

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

Petitioner,

vs.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a corporation, and THE
BANNER CORPORATION, a corpo-
ration,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 5628.

BOOK
032
PAGE 361

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 Lillian
Hawkins Wallace 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 pro-
ceedings to acquire real property for public use under and by
the provisions of Title 25, Section 15 of the Code of Alabama.
Dan Allen and Susie Allen are both over the age of 21 years and
are both residents of Baldwin County, Alabama; Ranchers Life
Insurance Company is a foreign corporation whose address is
unknown to your petitioner; The Banner Corporation is an Alabama
corporation with its principal place of business in Mobile,
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 30, 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:

Commencing at the Southeast corner of the Southeast
Quarter of Southwest Quarter of Southwest Quarter of
Section 16, T2S, R3E, which point is also the South-
east corner of Lot 16, Russell's Addition to Douglas-
ville, thence run N 00° 09' E 225 feet to the point of

STATE OF ALABAMA, BALDWIN COUNTY

Filed May 29, 1963 M

Recorded W.R. Stuart page 115

Judge of Probate

beginning of the property herein described, thence continue N 00° 09' E 225 feet to a point, thence run West 210 feet to a point, thence run S 00° 09' W 225 feet to a point, thence run East 210 feet to the point of beginning.

4. The owners of the property are Dan Allen and wife, Susie Allen; on August 21st, 1961, they executed a mortgage to The Banner Corporation, which mortgage was recorded in Mortgage Book 371, Page 178-80, Baldwin County, Alabama Probate Records; on August 22d, 1961, by defective assignment, The Banner Corporation sought to transfer the within mortgage to Ranchers Life Insurance Company, said assignment being recorded in Mortgage Book 371, Page 181, Baldwin County, Alabama Probate Records.

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 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 18 day of
May, 1963.

Dorothy Martin
Notary Public, Baldwin County,
Alabama

BOOK 032 PAGE 363

STATE OF ALABAMA

BALDWIN COUNTY

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

DATED this the 18 day of May, 1963.

J. C. Owens, Jr.

Taken and approved on this the 20th day of May, 1963.

W. C. Pritchett
Judge of Probate
By: Harry M. O'Brien Chief Clerk

BOOK 032 PAGE 364

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:

Commencing at the Southeast corner of the Southeast Quarter of Southwest Quarter of Southwest Quarter of Section 16, T2S, R3E, which point is also the Southeast corner of Lot 16, Russell's Addition to Douglasville, thence run N 00° 09' E 225 feet to the point of beginning of the property herein described, thence continue N 00° 09' E 225 feet to a point, thence run West 210 feet to a point, thence run S 00° 09' W 225 feet to a point, thence run East 210 feet to the point of beginning.

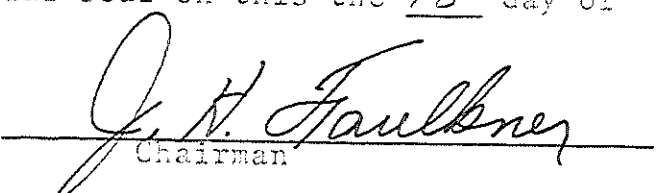
SECTION 2: J. Connor Owens, Jr., as attorney for The Housing Authority of The City of Bay Minette, Alabama, shall be and he is hereby fully and completely authorized, empowered, instructed and directed to file and prosecute a condemnation suit on behalf of The Housing Authority of The City of Bay Minette, 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 18 day of May, 1963.


Chairman

BOOK 032 PAGE 365

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

Petitioner,

vs.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a corporation, and THE
BANNER CORPORATION, a corpo-
ration,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. _____.

BOOK 032 PAGE 366

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 13th 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 Dan Allen, Susie Allen, Ranchers Life Insurance Company, a corporation, and The Banner Corporation, a corporation, by service upon them by the Sheriff of Baldwin County, Alabama, or by publication as required by Law, of the notice of the filing of said application and of the day set for the hearing of the same.

Done this the 20th day of May, 1965.

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

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THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA

Petitioner

VS

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COMPANY,
a corporation, and THE BANNER
CORPORATION, a corporation

Defendants

X

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

NO. _____

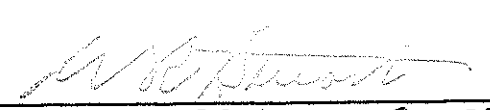
BOOK 032
PAGE 368

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 also the defendants being represented in court by C. LeNoir Thompson, as their attorney, 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 13th day of June, 1963.



Probate Judge, Baldwin County, Alabama

By: Harry M. DeLoe Chief Clerk

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

Petitioner,

vs.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a corporation, and THE
BANNER CORPORATION, a corpor-
ation,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 1101.

TO SUSIE ALLEN, DOUGLASVILLE, BAY MINETTE, BALDWIN COUNTY, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 20th 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
following described real property situated in Baldwin County,
Alabama, alleged to be owned in part by you:

Commencing at the Southeast corner of the Southeast
Quarter of Southwest Quarter of Southwest Quarter of
Section 16, T2S, R3E, which point is also the South-
east corner of Lot 16, Russell's Addition to Douglas-
ville, thence run N 00° 09' E 225 feet to the point of
beginning of the property herein described, thence
continue N 00° 09' E 225 feet to a point, thence run
West 210 feet to a point, thence run S 00° 09' W 225
feet to a point, thence run East 210 feet to the point
of beginning,

And, that the 13th 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 20th day of May, 1963.

W. E. Stuart
Judge of Probate
By: Harry M. Dolan Chief Clerk

Received 20 day of May 1963
and on 22 day of May 1963

I served a copy of the within Notice
on Susie Allen

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
TAYLOR WILKINS, Sheriff

BY _____
DEPUTY SHERIFF

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

Petitioner,

vs.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a corporation, and THE
BANNER CORPORATION, a corpor-
ation,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 1101.

TO: DAN ALLEN, DOUGLASVILLE, BAY MINETTE, BALDWIN COUNTY, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 20th 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
following described real property situated in Baldwin County,
Alabama, alleged to be owned in part by you:

Commencing at the Southeast corner of the Southeast
Quarter of Southwest Quarter of Southwest Quarter of
Section 16, T2S, R3E, which point is also the South-
east corner of Lot 16, Russell's Addition to Douglas-
ville, thence run N 00° 09' E 225 feet to the point of
beginning of the property herein described, thence
continue N 00° 09' E 225 feet to a point, thence run
West 210 feet to a point, thence run S 00° 09' W 225
feet to a point, thence run East 210 feet to the point
of beginning,

And, that the 13th 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 20th day of May, 1963.

W. E. Stewart
Judge of Probate
By: Harry M. Dolive Clerk

Received 20 day of May 1963
and on 22 day of May 1963
I served a copy of the within Notice
on Dan Allen

By service on _____

TAYLOR WILKINS, Sheriff
By W. C. Zallert 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 OF BAY MINETTE, ALABAMA,

Petitioner,

vs.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a corporation, and THE
BANNER CORPORATION, a corpor-
ation,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA,

NO. 1101.

TO: THE BANNER CORPORATION, a corporation, MOBILE, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 20th 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
following described real property situated in Baldwin County,
Alabama, in which you are alleged to have some right, title or
interest:

Commencing at the Southeast corner of the Southeast
Quarter of Southwest Quarter of Southwest Quarter of
Section 16, T2S, R3E, which point is also the South-
east corner of Lot 16, Russell's Addition to Douglas-
ville, thence run N 00° 09' E 225 feet to the point of
beginning of the property herein described, thence
continue N 00° 09' E 225 feet to a point, thence run
West 210 feet to a point, thence run S 00° 09' W 225
feet to a point, thence run East 210 feet to the point
of beginning,

And, that the 13th 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 20th day of May, 1963.

Judge of Probate

By: Harry M. D'olive

Clerk

Thomas 3719

Received 20 day of May 1963
and on _____ day of _____ 19____

I served a copy of the within Notice
on The Banner Corp.

By service on _____

TAYLOR WILKINS, Sheriff
By _____ D. S.

RETURNED 5-30-63

Not found in my County after diligent search and inquiry.

RAY D. BRIDGES, Sheriff
By J. Thomas D. S.

~~RETURNED 5-24-63~~

~~Not found in my County after diligent search and inquiry.~~

~~RAY D. BRIDGES, Sheriff~~
~~By A. Linn D. S.~~

RECEIVED
MAY 28 1963
SHERIFF'S OFFICE

RECEIVED
MAY 23 1963
SHERIFF'S OFFICE

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

Petitioner,

vs.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a corporation, and THE
BANNER CORPORATION, a corpor-
ation,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. _____.

TO: THE BANNER CORPORATION, a corporation, MOBILE, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 20th day of June,
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
following described real property situated in Baldwin County,
Alabama, in which you are alleged to have some right, title or
interest:

Commencing at the Southeast corner of the Southeast
Quarter of Southwest Quarter of Southwest Quarter of
Section 16, T2S, R3E, which point is also the South-
east corner of Lot 16, Russell's Addition to Douglas-
ville, thence run N 00° 09' E 225 feet to the point of
beginning of the property herein described, thence
continue N 00° 09' E 225 feet to a point, thence run
West 210 feet to a point, thence run S 00° 09' W 225
feet to a point, thence run East 210 feet to the point
of beginning,

And, that the 13th 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 10th day of May, 1963.

Judge of Probate

By: Harry M. Delane Chief Clerk

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

Petitioner,

vs.

DAN ALLEN, ET AL.,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. _____

TO RANCHERS LIFE INSURANCE COMPANY, a Corporation, ADDRESS UNKNOWN, AND TO ANY UNKNOWN PARTY OR PARTIES WHO MIGHT CLAIM ANY RIGHT, TITLE OR INTEREST IN OR ANY LIEN OR ENCUMBRANCE UPON THE PROPERTY HEREINAFTER DESCRIBED:

You will take notice that on this date a petition was filed in this Court by The Housing Authority of The City of Bay Minette, Alabama, setting forth its desire to condemn for public housing purposes certain lands belonging to the defendants, or in which they are interested, which lands are the following described property situated in Baldwin County, Alabama, to-wit:

Commencing at the Southeast corner of the Southeast Quarter of Southwest Quarter of Southwest Quarter of Section 16, T2S, R3E, which point is also the Southeast corner of Lot 16, Russell's Addition to Douglasville, thence run N 00° 09' E 225 feet to the point of beginning of the property herein described, thence continue N 00° 09' E 225 feet to a point, thence run West 210 feet to a point, thence run S 00° 09' W 225 feet to a point, thence run East 210 feet to the point of beginning.

In and by the said petition the said petitioner prays that this Court will make and enter an order appointing a day for the hearing of the said petition and for such other and further orders and procedures as may be necessary.

You will further take notice that the Court has appointed the 13th day of JUNE, 1963, at 9:00 A.M., to hear the said petition, at which time you may appear and contest the same, if you think proper.

WITNESS my hand this the 20th day of MAY, 1963.

WR Stuart
Judge of Probate

. CONNOR OWENS, JR.
Attorney for Petitioner

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

Petitioner,

VS.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a Corporation, and THE
BANNER CORPORATION, a Corpor-
ation,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 5678.

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 defendant as described in the original petition for condemnation.

4. The determination of the damages to be awarded the defendant 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 24 1963

MADE L. DUCK, CLERK
REGISTER

Hubert M. Vane
Judge

THE HOUSING AUTHORITY OF THE)		
CITY OF BAY MINETTE, ALABAMA,)	IN THE CIRCUIT COURT OF	
Petitioner,)		
vs.)	BALDWIN COUNTY, ALABAMA	
DAN ALLEN, SUSIE ALLEN, RANCHERS)		
LIFE INSURANCE COMPANY, a)	AT LAW	NO. 5678
corporation, and THE BANNER)		
CORPORATION, a corporation,)		
Defendants.)		

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 \$ 7300⁰⁰, provided that condemnee shall have the right to remove the new house owned by them from said property within thirty (30) days from the payment of the damages.

Ca Bolden
Jury Foreman.

THE HOUSING AUTHORITY OF THE)	
CITY OF BAY MINETTE, ALABAMA,)	IN THE CIRCUIT COURT OF
Petitioner,)	
vs.)	BALDWIN COUNTY, ALABAMA
DAN ALLEN, SUSIE ALLEN, RANCHERS)	
LIFE INSURANCE COMPANY, a)	AT LAW. NO. 5678.
corporation, and THE BANNER)	
CORPORATION, a corporation,)	
Defendants.)	

FINAL ORDER OF CONDEMNATION:

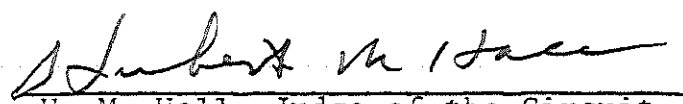
On the 4th day of April, 1964, came a jury to assess and ascertain the damages and compensation to which the owners and other interested parties in the tract of land set forth in the application for condemnation of lands heretofore filed in this cause are entitled and filed their verdict and awarded compensation and damages to the said owners and other interested parties as follows: SEVEN THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$7,300.00), provided, however, that condemnee shall have the right to remove, and the condemnee is hereby given the right to remove the new house owned by them from said property within thirty (30) days from the payment of the damages.

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, Judge of the Circuit
Court of Baldwin County, Alabama.

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

Petitioner,

VS.

DAN ALLEN, SUSIE ALLEN
RANCHERS LIFE INSURANCE COM-
PANY, a Corporation, and THE
BANNER CORPORATION, a Corpo-
ration,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 4980

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 13, 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 13, 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 Dan Allen, Susie Allen, Ranchers Life Insurance Company, a Corporation, and The Banner Corporation, a Corporation.

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.

TO: Hon. C. LeNoir Thompson, as attorney for Dan Allen, Susie Allen, Ranchers Life Insurance Company, a Corporation, and The Banner Corporation, a Corporation.

You are hereby notified that the above notice of appeal was filed in the office of the Judge of Probate of Baldwin County,

STATE OF ALABAMA, BALDWIN COUNTY

Filed June 15, 1963 M

Recorded W. R. S. Crut book page

Judge of Probate

Alabama, on the 28 day of June, 1963.

Witness my hand, this the 28 day of June, 1963.

W. B. Stuart
Judge of Probate
By: Henry M. Doherty Chief Clerk

STATE OF ALABAMA I
BALDWIN COUNTY I

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

Petitioner,

VS.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a Corporation, and THE
BANNER CORPORATION, a Corpo-
ration,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 4980

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.



IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA,

NO. 4980

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

Petitioner,

VS.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a Corporation, and
THE BANNER CORPORATION, a
Corporation,

Defendants.

NOTICE OF APPEAL

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

Received 2 day of July 1963
and on 2 day of July 1963
I served a copy of the within Petition
on C. Le Nor Thompson

By service on _____

TAYLOR WILKINS, Sheriff

By W. L. Garner 3

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA

Petitioner

VS

DAN ALLEN, SUSIE ALLEN
RANCHERS LIFE INSURANCE COM-
PANY, a Corporation, and THE
BANNER CORPORATION, a Corpora-
tion,

Defendants

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. _____

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

THOMPSON & WHITE

BY:

C. L. Thompson
Attorneys for defendant

FILED

JUL 9 1963

ALICE I. DUCK, CLERK
REGISTER

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA

Petitioner

vs

DAN ALLEN, SUSIE ALLEN, RANCHERS
LIFE INSURANCE COMPANY, a corp.
and THE BANNER CORPORATION, a
corporation

Defendants

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 5678

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 require-
ments 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 bondsman 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.

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

Petitioner,

VS.

DAN ALLEN, SUSIE ALLEN,
RANCHERS LIFE INSURANCE COM-
PANY, a Corporation, and THE
BANNER CORPORATION, a Corpor-
ation,

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. Connor Owens Jr.