

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

VS.

JAMES M. WAGNER and ETORA
WAGNER,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 5677.

This cause coming on to be heard on the original petition for condemnation, service on the parties as required by law, order of the Probate Judge denying the right of condemnation, notice of appeal, appeal bond filed by the petitioner, defendants' motion to dismiss appeal, cross motion by petitioner, and other pleadings and testimony of the witnesses heard ore tenus, and the Court having considered the same, and is of the opinion that petitioner is entitled to proceed with these proceedings;

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED as follows:

1. That the defendants' motion to dismiss the appeal be, and the same is, hereby denied.
2. That the petitioner's motion to allow the Probate Judge to place his written approval on the appeal bond dated as of June 28, 1963 is hereby allowed.
3. The petitioner is entitled to condemn the property of the defendants as described in the original petition for condemnation.
4. The determination of the damages to be awarded the defendants shall be set for trial by jury as provided for by law.

DONE at Bay Minette, Alabama, this the 19 day of
September, 1963.

FILED

SEP 30 1963

ALICE L. DICK CLERK
REGISTER

Hubert M. Hall
Judge

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

VS.

JAMES M. WAGNER and ETORA
WAGNER,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

NO. _____.

MOTION

Now comes the Petitioner in this cause, by its attorneys,
and shows unto this Honorable Court as follows:

1. That the bond for security for costs in the appeal in
this cause was approved by the Honorable W.R. Stuart, Judge of
Probate, Baldwin County, Alabama, on the 28th day of June, 1963.

2. That the Clerk of the Probate Court of Baldwin County,
Alabama failed to indicate such approval by written endorsement
on the said bond;

WHEREFORE, Petitioner moves that this Honorable Court
allow the said W.R. Stuart, Judge of Probate, Baldwin County,
Alabama, to place his written approval on said bond dated of
the date of said approval.

MASHBURN & OWENS
Attorneys for Petitioner

By J. Lamar Owens, Jr.

| | | | |
|-------------------------------|---|-------------------------|-----------|
| THE HOUSING AUTHORITY OF THE |) | | |
| CITY OF BAY MINETTE, ALABAMA, |) | IN THE CIRCUIT COURT OF | |
| Petitioner, |) | | |
| vs. |) | BALDWIN COUNTY, ALABAMA | |
| JAMES M. WAGNER and ETORA |) | | |
| WAGNER, |) | AT LAW. | NO. 5677. |
| Defendants. |) | | |

FINAL ORDER OF CONDEMNATION:

On the 4th day of April, 1964, came a jury to assess and ascertain the damages and compensation to which the owners and other interested parties in the tract of land set forth in the application for condemnation of lands heretofore filed in this cause are entitled and filed their verdict and awarded compensation and damages to the said owners and other interested parties as follows: FIVE THOUSAND TWO HUNDRED FIFTEEN AND NO/100 DOLLARS (\$5,215.00).

It is therefore, 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 purposes set forth in said application for condemnation upon the payment of the damages and compensation so ascertained, assessed and reported by the jury, or the deposit of the same in Court as provided in Section 21 of Title 19 of the Code of Alabama, 1940.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a copy of this order be recorded.

It is further ORDERED, ADJUDGED AND DECREED by the Court that Petitioner pay all costs of this proceeding.

DONE this 4th day of April, 1964.

H. M. Hall

H. M. Hall, Judge of the Circuit Court
of Baldwin County, Alabama.

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

VS.

JAMES M. WAGNER and ETORA
WAGNER,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 4983

NOTICE OF APPEAL

Now comes The Housing Authority of the City of Bay Minette, Alabama, a Corporation, petitioner in the above styled condemnation proceeding, by and through its attorney of record, and in compliance with Title 19, Sections 17 and 20, Code of Alabama, As Revised, files this its written notice of appeal from the order denying its application to condemn certain lands in Baldwin County, Alabama, which was entered by the Court of Probate of Baldwin County on June 12, 1963, and appeals to the Circuit Court, Twenty-Eighth Judicial Circuit of Alabama, and further gives notice that such appeal is given in writing within thirty days after the entering of such order by the Court of Probate of Baldwin County, Alabama on June 12, 1963.

PREMISES CONSIDERED, petitioner prays that a copy of this notice of appeal shall be served upon the Honorable C. LeNoir Thompson, as attorney for James M. Wagner and Etora Wagner.

Petitioner further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-Eighth Judicial Circuit of Alabama, in accordance with Title 19, Section 20, Code of

Alabama, As Revised.

STATE OF ALABAMA, BALDWIN COUNTY

Filed June 25, 1963 M

Recorded 10. R. Stuart -book page

Judge of Probate

TO: Hon. C. LeNoir Thompson, as attorney for James M. Wagner and Etora Wagner.

You are hereby notified that the above notice of appeal was filed in the office of the Judge of Probate of Baldwin County, Alabama, on the 28th day of June, 1963.

W. E. Stuart
Judge of Probate

By: Harry M. L. L. L. L. L. Chief Clerk

146

STATE OF ALABAMA
BALDWIN COUNTY

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

VS.

JAMES M. WAGNER and ETOR
WAGNER,

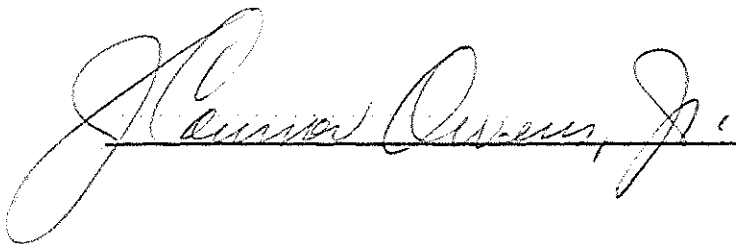
Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 4983

Now comes J. Connor Owens, Jr. and hereby acknowledges himself as security for costs of appeal to the Circuit Court, Twenty-Eighth Judicial Circuit of Alabama, returnable to the present term thereof. And for the payment of the above security he hereby waives his right to exemption to personal property under the Constitution and Laws of the State of Alabama.

A handwritten signature in cursive script, reading "J. Connor Owens, Jr.", is written over a horizontal line.

Received 2 day of July 1963
and on 2 day of July 1963
I served a copy of the within Police
on C. Lee New Shampeon
By service on _____

TAYLOR WILKINS, Sheriff
By Danner D.S.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA,

NO. 4983

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

VS.

JAMES M. WAGNER and ETOR
WAGNER,

Defendants.

NOTICE OF APPEAL

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
Dahlberg Building
BAY MINETTE, ALABAMA

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA

Petitioner

VS

JAMES M. WAGNER and ETOA
WAGNER

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. 5627

Come the defendants in the above styled cause separately and severally by their attorneys of record, Thompson & White and respectfully ask for a jury trial in each of said cases.

THOMPSON & WHITE

BY:

Charles D. Thompson
Attorneys for defendants

FILED

JUL 9 1963

ALICE J. DUCK, CLERK
REGISTER

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

VS.

JAMES M. WAGNER and ETORA
WAGNER,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN LAW NO. _____.

Now comes the Petitioner, The Housing Authority of the City of Bay Minette, Alabama, by and through J. Connor Owens, Jr., and files these his answers to the interrogatories filed heretofore by the Defendants in this cause, and says:

1. My name is J. Connor Owens, Jr. and I am Executive Director of the Housing Authority of the City of Bay Minette, Alabama.

2. Yes.

3. The Housing Authority of the City of Bay Minette, Alabama is authorized and chartered pursuant to Title 25, Chapter 2 of the Code of Alabama, 1940, and is authorized to exercise all powers granted to it by Chapter 2 of Section 25 of the Code of Alabama and is also authorized to carry out urban renewal under Chapter 10 of the same title.

4. There is no provision for any capital.

5. See 4.

6. The Housing Authority of the City of Bay Minette, Alabama has executed an Annual Contributions Contract and has been advanced or has committed to it, under the contract, necessary construction funds to be used in connection with the program.

7. The Authority proposes to construct in the Douglasville area approximately 32 housing units, which will include single and duplex structures. Final plans are not complete at the present time, but generally the units will be brick veneer conventional structures.

8. Construction funds are advanced under the Contributions Contract with the Housing and Home Finance Agency of the Public Housing Administration. Upon completion of the project, the Housing Authority has the power to issue bonds to provide permanent financing. These bonds will be a debt of the Authority, and not of the City.

9. No.

10. See 9.

11. Yes.

12. Yes.

13. No.

14. See 13.

15. The Housing Authority has caused a survey to be made of all of the property which would be included in the Housing Project area. No special or individual survey has been made of the Defendants' property other than as a part and parcel of the overall project.

16. It appears that all of the Defendants' property, being Lot 4 of East Douglasville, is to be condemned and I do not believe that any part of the property owned by the Defendants in East Douglasville is omitted from this suit.

17. As previously stated, no individual survey has been made of the Defendants' land. The lot is 262 feet by 125 feet. The survey of the overall project, which is in the possession of the Authority, is too large to be copied to be attached to these answers, but the Authority will file in Court the survey showing the Defendants' property along with the other properties.

18. Yes.

19. \$3000.00.

20. A conditional offer was made to the Defendants on several occasions. Inasmuch as these particular Defendants are home owners and entitled to special consideration, the Authority on several occasions sought and offered to provide the Defendants with sufficient funds to acquire another house with bathroom, kitchen and heating facilities on another lot in the Douglasville area. This offer was conditioned upon the Defendants' signing an option and was withdrawn when the Defendants stated that they could not sign the option until all of the others had signed.

21. See 20.

22. Petitioner objects to Question No. 22 on the grounds that it is irrelevant and immaterial.

The Housing Authority of the City of Bay Minette is bound by regulations, along with other institutions such as banks, insurance companies and other lending institutions, and these regulations, insofar as they apply to The Housing Authority of the City of Bay Minette, provide that no person shall be denied the right to apply for low rent housing or old age housing on account of race, creed or national origin.

23. Petitioner objects to Question No. 23 on the grounds that it is irrelevant and immaterial.

I know of no Bay Minette ordinance which would affect or which deal with the matter in the question.

24. Petitioner objects to Question 24 on the grounds that it is irrelevant and immaterial.

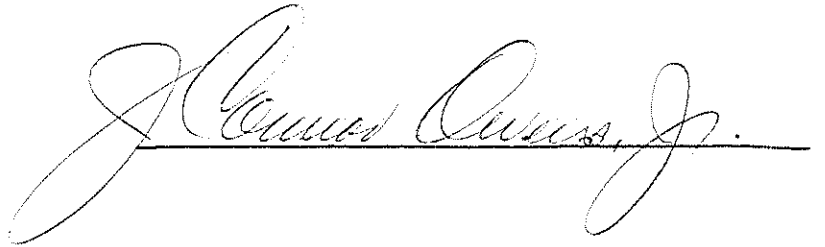
There is no greater likelihood, in my opinion, that Public Housing facilities in Bay Minette would be "integrated" any more than the additional school facilities that the school authorities are now building.

25. No.

26. I do not exactly know what is meant by the question of "class of people", but the projects are generally considered as being and are limited to people who have low incomes, and those who not only have low income but are elderly or disabled.

27, 28, 29. Petitioner objects to Questions 27-29, both inclusive, on the grounds that such questions are irrelevant and immaterial.


The sole authority to determine the qualifications of a rental applicant in a housing project is vested in the local Executive Director of the housing project. No applicant has unrestricted right to enter this housing project or any other housing project. Consideration will be given to the applicant's age, size of his family, his income, his background, his credit references, the availability of units to meet his particular needs, desirability of the applicant as a tenant, and some 20 or more other factors. No person or applicant has an unrestricted right to occupy any unit in any housing project if his application does not meet the many requirements provided by Federal Regulations and as determined by the local housing director.



STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared J. Connor Owens, Jr., who being duly sworn by me, doth depose and say that the answers herein made to the interrogatories are true and correct.



Sworn to and subscribed before me, this the 10th day of September, 1963.


Notary Public

FILED

SEP 10 1963

ALICE J. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN LAW

NO. 26.77

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

VS.

JAMES M. WAGNER and ETOR
WAGNER,

Defendants.

ANSWERS TO INTERROGATORIES

MASHBURN & OWENS

ATTORNEYS AT LAW

DAHLBERG BUILDING

BAY MINETTE, ALABAMA

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

VS.

JAMES M. WAGNER and ETOR
WAGNER,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN LAW NO. _____.

Now comes the Petitioner, The Housing Authority of the City of Bay Minette, Alabama, by and through J. Connor Owens, Jr., and files these his answers to the interrogatories filed heretofore by the Defendants in this cause, and says:

1. My name is J. Connor Owens, Jr. and I am Executive Director of the Housing Authority of the City of Bay Minette, Alabama.

2. Yes.

3. The Housing Authority of the City of Bay Minette, Alabama is authorized and chartered pursuant to Title 25, Chapter 2 of the Code of Alabama, 1940, and is authorized to exercise all powers granted to it by Chapter 2 of Section 25 of the Code of Alabama and is also authorized to carry out urban renewal under Chapter 10 of the same title.

4. There is no provision for any capital.

5. See 4.

6. The Housing Authority of the City of Bay Minette, Alabama has executed an Annual Contributions Contract and has been advanced or has committed to it, under the contract, necessary construction funds to be used in connection with the program.

7. The Authority proposes to construct in the Douglasville area approximately 32 housing units, which will include single and duplex structures. Final plans are not complete at the present time, but generally the units will be brick veneer conventional structures.

8. Construction funds are advanced under the Contributions Contract with the Housing and Home Finance Agency of the Public Housing Administration. Upon completion of the project, the Housing Authority has the power to issue bonds to provide permanent financing. These bonds will be a debt of the Authority, and not of the City.

9. No.

10. See 9.

11. Yes.

12. Yes.

13. No.

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15. The Housing Authority has caused a survey to be made of all of the property which would be included in the Housing Project area. No special or individual survey has been made of the Defendants' property other than as a part and parcel of the overall project.

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19. \$3000.00.

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21. See 20.

22. Petitioner objects to Question No. 22 on the grounds that it is irrelevant and immaterial.

*More to
negative answer*

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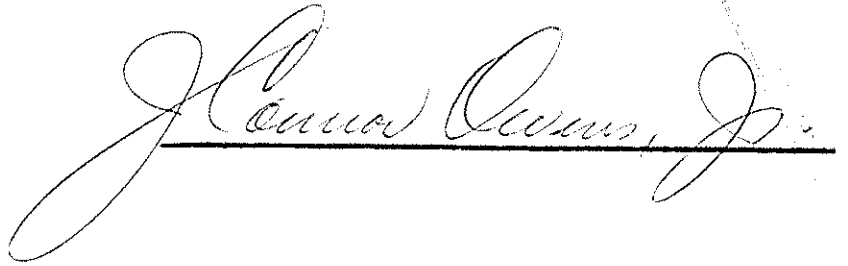
There is no greater likelihood, in my opinion, that Public Housing facilities in Bay Minette would be "integrated" any more than the additional school facilities that the school authorities are now building.

25. No.

26. I do not exactly know what is meant by the question of "class of people", but the projects are generally considered as being and are limited to people who have low incomes, and those who not only have low income but are elderly or disabled.

27, 28, 29. Petitioner objects to Questions 27-29, both inclusive, on the grounds that such questions are irrelevant and immaterial.

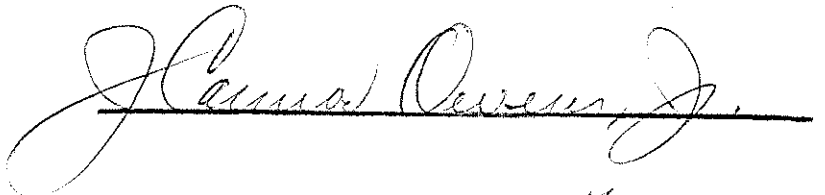
The sole authority to determine the qualifications of a rental applicant in a housing project is vested in the local Executive Director of the housing project. No applicant has unrestricted right to enter this housing project or any other housing project. Consideration will be given to the applicant's age, size of his family, his income, his background, his credit references, the availability of units to meet his particular needs, desirability of the applicant as a tenant, and some 20 or more other factors. No person or applicant has an unrestricted right to occupy any unit in any housing project if his application does not meet the many requirements provided by Federal Regulations and as determined by the local housing director.



STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared J. Connor Owens, Jr., who being duly sworn by me, doth depose and say that the answers herein made to the interrogatories are true and correct.



Sworn to and subscribed before me, this the 10th day of September, 1963.

FILED

SEP 10 1963

ALICE L. DUCK, CLERK
REGISTER


Notary Public

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN LAW NO. _____.

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

VS.

JAMES M. WAGNER and ETORA
WAGNER,

Defendants.

ANSWERS TO INTERROGATORIES

MASHBURN & OWENS
ATTORNEYS AT LAW
DAHLBERG BUILDING
BAY MINETTE, ALABAMA

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

vs.

JAMES M. WAGNER and ETORA
WAGNER,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 5677.

BOOK
032
PAGE 375

APPLICATION FOR CONDEMNATION

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

Now comes The Housing Authority of The City of Bay Minette, Alabama, and files this, its application for condemnation of the lands hereinafter described for public use and against James M. Wagner and Etora Wagner, and, thereupon, it respectfully represents unto the Court and Your Honor as follows:

1. Petitioner, The Housing Authority of The City of Bay Minette, Alabama, is authorized to institute condemnation proceedings to acquire real property for public use under and by the provisions of Title 25, Section 15 of the Code of Alabama. James M. Wagner and Etora Wagner are both over the age of 21 years and are both residents of Baldwin County, Alabama.

2. Petitioner desires to acquire a fee simple title to the property hereinafter described for public housing purposes pursuant to Title 25, Sections 5 through 50, both inclusive, Code of Alabama.

3. The property sought to be condemned for the purposes set forth in the paragraph above is the following described real property, situated in Baldwin County, Alabama, to-wit:

Lot 4, East Douglasville, being a part of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter, Section 16, Township 2 South, Range 3 East, Baldwin County, Alabama, according to a map or plat thereof recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Map Book 1, Page 69.

THE PREMISES CONSIDERED, petitioner prays that this Honorable Court will take jurisdiction of this petition and make and enter an order appointing a day for the hearing thereof and give notice to the said defendants of the filing of this application and of

Filed May 22 1963
Recorded W. R. Stuart
Judge of Probate

the date set for hearing the same in the manner prescribed by Title 19, Section 4 of the Code of Alabama; that on the day appointed for the hearing of this petition or on any other day to which it may be continued, the Court will hear the allegations of this petition and any objections that may be filed to the granting thereof and any legal evidence touching the same, and will make an order granting the application and condemning the above described property for the uses and purposes of the petitioner as stated herein and in the form and manner prescribed by law.

Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA

By J. Cannon Owens, Jr.
As its Attorney

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared J.H. Faulkner, who, after being by me first duly and legally sworn, deposes and says:

That he is the Chairman of the Board of Commissioners of The Housing Authority of The City of Bay Minette, Alabama, and he has read over the foregoing petition and that the facts stated therein are true.

J. H. Faulkner

Sworn to and subscribed before me on
this the 22nd day of May, 1963.

Dorothy Martin
Notary Public, Baldwin County, Ala.

BOOK 032 PAGE 376

STATE OF ALABAMA

BALDWIN COUNTY

I hereby acknowledge myself security for all of the costs of the foregoing proceedings.

DATED this the 22nd day of May, 1963.

J. Lamar Owens, Jr.

Taken and approved on this the 22nd day of May, 1963.

W. C. Stewart
Judge of Probate

By:

Harry M. Solive Chief Clerk

BOOK 032 PAGE 377

A RESOLUTION

BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF BAY MINETTE, ALABAMA, AS FOLLOWS:

SECTION 1: It is in the public interest and necessary that The Housing Authority of The City of Bay Minette, Alabama, acquire for public use, to-wit: Municipal public housing purposes, the following described real property situated in Bay Minette, Baldwin County, Alabama, to-wit:

Lot 4, East Douglasville, being a part of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter, Section 16, Township 2 South, Range 3 East, Baldwin County, Alabama, according to a map or plat thereof recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Map Book 1, Page 69.


SECTION 2: J. Connor Owens, Jr., as attorney for The Housing Authority of The City of Bay Minette, Alabama, shall be and he is hereby fully and completely authorized, empowered, instructed and directed to file and prosecute a condemnation suit on behalf of The Housing Authority of The City of Bay Minette, Alabama, to acquire the above described property.

ADOPTED at a regular meeting of The Housing Authority of The City of Bay Minette, Alabama held on May 6th, 1963.

CERTIFICATE

I, J.H. Faulkner, as Chairman of the Board of Commissioners of The Housing Authority of The City of Bay Minette, Alabama, do hereby certify that the foregoing is a true and correct and literal copy of the resolution adopted by The Housing Authority of The City of Bay Minette, Alabama, at its meeting held on the 6th day of May, 1963, as the same appears in the minutes of said meeting.

Witness my hand and official seal on this the 22nd day of May, 1963.


Chairman

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

vs.

JAMES M. WAGNER and ETORA
WAGNER,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. _____.

ORDER APPOINTING DAY TO HEAR THE
APPLICATION TO CONDEMN LANDS

This day came The Housing Authority of The City of Bay Minette, Alabama, acting by and through J. Connor Owens, Jr., as its attorney, and filed its application to have condemned for public use, to-wit: A municipal public housing project, the lands described in said petition; and it appearing to the Court from the allegations of said application that it is necessary that The Housing Authority of The City of Bay Minette, Alabama, acquire such property, and that The Housing Authority of The City of Bay Minette, Alabama desires to have such property 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 the owners of such land as shown by the application; it is, therefore

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that the 12th day of June, 1963, 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 James M. Wagner and Etora Wagner by service upon them by the Sheriff of Baldwin County, Alabama, of the notice of the filing of said application and of the day set for the hearing of the same.

Done this the 22nd day of May, 1963.

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

BOOK 032 PAGE 379

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

vs.

JAMES M. WAGNER and ETORA
WAGNER,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 1102.

TO JAMES M. WAGNER, DOUGLASVILLE, BAY MINETTE, BALDWIN COUNTY,
ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 22 day of MAY,
1963, The Housing Authority of The City of Bay Minette, Alabama,
acting by and through J. Connor Owens, Jr., as its attorney,
filed an application in writing for the condemnation for public
use, to-wit: A municipal public housing project, of the fol-
lowing described real property situated in Baldwin County,
Alabama, alleged to be owned in part by you:

Lot 4, East Douglasville, being a part of the Southwest
Quarter of the Southeast Quarter of the Southwest
Quarter, Section 16, Township 2 South, Range 3 East,
Baldwin County, Alabama, according to a map or plat
thereof recorded in the office of the Judge of
Probate, Baldwin County, Alabama, in Map Book 1, Page
69,

And that the 12th day of JUNE, 1963, 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 22nd day of May, 1963.

W. R. Stuart
Judge of Probate

By: Henry M. Deline Chief Clerk

Received: 23 day of May 1963

and on 25 day of May 1963

I served a copy of the within Notice

on James M. Wagner

By service on _____

TAYLOR WILKINS, Sheriff

By W. A. Talbot D. S.

D. Vill

Sheriff claims 4 miles at

Ten Cents per mile Total \$ 40

BY TAYLOR WILKINS, Sheriff

DEPUTY SHERIFF

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

vs.

JAMES M. WAGNER and ETORA
WAGNER,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 1102.

TO: ETORA WAGNER, DOUGLASVILLE, BAY MINETTE, BALDWIN COUNTY,
ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 22 day of MAY,
1963, The Housing Authority of The City of Bay Minette, Alabama,
acting by and through J. Connor Owens, Jr., as its attorney,
filed an application in writing for the condemnation for public
use, to-wit: A municipal public housing project, of the follow-
ing described real property situated in Baldwin County, Alabama,
alleged to be owned in part by you:

Lot 4, East Douglasville, being a part of the Southwest
Quarter of the Southeast Quarter of the Southwest
Quarter, Section 16, Township 2 South, Range 3 East,
Baldwin County, Alabama, according to a map or plat
thereof recorded in the office of the Judge of Probate,
Baldwin County, Alabama, in Map Book 1, Page 69,

And, that the 12th day of June, 1963, 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 27th day of May, 1963.

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

Received 23 day of May 1963
and on 25 day of May 1963
I served a copy of the within Notice
on Ester Wagner

By service on _____

TAYLOR WILKINS, Sheriff

By W. A. Albert D. S.

D. Vill

Sheriff claims 4 miles at

Ten Cents per mile Total \$.40

TAYLOR WILKINS, Sheriff

BY _____
DEPUTY SHERIFF

THE HOUSING AUTHORITY OF THE CITY X
OF BAY MINETTE, ALABAMA

Petitioner

VS

JAMES M. WAGNER and ETORA
WAGNER

Defendants

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

NO. _____

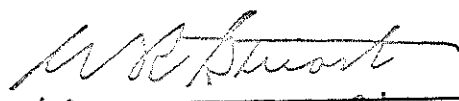
BOOK 032 PAGE 380


DECREE

This being the day regularly appointed to hear the petition of The Bay Minette Housing Authority, heretofore filed in this court, praying that the Court condemn certain lands described in said petition for the purposes set forth therein and the Bay Minette Housing Authority being represented in court by its attorney, Honorable J. Conner Owens, Jr., and there also being present in court James M. Wagner and Etora Wagner by their attorney, Honorable C. LeNoir Thompson, and it appearing to the Court that all interested parties have had due and legal notice of the filing of said petition and of the day set to hear same; It appears to the Court upon the evidence of the said petitioner and of the evidence of the said respondents touching upon the petition and the Court having considered same;

It is therefore ordered and decreed by the Court that said petition be and the same is hereby denied.

Done this the 12 day of June, 1963.



Probate Judge, Baldwin County, Alabama
By:  Chief Clerk

| | | |
|-----------------------------------|---|-------------------------|
| THE HOUSING AUTHORITY OF THE CITY | X | |
| OF BAY MINETTE, ALABAMA | X | IN THE CIRCUIT COURT OF |
| Petitioner | X | BALDWIN COUNTY, ALABAMA |
| vs | X | AT LAW NO. 5677 |
| JAMES M. WAGNER & ETOA WAGNER | X | |
| Defendants | X | |

Come the defendants in the above styled cause and move this Honorable Court to dismiss the appeal filed in said cause and as grounds for said motion show unto this court as follows:

-1-

That for aught appears in the record that the said appellant has failed to file with the Court or with the Clerk thereof, an appeal bond approved by the Judge of Probate of Baldwin County, as required by Title 19, Section 20, of the Code of Alabama as revised 1958.

-2-

That for aught appears in the record said appellant has failed to file with this court or the Clerk thereof an appeal bond properly approved as provided in Title 19, Section 20.

-3-

That said appellant has permitted its workable program under which these eminent domain proceedings were instituted expire on July 1, 1963.

-4-

That the said plaintiff has failed to comply with the requirements of the Housing and Home Finance Agency in that a comprehensive committee plan has not been prepared and filed under which sound community developments in the future will be carried out.

-5-

The said plaintiff has failed to comply with the regulations of the Housing and Home Finance Agency in that housing resources have not been specified to meet the needs for housing displaced families under a community wide re-location program.

-6-

That said plaintiff has failed to comply with the regulations of the Housing and Home Finance Agency in that citizen participation

has not been provided as a part of the workable program in that a special committee on minority group housing, on which committee, minority groups are represented has not been established.

-7-

That the said plaintiff is dependent on its funds for the approval of the Housing and Home Finance Agency, which requires that to obtain these funds, the said project must be certified and such certification required the enactments of codes and ordinances in the community, meeting the approval of the U. S. Housing and Home Finance Agency, the preparation and establishing of a comprehensive committee plan under the approval of the Federal Housing and Home Finance Agency, establishment of an administrative organization or revision of existing local government departments with the possible increase in the tax base of the community, citizen participation is required and minority group participation is required on the citizen committees.

-8-

That the said program of the Bay Minette Housing Authority has lapsed and therefore, the plaintiff being ineligible for Federal aid, is without funds to continue the condemnation; hence this motion for dismissal.

-9-

That said bond does not meet the requirements of the law if approved, in that the mortgages against the property of said bondsmen far exceed the assessed valuation of said properties.

-10-

That said condemnation proceedings is based on a program requiring an increase in taxation in the community.

-11-

That the operation of said Housing Authority is dependent on the community complying with all necessary rules and regulations of a federal agency.

-12-

That the said alleged bond is invalid in that the homestead property of the said bondsman in the name of the said bondsman and his wife is assessed in the total amount of \$7,000.00 whereas the mortgages of record against said property in Mortgage Book 244, pages 13-16 is in the amount of \$9,900.00, said recordings being in

the office of the Judge of Probate of Baldwin County.

Wherefore, said bonds are nullities; hence this motion.

-13-

That appellant is an alleged corporation without assets or funds and has no money to pay the costs or damages to the appellees, landowners, the title to whose property is clouded by lis pendens filed by appellant against said property.

THOMPSON & WHITE

BY: 

Attorneys for defendants.

FILED

SEP 13 1963

ALICE J. DUCK, CLERK
REGISTER

Defendants Ex C

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA

Petitioner

vs

JAMES M. WAGNER and ETOR
WAGNER

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. 5677

Come the defendants in the above styled cause and propound
the following interrogatories to the plaintiff, The Housing Authority
of the City of Bay Minette, Alabama:

1. State your name as an officer or agent of the Bay Minette
Housing Authority and give the office or capacity in which you serve.
2. Is the Bay Minette Housing Authority the complainant in
this cause?
3. Does its charter authorize low rent housing, urban renewal
or slum clearance? State which.
4. Is the Bay Minette Housing Authority capitalized at any
particular sum of money?
5. What is the capital allowed by the charter?
6. Does the Housing Authority have the capital assets at this
time which it proposes to use in its construction program?
7. What type structures does the Housing Authority propose to
construct?
8. Where does the Housing Authority propose to get its funds?
9. Are any of the funds received from the City of Bay Minette?
10. If your answer to the preceding question is "yes", state
the sum of money the Bay Minette Housing Authority has received or
expects to receive from the municipality of Bay Minette.
11. Is the Bay Minette Housing Authority required to comply with
any regulations of the Federal Housing and Home Finance Agency?
12. Is the Bay Minette Housing Authority required to comply
with any regulations of the Federal Public Housing Administration?
13. Is the Bay Minette Housing Authority required to make
any reports to the Bay Minette City Council?
14. If your answer is "yes", has the Bay Minette Housing
Authority made such reports?
15. As plaintiff in the above cause, has the Bay Minette
Housing Authority had a survey made of the defendants' property?

16. If your answer is "yes", does the survey show defendants' property with lines to designate that portion of the property taken or sought to be condemned and that portion of said parcel which is not involved in this court action?

17. If the Bay Minette Housing Authority had a survey made, attach a copy of said survey and a plat showing the exact amount of land it proposes to take under said survey from the defendants named herein.

18. Has the Bay Minette Housing Authority had the parcel of land which it proposes to take from said defendants appraised?

19. If your answer is "yes", state the amount of said appraisal.

20. Has the Bay Minette Housing Authority offered said defendants any sum of money for the parcel which it proposes to take?

21. If the answer is "yes", state the amount which you have offered the said defendants.

22. Is the proposed housing legally subject to strict segregation or integration under Federal law?

23. If your answer is that the housing project is legally subject to integration and may not be segregated, does this proposal to construct integrated housing in Bay Minette follow the provisions of the Bay Minette ordinances?

24. Is the Bay Minette Housing Authority proposing to construct housing in Bay Minette, knowing said housing may be integrated under Federal law?

25. Are you proposing to construct any other facilities, such as play grounds or swimming pools to be integrated under the law?

26. In regard to the proposed project, state the class of people to whom the facilities will be rented.

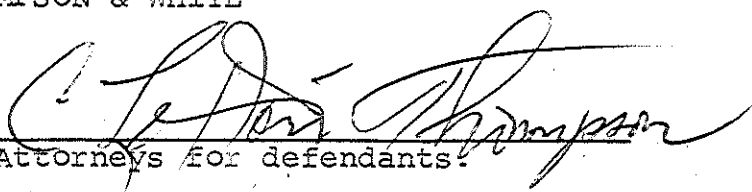
27. In the event the facilities are not fully occupied by one class of people, what provisions will prevent other classes of people from renting the facilities other than income restrictions?

28. Does Federal law denying the right to segregate these facilities apply to Bay Minette Housing Authority and facilities constructed under its charter?

29. In the event these facilities are not fully occupied by people of one color, what provision of Bay Minette Housing Authority will apply to renting the vacant facilities?

THOMPSON & WHITE

BY:

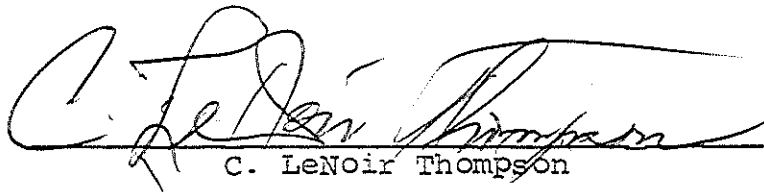

Attorneys for defendants.

STATE OF ALABAMA

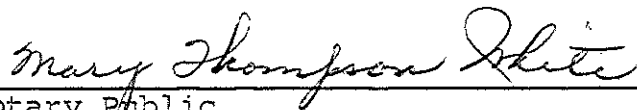
BALDWIN COUNTY

Before me, the undersigned authority, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendants in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendants on the trial of said cause.


C. LeNoir Thompson

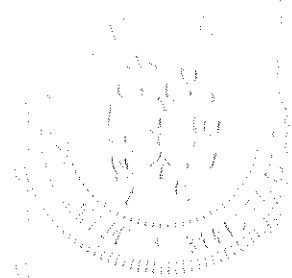
Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 17th day of July, 1963.


Notary Public

FILED

AUG 22 1963

ALICE J. DUCK, CLERK
REGISTER



~~Received~~
Accepted service
8/21/63
J. L. Allen Jr.

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA,

Petitioner,

vs.

JAMES M. WAGNER and ETOR
WAGNER,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 5677.

We, the Jury, find for The Housing Authority of the City
of Bay Minette, Alabama, and against the condemnee, and fix the
compensation and damages at \$ 5215⁰⁰.



Jury Foreman.