

STATE OF ALABAMA,	Ø		
	Ø	IN THE CIRCUIT COURT OF	
Condemnor,	Ø		
vs.	Ø	BALDWIN COUNTY, ALABAMA	
	Ø		
INTERNATIONAL PAPER COMPANY,			
INC., A Corporation,	Ø	AT LAW	NO. <u>5897</u>
Condemnee.	Ø		

MOTION TO DISMISS APPEAL

Comes now International Paper Company, Inc., a corporation, Condemnee in the above styled cause, by its attorneys, and appearing specially for the purpose of filing this motion and for no other different object or purpose and file this its motion to dismiss the appeal heretofore sought to be taken by the State of Alabama to this Honorable Court from the Probate Court of Baldwin County, Alabama, and respectfully represents and shows unto this Honorable Court as follows:

That on the eighteenth day of October, 1963, the State of Alabama filed an application for condemnation against this Condemnee and others in the Probate Court of Baldwin County, Alabama, which application was docketed as Case No. 5080 in said Probate Court, and which application was filed pursuant to and under the authority of Chapter 1 of Title 19 of the Code of Alabama of 1940. That subsequent to the filing of said application against this Condemnee, and on to-wit, the 29th day of November, 1963, the Probate Court of Baldwin County, Alabama, in said case entered a final order of condemnation in and by the terms of which the property described in said application for condemnation belonging to this Condemnee was condemned for the purposes set forth in said application for condemnation upon the payment of damages and compensation so ascertained, assessed, and reported or the deposit of the same in court as provided in Chapter 1 of Title 19 of the Code of Alabama of 1940. That on the same date (November 29,

1963) the Probate Court of Baldwin County, Alabama, did in a condemnation proceeding filed on October 4, 1963, entitled State of Alabama vs. W. P. Brown & Sons Lumber Company, a corporation, et al, and docketed as Case No. 5060 in said court enter a similar order of condemnation; and said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 4, 1963, entitled State of Alabama vs. Sherrill R. Manning, et al, and docketed in said court as Case No. 5061 enter a similar order of condemnation; and said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 11, 1963, entitled State of Alabama vs. Luther Findley, et al, and docketed in said court as Case No. 5081 enter a similar order of condemnation; and said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 18, 1963, entitled State of Alabama vs. Andrew Davison, et al. and docketed in said court as Case No. 5083 enter a similar order of condemnation; and said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 31, 1963, entitled State of Alabama vs. Paul E. Goodgame et al, and docketed in said court as Case No. 5085 enter a similar order of condemnation; and that said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 16, 1963, entitled State of Alabama vs. H. V. Harrell and docketed in said court as Case No. 5099 enter a similar order of condemnation. That copies of each of said orders of condemnation are attached hereto and marked "Exhibit A" through "Exhibit G" and by reference made a part hereof as though expressly incorporated herein. That on the 27th day of December, 1963, the State of Alabama filed in the Probate Court of Baldwin County, Alabama, an instrument purporting to be a "Notice of Appeal from Order of Condemnation", a copy of which is attached hereto and marked "Exhibit H" and by reference made a part hereof as though expressly incorporated herein, in and by the terms of which the State of Alabama purported or attempted to take "an appeal to the Circuit Court of Baldwin County Alabama, from the Order of Condemnation entered in said cause on

the 29th day of November, 1963." That International Paper Company Inc., a corporation, was a party to Case No. 5080 in the Probate Court of Baldwin County, Alabama, in which case an order of condemnation was made and entered on November 29, 1963, but it was not a party to, or interested in, Cases No. 5060, 5061, 5081, 5083, 5085 or 5099. That there was not on December 27, 1963, or on the date of the filing of this motion, any proceeding then pending in the Probate Court of Baldwin County, Alabama, wherein the State of Alabama was Condemnor and the persons named in Exhibit H attached hereto were Condemnees. That no order of condemnation of the Probate Court of Baldwin County, Alabama, was made and entered on November 29, 1963, in any cause wherein the State of Alabama was Condemnor and the parties named as Condemnees in Exhibit H. attached hereto and by reference made a part hereof and there is attached hereto and marked "Exhibit I" and by reference made a part hereof, an affidavit of Harry M. D'Olive, who was on November 29, 1963, and is now, the Chief Clerk of the Probate Court of Baldwin County, Alabama, to that effect. That no notice of appeal as required by Title 19, Section 17 of the Code of Alabama of 1940 has been filed in the Probate Court of Baldwin County, Alabama, in the condemnation proceeding therein entitled State of Alabama vs. U. S. Steel Corporation, et al. and docketed in said court as Case 5080, in which proceeding your Condemnee was a party thereto, although a copy of the attached notice of appeal from order of condemnation was served on your Condemnee.

WHEREFORE your Condemnee respectfully moves that this Honorable Court enter an order or decree dismissing the appeal attempted or purported to be taken by the State of Alabama to this Honorable Court and remanding said cause to the Probate Court of Baldwin County, Alabama; and that in and by the terms of said order the Clerk of this Honorable Court be ordered to send back the proceedings had in the Probate Court of Baldwin County, Alabama, in the condemnation proceeding noted above in which this Condemnee was

named as a party for further action by the Probate Court of Baldwin County, Alabama.

Respectfully submitted,

CHASON, STONE & CHASON

By:   
Attorneys for International Paper  
Company, Inc., a corporation

STATE OF ALABAMA

PETITIONER,

VS.

Brown & Sons Lumber Company, a  
• (For parcel 1A); Ray E. Loper  
er Company, a Corp. (For parcels  
hru 1B); R.J. Robertson (For parcel  
Baldwin County, Alabama, a Poli-  
1 Subdivision of the State of  
ama.

Respondent.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 5060

FINAL ORDER OF CONDEMNATION

On the 7th day of Nov, 1963, came E. P. BELL

RANDOLPH MCGOWAN, and THOMAS W. TAYLOR,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 1-A, 1-B, 1-C, 1-D.

1-E, and 66, Project No. F-193(9), in the amount of \$ 1,226.50

for Parcel No. 1-A, \$ 1,237.50 for Parcel No. 1-B, \$ 577.50

for Parcel No. 1-C, \$ 1,727.00 for Parcel No. 1-D, \$ 1,094.50

for Parcel no. 1-E, and \$ 11,640.00 for Parcel No. 66.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

  
Judge of Probate

STATE OF ALABAMA

PETITIONER,

VS.

HERRILL R. MANNING, (Parcel 25), C.  
HARDY (Parcel 26), M.V. McWATERS  
Parcel 29), HOWARD E. BAXENDALE  
Parcel 30), MRS E.R. McCREARY (Par-  
cel 36), VINA WARD (Parcel 38); and  
BALDWIN COUNTY ALABAMA, A POLITICAL  
SUBDIVISION OF THE STATE OF ALABAMA.

Respondent.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5061

FINAL ORDER OF CONDEMNATION

On the 27th day of Nov, 1963, came O. W. LYLES, RANDOLPH

McGOWAN

, and

E. P. BELL

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 25, 26, 29, 30  
36, and 38, Project No. F-193(9), in the amount of \$ 200.00  
for Parcel No. 25, \$ 1650.00 for Parcel No. 26, \$ 3200.00  
for Parcel No. 29, \$ 16,780.00 for Parcel No. 38, \$ 1800.00  
for Parcel no. 30, and \$ 12,000.00 for Parcel No. 36.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of Nov, 1963.

  
Judge of Probate

Exhibit B

STATE OF ALABAMA

PETITIONER,

VS.

See Respondents List No. 1,

Attached, to APPLICATION FOR  
CONDEMNATION PETITION

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5000

FINAL ORDER OF CONDEMNATION

On the        day of           , 1963, came E. P? BELL

RANDOLPH MCGOWAN

, and O. W. LYLES

Commissioners heretofore appointed by this Court to assess and as-  
tain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
or condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 2, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Project No. F-193(9), in the amount of \$            for Parcel No.

8, \$            for Parcel No. 6, \$ 22222222 for Parcel

No. 9, \$ 22,930.00 for Parcel No. 10A, \$ 11,830.00 for Parcel

No. 10B, \$ 900.00 for Parcel No. 20, \$ 900.00 for Parcel

No. 20, \$ 600.00 for Parcel No. 20, \$ 800.00 for Parcel

No. 24, \$ 1,010.00 for Parcel No. 35, \$ ----- for Parcel

No. 30, \$ 12,500.00 for Parcel No. 44, \$ 15,033.00 for Parcel

No. 46, \$ 4,000.00 for Parcel No. 46, \$ 3,123.00 for Parcel

No. 47, \$ 1,630.00 for Parcel No. 48, \$ 2,100.00 for Parcel

No. 49, \$ 300.00 for Parcel No. 50, \$ 2,552.00 for Parcel

No. 51, \$ 15.00 for Parcel No. 52, \$ ----- for Parcel

No. 53, \$ 2,945.00 for Parcel No. 54, \$ ----- for Parcel

No. 55, \$ 1,510.00 for Parcel No. 57, \$ 5,800.00 for Parcel

No. 58, \$ 4,000.00 for Parcel No. 60, \$ ----- for Parcel

No. 61, \$ 2,820.00

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

STATE OF ALABAMA

PETITIONER,

VS.

LUTHER FINDLEY and MAGGIE FINDLEY,  
CLARICE MAY HALE, A. H. BROWN,  
CLARICE MAY HALE and A. H. HALE,  
and BALDWIN COUNTY, ALABAMA, A  
POLITICAL SUBDIVISION OF THE STATE  
FO ALABAMA,  
RESPONDENTS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 5081

FINAL ORDER OF CONDEMNATION

On the 27th day of November, 1963, came E. P. Bell,

O.W. Lyles, and Randolph McGowan,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 4, 7 and 8,  
      , and       , Project No. F-193(9), in the amount of \$ 800.00  
for Parcel No. 4, \$ 10,000.00 for Parcel No. 7, \$ 16,000.00  
for Parcel No. 8, \$        for Parcel No.       , \$         
for Parcel no.       , and \$        for Parcel No.       .

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

W. R. Street  
Judge of Probate

Exhibit D



STATE OF ALABAMA

PETITIONER,

VS.

ANDREW DAVISON (Parcel 14), RAY E.  
LOPER LUMBER CO., INC, A CORP  
(Parcel 40A & B), EMORY BRANTLEY  
AND DORIS BRANTLY (Parcel 70), and  
BALDWIN COUNTY, ALABAMA, A POLI-  
TICAL SUBDIVISION OF THE STATE OF  
ALABAMA,

RESPONDENTS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5083

FINAL ORDER OF CONDEMNATION

On the 22nd day of November, 1963, came E. P. Bell, Randolph  
McGowan, and O.W. Lyles

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 14, 40A & B, 70,  
      , and       , Project No. F-193(9), in the amount of \$ 1,000.00  
for Parcel No. 14, \$ 3,256.00 for Parcel No. 40A & B, \$ 1,500.00  
for Parcel No. 70, \$        for Parcel No.       , \$         
for Parcel no.       , and \$        for Parcel No.       .

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

W. N. Starn  
Judge of Probate

Exhibit E

IT IS FURTHER 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 and the deposit of the same in Court as provided in Section 16 of Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all costs of the proceeding.

Done this 29th day of November, 1963.

  
\_\_\_\_\_  
Judge of Probate

STATE OF ALABAMA

PETITIONER,

VS.

PAUL E. GOODGAME and ERNESTINE  
GOODGAME (For Parcel 41); BEN  
TYUS and VELMA TYUS (For Par-  
cel 42); and BALDWIN COUNTY,  
ALABAMA, A POLITICAL SUBDIVISION  
OF THE STATE OF ALABAMA,

Respondent.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 5085

FINAL ORDER OF CONDEMNATION

On the 22nd day of November, 1963, came E. P. Bell,

Randolph McGowan,

and

O.W. Lyles,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 41, 42, \_\_\_\_\_,

\_\_\_\_\_, and \_\_\_\_\_, Project No. F-193(9), in the amount of \$ 250.00

for Parcel No. 41, \$ 250.00 for Parcel No. 42, \$ \_\_\_\_\_

for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_

for Parcel no. \_\_\_\_\_, and \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

W. R. Stewart  
Judge of Probate

STATE OF ALABAMA

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5099

FINAL ORDER OF CONDEMNATION

On the 7th day of Nov, 1963, came E. P. BELL

RANDOLPH MCGOWAN, and O. W. LYLES,

commissioners heretofore appointed by this Court to assess and ascertain the damages and compensation to which the owners and other parties interested in the tracts of land set forth in the application for condemnation of lands heretofore filed in this cause are entitled and filed their report in writing and under oath setting forth that they awarded compensation and damages to the said owners and other parties interested in Parcels No. 3, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, Project No. F-193(9), in the amount of \$ 15,000.00 for Parcel No. 3, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel no. \_\_\_\_\_, and \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 or the deposit of the same in Court as provided in Section 16 of Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all costs of the proceeding.

Done this 29th day of Nov, 1963.

W. R. Stewart  
Judge of Probate

STATE OF ALABAMA

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

VS

W.P. BROWN & SONS LUMBER COMPANY, INC. A CORP.  
(FOR PARCEL (A): RAY E. LOPER  
LUMBER COMPANY, A CORP. (FOR PARCELS  
1B THRU 1E); H.V. HARRELL (FOR  
PARCEL 3); CLARICE MAY HALE (FOR  
PARCEL 7); A.H. BROWN, CLARICE  
MAY HALE AND A.H. HALE (FOR PARCEL  
8); FRANK M. TAYLOR (FOR PARCEL  
9); G. M. BUSH AND ALLERA D. BUSH  
(FOR PARCEL 10A); ANDREW DAVIDSON  
(FOR PARCEL 14); M.V. McWATERS AND  
BUENA A. Mc WATERS (FOR PARCEL 29)  
SOUTHERN BELL TELEPHONE AND TELE-  
GRAPH COMPANY, INC., A CORP. (FOR  
PARCEL (32); LESLIE E. TENISON AND  
MAY L. TENISON (FOR PARCEL 34); ELLA  
H. WARD (FOR PARCEL #38); RAY E.  
LOPER LUMBER COMPANY, INC. (FOR  
PARCEL 40 A&B); GARY ELLIS AND SCOTT  
ELLIS (FOR PARCEL 44); RUTH L. PAGE  
(FOR PARCEL 45); INTERNATIONAL PAPER  
COMPANY, INC (FOR PARCEL 46); J.F.  
BARNES (FOR PARCEL 47); EUGENE T.  
REID (FOR PARCEL 50); EUGENE T. REID  
(FOR PARCEL 53); RUSSELL SHERMAN  
AND DELAYNE R. SHERMAN (FOR PARCEL  
54); JESSIE M. REID (FOR PARCEL  
58 B&C); R.J. ROBERTSON AND MARY F.  
ROBERTSON (FOR PARCEL 66); L.T.  
RHODES, JR. (FOR PARCEL 72-A); and  
BALDWIN COUNTY, ALABAMA, A POLITICAL  
SUBDIVISION OF THE STATE OF ALABAMA,

CONDEMNNEES.

#### NOTICE OF APPEAL FROM ORDER OF CONDEMNATION

Comes now the STATE OF ALABAMA, acting by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, State of Alabama, Condemnor in above entitled cause, and prays for and takes an appeal to the Circuit Court Of Baldwin County, Alabama, from the order of condemnation entered in said cause on the ... day of November, 1963, insofar as said order of condemnation relates to the lands described in the following Parcels, which pertain to Project F-193(9), Baldwin County, Alabama:

1. Parcel 1A, owned by W.P. Brown and Sons Lumber Company, Inc. with address % Ray E. Loper, Bay Minette, Alabama, and as described in Exhibit "A" hereto.
2. Parcels 1B, 1C, 1D and 1E, owned by Ray E. Loper Lumber Company, Inc., address % Ray E. Loper, Bay Minette, Alabama, and as described in Exhibit "B" hereto.
3. Parcel 3, owned by H.V. Harrell, Stapleton, Alabama, and as described in Exhibit "C" hereto.
4. Parcel 7, owned by Clarice May Hale, Stapleton, Alabama, and as described in Exhibit "D" hereto.

Dec. 27, 1963

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Harry M. Baline

EXHIBIT H



5. Parcel 8, owned by A.M. Brown, Clarence May Hale and A.M. Hale, Stapleton, Alabama, and as described in Exhibit "F" hereto.
6. Parcel 9, owned by Frank M. Taylor, Stapleton, Alabama, and as described in Exhibit "F" hereto.
7. Parcel 10 A, owned by G.M. Bush and Allego B. Bush, Stapleton, Alabama, and as described in Exhibit "G" hereto.
8. Parcel 14, owned by Andrew Davidson, Stapleton, Alabama, and as described in Exhibit "H" hereto.
9. Parcel 29, owned by M.V. McWaters and Emma A. McWaters, of Stapleton, Alabama, and as described in Exhibit "I" hereto.
10. Parcel 32, owned by Southern Bell Telephone and Telegraph Company, Inc., % Sam J. B. Blackburn, Bay Minette, Alabama, and as described in Exhibit "J" hereto.
11. Parcel 34, owned by Leslie B. Tenison and May L. Tenison, % Ray Stephens, First National Bank, Bay Minette, Alabama, and as described in Exhibit "K" hereto.
12. Parcel 38, owned by Ella H. Ward, Stapleton, Alabama, and as described in Exhibit "L" hereto.
13. Parcels 40A and B, owned by Ray E. Loper Lumber Company, Inc., % Ray E. Loper, Bay Minette, Alabama, and as described in Exhibit "M" hereto.
14. Parcel 44, owned by Gary Ellis of Stapleton, Alabama, and Scott Ellis, of Route 2, Hotchkiss, Colorado, and as described in Exhibit "N" hereto.
15. Parcel 45, owned by Ruth L. Page of Bay Minette, Alabama, and as described in Exhibit "O" hereto.
16. Parcel 46, owned by International Paper, Company, Inc, Mobile, Alabama, and as described in Exhibit "P" hereto.
17. Parcel 47, owned by J.F. Barnes, Bay Minette, Alabama, and as described in Exhibit "Q" hereto.
18. Parcel 50, owned by Eugene T. Reid, Bay Minette, Alabama, and as described in Exhibit "R" hereto.
19. Parcel 53, owned by Eugene T. Reid, Bay Minette, Alabama, and as described in Exhibit "S" hereto.
20. Parcel 54, owned by Russell Sherman and Delayne R. Sherman, Bay Minette, Alabama, and as described in Exhibit "T" hereto.
21. Parcel 58 B&C, owned by Jessie M. Reid, Bay Minette, Alabama, and as described in Exhibit "U" hereto.
22. Parcel 66, owned by R.J. Robertson and Mary F. Robertson, Bay Minette, Alabama and as described in Exhibit "V" hereto.
23. Parcel 72A, owned by L.T. Rhodes, Jr., Bay Minette, Alabama and as described in Exhibit "W" hereto.
24. For tax interest on all parcels, Baldwin County, Alabama, % John Hadley, Bay Minette, Alabama.

And the Condemner, the State of Alabama, does herewith file in the Court of Probate, Baldwin County, Alabama, the Court rendering such Order of Condemnation, this its written Notice Of Appeal to the Circuit Court of Baldwin County, Alabama, and said appeal is taken against each and all claimants to the aforesaid parcels of land described.

The State of Alabama, demands a trial by jury in each and every parcel described herein,

STATE OF ALABAMA,  
*Richard Flowers.*  
*Attorney General*  
By: *Kenneth Cooper*  
City Appointed Special  
Assistant Attorney General  
State Of Alabama

A. Bacon and Bitha Bacon, Galilee Primitive Baptist Church, Inc., First National Bank of Bay Minette, Alabama, Gary Ellis and Scott Ellis, Ruth L. Page, International Paper Company, Inc., a corporation, J. F. Barnes, Estate of J. S. Lowrey, B. B. White, William J. Sneering, Eugene Reid, John C. Graham and Lucia Aline Graham, Bernice Reid, Stanley T. Milligan, Russell Sherman and Delayne R. Sherman, Emma L. Lee, Jessie M. Reed, Veterans Administration, Bryan-Smith Oil Company, Inc., a corporation, Birmingham Trust National Bank, L. T. Rhodes, Jr. and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as Case #5080; that on October 11, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1 of the 1940 Code of Alabama wherein Luther Findley and Maggie Findley, Clarice May Hall, A. H. Brown, Clarice May Hale, A. H. Hale and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as Case #5081; that on October 18, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1, of the 1940 Code of Alabama wherein Andrew Davison, Ray E. Loper Lumber Company, Inc., a corporation, Emory Brantley and Doris Brantley and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as Case #5083; that on October 31, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1, of the 1940 Code of Alabama wherein Paul E. Goodgame and Ernestine Goodgame, Ben Tyus and Velma Tyus, and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as Case #5085; that on October 16, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1, of the 1940 Code of Ala-



dama, wherein H. V. Harrell was the Condemnee and said case was docketed in said court as Case #5099.

Harry M. D'Olive

Sworn to and subscribed before

me on this the 20<sup>th</sup> day of January,

1964.

Notary Public, Baldwin County, Alabama

FILED

JAN 22 1964

ALICE J. DUCK, CLERK, REGISTER

EXHIBIT I

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Harry M. D'Olive who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Harry M. D'Olive. That he is now and was on the 29th day of November, 1963, and at all times subsequent thereto, Chief Clerk of the Probate Court of Baldwin County, Alabama, in Bay Minette, Baldwin County, Alabama. That as such Chief Clerk of the Probate Court of Baldwin County, Alabama, he is familiar with and has personal knowledge of the records on file in the Probate Court of Baldwin County, Alabama, and, in particular, the records with respect to any and all condemnation proceedings instituted in said court. That there was not, on November 29, 1963, December 27, 1963 and there is not now any condemnation proceeding pending in the Probate Court of Baldwin County, Alabama, or from which an appeal has been taken by the Condemnor wherein the State of Alabama is the Condemnor and W. P. Brown & Sons Lumber Company, Inc. a Corp. (For Parcel (A): Ray E. Loper Lumber Company, a Corp. (For Parcels 1B thru 1E); H. V. Harrell (For Parcel 3); Clarice May Hale (For Parcel 7); A. H. Brown, Clarice May Hale and A. H. Hale (For Parcel 8); Frank M. Taylor (For Parcel 9); G. M. Bush and Allera D. Bush (For Parcel 10A); Andrew Davidson (For Parcel 14); M. V. McWaters and Buena A. McWaters (For Parcel 29) Southern Bell Telephone and Telegraph Company, Inc., a Corp. (For Parcel (32); Leslie E. Tenison and May L. Tenison (For Parcel 34); Ella H. Ward (For Parcel #38); Ray E. Loper Lumber Company, Inc. (For Parcel 40 A & B); Gary Ellis and Scott Ellis (For Parcel 44); Ruth L. Page (For Parcel 45); Inter-

STATE OF ALABAMA,	X	
	X	
Condemnor,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
FRANK M. TAYLOR,	X	
	X	AT LAW
Condemnee.	X	NO: <u>5897</u>
	X	

MOTION TO DISMISS APPEAL

Comes now Frank M. Taylor, Condemnee in the above styled cause, by his attorneys, and appearing specially for the purpose of filing this motion and for no other different object or purpose and files this his motion to dismiss the appeal heretofore sought to be taken by the State of Alabama to this Honorable Court from the Probate Court of Baldwin County, Alabama, and respectfully represents and shows unto this Honorable Court as follows:

That on the eighteenth day of October, 1963, the State of Alabama filed an application for condemnation against this Condemnee and others in the Probate Court of Baldwin County, Alabama, which application was docketed as Case No. 5080 in said Probate Court, and which application was filed pursuant to and under the authority of Chapter 1 of Title 19 of the Code of Alabama of 1940. That subsequent to the filing of said application against this Condemnee, and on to-wit: the 29th day of November, 1963, the Probate Court of Baldwin County, Alabama, in said case entered a final order of condemnation in and by the terms of which the property described in said application for condemnation belonging to this Condemnee was condemned for the purposes set forth in said application for condemnation upon the payment of damages and compensation so ascertained, assessed, and reported or the deposit of the same in court as provided in Chapter 1 of Title 19 of the Code of Alabama of 1940. That on the same date (November 29, 1963) the Probate Court of Baldwin County, Alabama, did in a condemnation proceeding filed on October 4, 1963, entitled State of Alabama vs. W. P. Brown & Sons Lumber Company, a corporation, et al, and docketed as Case No. 5060 in said court enter a similar

order of condemnation; and said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 4, 1963, entitled State of Alabama vs. Sherrill R. Manning, et al., and docketed in said court as Case No. 5061 enter a similar order of condemnation; and said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 11, 1963, entitled State of Alabama vs. Luther Findley, et al, and docketed in said court as Case No. 5081 enter a similar order of condemnation; and said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 18, 1963, entitled State of Alabama vs. Andrew Davison, et al. and docketed in said court as Case No. 5083 enter a similar order of condemnation; and said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 31, 1963, entitled State of Alabama vs. Paul E. Goodgame et al, and docketed in said court as Case No. 5085 enter a similar order of condemnation; and that said court did on said date (November 29, 1963), in a condemnation proceeding filed on October 16, 1963, entitled State of Alabama vs. H. V. Harrell and docketed in said court as Case No. 5099 enter a similar order of condemnation. That copies of each of said orders of condemnation are attached hereto and marked "Exhibit A" through "Exhibit G" and by reference made a part hereof as though expressly incorporated herein. That on the 27th day of December, 1963, the State of Alabama filed in the Probate Court of Baldwin County, Alabama, an instrument purporting to be a "Notice of Appeal from Order of Condemnation", a copy of which is attached hereto and marked "Exhibit H" and by reference made a part hereof as though expressly incorporated herein, in and by the terms of which the State of Alabama purported or attempted to take "an appeal to the Circuit Court of Baldwin County, from the Order of Condemnation entered in said cause on the 29th day of November, 1963." That Frank M. Taylor was a party to Case No. 5080 in the Probate Court of Baldwin County, Alabama, in which case an order of condemnation was made and entered on November 29, 1963, but he was not a party to, or interested in, Cases No. 5060, 5061, 5081, 5083, 5085 or 5099. That there was not, on December 27, 1963, or on the date of the filing of this motion, any proceeding then pending in

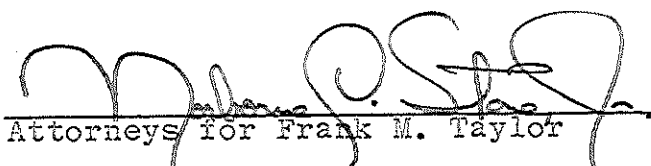
the Probate Court of Baldwin County, Alabama wherein the State of Alabama was the Condemnor and the persons named in Exhibit H attached hereto were Condemnees. That no order of condemnation of the Probate Court of Baldwin County Alabama, was made and entered on November 29, 1963, in any cause wherein the State of Alabama was Condemnor and the parties named as Condemnees in Exhibit H, attached hereto and by reference made a part hereof and there is attached hereto and marked "Exhibit I" and by reference made a part hereof an affidavit of Harry M. D'Olive, who was on November 29, 1963, and is now, the Chief Clerk of the Probate Court of Baldwin County, Alabama, to that effect. That no notice of appeal as required by Title 19, Section 17 of the Code of Alabama of 1940 has been filed in the Probate Court of Baldwin County, Alabama, in the condemnation proceeding therein entitled State of Alabama vs. U. S. Steel Corporation, et al. and docketed in said court as Case 5080, in which proceeding your Condemnee was a party thereto, although a copy of the attached notice of appeal from order of condemnation was served on your Condemnee.

WHEREFORE your Condemnee respectfully moves that this Honorable Court enter an order or decree dismissing the appeal attempted or purported to be taken by the State of Alabama to this Honorable Court and remanding said cause to the Probate Court of Baldwin County, Alabama; and that in and by the terms of said order the Clerk of this Honorable Court be ordered to send back the proceedings had in the Probate Court of Baldwin County, Alabama, in the condemnation proceeding noted above in which this Condemnee was named as a party for further action by the Probate Court of Baldwin County, Alabama.

Respectfully submitted,

CHASON, STONE & CHASON

By:

  
Attorneys for Frank M. Taylor

STATE OF ALABAMA

PETITIONER,

VS.

E.P. Brown & Sons Lumber Company, a  
Corp. (For parcel 1A); Ray E. Loper  
Lumber Company, a Corp. (For parcels  
thru 1E); R.J. Robertson (For parcel  
66); Baldwin County, Alabama, a Poli-  
tical Subdivision of the State of  
Alabama.

Respondent.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5060

FINAL ORDER OF CONDEMNATION

On the 7th day of Nov, 1963, came E. P. BELL

RANDOLPH MCGOWAN, and THOMAS W. TAYLOR,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 1-A, 1-B, 1-C, 1-D,  
1-E, and 66, Project No. F-193(9), in the amount of \$ 1,226.50  
for Parcel No. 1-A, \$ 1,237.50 for Parcel No. 1-B, \$ 577.50  
for Parcel No. 1-C, \$ 1,727.00 for Parcel No. 1-D, \$ 1,094.50  
for Parcel no. 1-E, and \$ 11,640.00 for Parcel No. 66.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and record.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that  
the property described in the application for condemnation here ofore  
filed in this cause be and the same is hereby condemned for the pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDELED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

  
Judge of Probate

STATE OF ALABAMA

PETITIONER,

VS.

ERRILL R. MANNING, (Parcel 25), C.  
HARDY (Parcel 26), M.V. McWATERS  
(Parcel 29), HOWARD E. BAKENDALE  
(Parcel 30), MRS E.R. McCREARY (Par-  
cel 36), VINA WARD (Parcel 38); and  
BALDWIN COUNTY ALABAMA, A POLITICAL  
DIVISION OF THE STATE OF ALABAMA.

Respondent.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 5061

FINAL ORDER OF CONDEMNATION

On the 27th day of Nov, 1963, came O. W. LYLES, RANDOLPH

McGOWAN

, and E. P. BELL

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 25, 26, 29, 30,  
36, and 38, Project No. F-193(9), in the amount of \$ 200.00  
for Parcel No. 25, \$ 1650.00 for Parcel No. 26, \$ 3200.00  
for Parcel No. 29, \$ 16,780.00 for Parcel No. 38, \$ 1800.00  
for Parcel no. 30, and \$ 12,000.00 for Parcel No. 36.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of Nov, 1963.

W. N. Stewart  
Judge of Probate

Exhibit B

STATE OF ALABAMA

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5080

See Respondents List No. 1,

Attached, to APPLICATION FOR  
CONDEMNATION PETITION

FINAL ORDER OF CONDEMNATION

On the        day of November, 1963, came E. P? BELL

RANDOLPH MCGOWAN, and O. W. LYLES,

Commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 2, 6, 9<sup>2A</sup>, 10A, 20, 22, 32, 34,  
35, 39, 44, 45, 46, 47, 48, 49<sup>50</sup>, 51, 52, 53, 53A, 54, 57, 58, 69, 72A,  
of Project No. F-193(9), in the amount of \$        for Parcel No.

2, \$        for Parcel No. 6, \$ ~~XXXXXX~~ for Parcel  
No. 9, \$ 3,930.00 for Parcel No. 10A, \$ 11,830.00 for Parcel  
No. 10A, \$ 900.00 for Parcel No. 20, \$ 900.00 for Parcel  
No. 22, \$ 600.00 for Parcel No. 32, \$ 800.00 for Parcel  
No. 34, \$ 1,010.00 for Parcel No. 35, \$ ----- for Parcel  
No. 39, \$ 12,500.00 for Parcel No. 44, \$ 15,033.00 for Parcel  
No. 45, \$ 4,000.00 for Parcel No. 46, \$ 3,123.00 for Parcel  
No. 47, \$ 1,630.00 for Parcel No. 48, \$ 2,100.00 for Parcel  
No. 49, \$ 300.00 for Parcel No. 50, \$ 2,552.00 for Parcel  
No. 51, \$ 15.00 for Parcel No. 52, \$ ----- for Parcel  
No. 53, \$ 2,945.00 for Parcel No. 53A, \$ ----- for Parcel  
No. 54, \$ 1,510.00 for Parcel No. 57, \$ 5,800.00 for Parcel  
No. 58, \$ 4,000.00 for Parcel No. 69, \$ ----- for Parcel  
No. 72A, \$ 2,820.00


IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.



IT IS FURTHER 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 and the deposit of the same in Court as provided in Section 16 of Article 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all costs of the proceeding.

Done this 29th day of November, 1963.

  
\_\_\_\_\_  
Judge of Probate

STATE OF ALABAMA

PETITIONER,

VS.

OTHER FINDLEY and MAGGIE FINDLEY,  
LANCE MAY HALE, A. H. BROWN,  
LANCE MAY HALE and A. H. HALE,  
and BALDWIN COUNTY, ALABAMA, A  
POLITICAL SUBDIVISION OF THE STATE  
OF ALABAMA,

RESPONDENTS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 3281

FINAL ORDER OF CONDEMNATION

On the 27th day of November, 1963, came E. P. Bell,

O.W. Lyles, and Randolph McGowan,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 4, 7 and 8,  
and       , Project No. F-193(9), in the amount of \$ 800.00  
for Parcel No. 4, \$ 10,000.00 for Parcel No. 7, \$ 10,000.00  
for Parcel No. 8, \$        for Parcel No.       , \$         
for Parcel no.       , and \$        for Parcel No.       .

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

W. R. Street  
Judge of Probate

Exhibit D

STATE OF ALABAMA

PETITIONER,

VS.

ANDREW DAVISON (Parcel 14), RAY E.  
LOPER LUMBER CO., INC, A CORP  
(Parcel 40A & B), EMORY BRANTLEY  
AND DORIS BRANTLY (Parcel 70), and  
BALDWIN COUNTY, ALABAMA, A POLI-  
TICAL SUBDIVISION OF THE STATE OF  
ALABAMA,

RESPONDENTS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 5083

FINAL ORDER OF CONDEMNATION

On the 22nd day of November, 1963, came E. P. Bell, Randolph  
McGowan, and O.W. Lyles,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 14, 40A & B, 70,  
      , and       , Project No. F-193(9), in the amount of \$ 1,000.00  
for Parcel No. 14, \$ 3,256.00 for Parcel No. 40A & B, \$ 1,500.00  
for Parcel No. 70, \$        for Parcel No.       , \$         
for Parcel no.       , and \$        for Parcel No.       .

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

W. H. Stewart  
Judge of Probate

Exhibit E

STATE OF ALABAMA

PETITIONER,

VS.

PAUL E. GOODGAME and EUGENESTINE  
GOODGAME (For Parcel 41); BEN  
TYUS and VELMA TYUS (For Par-  
cel 42); and BALDWIN COUNTY,  
ALABAMA, A POLITICAL SUBDIVISION  
OF THE STATE OF ALABAMA,

Respondent.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5085

FINAL ORDER OF CONDEMNATION

On the 22nd day of November, 1963, came E. P. Bell,  
Randolph McGowan, and O.W. Lyles,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 41, 42, \_\_\_\_\_,  
\_\_\_\_\_, and \_\_\_\_\_, Project No. F-193(9), in the amount of \$ 250.00  
for Parcel No. 41, \$ 250.00 for Parcel No. 42, \$ \_\_\_\_\_  
for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_,  
for Parcel no. \_\_\_\_\_, and \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

  
Judge of Probate

EXHIBIT F

STATE OF ALABAMA

PETITIONER,

VS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 5099

FINAL ORDER OF CONDEMNATION

On the 7th day of Nov, 1963, came E. P. BELL

RANDOLPH McGOWAN, and O. W. LYLES,

commissioners heretofore appointed by this Court to assess and ascertain the damages and compensation to which the owners and other parties interested in the tracts of land set forth in the application for condemnation of lands heretofore filed in this cause are entitled and filed their report in writing and under oath setting forth that they awarded compensation and damages to the said owners and other parties interested in Parcels No. 3, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_ and \_\_\_\_\_, Project No. P-193(9), in the amount of \$ 15,000.00 for Parcel No. 3, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, and \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 or the deposit of the same in Court as provided in Section 16 of Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all costs of the proceeding.

Done this 29th day of Nov, 1963.

[Signature]  
Judge of Probate



STATE OF ALABAMA

IN THE PROBATE COURT OF

CONDEMNOR,

BALDWIN COUNTY, ALABAMA

VS.

W.P. BROWN & SONS LUMBER COMPANY, INC. A CORP.

(FOR PARCEL (A): RAY E. LOPER  
LUMBER COMPANY, A CORP. (FOR PARCELS  
1B THRU 1E); H.V. HARRELL (FOR  
PARCEL 3); CLARICE MAY HALE (FOR  
PARCEL 7); A.H. BROWN, CLARICE  
MAY HALE AND A.H. HALE (FOR PARCEL  
8); FRANK M. TAYLOR (FOR PARCEL  
9); G. M. BUSH AND ALLERA D. BUSH  
(FOR PARCEL 10A); ANDREW DAVIDSON  
(FOR PARCEL 14); M.V. McWATERS AND  
BUENA A. Mc WATERS (FOR PARCEL 29)  
SOUTHERN BELL TELEPHONE AND TELE-  
GRAPH COMPANY, INC., A CORP. (FOR  
PARCEL (32); LESLIE E. TENISON AND  
MAY L. TENISON (FOR PARCEL 34); ELLA  
H. WARD (FOR PARCEL #38); RAY E.  
LOPER LUMBER COMPANY, INC. (FOR  
PARCEL 40 A&B); GARY ELLIS AND SCOTT  
ELLIS (FOR PARCEL 44); RUTH L. PAGE  
(FOR PARCEL 45); INTERNATIONAL PAPER  
COMPANY, INC (FOR PARCEL 46); J.F.  
BARNES (FOR PARCEL 47); EUGENE T.  
REID (FOR PARCEL 50); EUGENE T. REID  
(FOR PARCEL 53); RUSSELL SHERMAN  
AND DELAYNE R. SHERMAN (FOR PARCEL  
54); JESSIE M. REID (FOR PARCEL  
58 B&C); R.J. ROBERTSON AND MARY F.  
ROBERTSON (FOR PARCEL 66); L.T.  
RHODES, JR. (FOR PARCEL 72-A); and  
BALDWIN COUNTY, ALABAMA, A POLITICAL  
SUBDIVISION OF THE STATE OF ALABAMA,

CONDEMNNEES.

NOTICE OF APPEAL FROM ORDER OF CONDEMNATION

Comes now the STATE OF ALABAMA, acting by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, State of Alabama, Condemnor in above entitled cause, and prays for and takes an appeal to the Circuit Court Of Baldwin County, Alabama, from the order of condemnation entered in said cause on the 27th day of November, 1963, insofar as said order of condemnation relates to the lands described in the following Parcels, which pertain to Project F-193(9), Baldwin County, Alabama:

1. Parcel 1A, owned by W.P. Brown and Sons Lumber Company, Inc. with address % Ray E. Loper, Bay Minette, Alabama, and as described in Exhibit "A" hereto.
2. Parcels 1B, 1C, 1D and 1E, owned by Ray E. Loper Lumber Company, Inc., address % Ray E. Loper, Bay Minette, Alabama, and as described in Exhibit "B" hereto.
3. Parcel 3, owned by H.V. Harrell, Stapleton, Alabama, and as described in Exhibit "C" hereto.
4. Parcel 7, owned by Clarice May Hale, Stapleton, Alabama, and as described in Exhibit "D" hereto.

5. Parcel 8, owned by A.H. Brown, Clarice May Hale and A.H. Hale, Stapleton, Alabama, and as described in Exhibit "E" hereto.
6. Parcel 9, owned by Frank M. Taylor, Stapleton, Alabama, and as described in Exhibit "F" hereto.
7. Parcel 10 A, owned by G.M. Bush and Allera D. Bush, Stapleton, Alabama, and as described in Exhibit "G" hereto.
8. Parcel 14, owned by Andrew Davidson, Stapleton, Alabama, and as described in Exhibit "H" hereto.
9. Parcel 29, owned by M.V. McWaters and Buena A. McWaters, of Stapleton, Alabama, and as described in Exhibit "I" hereto.
10. Parcel 32, owned by Southern Bell Telephone and Telegraph Company, Inc., % Hon J. B. Blackburn, Bay Minette, Alabama, and as described in Exhibit "J" hereto.
11. Parcel 34, owned by Leslie E. Tenison and May L. Tenison, % Ray Stephens, First National Bank, Bay Minette, Alabama, and as described in Exhibit "K" hereto.
12. Parcel 38, owned by Ella H. Ward, Stapleton, Alabama, and as described in Exhibit "L" hereto.
13. Parcels 40A and B, owned by Ray E. Loper Lumber Company, Inc., % Ray E. Loper, Bay Minette, Alabama, and as described in Exhibit "M" hereto.
14. Parcel 44, owned by Gary Ellis of Stapleton, Alabama, and Scott Ellis, of Route 2, Hotchkiss, Colorado, and as described in Exhibit "N" hereto.
15. Parcel 45, owned by Ruth L. Page of Bay Minette, Alabama, and as described in Exhibit "O" hereto.
16. Parcel 46, owned by International Paper, Company, Inc, Mobile, Alabama, and as described in Exhibit "P" hereto.
17. Parcel 47, owned by J.F. Barnes, Bay Minette, Alabama, and as described in Exhibit "Q" hereto.
18. Parcel 50, owned by Eugene T. Reid, Bay Minette, Alabama, and as described in Exhibit "R" hereto.
19. Parcel 53, owned by Eugene T. Reid, Bay Minette, Alabama, and as described in Exhibit "S" hereto.
20. Parcel 54, owned by Russell Sherman and Delayne R. Sherman, Bay Minette, Alabama, and as described in Exhibit "T" hereto.
21. Parcel 58 B&C, owned by Jessie M. Reid, Bay Minette, Alabama, and as described in Exhibit "U" hereto.
22. Parcel 66, owned by R.J. Robertson and Mary F. Robertson, Bay Minette, Alabama and as described in Exhibit "V" hereto.
23. Parcel 72A, owned by L.T. Rhodes, Jr., Bay Minette, Alabama and as described in Exhibit "W" hereto.
24. For tax interest on all parcels, Baldwin County, Alabama, % John Hadley, Bay Minette, Alabama.

And the Condemnor, the State of Alabama, does herewith file in the Court of Probate, Baldwin County, Alabama, the Court rendering such Order of Condemnation, this its written Notice Of Appeal to the Circuit Court of Baldwin County, Alabama, and said appeal is taken against each and all claimants to the aforesaid parcels of lands described.

The Condemnor, the State of Alabama, demands a trial by jury in this cause to each and every parcel described herein,

STATE OF ALABAMA,  
*Richmond Flowers.*  
*Attorney General*  
By: *Kenneth Cooper*  
Duly Appointed Special  
Assistant Attorney General  
State Of Alabama



EXHIBIT I

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Harry M. D'Olive who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Harry M. D'Olive. That he is now and was on the 29th day of November, 1963, and at all times subsequent thereto, Chief Clerk of the Probate Court of Baldwin County, Alabama, in Bay Minette, Baldwin County, Alabama. That as such Chief Clerk of the Probate Court of Baldwin County, Alabama, he is familiar with and has personal knowledge of the records on file in the Probate Court of Baldwin County, Alabama, and, in particular, the records with respect to any and all condemnation proceedings instituted in said court. That there was not, on November 29, 1963, December 27, 1963 and there is not now any condemnation proceeding pending in the Probate Court of Baldwin County, Alabama, or from which an appeal has been taken by the Condemnor wherein the State of Alabama is the Condemnor and W. P. Brown & Sons Lumber Company, Inc. a Corp. (For Parcel (A); Ray E. Loper Lumber Company, a Corp. (For Parcels 1B thru 1 E); H. V. Barrell (For Parcel 3); Clarice May Hale (For Parcel 7); A. H. Brown, Clarice May Hale and A. H. Hale (For Parcel 8); Frank M. Taylor (For Parcel 9); G. M. Bush and Ailera D. Bush (For Parcel 10A); Andrew Davidson (For Parcel 14); M. V. McWaters and Buena A. McWaters (For Parcel 29) Southern Bell Telephone and Telegraph Company, Inc., a Corp. (For Parcel (32); Leslie E. Tenison and May L. Tenison (For Parcel 34); Ella H. Ward (For Parcel #38); Ray E. Loper Lumber Company, Inc. (For Parcel 40 A & B); Gary Ellis and Scott Ellis (For Parcel 44); Ruth L. Page (For Parcel 45); International Paper Company, Inc. (For Parcel 46); J. F. Barnes (For Parcel 47); Eugene T. Reid (For Parcel 50); Eugene T. Reid (For Parcel 53); Russell Sherman and Delayne R. Sherman (For Parcel 54); Jessie M. Reid (For Parcel 58 B & C); R. J. Robertson and

Mary F. Robertson (For Parcel 66); L. T. Rhodes, Jr. (For Parcel 72-A); and Baldwin County, Alabama, A Political Subdivision of the State of Alabama, are the Condemnees. That no order of condemnation of the Probate Court of Baldwin County, Alabama, was made and entered on November 29, 1963, in any cause wherein the State of Alabama was the Condemnor and the parties named above were jointly named as Condemnees.

That on October 4, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1 of the 1940 Code of Alabama wherein W. P. Brown & Sons Lumber Company, a corporation, Ray E. Loper Lumber Company, a corporation, R. J. Robertson and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as case #5060; that on October 4, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1 of the 1940 Code of Alabama wherein Sherrill R. Manning, C. C. Hardy, M. V. McWaters, Howard E. Baxendale, Mrs. E. R. McCreary, Vina Ward and Baldwin County, Alabama, were the Condemnees and said Case was docketed in said court as Case #5061; that on October 18, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1 of the 1940 Code of Alabama wherein the United States Steel Corporation, T. C. Bryant and Bessie Bryant, Frank M. Taylor, G. M. Bush and Allera Bush, James E. Wiggins and Virginia Wiggins, Liberty National Life Insurance Company, K. E. Bush and Grace M. Bush, Southern Bell Telephone & Telegraph Company, a corporation, Leslie E. Tenison and May I. Tenison, Archie A. Bacon and Bitha Bacon, Galilee Primitive Baptist Church, Inc., First National Bank of Bay Minette, Alabama, Gary Ellis and Scott Ellis, Ruth L. Page, International Paper Company, Inc., a corporation, J. F. Barnes, Estate of J. S. Lowrey, B. B. White, William J. Sneering, Eugene Reid, John C. Graham and Lucia Aline Graham, Bernice Reid, Stanley T. Milligan, Russell Sherman and Delayne R. Sherman,

WAGE 1. DUCK, REGISTER

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**CONFIDENTIAL**

Notary Public, Baldwin County, Alabama

NOT

one on this the 20<sup>th</sup> day of January,

REPORTED POSITIONS PER OF LIOLO

WILLIAM D. HALL

was docketed in said court as case #36099.

Alabama, wherein H. V. Harrell was the Condemnee and said case under the provisions of Title 19, Chapter I, of the 1940 Code of Probate Court of Baldwin County, Alabama, a condemnation proceeding filed in the Pro- 16, 1963, the State of Alabama, as Condemnor, that on October case was docketed in said court as Case #5083; that on October Tyus, and Baldwin County, Alabama, were the Condemnees and said Paul E. Goodgame and Ernestine Goodgame, Ben Tyus and Velma of Title 19, Chapter I, of the 1940 Code of Alabama wherein County, Alabama, a condemnation proceeding under the provisions Alabama, as Condemnor, filed in the Probate Court of Baldwin court as Case #5083; that on October 31, 1963, the State of Alabama, were the Condemnees and said case was docketed in said corporation, Emory Brantley and Doris Brantley and Baldwin Count wherein Andrew Davison, Ray E. Loper Lumber Company, Inc., a provisions of Title 19, Chapter I, of the 1940 Code of Alabama of Baldwin County, Alabama, a condemnation proceeding under the the State of Alabama, as Condemnor, filed in the Probate Court docketed in said court as Case #5081; that on October 18, 1963, Baldwin County, Alabama, were the Condemnees and said case was Clarice May Hall, A. H. Brown, Clarice May Hale, A. H. Hale and 1940 Code of Alabama wherein Luther Rindley and Maggie Rindley, proceeding under the provisions of Title 19, Chapter I of the the Probate Court of Baldwin County, Alabama, a condemnation October 11, 1963, the State of Alabama, as Condemnor, filed in and said case was docketed in said court as Case #5080; that on L. T. Rhodes, Jr. and Baldwin County, Alabama, were the Condemne Oil Company, Inc., a corporation, Birmingham Trust National Bank Emma L. Lee, Jessie M. Reed, Veterans Administration, Bryan-Smith

STATE OF ALABAMA

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

VS

W.P. BROWN & SONS LUMBER COMPANY, INC. A CORP.  
(FOR PARCEL (A)); RAY E. LOPER  
LUMBER COMPANY, A CORP. (FOR PARCELS  
1B THRU 1E); H.V. HARRELL (FOR  
PARCEL 3); CLARICE MAY HALE (FOR  
PARCEL 7); A.H. BROWN, CLARICE  
MAY HALE AND A.H. HALE (FOR PARCEL  
8); FRANK M. TAYLOR (FOR PARCEL  
9); G. M. BUSH AND ALLERA D. BUSH  
(FOR PARCEL 10A); ANDREW DAVIDSON  
(FOR PARCEL 14); M.V. McWATERS AND  
BUENA A. Mc WATERS (FOR PARCEL 29)  
SOUTHERN BELL TELEPHONE AND TELE-  
GRAPH COMPANY, INC., A CORP. (FOR  
PARCEL (32)); LESLIE E. TENISON AND  
MAY L. TENISON (FOR PARCEL 34); ELLA  
H. WARD (FOR PARCEL #38); RAY E.  
LOPER LUMBER COMPANY, INC. (FOR  
PARCEL 40 A&B); GARY ELLIS AND SCOTT  
ELLIS (FOR PARCEL 44); RUTH L. PAGE  
(FOR PARCEL 45); INTERNATIONAL PAPER  
COMPANY, INC (FOR PARCEL 46); J.F.  
BARNES (FOR PARCEL 47); EUGENE T.  
REID (FOR PARCEL 50); EUGENE T. REID  
(FOR PARCEL 53); RUSSELL SHERMAN  
AND DELAYNE R. SHERMAN (FOR PARCEL  
54); JESSIE M. REID (FOR PARCEL  
58 B&C); R.J. ROBERTSON AND MARY F.  
ROBERTSON (FOR PARCEL 66); L.T.  
RHODES, JR. (FOR PARCEL 72-A); and  
BALDWIN COUNTY, ALABAMA, A POLITICAL  
SUBDIVISION OF THE STATE OF ALABAMA,

CONDEMNNEES.

#### NOTICE OF APPEAL FROM ORDER OF CONDEMNATION

Comes now the STATE OF ALABAMA, acting by Kenneth Cooper,  
Duly Appointed Special Assistant Attorney General, State of  
Alabama, Comdemnor in above entitled cause, and prays for and takes  
an appeal to the Circuit Court Of Baldwin County, Alabama, from  
the order of condemnation entered in said cause on the 29 day of  
November, 1963, insofar as said order of condemnation relates to  
the lands described in the following Parcels, which pertain to  
Project F-193(9), Baldwin County, Alabama;

1. Parcel 1A, owned by W.P. Brown and Sons Lumber Company, Inc.  
with address % Ray E. Loper, Bay Minette, Alabama, and as  
described in Exhibit "A" hereto.
2. Parcels 1B, 1C, 1D and 1E, owned by Ray E. Loper Lumber  
Company, Inc., address % Ray E. Loper, Bay Minette, Alabama,  
and as described in Exhibit "B" hereto.
3. Parcel 3, owned by H.V. Harrell, Stapleton, Alabama, and  
as described in Exhibit "C" hereto.
4. Parcel 7, owned by Clarice May Hale, Stapleton, Alabama,  
and as described in Exhibit "D" hereto.

STATE OF ALABAMA

Dec. 27, 1963

Harry M. Bolive

5. Parcel 8, owned by A.H. Brown, Clara May Hale and A.H. Hale, Stapleton, Alabama, and as described in Exhibit "E" hereto.
6. Parcel 9, owned by Frank M. Taylor, Stapleton, Alabama, and as described in Exhibit "F" hereto.
7. Parcel 10-A, owned by G.M. Bush and Allera D. Bush, Stapleton, Alabama, and as described in Exhibit "G" hereto.
8. Parcel 14, owned by Andrew Davidson, Stapleton, Alabama, and as described in Exhibit "H" hereto.
9. Parcel 29, owned by M.V. McWaters and Buena A. McWaters, of Stapleton, Alabama, and as described in Exhibit "I" hereto.
10. Parcel 32, owned by Southern Bell Telephone and Telegraph Company, Inc., % Hon J. B. Blackburn, Bay Minette, Alabama, and as described in Exhibit "J" hereto.
11. Parcel 34, owned by Leslie E. Tenison and May L. Tenison % Ray Stephens, First National Bank, Bay Minette, Alabama, and as described in Exhibit "K" hereto.
12. Parcel 38, owned by Ella H. Ward, Stapleton, Alabama, and as described in Exhibit "L" hereto.
13. Parcels 40A and B, owned by Ray E. Loper Lumber Company, Inc., % Ray E. Loper, Bay Minette, Alabama, and as described in Exhibit "M" hereto.
14. Parcel 44, owned by Gary Ellis of Stapleton, Alabama, and Scott Ellis, of Route 2, Hotchkiss, Colorado, and as described in Exhibit "N" hereto.
15. Parcel 45, owned by Ruth L. Page of Bay Minette, Alabama, and as described in Exhibit "O" hereto.
16. Parcel 46, owned by International Paper, Company, Inc., Mobile, Alabama, and as described in Exhibit "P" hereto.
17. Parcel 47, owned by J.F. Barnes, Bay Minette, Alabama, and as described in Exhibit "Q" hereto.
18. Parcel 50, owned by Eugene T. Reid, Bay Minette, Alabama, and as described in Exhibit "R" hereto.
19. Parcel 53, owned by Eugene T. Reid, Bay Minette, Alabama, and as described in Exhibit "S" hereto.
20. Parcel 54, owned by Russell Sherman and Delayne R. Sherman, Bay Minette, Alabama, and as described in Exhibit "T" hereto.
21. Parcel 58 B&C, owned by Jessie M. Reid, Bay Minette, Alabama, and as described in Exhibit "U" hereto.
22. Parcel 66, owned by R.J. Robertson and Mary F. Robertson, Bay Minette, Alabama and as described in Exhibit "V" hereto.
23. Parcel 72A, owned by L.T. Rhodes, Jr., Bay Minette, Alabama, and as described in Exhibit "W" hereto.
24. For tax interest on all parcels, Baldwin County, Alabama % John Hadley, Bay Minette, Alabama.

And the Condemnor, the State of Alabama, does herewith file in the Court of Probate, Baldwin County, Alabama, the Court rendering such Order of Condemnation, this its written Notice Of Appeal to the Circuit Court of Baldwin County, Alabama, and said appeal is taken against each and all claimants to the aforesaid parcels of lands described.

The Condemnor, the State of Alabama, demands a trial by jury in this cause to each and every parcel described herein,

STATE OF ALABAMA,  
*Richmond Flowers.*  
*Attorney General*  
By: *Kenneth Cooper*  
Duly Appointed Special  
Assistant Attorney General  
State Of Alabama

EXHIBIT I

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Ann Chevalier who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That her name is Ann Chevalier. That she is now Chief Clerk of the Probate Court of Baldwin County, Alabama, in Bay Minette, Baldwin County, Alabama. That as such Chief Clerk of the Probate Court of Baldwin County, Alabama, she is familiar with and has personal knowledge of the records on file in the Probate Court of Baldwin County, Alabama, and, in particular, the records with respect to any and all condemnation proceedings instituted in said Court. That there was not, on November 29, 1963, December 27, 1963, and there is not now any condemnation proceeding pending in the Probate Court of Baldwin County, Alabama, or from which an appeal has been taken by the Condemnor wherein the State of Alabama is the Condemnor and W. P. Brown & Sons Lumber Company, Inc., a Corp. (For Parcel (A): Ray E. Loper Lumber Company, a Corp. (For Parcels 1B thru 1E); H. V. Harrell (For Parcel 3); Clarice May Hale (For Parcel 7); A. H. Brown, Clarice May Hale and A. H. Hale (For Parcel 8); Frank M. Taylor (For Parcel 9); G. M. Bush and Allera D. Bush (For Parcel 10A); Andrew Davidson (For Parcel 14); M. V. McWaters and Buena A. McWaters and Buena A. McWaters (For Parcel 29) Southern Bell Telephone and Telegraph Company, Inc., a Corp. (For Parcel (32); Leslie E. Tenison and May L. Tenison (For Parcel 34); Ella H. Ward (For Parcel #38); Ray E. Loper Lumber Company, Inc. (For Parcel 40 A & B); Gary Ellis and Scott Ellis (For Parcel 44); Ruth L. Page (For Parcel 45); International Paper Company, Inc. (For Parcel 46); J. F. Barnes (For Parcel 47); Eugene T. Reid (For Parcel 50); Eugene T. Reid (For Parcel 53); Russell Sherman and Delayne R. Sherman (For Parcel 54); Jessie M. Reid (For Parcel 58 B & C);



R. J. Robertson and Mary F. Robertson (For Parcel 66); L. T. Rhodes, Jr. (For Parcel 72-A); and Baldwin County, Alabama, A Political Subdivision of the State of Alabama, are the Condemnees. That no order of condemnation of the Probate Court of Baldwin County, Alabama, was made and entered on November 29, 1963, in any cause wherein the State of Alabama was the Condemnor and the parties named above were jointly named as Condemnees.

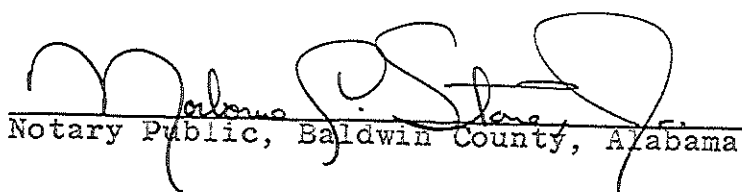
That on October 4, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1 of the 1940 Code of Alabama wherein W. P. Brown & Sons Lumber Company, a corporation, Ray E. Loper Lumber Company, a corporation, R. J. Robertson and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as case #5060; that on October 4, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1 of the 1940 Code of Alabama wherein Sherrill R. Manning, C. C. Hardy, M. V. McWaters, Howard E. Baxendale, Mrs. E. R. McCreary, Vina Ward and Baldwin County, Alabama, were the Condemnees and said Case was docketed in said court as Case #5061; that on October 18, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1 of the 1940 Code of Alabama wherein the United States Steel Corporation, T. C. Bryant and Bessie Bryant, Frank M. Taylor, G. M. Bush and Allera Bush, James E. Wiggins and Virginia Wiggins, Liberty National Life Insurance Company, K. B. Bush and Grace M. Bush, Southern Bell Telephone & Telegraph Company, a corporation, Leslie E. Tenison and May I. Tenison, Archie A. Bacon and Bitha Bacon, Galilee Primitive Baptist Church, Inc., First National Bank of Bay Minette, Alabama, Gary Ellis and Scott Ellis, Ruth L. Page, International Paper Company, Inc., a corporation, J. F. Barnes, Estate of J. S. Lowrey, B. B. White, William J. Sneering, Eugene Reid, John C. Graham and Lucia Aline Graham, Bernice Reid, Stanley T. Milligan, Russell Sherman and Delayne R. Sherman,



Emma L. Lee, Jessie M. Reed, Veterans Administration, Bryan-Smith Oil Company, Inc., a corporation, Birmingham Trust National Bank, L. T. Rhodes, Jr. and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as Case #5080; that on October 11, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1 of the 1940 Code of Alabama wherein Luther Findley and Maggie Findley, Clarice May Hale, A. H. Brown, Clarice May Hale, A. H. Hale and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as Case #5081; that on October 18, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1, of the 1940 Code of Alabama wherein Andrew Davison, Ray E. Loper Lumber Company, Inc., a corporation, Emory Brantley and Doris Brantley and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as Case #5083; that on October 31, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1, of the 1940 Code of Alabama wherein Paul E. Goodgame and Ernestine Goodgame, Ben Tyus and Velma Tyus, and Baldwin County, Alabama, were the Condemnees and said case was docketed in said court as Case #5085; that on October 16, 1963, the State of Alabama, as Condemnor, filed in the Probate Court of Baldwin County, Alabama, a condemnation proceeding under the provisions of Title 19, Chapter 1, of the 1940 Code of Alabama, wherein H. V. Harrell was the Condemnee and said case was docketed in said court as Case #5099.

  
Ann Chevalier

Sworn to and subscribed before  
me on this the 4<sup>th</sup> day of February  
1964.

  
Notary Public, Baldwin County, Alabama

Case No. 5220

attached, to APPLICATION FOR  
CONSENT PETITION

### PHYSICAL ORDER OF CONDENSATION

On the \_\_\_\_\_ day of \_\_\_\_\_, 1963, came R. P. BELL  
\_\_\_\_\_, and O. W. LYLES

and commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Project No. P-193(9), in the amount of \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_  
\$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ ~~11,830.00~~ for Parcel  
\_\_\_\_\_, ~~11,830.00~~ for Parcel No. ~~104~~, \$ 11,830.00 for Parcel  
~~100~~, \$ 900.00 for Parcel No. ~~80~~, \$ 900.00 for Parcel  
~~80~~, \$ 600.00 for Parcel No. ~~80~~, \$ 800.00 for Parcel  
~~84~~, \$ 1,010.00 for Parcel No. ~~86~~, \$ ----- for Parcel  
~~80~~, \$ 12,500.00 for Parcel No. ~~84~~, \$ 15,033.00 for Parcel  
~~86~~, \$ 4,000.00 for Parcel No. ~~86~~, \$ 3,123.00 for Parcel  
No. ~~87~~, \$ 1,630.00 for Parcel No. ~~88~~, \$ 2,100.00 for Parcel  
No. ~~89~~, \$ 300.00 for Parcel No. ~~90~~, \$ 2,552.00 for Parcel  
No. ~~91~~, \$ 15.00 for Parcel No. ~~92~~, \$ ----- for Parcel  
No. ~~93~~, \$ 2,945.00 for Parcel No. ~~94~~, \$ ----- for Parcel  
No. ~~95~~, \$ 1,510.00 for Parcel No. ~~97~~, \$ 5,800.00 for Parcel  
No. ~~98~~, \$ 4,000.00 for Parcel No. ~~99~~, \$ ----- for Parcel  
No. ~~100~~, \$ 2,820.00

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 and the deposit of the same in Court as provided in Section 16 of Article 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all costs of the proceeding.

Done this 29th day of November, 1963.

  
\_\_\_\_\_  
Judge of Probate

STATE OF ALABAMA

PETITIONER,

VS.

W.P. Brown & Sons Lumber Company, a  
Corp. (For parcel 1A); Ray E. Loper  
Lumber Company, a Corp. (For parcels  
1B thru 1E); R.J. Robertson (For parcel  
66); Baldwin County, Alabama, a Poli-  
tical Subdivision of the State of  
Alabama.

Respondent.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5060

FINAL ORDER OF CONDEMNATION

On the 7th day of Nov, 1963, came E. P. BELL

RANDOLPH MCGOWAN, and THOMAS W. TAYLOR,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 1-A, 1-B, 1-C, 1-D,  
1-E, and 66, Project No. F-193(9), in the amount of \$ 1,226.50  
for Parcel No. 1-A, \$ 1,237.50 for Parcel No. 1-B, \$ 577.50  
for Parcel No. 1-C, \$ 1,727.00 for Parcel No. 1-D, \$ 1,094.50  
for Parcel no. 1-E, and \$ 11,640.00 for Parcel No. 66.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

W. N. Stewart  
Judge of Probate

EXHIBIT A

PETITIONER,

VS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMACase No. 5061

SHERMILL R. MANNING, - (Parcel 25), C.  
C. HARDY (Parcel 26), M.V. McWATERS  
(Parcel 29), HOWARD E. BAKENDALE  
(Parcel 30), MRS E.R. MCCREARY (Par-  
cel 36), VINA WARD (Parcel 38); and  
BALDWIN COUNTY ALABAMA, A POLITICAL  
SUBDIVISION OF THE STATE OF ALABAMA.

Respondent.

## FINAL ORDER OF CONDEMNATION

On the 27th day of Nov, 1963, came O. W. LYLES, RANDOLPH  
McGOWAN, and E. P. BELL,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 25, 26, 29, 30,  
36, and 38, Project No. F-193(9), in the amount of \$ 200.00  
for Parcel No. 25, \$ 1650.00 for Parcel No. 26, \$ 3200.00  
for Parcel No. 29, \$ 16,780.00 for Parcel No. 38, \$ 1800.00  
for Parcel no. 30, and \$ 12,000.00 for Parcel No. 36.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of Nov, 1963.

W. R. Stewart  
Judge of Probate

Exhibit B

STATE OF ALABAMA

PETITIONER,

VS.

See Respondents List No. 1,

Attached, to APPLICATION FOR  
CONDEMNATION PETITION

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 5080

FINAL ORDER OF CONDEMNATION

On the \_\_\_\_\_ day of November, 1963, came E. P? BELL

RANDOLPH MCGOWAN, and O. W. LYLES,

Commissioners heretofore appointed by this Court to assess and as-  
ertain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other

parties interested in Parcels No. 2, 6, 9<sup>3A</sup>, 10AAB, 20, 22, 32, 34,  
35, 39, 44, 45, 46, 47, 48, 49<sup>50</sup>, 51, 52, 53, 53A, 54, 57, 58BAC, 69, 72A,

Project No. F-193(9), in the amount of \$ \_\_\_\_\_ for Parcel No.

2, \$ \_\_\_\_\_ for Parcel No. 6, \$ ~~2210.00~~ for Parcel

No. 9, \$ 3,930.00 for Parcel No. ~~10A~~ 10AAB, \$ 11,830.00 for Parcel

No. 10AAB, \$ 900.00 for Parcel No. 20, \$ 900.00 for Parcel

No. 22, \$ 600.00 for Parcel No. 32, \$ 800.00 for Parcel

No. 34, \$ 1,010.00 for Parcel No. 35, \$ ----- for Parcel

No. 39, \$ 12,500.00 for Parcel No. 44, \$ 15,033.00 for Parcel

No. 45, \$ 4,000.00 for Parcel No. 46, \$ 3,123.00 for Parcel

No. 47, \$ 1,630.00 for Parcel No. 48, \$ 2,100.00 for Parcel

No. 49, \$ 300.00 for Parcel No. 50, \$ 2,552.00 for Parcel

No. 51, \$ 15.00 for Parcel No. 52, \$ ----- for Parcel

No. 53, \$ 2,945.00 for Parcel No. 53A, \$ ----- for Parcel

No. 54, \$ 1,510.00 for Parcel No. 57, \$ 5,800.00 for Parcel

No. 58BAC, \$ 4,000.00 for Parcel No. 69, \$ ----- for Parcel

No. 72A, \$ 2,820.00

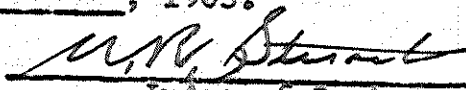
IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.



IT IS FURTHER 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 and the deposit of the same in Court as provided in Section 16 of Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all costs of the proceeding.

Done this 29th day of November, 1963.

  
\_\_\_\_\_  
Judge of Probate

STATE OF ALABAMA

PETITIONER,

VS.

LUTHER FINDLEY and MAGGIE FINDLEY,  
CLARICE MAY HALE, A. H. BROWN,  
CLARICE MAY HALE and A. H. HALE,  
and BALDWIN COUNTY, ALABAMA, A  
POLITICAL SUBDIVISION OF THE STATE  
OF ALABAMA,

RESPONDENTS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 5081

FINAL ORDER OF CONDEMNATION

On the 27th day of November, 1963, came E. P. Bell,

O.W. Lyles, and Randolph McGowan,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 4, 7 and 8,  
      , and       , Project No. F-193(9), in the amount of \$ 800.00  
for Parcel No. 4, \$ 10,000.00 for Parcel No. 7, \$ 16,000.00  
for Parcel No. 8, \$        for Parcel No.       , \$         
for Parcel no.       , and \$        for Parcel No.       .

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

W. R. Stewart  
Judge of Probate

Exhibit D

STATE OF ALABAMA

PETITIONER,

VS.

ANDREW DAVISON (Parcel 14), RAY E.  
LOPER LUMBER CO., INC, A CORP  
(Parcel 40A & B), EMORY BRANTLEY  
AND DORIS BRANTLY (Parcel 70), and  
BALDWIN COUNTY, ALABAMA, A POLI-  
TICAL SUBDIVISION OF THE STATE OF  
ALABAMA,

RESPONDENTS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. 5083

FINAL ORDER OF CONDEMNATION

On the 22nd day of November, 1963, came E. P. Bell, Randolph McGowan, and O.W. Lyles,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 14, 40A & B, 70,  
      , and       , Project No. F-193(9), in the amount of \$ 1,000.00  
for Parcel No. 14, \$ 3,256.00 for Parcel No. 40A & B, \$ 1,500.00  
for Parcel No. 70, \$        for Parcel No.       , \$         
for Parcel no.       , and \$        for Parcel No.       .

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.

W. M. Stewart  
Judge of Probate

Exhibit E

STATE OF ALABAMA

PETITIONER,

VS.

PAUL E. GOODGAME and ERNESTINE  
GOODGAME (For Parcel 41); BEN  
TYUS and VELMA TYUS (For Par-  
cel 42); and BALDWIN COUNTY,  
ALABAMA, A POLITICAL SUBDIVISION  
OF THE STATE OF ALABAMA,

Respondent.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5085

FINAL ORDER OF CONDEMNATION

On the 22nd day of November, 1963, came E. P. Bell,

Randolph McGowan,

and O.W. Lyles,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 41, 42, \_\_\_\_\_,  
\_\_\_\_\_, and \_\_\_\_\_, Project No. F-193(9), in the amount of \$ 250.00  
for Parcel No. 41, \$ 250.00 for Parcel No. 42, \$ \_\_\_\_\_  
for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_  
for Parcel no. \_\_\_\_\_, and \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER 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 pur-  
poses set forth in said application for condemnation upon the payment  
of the damages and compensation so ascertained, assessed and reported  
or the deposit of the same in Court as provided in Section 16 of  
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all  
costs of the proceeding.

Done this 29th day of November, 1963.


  
Judge of Probate

EXHIBIT F

2.

appeal was not in compliance with the statute, Tit. 19, § 17, Code 1940, and we concur in that judgment.

The State sought additional land for the improvement of U. S. Highway 31 between Bay Minette and Stapelton and it became necessary to file condemnation proceedings to secure rights of way over forty-seven different parcels of land which were owned by forty different landowners.

The application for condemnation could have embraced all the different tracts or parcels of land, Tit. 19, § 8; but the State chose to file six separate proceedings, with six separate docket numbers; and there were six separate orders granting the six separate applications; six separate orders appointing commissioners were made; six separate reports of commissioners were filed; and six separate orders of condemnation were entered. The separate orders of condemnation were entered on the same day.

But when the State gave notice of appeal, only one notice was given and the cause purportedly appealed was given the style of State of Alabama against the several landowners of various tracts which were described in the six separate proceedings.

Appeals in condemnation proceedings from probate court to circuit court are governed by Tit. 19, § 17, Harris v. Mobile Housing Board, 267 Ala. 147, 100 So. 2d 719; Ex parte Estes, 264 Ala. 20, 84 So. 2d 765; State ex rel. Wood v. Williams, 125 Ala. 115, 28 So. 401. Title 19, § 17, provides:

3.

"Any of the parties may appeal from the order of condemnation to the circuit court of the county within thirty days after the making of the order of condemnation, by filing in the court rendering the judgment, a written notice of appeal, a copy of which shall be served on the opposite party, or his attorney, and on such appeal, the trial shall be de novo, and it shall be necessary to send up the proceedings only as to the parties appearing or against whom an appeal is taken."

It will be noticed that the statute gives the right to "appeal from the order of condemnation to the circuit court" (emphasis supplied). But here the attempt was to appeal from six different orders of condemnation. The record affirmatively shows that there was no condemnation proceeding docketed in the probate court under the style as given by the notice of appeal, and that no order of condemnation has been made in any case in the Probate Court of Baldwin County wherein the State of Alabama was condemnor and the parties named in the notice of appeal were condemnees.

It follows that appellant has failed to give notice of appeal as required by Tit. 19, § 17, and the trial court properly dismissed the appeal on motions of the landowners. Stanton v. Monroe County, 261 Ala. 61, 72 So. 2d 854.

We are not to be understood as holding that the appeal would have been subject to dismissal had there been only one



4.

application for condemnation; and the notice had included only the names of those landowners involved in awards in which the State desired to appeal. Had such been the case, we could have applied the holding in Stollenwerck v. Elmore County, 210 Ala. 489, 98 So. 466. But these defendants were not included in the same application for condemnation, but were, by the State's election, defendants in six separate and distinct cases and orders of condemnation; and notice of an appeal in one case is not proper notice in six cases, when the six cases were commenced and filed separately by the condemnor.

**AFFIRMED.**

Livingston, C. J., Simpson and Harwood, JJ., concur.

STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1 Div., No. 226

State of Alabama

, Appellant.,

v.

W. P. Brown & Sons Lumber Company, a Corporation, et al., Appellee.,

From Baldwin Circuit Court.

The State of Alabama.

City and County of Montgomery. }

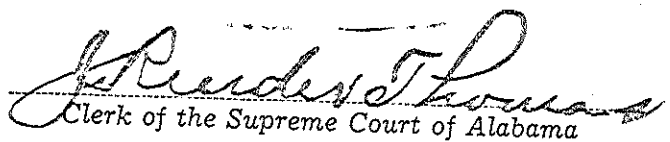
I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered from one to four inclusive, contain a full, true, and correct copy of the opinion of

said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme

Court of Alabama, this the 21st day of

January 19 65

  
Clerk of the Supreme Court of Alabama

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THE SUPREME COURT OF ALABAMA

1 Div., No. 226

State of Alabama

Appellant,

v.

W. P. Brown & Sons Lumber Company,

a Corporation, et al.

Appellee.

From Baldwin Circuit Court.

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Certified Copy of

Opinion

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BROWN PRINTING CO., MONTGOMERY

No. 5897

THE STATE OF ALABAMA

BALDWIN County.

I, ALICE J. DUCK, Clerk of the Circuit Court of BALDWIN County, in and for said State and County, hereby certify that the foregoing pages numbered from one to \_\_\_\_\_, both inclusive, contain a full, true and complete transcript of the record and proceedings of said Court in a certain cause lately therein pending wherein STATE OF ALABAMA

was plaintiff, and FRANK M. TAYLOR; GARY ELLIS & SCOTT ELLIS: INTERNATIONAL PAPER CO. Inc., a corp. EUGENE T. REID: JESSIE M. REED: RUSSELL SHERMAN & DELAYNE R. SHERMAN: R.J. ROBERTSON & MARY F. ROBERTSON

was Defendant, as fully and completely as the same appears of record in said Court.

And I further certify that the said State of Ala. did on the 19th day of March, 1964 pray for and obtain an appeal from the judgment of said Court to the Supreme of Alabama to reverse said judgment of said Court upon entering into bond with State of Ala., George T. Byrne & W.R. Cooper as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of Baldwin County is hereto affixed, this the 1st day of April, 1964

Alice J. Duck  
Clerk of the Circuit Court of  
Baldwin County, Alabama.

(Code 1940, Title 7, Sec. 767)

STATE OF ALABAMA,

Condemnor,

vs.

W.P.BROWN & SONS LUMBER  
COMPANY, Inc., a Corp.,  
et al,

Condemnees.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 5897

ORDER GRANTING DISMISSAL OF APPEAL

This cause coming on to be heard was submitted to the Court on the motion by the Condemnor, The State Of Alabama, to dismiss the appeal heretofore taken to this Court by the State Of Alabama, from the Probate Court of Baldwin County, Alabama; as it pertains to Parcel 8 in Project F-193(9), and the Court having considered the said motion is of opinion that the motion should be granted; it is therefore

Ordered, Adjudged and Decreed by this Court that the motion by the State Of Alabama asking that its appeal in this cause from the Probate Court of Baldwin County, Alabama, as it pertains to Parcel 8, Project F-193(9), owned by A. H. Brown and Clarice May Hale, be dismissed only as to the said Parcel 8, which parcel is more fully described in the Condemnor's Motion To Dismiss Appeal. And it is further

Ordered, Adjudged and Decreed that the Clerk of this Court remand to the Probate Court of Baldwin County, Alabama, the proceedings in this cause insofar as they pertain to the said Parcel No. 8, and that the Probate Court of Baldwin County, Alabama, proceed in accordance with the agreement between the Condemnor and the Condemnee entered into in this cause.

Done this 12 day of June, 1964.

*Hubert M. Jones*  
Circuit Judge

FILED

JUN 19 1964

ALICE J. DUCK, CLERK  
REGISTER

STATE OF ALABAMA,

Condemnor,

vs.

W.P.BROWN & SONS LUMBER  
COMPANY, Inc., a Corp.,  
et al,

Condemnees.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW


No. 5897

MOTION TO DISMISS APPEAL

Comes now the State Of Alabama, Condemnor in above-styled cause, and files this its Motion To Dismiss Appeal in the above cause for only that parcel of land described in paragraph 5, which is owned by A. H. Brown and Clarice May Hale, of Stapleton, Alabama, and which was referred to as Parcel 8, Highway Project F-193(9), described as follows, to-wit:

Beginning at Station 34+39 of Project Number F-193(9) the south property line; thence S87°-41'W a distance of 32.0 feet to a point on the present right of way line of U.S.Route #31, the point of beginning of the parcel of land hereinafter described. Thence N20-24'W along said right of way line a distance of 78.0 feet to a point on the North property line; thence S87°-41'W a distance of 17.0 feet; thence southerly along a curve to the right (concave westerly) having a radius of 14276.0 feet a distance of 78.0 feet; thence N87°-41'E a distance of 16.0 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 32, T-3-S, R-3-E and containing 0.03 acres, more or less.



  
Special Assistant Attorney General  
State Of Alabama

We, A. H. Brown and Clarice May Hale, owners of above parcel of real property concur in the State Of Alabama's Motion To Dismiss Appeal as above stated.

Dated this 12 day of June, 1964.

FILED  
6-12-1964

ALICE DUCK, CLERK  
REGISTER



STATE OF ALABAMA,	§	
Condemnor,	§	IN THE CIRCUIT COURT OF
vs.	§	
	§	BALDWIN COUNTY, ALABAMA
BUENA A. McWATERS, ET AL.,	§	
Condemnees.	§	AT LAW NO. 5897

MOTION TO DISMISS APPEAL:

Comes now Buena A. McWaters, one of the Condemnees named in the above styled cause, by her attorneys, and appearing specially for the purpose of filing this motion, and for no other different object or purpose, and files this her motion to dismiss the appeal heretofore sought to be taken by the State of Alabama to this Honorable Court from the Probate Court of Baldwin County, Alabama, on December 27, 1963, from an order of condemnation allegedly entered in the Probate Court of Baldwin County, Alabama, on November 29, 1963, and as grounds for said motion says as follows:

1. That she is not now, and was not on December 27, 1963, or November 29, 1963, a party to any condemnation proceeding pending in the Probate Court of Baldwin County, Alabama, wherein the State of Alabama was Condemnor and she was the Condemnee.

2. That she is not the owner of any land or tenements or interest in any lands or tenements which have been the subject of any condemnation proceedings instituted by the State of Alabama in the Probate Court of Baldwin County, Alabama.

Wherefore, Buena A. McWaters moves this Honorable Court to enter an order dismissing said appeal sought to be taken against her to this Honorable Court by the State of Alabama on December 27, 1963.

**FILED**

MAR 28 1964

Alice I. Duck, CLERK  
REGISTER

Respectfully submitted,  
CHASON, STONE & CHASON

*John Earle Chason*  
Attorneys for Buena A. McWaters

STATE OF ALABAMA,

Condemnor,

vs.

W. P. BROWN & SONS LUMBER  
COMPANY, Inc., A Corp.,  
et al,

Condemnees.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5897

MOTION TO DISMISS APPEAL

Comes now the State Of Alabama, Condemnor in above-styled cause, and files this its Motion To Dismiss Appeal in the above cause for only that parcel of land described in paragraph 14, which is owned by Gary Ellis and Scott Ellis, of Stapleton, Alabama, and which was referred to as Parcel 44, Highway Project F-193(9), described as follows, to-wit:

Beginning at Station 190+50 of Project Number F-193(9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N88°-33'E a distance of 28.0 feet to a point on the present right of way line of U.S. Route Number 31; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 1472.7 feet a distance along said right of way line of 385.0 feet; thence N42°-55'E a distance of 1878.0 feet; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 5689.7 feet a distance of 1590.0 feet; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 1392.7 feet a distance of 760.8 feet; thence N 4°-48'E a distance of 805.0 feet; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 5769.7 feet a distance of 362.0 feet to a point on the north property line; thence S88°-47'W a distance of 44.0 feet to a point on the center-line of said project at Station 254+64.7; thence S88°-47'W a distance of 78.7 feet; thence S11°-40'W a distance of 52.0 feet; thence S7°-54'W a distance of 300.0 feet; thence S6°-24'W a distance of 421.0 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 2933.7 feet a distance of 663.0 feet; thence S25°-13'W a distance of 634.0 feet; thence S33°-48'W a distance of 447.0 feet; thence S 40°-28'W a distance of 289.8 feet; thence S43°-54'W a distance of 300.5 feet; thence S37°-02'W a distance of 305.0 feet; thence S40°-28'W a distance of 800.0 feet; thence S44°-11'W a distance of 200.4 feet; thence S36°-45'W a distance of 200.4; thence S40°-28'W a distance of 300.0 feet; thence S41°-37'W a distance of 400.0 feet; thence S39°-19'W a distance of 343.4 feet; thence S39°-26'W a distance of 255.0 feet; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 2354.0 feet a distance of 500.0 feet; thence N88°-33'E a distance of 70.0 feet to the point of beginning.

Said parcel of land lying in the SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 16, T-3-S, R-3-E and containing 23.74 acres, more or less.

FILED

APR 24 1984

ALICE A. DICK, CLERK  
REGISTER

*Kenneth C. Goss*  
Special Assistant Attorney General  
State Of Alabama

STATE OF ALABAMA,

Condemnor,

vs.

W.P. BROWN & SONS LUMBER  
COMPANY, Inc., a Corp.,  
et al,

Condemnees.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
) AT LAW

) No. 5897  
)  
)  
)

MOTION TO DISMISS APPEAL

Comes now the State Of Alabama, Condemnor in above-styled cause, and files this its Motion to Dismiss Appeal in the above cause for only that parcel of land described in paragraph 3, which is owned by H. V. Harrell, of Stapleton, Alabama, and which was referred to as Parcel 3, Highway Project F-193(9), described as follows, to-wit:

"Beginning at a point 40 feet left of and at right angles to the centerline at Station 4+15 on the southeast leg of the "Y" intersection south of Stapleton of Project Number F-193(9), the point of beginning of the parcel of land hereinafter described. Thence N26°-55'W along the present right-of-way line of Alabama State Route #59 a distance of 250.0 feet; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 1950.1 feet a distance of 370.0 feet; thence S87°-36'W a distance of 50.0 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 1950.1 feet a distance of 472.0 feet; thence S30°-40'W a distance of 150.0 feet; thence S89°-35'E a distance of 32.0 feet; thence N33°-10'E a distance of 423.0 feet; thence N89°-20'E a distance of 58.0 feet; thence S26°-40'E a distance of 405.0 feet; thence S89°-35'E a distance of 40.0 feet to the point of beginning. Said parcel of land lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 5, T-4-S, R-3-E, and containing 1.55 acres, more or less."

FILED

APR 2 1964

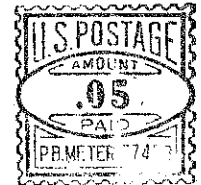
ALICE J. DUCK, CLERK  
REGISTER

*Kenneth Coon*  
Special Assistant Attorney General  
State Of Alabama

OFFICE OF  
CLERK OF THE SUPREME COURT  
STATE OF ALABAMA  
MONTGOMERY

*Mailed  
back - 2-9-65*

Mrs. Alice J. Duck, Clerk  
Baldwin Circuit Court  
Bay Minette, Alabama





*Alice*

POST OFFICE DEPARTMENT

OFFICIAL BUSINESS

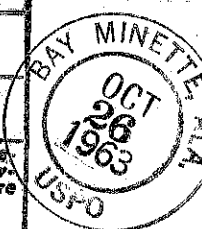
PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$20  
(GPO)

		REMARK OF DELIVERING OFFICE
RETURN TO 		
REGISTERED NO.	NAME OF SENDER	
CERTIFIED NO.	STREET AND NO. OR P. O. BOX	
INSURED NO.	POST OFFICE	
	STATE	

POD Form 3800  
July 1965

★ U.S. GOVERNMENT PRINTING OFFICE: 1965 O-600-171

## RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO		POSTMARK OR DATE  
Mr. Scott Ellis		
STREET AND NO.		
Route 2		
CITY AND STATE		
Hotchkiss, Colorado		
<input checked="" type="checkbox"/> If you want a return receipt, check which 10¢ shows to whom and when delivered	<input type="checkbox"/> 35¢ shows to whom, when, and address where delivered	<input checked="" type="checkbox"/> If you want re- stricted deliv- ery, check here 50¢ fee
FEES ADDITIONAL TO 20¢ FEE		

POD Form 3800  
Dec. 1960CAUTION—NOT FOR  
INTERNATIONAL MAIL

(See other side)

DELIVERING  
EMPLOYEE

☒ Deliver ONLY to addressee. (Does not apply to Certified mail.)

☐ Show address where delivered.

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. Sublee  
(Signature of addressee or agent)

2. \_\_\_\_\_  
(Signature of addressee's agent—Agent should give addressee's name on line ONE above)

Date of Delivery 10-28-62 10 as

1. Stick postage stamps to your article to pay:  
20¢ certified mail fee  
First-class or airmail postage  
Either return receipt fee—10¢ or 35¢ (optional)  
Restricted delivery fee—50¢ (optional)  
Special-delivery fee (optional)
2. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article to a postal employee.
3. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, detach and retain the receipt, and mail the article.
4. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the back of the article by means of the gummed ends. Endorse front of article RETURN RECEIPT REQUESTED.
5. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card.
6. Save this receipt and present it if you make inquiry.

16-71547-6

☆ GPO





THIS SIDE OF CARD IS FOR ADDRESS



Mrs. Alice J. Quack, Clerk  
Baldwin Circuit Court  
Court House  
Bay Minette, Alabama

1 Div. No. 226 Baldwin Circuit Court  
State of Alabama  
Appellant.  
VS.  
W. P. Brown & Sons Lumber Co., Inc.  
Appellee.

Dear Sir:

The Supreme Court today overruled the application for rehearing in the above  
tated cause. No opinion was written on rehearing.

Yours truly,

J. RENDER THOMAS,  
Clerk Supreme Court.

February 25 1965