

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

Petitioner,

vs.

LILLIAN HAWKINS WALLACE,

Defendant.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 5680

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 proceedings to acquire real property for public use under and by the provisions of Title 25, Section 15 of the Code of Alabama. Lillian Hawkins Wallace is over the age of 21 years and is a resident 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 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:

Lot 3, 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 defendant of the filing of this

STATE OF ALABAMA, BALDWIN COUNTY

Filed May 13, 1963 M

Recorded book page

W.R. Stuart
Judge of Probate

application and of the date set for hearing the same in the manner prescribed by Title 19, Section 3 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 purpose 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
CITY OF BAY MINETTE, ALABAMA

By J. H. Faulkner, 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 12 day of May, 1963.

Dorothy Martin
Notary Public, Baldwin County, Ala.

BOOK 032 PAGE 394

STATE OF ALABAMA

BALDWIN COUNTY

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

DATED this the 13 day of May, 1963.

James L. Quinn, Jr.

Taken and approved on this the 13th day of May, 1963.

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

BOOK 032 PAGE 395

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 3, 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 13 day of May, 1963.


J. H. Faulkner
Chairman

BOOK 032 PAGE 396

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

Petitioner,

vs.

LILLIAN HAWKINS WALLACE,

Defendant.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. _____

ORDER APPOINTING DAY TO HEAR THE
APPLICATION TO CONDEMN LANDS

BOOK
032 PAGE 397

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 owner 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 29th day of MAY, 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 Lillian Hawkins Wallace by service upon her by the Sheriff of Baldwin County, Alabama, of a notice of the filing of said application and of the day set for the hearing of the same.

Done this the 13th day of May, 1963.

W. C. Stewart
Judge of Probate

By: Harry M. Davis Chief Clerk

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

Petitioner,

VS.

LILLIAN HAWKINS WALLACE,

Defendant.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

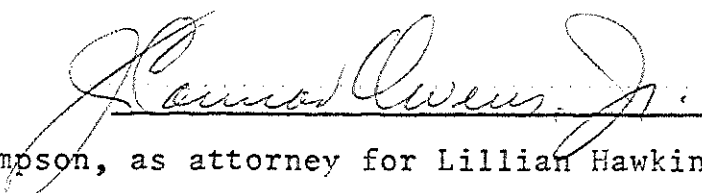
NO. 4971

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 11, 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 11, 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 Lillian Hawkins Wallace.

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 Lillian Hawkins Wallace.

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 28 day of June, 1963.


Judge of Probate

By:  Chief Clerk

STATE OF ALABAMA

BALDWIN COUNTY

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

Petitioner,

VS.

LILLIAN HAWKINS WALLACE,

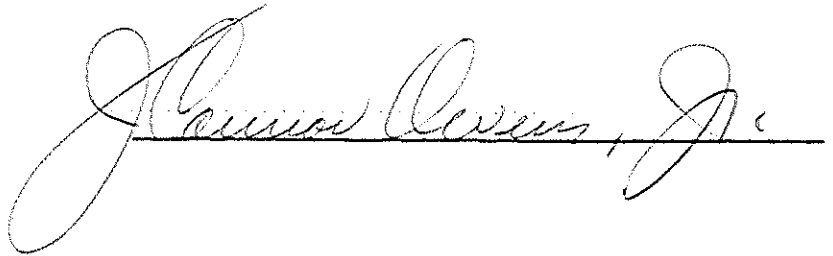
Defendant.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 4971

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.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA,
NO. 4971

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

Petitioner,

VS.

LILLIAN HAWKINS WALLACE,

Defendant.

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 Notice
on C. Le Nori Thompson

By service on _____

TAYLOR WILKINS, Sheriff

By W. D. [Signature] D. S.

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA

Petitioner

vs

LILLIAN HAWKINS WALLACE

Defendant

X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. _____

Comes the defendant in the above styled cause by her attorney of
record, Thompson & White, and respectfully asks for a jury trial in
said cause.

THOMPSON & WHITE

BY:

C. L. Davis Thompson
Attorneys for defendant

FILED

JUL 9 1963

CLERK
REGISTER

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

Petitioner,

VS

LILLIAN HAWKINS WALLACE,

Defendant

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. _____

Comes the defendant in the above styled cause and moves this Honorable Court to dismiss the appeal filed in said cause and as grounds for said motion shows 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-

The 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 requires 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.

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

THOMPSON & WHITE

BY


Attorneys for defendant.

FILED

SEP 18 1963

ALICE J. DUCK, CLERK
REGISTER

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

Petitioner,

VS.

LILLIAN HAWKINS WALLACE,

Defendant.

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:

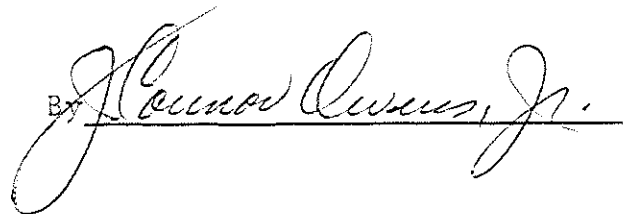
1. That the bond for security for costs in the appeal
in this cause was approved by the Honorable W.R. Stuart, Judge
of Probate, Baldwin County, Alabama, on the 28th day of June,
1963.

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



1097
#103

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

Petitioner, (

vs.

LILLIAN HAWKINS WALLACE,

Defendant.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

NO. _____.

TO: LILLIAN HAWKINS WALLACE, STOCKTON, ALABAMA:

YOU ARE HEREBY NOTIFIED that on the 13th 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 by you:

Lot 3, East Douglasville, being a part of the
Southwest Quarter of the Southeast Quarter of
the Southwest Quarter, Section 16, Township 2
South, Range 5 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 29th day of MAY, 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 13th day of May, 1963.

W. B. Burt
Judge of Probate
By: Amy M. Doline Chief Clerk

PROBATE SUBPONEA

1105

STATE OF ALABAMA

BALDWIN COUNTY

IN THE PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mr. Russell B. Johnson, 711 High Street, Montgomery, Alabama, personally to be and appear before the Probate Court of Baldwin County, Alabama, at Bay Minette, Alabama, on June 11, 1963, at 9:00 o'clock A.M., and from day to day of said term until discharged, to give evidence in behalf of the Defendants in the matter of City of Bay Minette, Alabama, Housing Authority versus certain defendants, a Condemnation Proceeding;

And have you then and there this writ with your endorsment thereon.

Witness my hand this the 4th day of June, 1963.

C. LeNoir Thompson
Attorney for Defendants
Bay Minette, Alabama


Judge of Probate.
By:  Chief Clerk

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

IN THE PROBATE COURT OF

Petitioner

-VS-

LILLIAN HAWKINS WALLACE,
Defendant.

BLADWIN COUNTY, ALABAMA.


ORDER OF CONTINUANCE

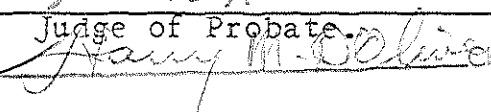
This day being the day regularly appointed by the Court for the hearing on the petition of the Housing Authority of the City of Bay Minette, Alabama, to condemn certain real property belonging to Lillian Hawkins Wallace;

And it appearing to the Court that a continuance in this cause is desired;

It is, Therefore, ORDERED, ADJUDGED AND DECREED by the Court that the said hearing be, and the same hereby is, continued until June 11th, 1963, at 9:00 A.M.

Witness my hand this the 29th day of May, 1963.



Judge of Probate.
By:  Chief Clerk

BOOK 032 PAGE 398

PETITION FOR CREATION OF A
 HOUSING AUTHORITY IN THE CITY
 OF BAY MINETTE, ALABAMA

TO THE CITY CLERK OF THE CITY OF BAY MINETTE, ALABAMA.

We, the undersigned residents of the City of Bay Minette,

Alabama, and an area within 10 miles from the territorial

boundaries thereof, file this petition under and pursuant to

Section 1297 (8) of the "Housing Authorities Law" of the State

of Alabama, (Acts of 1935, No. 56; amended, Acts of 1935 No.

445; 1936 Supp. Alabama Code of 1928, Sections 1297 (5) to

1297 (31) inclusive) and hereby represent and state that

insanitary and unsafe dwelling accommodations exist in the City

of Bay Minette, Alabama, that there is a lack of safe and sanitary

dwelling accommodations in said City available for all the

inhabitants thereof and particularly for persons of low income,

and that there is a need for a Housing Authority to function

therein.

WHEREFORE, in attestation of the above and foregoing, we

have hereto subscribed our names and set opposite the same our

places of residence in the City of Bay Minette, Alabama, this

6th day of February, 1961.

Name	Address
L.L. Malone	Bay Minette, Ala.
Sam C. Pruette	Bay Minette, Ala.
J.H. Faulkner	Bay Minette, Ala.
C.A. Bodden	Bay Minette, Ala.
E.A. Miller	Bay Minette, Ala.
Bobby Huggins	Bay Minette, Ala.
Gerald Davidson	Bay Minette, Ala.
W.B. Hardy	Bay Minette, Ala.
H.T. Baskin	Bay Minette, Ala.
George S. Stough	Bay Minette, Ala.
Telfair J. Mashburn	Bay Minette, Ala.
L.D. Owen, Jr.	Bay Minette, Ala.
I.J. Gamble	Bay Minette, Ala.
W.H. Foster	Bay Minette, Ala.

J.S. Barton	Bay Minette, Ala.
C.E. Floyd	Bay Minette, Ala.
W.P. Wrenn, Jr.	Bay Minette, Ala.
E.D. Noonan, Jr.	Bay Minette, Ala.
John M. Morgan	Bay Minette, Ala.
A.W. Murrah	Bay Minette, Ala.
E. Nassar	Bay Minette, Ala.
J. Connor Owens, Jr.	Bay Minette, Ala.
Johnnie Stacey	Bay Minette, Ala.
J.A. Wurst	Bay Minette, Ala.
John N. Young	Bay Minette, Ala.
W.E. Friel	Bay Minette, Ala.

I, A.R. Cromartie, Clerk of the City of Bay Minette, Alabama, hereby certify that I have examined the above and foregoing petition, that I am satisfied that the signatures thereto were affixed by the persons whose signatures they purport to be, that each of the signers is a resident of the City of Bay Minette, Alabama, and an area within 10 miles from the territorial boundaries thereof, that said petition was filed in my office on the 6th day of February, 1961.

/s/ A.R. Cromartie
City Clerk

(SEAL)

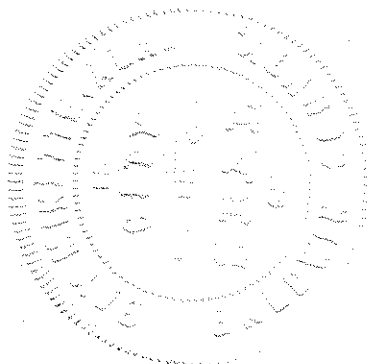
STATE OF ALABAMA
BALDWIN COUNTY

I, CLYDE STEELE, Acting City Clerk, duly appointed as such by the Council of the City of Bay Minette, Alabama, do hereby certify that the foregoing is a true and correct copy of a petition filed with the City Clerk on the 6th day of February, 1961 and that I have compared such to the original as filed on said date.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the City of Bay Minette, Alabama, this 7th day of March, 1962.

Clyde Steele
Acting City Clerk

(SEAL)



Petty #2

INCUMBENCY CERTIFICATE

I, Clyde Steele, the duly appointed, qualified and acting Clerk of the City of Bay Minette, Alabama, hereby certify that on August 1st, 1961, the date of the passage of the Resolution declaring the need for an Authority to function in the City of Bay Minette, Alabama, there were in office the following named officials:

Sam C. Pruette	Mayor
I.J. Gamble	Councilman
Leon Gibson	Councilman
L.D. Owen, Jr.	Councilman
Paul Schultz	Councilman
Albert M. Thompson	Councilman

On the date above stated, there was no litigation pending nor threatening which would contest the right of any of said officials to hold office.

Witness my hand and the official Seal of the City of Bay Minette, Alabama this 6th day of March, 1962.

Clyde Steele

Acting City Clerk

(SEAL)

File Copy

*Petitioners
#3*

A RESOLUTION DECLARING THE NEED FOR A
HOUSING AUTHORITY TO FUNCTION IN THE
CITY OF BAY MINETTE, ALABAMA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF Bay Minette
ALABAMA:

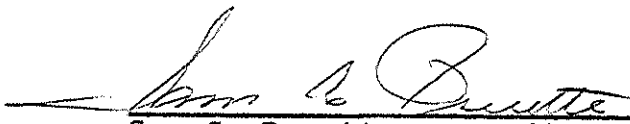
That a petition having been filed with the City Clerk of said City by twenty-five (25) residents thereof, and an area within 10 miles from the territorial boundaries thereof, setting forth that there is a need for a Housing Authority to function therein, and a public hearing having been held, upon due notice given by said City Clerk, all pursuant to the "Housing Authorities Law" of the State of Alabama, as amended, the City Council of said City finds, determines and declares, that:

1. Insanitary and unsafe inhabited dwelling accommodations exist in the City of Bay Minette, Alabama and the area within 10 miles from its territorial boundaries; and
2. There is a lack of safe and sanitary dwelling accommodations in the City of Bay Minette, Alabama and the area within 10 miles from its territorial boundaries; and
3. There is need for a Housing Authority to function in the City of Bay Minette, Alabama and the area within 10 miles from its territorial boundaries; and
4. A petition setting forth the need for a Housing Authority to function in the City of Bay Minette, Alabama, and the area within 10 miles from the territorial boundaries thereof, has not been denied by the City Council thereof within three months of the date of the filing of the aforesaid petition; and
5. The Mayor of the City of Bay Minette, Alabama, be promptly notified of the adoption of this resolution; and
6. The Mayor be and he hereby is directed to file in the office of the City Clerk of the City of Bay Minette, Alabama, the necessary certificate evidencing the appointment of the Commissioners and designation of the first Chairman of the Housing Authority, pursuant to Section 7. of the "Housing Authorities Law" of the State of Alabama; and

7. Said lack of safe and sanitary dwelling accommodations in the City of Bay Minette, Alabama, and the area within 10 miles from the territorial boundaries thereof available for all the inhabitants thereof, at rents which persons of low income can afford, compels such persons to occupy overcrowded and congested dwelling accommodations; that the aforesaid conditions cause and increase in and spread of disease and crime; that the clearance and reconstruction of the areas in which insanitary or unsafe housing conditions exist for public uses and purposes, and that it is in the public interest that work on such projects be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency; that it is necessary to the immediate preservation of the public peace, health and safety that this resolution become effective without delay, and, therefore, the same shall take effect and be in force immediately upon its adoption.

8. This resolution shall be transmitted within forty-eight hours to the Mayor for his approval, who, if he shall approve thereof, shall sign and return same to the clerk, who shall cause it to be published.

ADOPTED THIS 1st of August 1961



Sam C. Pruette Mayor

ATTEST:



A. R. Cromartie City Clerk

CERTIFICATE OF RECORDING OFFICER

I, A. R. Cromartie, Clerk of the City of Bay Minette, Alabama, hereby certify that I have compared the annexed extract of the minutes of a Regular meeting of the City Council of said City held on the 1st day of August, 19 61, containing a resolution entitled "A Resolution Declaring the Need for a Housing Authority to function in the City of Bay Minette, Alabama," with the original thereof recorded in the official minute book and that it is a correct transcript therefrom and of the whole of said original; that the foregoing extracts of the minutes of the meeting at which said resolution was adopted is a true and complete transcript of such minutes and that the foregoing resolution is a true, complete and accurate copy of the resolution adopted at said meeting.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the City of Bay Minette, Alabama, this 2nd day of August, 19 61.

(SEAL)

A. R. Cromartie
City Clerk

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

Petitioner

vs.

LILLIAN HAWKINS WALLACE

Defendant

X
X
X
X
X
X

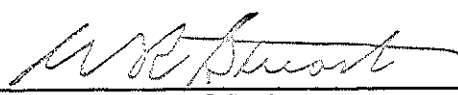
IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
NO. _____

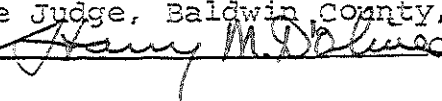
DECREE

This being the day regularly appointed to hear the petition of The BayMinette 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 Lillian Hawkins Wallace and her 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, the Court now proceeds to hear said petition, together with all the evidence touching same. It appears to the Court upon the evidence of the said petitioner and of the said respondent taken orally before court 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 11th day of JUNE, 1963



Probate Judge, Baldwin County, Alabama
By:  Chief Clerk

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

Petitioner,

VS.

LILLIAN HAWKINS WALLACE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT 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 Defendant 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. Yes.

5. Yes.

6. Yes.

7. No.

8. See 7.

9. 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 Defendant's property other than as a part and parcel of the overall project.

10. It appears that all of the Defendant's property, being Lot 3, of East Douglasville, is to be condemned and I do not believe that any part of the property owned by the Defendant in East Douglasville is omitted from this suit.

11. As previously stated, no individual survey has been made of the Defendant's 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 Defendant's property along with the other properties.

12. Yes.

13. \$2100.00.

14. Yes.

15. \$1900.00 for the lot, as well as I remember, with the

Defendant to keep the improvements. This offer was conditioned upon the Defendant's signing an option and was withdrawn when the Defendant stated that she could not sign the option until all of the others had signed.

16. Petitioner objects to Question No. 16 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.

17. Petitioner objects to Question No. 17 on the grounds that it is irrelevant and immaterial.

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

18. Petitioner objects to Question No. 18 on the grounds that it is irrelevant and immaterial.

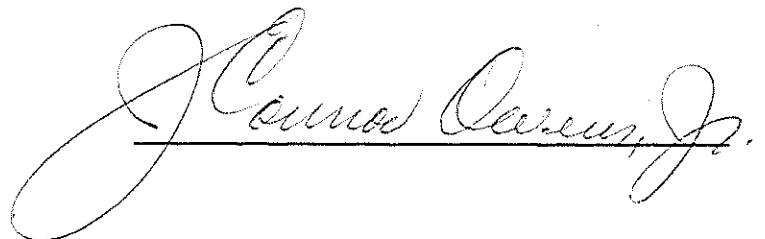
There is no greater likelihood, in my opinion, that Public Housing facilities in Bay Minette would be "integrated" any more than the additional school facilities that the school authorities are now building.

19. No.

20. 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.

21, 22, 23. Petitioner objects to Questions 21-23, 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.

James Owens, Jr.

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

Lawrence E. Harris
Notary Public

FILED

SEP 10 1963

ALICE J. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW NO. 5680.

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

Petitioner,

VS.

LILLIAN HAWKINS WALLACE,

Defendant.

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.

LILLIAN HAWKINS WALLACE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT 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 Defendant 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. Yes.

5. Yes.

6. Yes.

7. No.

8. See 7.

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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.

James Curran, Jr.

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

Lawrence E. Harris
Notary Public

FILED

SEP 10 1963

ALICE L. DUCK, CLERK
REGISTER

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

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

Petitioner,

VS.

LILLIAN HAWKINS WALLACE,

Defendant.

ANSWERS TO INTERROGATORIES

MASHBURN & OWENS

ATTORNEYS AT LAW

DAHLBERG BUILDING

BAY MINETTE, ALABAMA

THE HOUSING AUTHORITY OF THE)	
CITY OF BAY MINETTE, ALABAMA,)	IN THE CIRCUIT COURT OF
Petitioner,)	
vs.)	BALDWIN COUNTY, ALABAMA
LILLIAN HAWKINS WALLACE,)	
Defendant.)	AT LAW. NO. 5680
)	

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: FOUR THOUSAND FOUR HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$4,475.00).

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 ascertain, 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

LILLIAN HAWKINS WALLACE

Defendant

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. _____

Comes the defendant in the above styled cause and propounds
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 BayMinette Housing Authority the complainant in
this cause?

3. Does its charter authorize low rent housing, urban re-
newal or slum clearance? State which.

4. Is the Bay Minette Housing Authority required to comply
with any regulations of the Federal Housing and Home Finance
Agency?

5. Is the Bay Minette Housing Authority required to com-
ply with any regulations of the Federal Public Housing Administra-
tion?

6. Is the Bay Minette Housing Authority required to be
certified as approved by the Federal Housing and Home Finance
Agency?

7. Is the Bay Minette Housing Authority required to make
any reports to the Bay Minette City Council?

8. If your answer is "yes", has the Bay Minette Housing
Authority made such reports?

9. As plaintiff in the above cause, has the Bay Minette
Housing Authority had a survey made of the defendant's property?

10. If your answer is "yes", does the survey show defen-
dant's 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?

11. 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 defendant named herein.

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

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

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

15. If the answer is "yes", state the amount which you have offered the said defendant.

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

17. 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?

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

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

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

21. 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.

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

23. 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 defendant

STATE OF ALABAMA

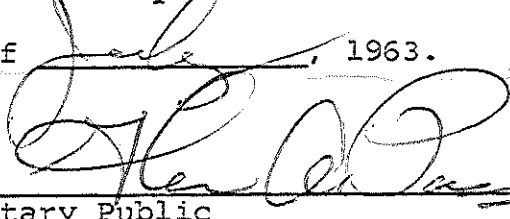
BALDWIN COUNTY

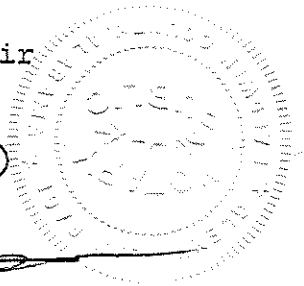
Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendant 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 defendant on the trial of said cause.


C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 15 day of June, 1963.


Notary Public



Defendant.

AT LAW. NO. 5680

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 \$ 4475⁰⁰.

Ca Bolder

Jury Foreman.

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

Petitioner,

VS.

LILLIAN HAWKINS WALLACE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 5640.

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, defendant's 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 defendant's 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 30 1963

ALICE L. DUCK, CLERK
REGISTER

John M. Hall
Judge