 10' West 1332 feet to a point; run thence West and perpendicular to the last described course 10 feet, more or less, to the point of beginning,

do hereby respectfully report that pursuant to said commission we viewed the said lands after having been sworn as jurors are sworn, and thereafter we proceeded to assess the damages and compensation to which the owners of the above described property are entitled by reason of the condemnation of said easement for road purposes over and across the above described lands belonging to them, and we, and each of us, separately assessed the damages and compensation as follows:

|    |                      |          |
|----|----------------------|----------|
| a. | "PARCEL ONE" .....   | \$ 50.00 |
| b. | "PARCEL TWO" .....   | \$ 35.00 |
| c. | "PARCEL THREE" ..... | \$ 50.00 |
| d. | "PARCEL FOUR" .....  | \$ 50.00 |

Done this the 29<sup>th</sup> day of NOVEMBER 1962.

Randolph McGraw Jr.

J. F. Cassin

Merrill Bankster

CERTIFICATE OF COMMISSIONERS

We, the undersigned, as Commissioners heretofore appointed by the Judge of Probate of Baldwin County, Alabama, in the above styled cause, do hereby certify that we each possess the qualifications of jurors, that we have never been consulted, advised or approached by any person in reference to the value of the lands which are the subject of this proceeding, or the proceedings to condemn the same prior to the assessment of the damages, and that we, and each of us, knew nothing of the same prior to our appointment as such commissioners.

And each of us do hereby certify that we were sworn as jurors are sworn and that the following oath was administered to us: "You do solemnly swear that you will well and truly try all issued, and execute all writs of inquiry, which may be submitted to you during the present session, and true verdicts render according to the evidence---so help you God."

Done this the 29<sup>th</sup> day of November, 1962.

Rosemary McFarland  
J. E. Chisley  
Merill Dankester

Sworn to and subscribed before me on  
this the 29<sup>th</sup> day of NOVEMBER,  
1962.

Harry M. Soline  
Notary Public, Baldwin County, Alabama

|                            |   |                         |
|----------------------------|---|-------------------------|
| BALDWIN COUNTY, ALABAMA,   | X |                         |
| Condemnor,                 | X | IN THE PROBATE COURT OF |
| vs.                        | X |                         |
| J. D. CROSBY, JR., ET AL., | X | BALDWIN COUNTY, ALABAMA |
| Condemnees.                | X |                         |
|                            | X |                         |

ORDER OF CONDEMNATION

The Commissioners heretofore appointed by this Court to assess the damages and compensation to which J. D. Crosby, Jr., and Harry L. Russell, doing business as Russell Dry Kiln Company of Fordyce, Arkansas, are entitled as the owners of "PARCEL ONE", and to which J. D. Crosby, Jr. and the Baldwin County Savings and Loan Association of Robertsdale, Alabama, are entitled as the owners of "PARCEL THREE"; to which Annie Belle Gulley and the Baldwin County Bank are entitled as the owners of "PARCEL TWO; and to which Mary W. Steedley is entitled as the owner of "PARCEL FOUR", having heretofore, on the 29<sup>th</sup> day of November, 1962, filed their report in writing, to which was attached their certificate as required by law in and by the terms of which report it appears that said Commissioners have determined that said owners are entitled to the following: J. D. Crosby, Jr. and Harry L. Russell, doing business as Russell Dry Kiln Company of Fordyce, Arkansas \$50.00; Annie Belle Gulley and the Baldwin County Bank \$35.00; J. D. Crosby, Jr. and the Baldwin County Savings and Loan Association of Robertsdale, Alabama, \$ 50.00; and Mary W. Steedley, \$ 50.00. And it further appearing to the Court that Baldwin County, Alabama, has this day paid into Court the costs of this proceeding and the amounts assessed to the owners of the said lands, and that an order should be entered condemning an easement or right-of-way over and across the lands hereinafter described in favor of Baldwin County, Alabama; and the Court having considered all of the above, it is therefore

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that an easement or right-of-way for public roads be, and the same is hereby condemned, granted and awarded to Baldwin County, Alabama, over and across each of the following described parcels of real property situated in Baldwin County, Ala-

630 1962 27

bama, to-wit:

PARCEL ONE

Begin at the Northeast Corner of Section 10, Township 2 South, Range 3 East, run thence South 0° 10' East a distance of 275 feet; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 275 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

PARCEL TWO

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 275 feet to the point of beginning; run thence South 0° 10' East a distance of 200 feet to a point; run thence West and perpendicular to the last described course a distance of 30 feet to a point; run thence North 0° 10' West 200 feet to a point; run thence East and perpendicular to the last described course a distance of 30 feet to the point of beginning.

PARCEL THREE

From the Northeast Corner of Section 10, Township 2 South, Range 3 East, run South 0° 10' East 475 feet to the point of beginning; run thence South 0° 10' East 747.0 feet to a point; run thence West and perpendicular to the last described course 30 feet to a point; run thence North 0° 10' West 747.0 feet to a point; run thence East and perpendicular to the last described course 30 feet, more or less, to the point of beginning.

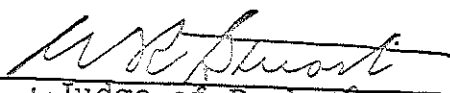
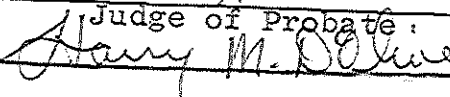
PARCEL FOUR

Beginning at a point 20 feet East of the Northwest Corner of Section 11, Township 2 South, Range 3 East, run South 0° 10' East 1332 feet to a point; run thence East and perpendicular to the last described course 10 feet to a point; run thence North 0° 10' West 1332 feet to a point; run thence West and perpendicular to the last described course 10 feet, more or less, to the point of beginning,

and that such easements be, and the same hereby are, divested out of the Condemnees and in Baldwin County, Alabama.

It is further ORDERED, ADJUDGED and DECREED by the Court that all of the papers now on file in this Court, including the report of the Commissioners, be recorded.

Done this the 30<sup>th</sup> day of November, 1962.

  
Judge of Probate:  
By:  Chief Clerk

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Dewey Northcutt, to appear and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, by Nolan P. Cooper d/b/a N. P. Cooper's Grocery.

Witness my hand this the 15 day of Jan, 1963.

Alfred J. Duck  
Clerk

Nolan P. Cooper d/b/a  
N. P. Cooper's Grocery

Plaintiff

Vs.

Dewey Northcutt

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5433

1.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED DOLLARS and 40/100 (\$100.40), due from him by account on the 3rd day of August, 1959, which sum of money with the interest thereon, is still unpaid.

WILTERS, BRANTLEY & NESBIT

BY: Phillips S. Nesbit  
Attorneys for the Plaintiff

FILED

JAN 15 63

ALFRED I. DUCK, CLERK  
REGISTER

303

Def may be served  
at Auburn University,  
Auburn, Ala,  
EX-2-2-63

No. 54-33

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

Nolan P. Cooper d/b/a  
N. P. Cooper's Grocery

Plaintiff

Vs.

Dewey Northcutt

Defendant

*Stippled*  
*Auburn University*  
*Midway Trailer Park*  
SUMMONS AND COMPLAINT

Wilters, Brantley & Nesbit  
Robertsdale, Ala.  
Attorneys for Plaintiff

*be satisfied*

FILED

JAN 15 1963

MADE J. DICK, CLERK  
REGISTER

Received 15 day of Jan. 1963  
on \_\_\_\_\_ day of \_\_\_\_\_

Received a copy of the within \_\_\_\_\_

service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By \_\_\_\_\_ D. S.

I have executed the within writ by  
leaving copy of same with

*Dewey Northcutt*

this the 2 day of Feb. 1963

*W. Paul Ragdale*

Sheriff

By *W.P.R. & O.B.B.*

Sheriff claims 14 miles of

Ten Cents per mile 140

W. PAUL RAGDALE, Sheriff

By *W.P.R. & O.B.B.*

Deputy Sheriff

Received in Office

*Jan. 17* 1963

E. L. COWE, Jr., Sheriff

*W. Paul Ragdale*

*W. P. Cooper d/b/a N. P. Cooper's Grocery*

*W. P. Cooper d/b/a N. P. Cooper's Grocery*

*W. P. Cooper d/b/a N. P. Cooper's Grocery*

*W. P. Cooper d/b/a N. P. Cooper's Grocery*

*W. P. Cooper d/b/a N. P. Cooper's Grocery*

*W. P. Cooper d/b/a N. P. Cooper's Grocery*





I hereby certify that I have on this the 26 day of January, 1963, sent a true and exact copy of the foregoing plea in abatement by United States Mail, postage prepaid, to Messrs. Wilters, Brantley and Nesbit, Attorneys for the Plaintiff, Robertsedale, Alabama.

John P. Beebe  
Attorney for Defendant

John P. Beebe  
Attorney at Law,  
Robertsedale, Alabama.

