

## EXHIBIT N: PARCEL 44

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 N 88°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 N 42°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 S 88°47'W a distance of 44.0 feet to a point on the centerline of said project at Station 254+64.7; thence S 88°47'W a distance of 78.7 feet; thence S 11°40'W a distance of 52.0 feet; thence S 7°54'W a distance of 300.0 feet; thence S 6°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 S 25°13'W a distance of 634.0 feet; thence S 33°48'W a distance of 447.0 feet; thence S 40°28'W a distance of 289.8 feet; thence S 43°54'W a distance of 300.5 feet; thence S 37°02'W a distance of 305.0 feet; thence S 40°28'W a distance of 800.0 feet; thence S 44°11'W a distance of 200.4 feet; thence S 36°45'W a distance of 200.4; thence S 40°28'W a distance of 300.0 feet; thence S 41°37'W a distance of 400.0 feet; thence S 39°19'W a distance of 343.4 feet; thence S 39°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 N 88°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.

Also for the purpose of a muck storage area easement: Beginning at a point 62.0 feet left of and at right angles to the centerline of said project at Station 220+00; thence N 37° 02' E a distance of 300.5 feet; thence N 22° 58' W a distance of 250.0 feet; thence S 37° 02' W a distance of 300.5 feet; thence S 22° 58' E a distance of 250.0 feet to the point of beginning.

Said parcel of land lying in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 16, T-3-S, R-3-E and containing 1.49 acres, more or less.

Said parcel of land shall revert back to the owner upon the completion of the project.

## EXHIBIT O: PARCEL 45

Beginning at Station 254+64.7 of Project Number F-193(9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 47' W a distance of 44.0 feet to a point on the present right of way line of U.S. Route #31; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 5769.7 feet a distance along said right of way ~~from~~ a line of 653.0 feet; thence N 14° 52' E a distance of 1380.0 feet; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 1870.1 feet a distance of 685.0 feet to a point on the north property line; thence S 88° 48' W a distance of 54.0 feet to a point on the centerline of said project at Station 281+80; thence, S 88° 48' W a distance of 75.0 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 2940.7 feet a distance of 373.0 feet; thence S 5° 48' W a distance of 292.0 feet; thence S 12° 49' W a distance of 217.0 feet; thence S 14° 54' W a distance of 677.0 feet; thence S 17° 16' W a distance of 363.0 feet; thence S 11° 40' W a distance of 794.0 feet; thence N 88° 47' E a distance of 78.7 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 9 T-3-S, R-3-E, and containing 7.35 acres, more or less.

## EXHIBIT P: PARCEL 46

Beginning at Station 281+80 of Project Number F-193(9) the south property line, The point of beginning of the parcel of land hereinafter described. Thence N 88° 48' E a distance of 54.0 feet to a point on the present right of way line of U.S. Route Number 31; thence northwesterly along a curve to the left (concave westerly) having a radius of 1870.1 feet a distance along said right of way line of 85.0 feet; thence N 8° 44' W a distance of 1248.0 feet; thence northwesterly along a curve to the left (concave southwesterly) having a radius of 5689.7 feet a distance of 703.4 feet; thence N 15° 50' W a distance of 652.0 feet to a point on the north property line; thence S 87° 58' W a distance of 49.0 feet to a point on the centerline of said project at Station 308+70; thence S 87° 58' W a distance of 63.8 feet; thence S 15° 47' E a distance of 395.0 feet; thence southeasterly along a curve to the right (concave/southwesterly) having a radius of 11397.2 feet a distance of 736.0 feet; thence S 9° 44' W a distance of 672.0 feet; thence S 8° 11' W a distance of 554.0 feet; thence southerly along a curve to the right (concave westerly) having a radius of 2940.7 feet a distance of 328.0 feet; thence N 88° 48' E a distance of 75.0 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of Ne $\frac{1}{4}$ , NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 9, T-3-S, R-3-E and containing 6.94 acres, more or less.

BOOK 034 PAGE 321

EXHIBIT Q: PARCEL 47

Beginning at Station 316+43 of Project Number F-193(9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 58'E a distance of 49.0 feet to a point on the present right of way line of U. S. Route Number 31; thence N 15° 50'W along said right of way line a distance of 600.0 feet to a point on the north property line; thence S 88° 58'W a distance of 49.0 feet to a point on the centerline of said project at Station 322+43; thence S 88° 58'W a distance of 74.0 feet; thence S 15° 58'E a distance of 600.0 feet; thence N 88 degrees 58'E a distance of 72.0 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 4, T-3-S, R-3-E and containing 1.63 acres, more or less.

## EXHIBIT R: PARCEL 50

BOOK 034 PAGE 322

Beginning at station 336+30 of Project Number F-193(9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88°58' E a distance of 49.0 feet to a point on the present right of way line of U. S. Route Number 31; thence N 15°50' W along said right of way line a distance of 667.0 feet; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 2904.9 feet a distance of 578.0 feet; thence N 4°40' W a distance of 102.0 feet to a point on the north property line; thence S 88°58' W a distance of 42.0 feet to a point on the centerline of said project at Station 349+76; thence S 88°58' W a distance of 70.6 feet; thence S 8°17' E a distance of 171.0 feet; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 7709.5 feet a distance of 214.0 feet; thence S 4°00' E a distance of 202.0 feet; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 7577.5 feet a distance of 593.0 feet; thence S 15°47' E a distance of 166.0 feet; thence N 88°58' E a distance of 63.0 feet to the point of beginning.

Said parcel of land lying in the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 4, T-3-S, R-3-E and containing 3.19 acres, more or less.

EXHIBIT S: PARCEL 53

BOOK 034 PAGE 323

Beginning at Station 352+90 of Project Number F-193(9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 58' E a distance of 63 feet to a point on the present right of way line of U. S. Route Number 31; thence N 4° 40' W along said right of way line a distance of 71.0 feet; thence northwesterly along a curve to the left (concave southwesterly) having a radius of 2824.9 feet a distance of 440.00 feet to a point on the north property line; thence S 88° 58' W a distance of 72.0 feet to a point on the centerline of said project at Station 358+02; thence S 88° 58' W a distance of 70.5 feet; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 5659.7 feet a distance of 342.0 feet; thence S 8° 17' E a distance of 171.0 feet; thence N 88° 58' E a distance of 70.5 feet to the point of beginning.

Said parcel of land lying in the NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 4, T-3-S, R-3-E and containing 1.63 acres, more or less.

## EXHIBIT T: PARCEL 54

Beginning at Station 358+02 of Project Number R-193(9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 58' E a distance of 72.0 feet to a point on the present right of way line of U. S. Route Number 31; thence northwesterly along a curve to the left (concave southwesterly) having a radius of 2824.9 feet a distance along said right of way line of 313.0 feet; thence N 19° 40' W a distance of 211.0 feet to a point on the north property line; thence S 88° 59' W a distance of 37.0 feet to a point on the centerline of said project at station 363+17; thence S 88° 59' W a distance of 86.0 feet; thence S 19° 06' E a distance of 238.0 feet; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 5659.7 feet a distance of 280.0 feet; thence N 88° 58' E a distance of 70.5 feet to the point of beginning.

Said parcel of land lying in the NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 4, T-3-S, R-3-E and containing 1.51 acres, more or less.

BOOK 034 PAGE 326

EXHIBIT V: PARCEL 66

Beginning at Station 419+13 of Project Number F-193(9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N  $88^{\circ} 40'$  E a distance of 33.0 feet to a point on the present right of way line of U. S. Route Number 31; thence N  $0^{\circ} 05'$  E along said right of way line a distance of 292.0 feet; thence northerly along a curve to the left (concave westerly) having a radius of 5689.7 feet a distance of 520.0 feet; thence N  $5^{\circ} 09'$  W a distance of 1726.0 feet to a point on the north property line; thence S  $87^{\circ} 32'$  W a distance of 38.0 feet to a point on the centerline of said project at Station 444+51; thence S  $87^{\circ} 32'$  W a distance of 62.0 feet; thence S  $4^{\circ} 45'$  E a distance of 1348.0 feet; thence southerly along a curve to the right (concave westerly) having a radius of 22856.3 feet a distance of 1186.0 feet; thence N  $88^{\circ} 40'$  E a distance of 62.0 feet to the point of beginning.

Said parcel of land lying in the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 28, T-2-S, R-3-E and containing 6.16 acres, more or less.



## EXHIBIT W: PARCEL 72A

Beginning at Station 457+26 of Project Number F-193(9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 50' E a distance of 39.0 feet to a point on the present right of way line of U. S. Route Number 31; thence northwesterly along a curve to the left (concave southwesterly) having a radius of 5689.7 feet a distance along said right of way line of 233.0 feet; thence N 13° 03' W a distance of 646.0 feet to a point on the north property line; thence S 88° 50' W a distance of 35.0 feet to a point on the centerline of said project at Station 474+48; thence S 88° 50' W a distance of 73.0 feet; thence S 15° 33' E a distance of 214.0 feet; thence S 13° 00' E a distance of 312.2 feet; thence Southeasterly along a curve to the right (concave southwesterly) having a radius of 7577.5 feet a distance of 354.0 feet; thence N 88° 50' E a distance of 62.8 feet to the point of beginning.

Said parcel of land lying in the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  and NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 28, T-2-S, R-3-E and containing 1.88 acres, more or less.

## EXHIBIT U: PARCELS 58B and 58C

PARCEL 58B: Beginning at Station 382+47 of said project, the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 40' E a distance of 14.0 feet to a point on the present right of way line of U. S. Route No. 31; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 2332.0 feet a distance along said right of way line of 380.0 feet; thence N 0° 05' E a distance of 430.0 feet to a point on the north property line; thence S 88° 55' W a distance of 20.0 feet to a point on the centerline of said project at Station 390+59; thence S 88° 55' W a distance of 62.0 feet; thence S 4° 33' W a distance of 156.0 feet; thence S 1° 26' E a distance of 179.0 feet; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 3,085.7 feet a distance of 226.0 feet; thence S 8° 00' E a distance of 250.0 feet; thence N 88° 40' E a distance of 62.5 feet to the point of beginning.

PARCEL 58C: Beginning at the intersection of the present west right of way line of the Louisville and Nashville Railroad and the present east right of way line of U. S. Highway 31; thence northeasterly along a curve to the right (concave easterly) having a radius of 2,251.83 feet, along the present east right of way line of said U. S. Highway, a distance of 490 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of Project F-193(9) at Station 387+20.9; thence northeasterly along present east right of way line of said U. S. Highway, a distance of 335 feet, more or less, to the north line of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 33, T-2-S, R-3-E, the north property line; thence easterly along said north property line a distance of 20 feet more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of said project; thence S 0° 10' W, parallel to the centerline of said project, a distance of 335 feet, more or less, to present west right of way line of the Louisville and Nashville Railroad; thence southernly along said present west right of way line a distance of 490 feet, more or less, to the point of beginning.

Said parcels of land lying in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 33, T-2-S, R-3-E and containing 1.88 acres, more or less.

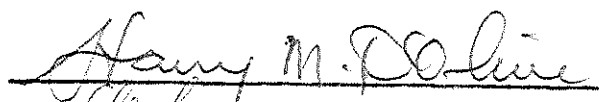
STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

TO: Addressees with addresses as shown in NOTICE  
OF APPEAL FROM ORDER OF CONDEMNATION

You are hereby notified that the foregoing NOTICE OF APPEAL  
was filed in the Office of the Judge of Probate of Baldwin County,  
Alabama, on the 27 day of December, 1963.

Witness my hand this 27 day of December, 1963.

  
Clerk  
Judge of Probate  
Baldwin County, Alabama

BOOK 604 PAGE 328

STATE OF ALABAMA  
BALDWIN COUNTY

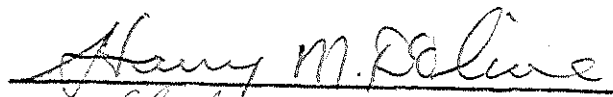
IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

ORDER TO SERVE

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to serve the foregoing NOTICE OF  
APPEAL FROM ORDER OF CONDEMNATION upon each Condemnee as named  
in Paragraphs 1 through 24 of this NOTICE OF APPEAL, and make  
due return to this Court of such notice.

Dated this 27 day of December, 1963.

  
Clerk  
Judge of Probate,  
Baldwin County, Alabama

STATE OF ALABAMA,	X	
Condemnor,	X	
	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
GARY ELLIS and SCOTT ELLIS,	X	
ET AL,	X	AT LAW
	X	NO: <u>5897</u>
Condemnees.	X	

MOTION TO DISMISS APPEAL

Come now Gary Ellis and Scott Ellis, Condemnees in the above styled cause, by their attorneys, and appearing specially for the purpose of filing this motion and for no other different object or purpose and file this their 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 represent and show unto this Honorable Court as follows:

That on the eighteenth day of October, 1963, the State of Alabama filed an application for condemnation against these condemnees 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 these condemnees 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 these condemnees 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 Gary Ellis and Scott Ellis were parties 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 they were not parties to or interested in Cases No. 5060, 5061, 5081, 5083, 5085 or 5099. That there was not on


December 27, 1963, November 29, 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 any cause wherein the State of Alabama was condemnor and the parties named as condemnees in Exhibit H attached hereto were jointly named as condemnees; 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, December 27, 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 No. 5080, in which proceeding your condemnees were parties thereto, although a copy of the attached notice of appeal from order of condemnation was served on each of your condemnees.

WHEREFORE your condemnees respectfully move 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 these condemnees were named as parties for further action by the Probate Court of Baldwin County, Alabama.

Respectfully submitted,

CHASON, STONE & CHASON

By:

  
Attorneys for Gary Ellis and Scott Ellis

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

STATE OF ALABAMA

PETITIONER,

VS.

SHEPHERD R. MANNING, (Parcel 25), C.  
G. 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.

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-  
tain 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>, 10AB, 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, \$ ~~XXXXXX~~ for Parcel

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

No. 10AB, \$ 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~~ 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 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.

W. R. Stewart  
Judge of Probate

STATE OF ALABAMA,	X	
Condemnor,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
MARY F. ROBERTSON, Et Al.,	X	AT LAW NO. 5897
Condemnees.	X	

MOTION TO DISMISS APPEAL

Comes now Mary F. Robertson, 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, Mary F. Robertson 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.

Respectfully submitted,  
CHASON, STONE & CHASON

By:   
Attorneys for Mary F. Robertson

**FILED**  
JAN 24 1964

ALICE L. DICK, CLERK  
REGISTER

STATE OF ALABAMA,

Condemnor,

vs.

W. P. BROWN & SONS LUMBER  
COMPANY, INC., A CORPORATION,  
ET AL.,

Condemnees.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5897

ORDER APPOINTING DAY TO HEAR MOTIONS

It having been made to appear to the Court that Frank M. Taylor, International Paper Company, Inc., a corporation, R. J. Robertson, Jessie M. Reed, Eugene Reid and Gary Ellis and Scott Ellis, Condemnees named in the above styled cause, did, on the 22nd day of January, 1964, acting by and through their attorneys, appear specially in this cause and filed separate motions to dismiss the appeal of the State of Alabama; and the Court having considered the same is of the opinion that said motions should be set down for hearing and argument; it is, therefore

ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, At Law, that the motions heretofore filed by the above named parties to dismiss the appeal of the State of Alabama, be, and the same are hereby, set down for hearing and argument before this Court on the 7<sup>th</sup> day of FEBRUARY, 1964, at 10:00 A. M.

Done this the 24<sup>th</sup> day of JANUARY, 1964.

John M. Isaac  
Circuit Judge

FILED

JAN 24 1964

ALICE I. DUCK, CLERK  
REGISTER

STATE OF ALABAMA,

Condemnor,

vs.

MARY F. ROBERTSON, ET AL.,

Condemnees.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

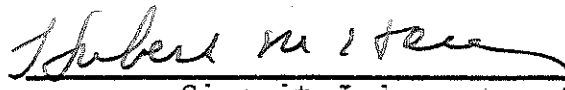
NO. 5897

ORDER APPOINTING DAY TO HEAR MOTION

This day came Mary F. Robertson, one of the Condemnees in the above styled cause, and appeared specially and filed a motion to dismiss this appeal and the same having been called to the attention of the Court, the Court is of the opinion that the same should be set down for hearing; it is, therefore

ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, At Law, that the motion of Mary F. Robertson be, and the same is hereby, set down for hearing on the 7<sup>th</sup> day of February, 1964, at 10:00 A. M.

Done this the 24<sup>th</sup> day of January, 1964.

  
Circuit Judge

FILED

JAN 24 1964

ALICE J. DICK, CLERK  
REG 7

STATE OF ALABAMA

IN THE PROBATE COURT OF

CONDENMNOR,

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 27 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

Harry M. Deline

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 Elia 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:

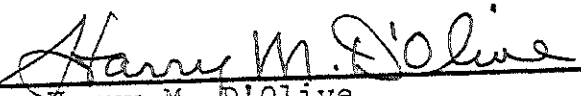
That his name is Harry M. D'Olive. That he is now and was on the 29th day of November, 1963, and at all times subsequent thereto, Chief Clerk of the Probate Court of Baldwin County, Alabama, in Bay Minette, Baldwin County, Alabama. That as such Chief Clerk of the Probate Court of Baldwin County, Alabama, 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 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-

national 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 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-

bama, 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

STATE OF ALABAMA,

PETITIONER,

VS.

ANDREW DAVISON (Parcel 14);  
RAY E. LOPER LUMBER COMPANY, INC;  
A CORP ( FOR PARCELS 40 A & B);  
EMORY BRANTLEY and DORIS BRANTLEY  
(For Parcel-70): AND BALDWIN  
COUNTY, ALABAMA, A POLITICAL  
SUBDIVISION OF THE STATE OF  
ALABAMA, Respondents

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 5083

BOOK U34 PAGE 225

APPLICATION FOR CONDEMNATION

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

Comes the State of Alabama, Petitioner in the above styled cause and files this its application in the Probate Court of Baldwin County, Alabama, for order of condemnation of a right of way over the lands hereinafter described for a public road or highway and as a basis for the relief sought shows unto the Court as follows:

(1) Petitioner is authorized under the Constitution of Alabama 1901 and under the provisions of Title 19, Section 1, Code of Alabama, 1940, as amended, to institute and prosecute these proceedings in its own name for the purposes of a public road or highway.

(2) That said public highway has been designated by the State Highway Director as a part of the State Highway System and also known as Project No. F-193(9), Baldwin County, Alabama.

(3) That said public highway begins at a point approximately one-half mile south of U.S. Postoffice in Stapleton, Alabama, where U.S. Highway No. 31 and Alabama Highway No. 59 fork, and runs thence northwardly to a point south of Bay Minette, Alabama, on U.S. Highway No. 31, approximately six hundred feet south of the section line dividing sections 21 and 28, T-28, R-3-E ,

(4) The right of way over the property and lands hereinafter described as Parcels Numbers 14, 40 A & B, and 70

and as set out in the right of way map on Project No. 193(9) on file in the State Highway Department and in the office of the Judge of Probate of Baldwin County, Alabama, has been deemed necessary by the State Highway Director in order to facilitate the flow of traffic and promote public safety.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed Oct 18, 1963 M  
Recorded WR Stuart book U34 page 225  
Judge of Probate

(5) That said tract(s) of land necessary for use by Petitioner as a right of way for such public highway and in which Petitioner seeks to condemn as easement(s) or right of way(s) are (is) located wholly within Baldwin County, Alabama, and are (is) described in Exhibit "A", attached hereto.

(6) That the right of way or easement which Petitioner seeks to condemn for highway purposes is set out and described in the right of way map on Project F-193(9), which is on file in the State Highway Department and in the office of the Judge of Probate of Baldwin County, Alabama.

(7) That a diligent search has been made of the records of Baldwin County, Alabama, and diligent inquiry made to ascertain the names and addresses of the parties owning said tract(s) of land and according to the best of Petitioner's information, knowledge and belief the said lands are owned and interest in said lands are claimed by the parties named as respondents in this cause.

(8) That Baldwin County, Alabama, a body corporate under the laws of the State of Alabama with its county seat in the City of Bay Minette, Alabama, may have or claim an interest in said tract by reason of taxes and easements due and chargeable, and is hence made a respondent herein.

(9) Not applicable.

WHEREFORE, the premises considered, your Petitioner respectfully prays:

(1) That an order be made appointing a day for the hearing of this application and that notice of the filing thereof and of the day set for the hearing thereof be given to the respondents.

(2) That this Court will appoint commissioners to ascertain and report the compensation and damages occasioned by such taking.

EXHIBIT A

Tract No. 14: Beginning at Station 43+33 of Project Number F-193(9) the south property line; thence S 87° 41' W a distance of 28.0 feet to a point on the present right of way line of U.S. Route Number 31, the point of beginning of the parcel of land hereinafter described. Thence N 7° 20' W along said right of way line a distance of 50.5 feet to a point on the north property line; thence S 87° 41' W a distance of 20.0 feet; thence southeasterly along a curve to the right (concave westerly) having a radius of 14276.0 feet a distance of 50.5 feet; thence N 87° 41' E a distance of 20.0 feet to the point of beginning.

Said parcel of land lying in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 32, T-3-S, R-3-E and containing 0.02 acres, more or less.

Tract No. 40: Parcel A: Beginning at Station 154+20 of Project Number F-193(9) the west property line, the point of beginning of the parcel of land hereinafter described. Thence S 1° 34' E a distance of 92.0 feet to a point on the present right of way line of U.S. Route Number 31; thence N 41° 41' E along said right of way line a distance of 171.0 feet; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 1392.7 feet a distance of 782.3 feet; thence N 9° 31' E a distance of 763.0 feet to a point on the north property line; thence S 88° 33' W a distance of 36.0 feet to a point on the centerline of said project at Station 170+16; thence S 88° 33' W a distance of 71.2 feet; thence S 9° 03' W a distance of 223.0 feet; thence S 13° 38' W a distance of 566.0 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 2953.7 feet a distance of 680.0 feet; thence S 1° 34' E a distance of 105.0 feet to the point of beginning.

Tract No. 40: Parcel A: Beginning at Station 172+32 of Project Number F-193 (9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 33' E a distance of 38.0 feet to a point on the present right of way line of U.S. Route Number 31; thence N 9° 31' E along said right of way line a distance of 216.0 feet to a point on the north property line; thence S 88° 33' W a distance of 40.0 feet to a point on the centerline of said project at Station 174+48; thence S 88° 33' W a distance of 171.2 feet; thence S 9° 03' W a distance of 216.0 feet; thence N 88° 33' E a distance of 71.2 feet to the point of beginning.

Said parcels of land lying in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  and NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 21, T-3-S, R-3-E and containing 5.92 acres, more or less.

Tract No. 70: Beginning at Station 454+22 of Project Number F-193(9) the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 25' E a distance of 40.0 feet to a point on the present right of way line of U.S. Route #31; thence northwesterly along a curve to the left (concave southwesterly) having a radius of 5689.7 feet a distance along said right of way line of 74.6 feet to a point on the northeast property line; thence N 72° 45' W a distance of 44.0 feet to a point on the centerline of said project at Station 455+13; thence N 72° 45' W a distance of 69.0 feet; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 7577.5 feet a distance of 112.0 feet; thence N 88° 25' E a distance of 62.0 feet to the point of beginning.

Said parcel of land lying in the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 28, T-2-S, R-3-E, and containing 0.22 acres, more or less.

(3) That upon a final hearing of this petition an order and decree be made by this Court condemning the easement for the right of way, as set out in the right of way map on Project No. F-193(9), over the lands as set out in Exhibit "A" of this application, all for the uses and purposes of a public highway for the State of Alabama.

THE HONORABLE J. P. WATKINS

Attorney General

STATE OF ALABAMA

By:

Kenneth Cooper  
Duly Appointed Special  
Assistant Attorney General  
For The State of Alabama

STATE OF ALABAMA

BALDWIN COUNTY

Before me, G. Mac Humphries, Notary Public, Baldwin County,

Alabama, personally appeared Kenneth Cooper, Assistant Attorney General of the State of Alabama, who is personally known to me, and who is known to me in his official capacity as an Assistant Attorney General of the State of Alabama, and also being first duly sworn, deposes and says that the allegations of the foregoing application for condemnation are true and correct.

Kenneth Cooper  
Affiant

Sworn and subscribed before me on this 12 day of Oct, 1963.

G. Mac Humphries  
Notary Public.

BOOK U4 PAGE 228



ORDER OF PROBATE COURT

The foregoing application for condemnation having been presented to the Probate Court of Baldwin County, Alabama, and considered by the Court,

IT IS ORDERED that the same be and is hereby set for hearing on the 5<sup>th</sup> day of NOVEMBER, 1963, at 9:00 A M o'clock.

IT IS FURTHER ORDERED that notice of the application for condemnation and of the date set for the hearing thereof be given to respondents at least ten (10) days before the hearing of this application.

Dated this 18<sup>th</sup> day of October, 1963.

[Signature]  
Probate Judge  
By: [Signature] Chief Clerk

BOOK  
USA  
PAGE  
229

STATE OF ALABAMA,

PETITIONER,

VS.

ANDREW DAVISON (Parcel 14), RAY E. LOPER LUMBER CO., INC., A CORP (For PARCEL 40 A & B), EMORY BRANTLEY and DORIS BRANTLEY (Parcel 70), and BALDWIN COUNTY, ALABAMA, A POLITICAL SUBDIVISION OF THE STATE OF ALABAMA,

Respondents.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. \_\_\_\_\_

BOOK U34 PAGE 232

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR  
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the 5<sup>th</sup> day of NOV., 1963, at 9:00 A.M. o'clock, as set forth in the application of the State of Alabama to condemn the right-of-way or easement on Parcels 14, 40 A & B, and 70, Project F-193(9), as specified in said application for condemnation over the lands therein described for the uses and purposes of a public road or highway for the State of Alabama, and it appearing to the Court that notice of the filing of said application for condemnation and of the day set for the hearing of the same has been given to the owners and interested parties by service of a notice upon them for more than ten (10) days prior to this date.

WHEREUPON, after examination of said application and after hearing the evidence in support thereof, the Court is of the opinion that the allegations contained in said application are true and that it is necessary to condemn the easement or right-of-way over the lands as described in said application, all for the uses and purposes of a public road or highway in and for the State of Alabama, and no cause having been shown why such application should not be granted;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the prayer of said application for condemnation be granted and that the easement or right-of-way over the lands described in said application is hereby condemned for the uses and purposes of a public road or highway in Baldwin County, Alabama.

IT IS FURTHER ORDERED by the Court that RANDOLPH MCGOWAN  
O.W. Lyles, E.P. Rell,  
who are resident citizens of Baldwin County, Alabama, possessing the  
qualifications of jurors and who are disinterested in these proceed-  
ings (each of these facts being ascertained by the Court) be and  
they are hereby appointed commissioners to view said property and  
hear any evidence offered by interested parties and report to the  
Court within twenty days after their appointment the amount of damages  
and compensation to which the owners and interested parties are en-  
titled to receive for the condemnation of said right of way.

IT IS FURTHER ORDERED by this Court that a notice of their  
appointment be at once issued to said commissioners, and that the  
Sheriff of said County serve notice of said appointment upon each of  
the commissioners as required by law.

Done this 5<sup>th</sup> day of NOVEMBER, 1963.

W. B. Stewart  
Judge of Probate  
By: Harry M. O'Leary Chief Clerk  
By: \_\_\_\_\_

BOOK USA PAGE 233

STATE OF ALABAMA,  
PETITIONER,

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

(131)

Vs.

ANDREW DAVISON (Parcel 14), RAY  
E. LOPER LUMBER COM., INC. A CORP  
(For Parcels 40 A & B), EMORY  
BRANTLEY and DORIS BRANTLEY (For  
PARCEL 70), and Baldwin County,  
Alabama, a Political Subdivision  
of the State of Alabama,

TO: Respondents.

Andrew Davison, Stapleton, Alabama; Ray E. Loper Lumber Company, Inc.,  
a Corp., c/o Ray E. Loper, Bay Minette, Ala., Emory Brantley and Doris  
Brantley, Bay Minette, Alabama; and Baldwin County Board of Commissioners,  
Baldwin County, Alabama, c/o John Handley, Bay Minette, Ala, Chairman.

YOU WILL PLEASE TAKE NOTICE that an application was filed in  
this Court by the State of Alabama, a copy of which said application  
is attached hereto, alleging that it desires to have condemned an  
easement or right of way for a public road across lands belonging to  
above named respondents, which said lands are particularly described  
in the said application;

And the application prays that a day be appointed for the hearing  
thereof and for such further, other and different orders and decrees  
as may be necessary and proper for the acquisition by the Applicant  
of the easement or right of way over and across the above mentioned  
property.

THIS IS TO NOTIFY YOU that the Probate Court of Baldwin County,  
Alabama, has, and by an order this day made and entered, appointed  
the 5 day of Nov., 1963, at 9:00 A. M o'clock,  
as the day and time upon which said application will be heard, at  
which time you may appear and contest the same, if you choose to do  
so.

Done this 18 day of October, 1963.

[Signature]  
Judge of Probate  
By: [Signature] Chief Clerk  
By: [Signature]

BOOK 034 PAGE 231

Received 18 day of Oct 1963  
and on 18 day of Oct 1963  
I served a copy of the within notice  
on Andrew, Davison

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

Sheriff claims 4.4 miles at  
Ten Cents per mile Total \$ 4.40  
TAYLOR WILKINS, Sheriff  
BY W. A. Talbert  
DEPUTY SHERIFF

Received 18 day of Oct 1963  
and on 18 day of Oct 1963  
I served a copy of the within notice  
on Ray L. Lopez Lumber Co.

By service on Ray L. Lopez

TAYLOR WILKINS, Sheriff  
By W. A. Talbert D. S.  
om'

Received 18 day of Oct 1963  
and on 18 day of Oct 1963  
I served a copy of the within notice  
on Bernie Brantley;  
Doris Brantley

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

TAYLOR WILKINS, Sheriff  
By W. A. Talbert D. S.  
om'

Received 18 day of Oct 1963  
and on 18 day of Oct 1963

I served a copy of the within notice  
on Baldwin Co. Board of  
Commissioners

By service on John Hadley

TAYLOR WILKINS, Sheriff  
By W. A. Talbert D. S.  
om'

STATE OF ALABAMA,  
PETITIONER,  
VS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. \_\_\_\_\_

ANDREW DAVISON (Parcel 14), RAY  
E. LOPEZ LUMBER CO. INC., A CORP  
(Parcels 40 A & B), EMORY BRANT  
LEY and DOBBS BRANTLEY (Parcel  
70), and BALDWIN COUNTY, ALABAMA,  
A POLITICAL SUBDIVISION OF THE  
STATE OF ALABAMA,  
Respondents.

COMMISSIONS

TO: Randolph McGowan  
O.W. Lyles, and  
E.P. Bell.

KNOW YE, that having full faith and confidence in your integrity and competency, you have been by order and decree of the Probate Court of Baldwin County, Alabama, designated and appointed as commissioners in the above styled cause, with all the power, authority and duties vested in or which may devolve on you as such commissioners under and by virtue of the provisions of Chapter I of Title 19 of the Code of Alabama of 1940, as amended.

You will be sworn as jurors and you or a majority of you shall assess the damages and compensation to which the owners and interested parties are entitled by virtue of and on account of the condemning of the right-of-way or easement over the tracts of land described in the application for condemnation filed in this cause, all for the uses and purposes of a public road or highway in and for the State of ALABAMA. A description of the lands and the names of the owners and the easement sought are specifically set out in the application for condemnation filed in this cause.

You may view the lands to be subjected and you must receive all legal evidence offered by any party touching the amount of damages or compensation the owner of said lands and interested parties will sustain and are entitled to receive. Any person interested in the proceedings may be present in person or by attorney at any of these proceedings which you may have.

BOOK  
USA  
PAGE 234

You must within twenty days from the day of your appointment, which is this date, make a report in writing to the Court stating the amount of damage and compensation ascertained and assessed by you for the owners and parties interested in the tracts of land, and file a certificate along with your award that none of you have been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages, and that you knew nothing of the same prior to your appointment.

Given under my hand and seal of office this 5<sup>th</sup> day of

November, 1963.

W. R. Stewart  
Judge of Probate  
By: Harry H. Olive Chief Clerk  
By: \_\_\_\_\_

STATE OF ALABAMA)

BALDWIN COUNTY )

We, and each of us do solemnly swear that we will well and truly try the cause now pending and submit it to our decision, said case being styled State of Alabama vs. Andrew Davison, et al., and Baldwin County, a political subdivision of the State of Alabama, and that we are not directly, nor indirectly, interested in the issue to be tried, and that we are not biased or prejudiced against either of said parties, and that we will render such compensation to the defendants as to us shall seem just and proper in the presence, so help us God.

Randolph McTear  
C. W. Taylor  
E. P. Bell

Sworn to and subscribed before me this 7th day of Nov, 1963.

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

BOOK 034 PAGE 235

Received: 6 day of Nov 1963and on 7 day of Nov, 1963.I served a copy of the within Noticeon Randolph Mc Gowan,O. W. Lyles, C. P. Bell

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

TAYLOR WILKINS, Sheriff

By W. A. Talbot D. S.omr'



STATE OF ALABAMA,  
PETITIONER,  
VS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. \_\_\_\_\_

ANDREW DAVISON (Parcel 14), RAY E.  
LOPER LUMBER CO., INC. A CORP, (For  
Parcel 40 A & B), EMORY BRANTLEY and DORIS  
BRANTLEY (Parcel 70), and BALDWIN  
COUNTY, ALABAMA, A POLITICAL SUB-  
DIVISION OF THE STATE OF ALABAMA,  
Respondents.

BOOK 084 PAGE 237

REPORT OF THE COMMISSIONERS

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

Come the undersigned, E. P. Bell,

Randolph McGowan and O.W. Lyles,

the Commissioners duly appointed to assess the damages to Parcels  
Numbers 14, 40A & B and 70

of Project No. F-193(9), to which the owner and other parties in-  
terested in the parcels of land set forth and described in the ori-  
ginal application for condemnation of lands filed in this cause, are  
entitled for the condemnation of such lands, and having been duly  
sworn as jurors are sworn, and having viewed the lands described in  
said application for condemnation, and having set a tile and place  
for the hearing of the evidence to be offered by any party touching  
the amount of damages the owners of the lands and other parties in-  
terested therein will sustain and the amount of compensation they  
are entitled to receive, and having received all legal evidence of-  
fered, do hereby state that the amount of damages and compensation  
has been ascertained and assessed by the undersigned according to  
law and that the said owners of said Parcels of land and other par-  
ties interested therein are entitled to receive as damages and com-  
pensation for the condemnation of their property, the following  
amount:

Project No. F-193(9), Parcel No. 14, \$ 1,000<sup>00</sup> ;  
Project No. F-193(9), Parcel No. 40A & B \$ 3,256<sup>00</sup> ;  
Project No. F-193(9), Parcel No. 70, \$ 1500<sup>00</sup> ;

Project No. F-193(9), Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_  
Project No. F-193(9), Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_  
Project No. F-193(9), Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_

We hereby certify that we have not been consulted with, advised with or approached by any person with reference to the value of the lands other than as to the evidence submitted to and considered by us or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

E. L. Bell  
Commissioner

Randolph M. Brown  
Commissioner

C. W. Tyler  
Commissioner

Sworn to and subscribed before me  
this 22nd day of November, 1963.

W. R. Stival  
Judge of Probate

Sgt. Harry M. DeLine,  
Chief Clerk.

BOOK USA PAGE 238

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

BOOK U34 PAGE 239

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

STATE OF ALABAMA  
PETITIONER,

PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Vs.

1133

See Attached Respondents  
List No. 1

TO: See attached list of addressees.

YOU WILL PLEASE TAKE NOTICE that an application was filed in this Court by the State of Alabama, a copy of which said application is attached hereto, alleging that it desires to have condemned an easement or right of way for a public road across lands belonging to above named respondents, which said lands are particularly described in the said application;

And the application prays that a day be appointed for the hearing thereof and for such further, other and different orders and decrees as may be necessary and proper for the acquisition by the Applicant of the easement or right of way over and across the above mentioned property.

THIS IS TO NOTIFY YOU that the Probate Court of Baldwin County, Alabama, has, and by an order this day made and entered, appointed the 5 day of November, 1963, at 9:00 A M o'clock, as the day and time upon which said application will be heard, at which time you may appear and contest the same, if you choose to do so.

Done this 13 day of October, 1963.

W. E. Stuart  
Judge of Probate  
By: Harry M. Oliver Chief Clerk  
By: \_\_\_\_\_

RESPONDENTS LIST NUMBER ONE

UNITED STATES STEEL CORPORATION,  
A CORP., (Parcel 2), T. C. BRY-  
ANT and BESSIE BRYANT (Parcel 6),  
FRANK M. TAYLOR (Parcel 9), G. M.  
BUSH and ALLERA D. BUSH (Parcels  
10 A & B), JAMES E. WIGGINS and  
VIRGINIA WIGGINS and LIBERTY NAT-  
IONAL LIFE INSURANCE COMPANY  
(Parcel 20), K. B. BUSH and GRACE  
N. BUSH (Parcel 22), SOUTHERN  
BELL TELEPHONE and TELEGRAPH <sup>27/28</sup>  
COMPANY, INC., A CORP., (Parcel  
32), LASLIE E. TENISON and MAY I.  
TENISON (Parcel 34), ARCHIE A.  
BACON and BITRA BACON (Parcel 35),  
GALILEE PRIMITIVE BAPTIST CHURCH,  
INC., A CORP., (Parcel 39), and  
FIRST NATIONAL BANK OF BAY MINETTE,  
ALABAMA (Parcel 39), GARY ELLIS  
and SCOTT ELLIS (Parcel 44), RUTH  
L. PAGE (Parcel 45), INTERNATIONAL  
PAPER COMPANY, INC., A CORP.,  
(Parcel 46), J. F. BARNES (Parcel  
47), Estate of J. S. LOWERY and  
L. T. RHODES, JR., administrator  
for Estate of J. S. LOWERY (Parcel  
48), and B. B. WHITE (Parcel 48),  
WILLIAM J. SWEERING, JR., (Parcel  
49), EUGENE REID (Parcel 50),  
EUGENE T. REID (Parcel 51), JOHN  
C. GRAHAM and LUCIA ALINE GRAHAM  
(Parcel 52), and BERNICE REID  
(Parcel 52), EUGENE T. REID (Par-  
cel 53), STANLEY T. MILLIGAN (Par-  
cel 53-A), and EUGENE T. REID  
(Parcel 53-A), RUSSELL SHERMAN  
and DELAYNE R. SHERMAN (Parcel  
54), EMMA A. LEE (Parcel 57),  
JESSIE M. REED (Parcel 58 B & C),  
and VETERANS ADMINISTRATION c/o  
CARL R. ARAY, JR., administrator  
(Parcel 58 B & C), BRYAN -SMITH <sup>22/23</sup>  
OIL COMPANY, INC., (Parcel 69),  
and BIRMINGHAM TRUST NATIONAL  
BANK (Parcel 69), and L. T. RHODES,  
JR., (Parcel 72-A), AND BALDWIN  
COUNTY, ALABAMA, A POLITICAL SUB-  
DIVISION OF THE STATE OF ALABAMA.

Respondents.

TO: UNITED STATES STEEL CORPORATION, a Corporation, Birmingham, Alabama; (Parcel 2); T. C. BRYANT and BESSIE BRYANT (Parcel 6), Stapleton, Alabama; FRANK N. TAYLOR (Parcel 9), Stapleton, Alabama; G. M. BUSH and ALLERA D. BUSH (Parcels 10 A & B), Stapleton, Alabama; JAMES E. WIGGINS and VIRGINIA WIGGINS (Parcel 20), Stapleton, Alabama, and LIBERTY NATIONAL LIFE INSURANCE COMPANY (Parcel 20), Birmingham, Alabama; K. E. BUSH and GRACE N. BUSH (Parcel 22), Stapleton, Alabama; SOUTHERN BELL TELEPHONE and TELEGRAPH COMPANY, INC., a Corporation, (Parcel 32), Mobile, Alabama; LASHIE B. TENISON and MAY I. TENISON (Parcel 34), c/o RAY C. STEPHENS, FIRST NATIONAL BANK, BAY MINETTE, ALABAMA; ARCHIE A. BACON and BITHA BACON (Parcel 35), Stapleton, Alabama; GALILEE PRIMITIVE BAPTIST CHURCH, INC., a Corporation, (Parcel 39), Stapleton, Alabama, and FIRST NATIONAL BANK OF BAY MINETTE, (Parcel 39), Bay Minette, Alabama; GARY ELLIS and SCOTT ELLIS (Parcel 44), Stapleton, Alabama; RUTH L. PAGE (Parcel 45), Bay Minette, Alabama; INTERNATIONAL PAPER COMPANY, INC., a Corporation (Parcel 46), Mobile, Alabama; J. F. BARNES (Parcel 47), Bay Minette, Alabama; Estate of J. S. LOWERY c/o L. T. RHODES, JR., (Parcel 48), Bay Minette, Alabama; and B. B. WHITE (also Parcel 48), Bay Minette, Alabama; WILLIAM J. SNEERING, JR., (Parcel 49), c/o Alabama Power Co., Mobile; EUGENE REID (Parcel 50), Bay Minette, Alabama; EUGENE T. REID (Parcel 51), Bay Minette, Alabama; JOHN C. GRAHAM and ALINE GRAHAM (Parcel 52), Bay Minette, Alabama; and BERNICE REID (Parcel 52), Bay Minette, Alabama; EUGENE T. REID (Parcel 53), Bay Minette, Alabama; STANLEY T. MILLIGAN (Parcel 53-A), Bay Minette, Alabama; and EUGENE T. REID (Parcel 53-A), Bay Minette, Alabama; RUSSELL SHERMAN and DELAYNE R. SHERMAN (Parcel 54), Bay Minette, Alabama; EMMA A. LEE (Parcel 57), Gateswood, Alabama; JESSIE M. REED (Parcels 58 B & C), Bay Minette, Alabama, and VETERANS ADMINISTRATION (Parcel 58 B & C), Montgomery, Alabama; BRYAN-SMITH OIL COMPANY, INC., (Parcel 69), 507 Government Street, Mobile, Alabama, and BIRMINGHAM TRUST NATIONAL BANK (Parcel 69), Birmingham, Alabama; L. T. RHODES, JR., (Parcel 72-A), Bay Minette, Alabama; and BALDWIN COUNTY c/o JOHN B. HADLEY, Chairman BALDWIN COUNTY BOARD OF COMMISSIONERS, Bay Minette, Alabama.

RECEIVED

OCT 21 1963

Received 21 Day of Oct 1963  
and on 22 Day of Oct

I served a Copy of the within notice  
on Bryan-Smith Oil Co

EXECUTED

This 23 day of Oct, 1963

by serving a copy of the within on

Sheldon Bryan  
Co-owner

RAY D. BRIDGES, Sheriff

By W.E. Conniff D.S.

William J. Sweeney  
RAY D. BRIDGES, Sheriff

By C. J. Fitzpatrick D.S.

Received 21 Day of Oct 1963  
and on 22 Day of Oct

I served a Copy of the within notice  
on Southern Bell Telephone

Telegraph Co

by service on W.R. Evans  
Dist Commercial Supt

RAY D. BRIDGES, Sheriff

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

mas  
Sept 11/3  
Lynchburg  
Alfred  
and

STATE OF ALABAMA,  
PETITIONER,

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Vs.

1133

See Attached Respondents

List No. 1

TO: See attached list of addressees.

YOU WILL PLEASE TAKE NOTICE that an application was filed in this Court by the State of Alabama, a copy of which said application is attached hereto, alleging that it desires to have condemned an easement or right of way for a public road across lands belonging to above named respondents, which said lands are particularly described in the said application;

And the application prays that a day be appointed for the hearing thereof and for such further, other and different orders and decrees as may be necessary and proper for the acquisition by the Applicant of the easement or right of way over and across the above mentioned property.

THIS IS TO NOTIFY YOU that the Probate Court of Baldwin County, Alabama, has, and by an order this day made and entered, appointed the 5 day of November, 1963, at 9:00 A M o'clock, as the day and time upon which said application will be heard, at which time you may appear and contest the same, if you choose to do so.

Done this 18 day of October, 1963.

W. E. Smith  
Judge of Probate  
By: Harry M. Dine Chief Clerk  
By: \_\_\_\_\_



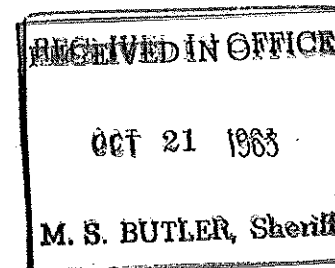
# RESPONDENTS LIST NUMBER ONE

UNITED STATES STEEL CORPORATION,  
A CORP., (Parcel 2), T. C. BRY-  
ANT and BESSIE BRYANT (Parcel 6),  
FRANK M. TAYLOR (Parcel 9), G. M.  
BUSH and ALLERA D. BUSH (Parcels  
10 A & B), JAMES E. WIGGINS and  
VIRGINIA WIGGINS and LIBERTY NAT-  
IONAL LIFE INSURANCE COMPANY  
(Parcel 20), K. B. BUSH and GRACE  
N. BUSH (Parcel 22), SOUTHERN  
BELL TELEPHONE and TELEGRAPH  
COMPANY, INC., A CORP., (Parcel  
32), LASLIE B. TENISON and MAY I.  
TENISON (Parcel 34), ARCHIE A.  
BACON and BITHA BACON (Parcel 35),  
GALILEE PRIMITIVE BAPTIST CHURCH,  
INC., A CORP., (Parcel 39), and  
FIRST NATIONAL BANK OF BAY MINETTE,  
ALABAMA (Parcel 39), GARY ELLIS  
and SCOTT ELLIS (Parcel 44), RUTH  
L. PAGE (Parcel 45), INTERNATIONAL  
PAPER COMPANY, INC., A CORP.,  
(Parcel 46), J. F. BARNES (Parcel  
47), Estate of J. S. LOWERY and  
L. T. RHODES, JR., administrator  
for Estate of J. S. LOWERY (Parcel  
48), and E. B. WHITE (Parcel 48),  
WILLIAM J. SNEERING, JR., (Parcel  
49), EUGENE REID (Parcel 50),  
EUGENE T. REID (Parcel 51), JOHN  
C. GRAHAM and LUCIA ALINE GRAHAM  
(Parcel 52), and BERNICE REID  
(Parcel 52), EUGENE T. REID (Par-  
cel 53), STANLEY T. MILLIGAN (Par-  
cel 53-A), and EUGENE T. REID  
(Parcel 53-A), RUSSELL SHERMAN  
and DELAYNE R. SHERMAN (Parcel  
54), EMMA A. LEE (Parcel 57),  
JESSIE M. REED (Parcel 58 B & C),  
and VETERANS ADMINISTRATION c/o  
CARL R. ARAY, JR., administrator  
(Parcel 58 B & C), BRYAN -SMITH  
OIL COMPANY, INC., (Parcel 69),  
and BIRMINGHAM TRUST NATIONAL  
BANK (Parcel 69), and L. T. RHODES,  
JR., (Parcel 72-A), AND BALDWIN  
COUNTY, ALABAMA, A POLITICAL SUB-  
DIVISION OF THE STATE OF ALABAMA.

Respondents.

TO: UNITED STATES STEEL CORPORATION, a Corporation, Birmingham, Alabama; (Parcel 2); T. C. BRYANT and BESSIE BRYANT (Parcel 5), Stapleton, Alabama; FRANK N. TAYLOR (Parcel 9), Stapleton, Alabama; G. M. BUSH and ALLERA D. BUSH (Parcels 10 A & B), Stapleton, Alabama; JAMES E. WIGGINS and VIRGINIA WIGGINS (Parcel 20), Stapleton, Alabama, and LIBERTY NATIONAL LIFE INSURANCE COMPANY (Parcel 20), Birmingham, Alabama; K. B. BUSH and GRACE N. BUSH (Parcel 22), Stapleton, Alabama; SOUTHERN BELL TELEPHONE and TELEGRAPH COMPANY, INC., a Corporation, (Parcel 32), Mobile, Alabama; LASLIE B. TENISON and MAY I. TENISON (Parcel 34), c/o RAY C. STEPHENS, FIRST NATIONAL BANK, BAY MINETTE, ALABAMA; ARCHIE A. BACON and BITHA BACON (Parcel 35), Stapleton, Alabama; GALILEE PRIMITIVE BAPTIST CHURCH, INC., a Corporation, (Parcel 39), Stapleton, Alabama, and FIRST NATIONAL BANK OF BAY MINETTE, (Parcel 39), Bay Minette, Alabama; GARY ELLIS and SCOTT ELLIS (Parcel 44), Stapleton, Alabama; RUTH L. PAGE (Parcel 45), Bay Minette, Alabama; INTERNATIONAL PAPER COMPANY, INC., a Corporation (Parcel 46), Mobile, Alabama; J. F. BARNES (Parcel 47), Bay Minette, Alabama; Estate of J. S. LOWERY c/o L. T. RHODES, JR., (Parcel 48), Bay Minette, Alabama; and B. B. WHITE (also Parcel 48), Bay Minette, Alabama; WILLIAM J. SNEERING, JR., (Parcel 49), c/o Alabama Power Co., Mobile; EUGENE REID (Parcel 50), Bay Minette, Alabama; EUGENT T. REID (Parcel 51), Bay Minette, Alabama; JOHN C. GRAHAM and ALINE GRAHAM (Parcel 52), Bay Minette, Alabama; and BERNICE REID (Parcel 52), Bay Minette, Alabama; EUGENE T. REID (Parcel 53), Bay Minette, Alabama; STANLEY T. MILLIGAN (Parcel 53-A), Bay Minette, Alabama and EUGENE T. REID (Parcel 53-A), Bay Minette, Alabama; RUSSELL SHERMAN and DELAYNE R. SHERMAN (Parcel 54), Bay Minette, Alabama; EMMA A. LEE (Parcel 57), Gateswood, Alabama; JESSIE M. REED (Parcels 58 B & C), Bay Minette, Alabama, and VETERANS ADMINISTRATION (Parcel 58 B & C), Montgomery, Alabama; BRYAN-SMITH OIL COMPANY, INC., (Parcel 69), 307 Government Street, Mobile, Alabama, and BIRMINGHAM TRUST NATIONAL BANK (Parcel 69), Birmingham, Alabama; L. T. RHODES, JR., (Parcel 72-A), Bay Minette, Alabama; and BALDWIN COUNTY c/o JOHN B. HADLEY, Chairman BALDWIN COUNTY BOARD OF COMMISSIONERS, Bay Minette, Alabama.

Original  
2/68



Herbert J. Lewis Jr.  
Chief att for V.A.

EXECUTED BY SERVING A  
COPY OF THE WITHIN  
on Herbert J.  
Lewis Jr. as  
Chief attorney  
for Veterans  
Administration  
Montgomery, Ala.

This the 21 day of Oct 1963

M. S. BUTLER  
Sheriff Montgomery County,

By Agg...  
Deputy Sheriff

The Sheriff claims 2  
miles at 10c per mile for a total  
of \$ 20  
M. S. Butler, Sheriff  
Montgomery County, Ala.

STATE OF ALABAMA,  
PETITIONER,

Vs.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

See Attached Respondents

List No. 1

Scott Ellis  
Route 2, Hotchkiss, Colorado

CERTIFIED MAIL  
DELIVER TO ADDRESSEE ONLY  
RETURN RECEIPT REQUESTED

TO: See attached list of addressees.

YOU WILL PLEASE TAKE NOTICE that an application was filed in this Court by the State of Alabama, a copy of which said application is attached hereto, alleging that it desires to have condemned an easement or right of way for a public road across lands belonging to above named respondents, which said lands are particularly described in the said application;

And the application prays that a day be appointed for the hearing thereof and for such further, other and different orders and decrees as may be necessary and proper for the acquisition by the Applicant of the easement or right of way over and across the above mentioned property.

THIS IS TO NOTIFY YOU that the Probate Court of Baldwin County, Alabama, has, and by an order this day made and entered, appointed the 5<sup>th</sup> day of November, 1963, at 9:00 A M o'clock, as the day and time upon which said application will be heard, at which time you may appear and contest the same, if you choose to do so.

Done this 18 day of October, 1963.

W. R. Stewart  
Judge of Probate  
By: Harry M. Deline Chief Clerk  
B7:0

STATE OF ALABAMA,  
PETITIONER,  
VS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 5081

LUTHER FINDLEY and MAGGIE FINDLEY  
(FOR PARCEL 4); CLARICE MAY HALE  
(FOR PARCEL 7); A. H. BROWN,  
CLARICE MAY HALE AND A. H. HALE  
(FOR PARCEL 8); and BALDWIN  
COUNTY, ALABAMA, A POLITICAL SUB-  
DIVISION OF THE STATE OF ALABAMA,  
RESPONDENTS.

BOOK U34 PAGE 211

APPLICATION FOR CONDEMNATION

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

Comes the State of Alabama, Petitioner in the above styled cause and files this its application in the Probate Court of Baldwin County, Alabama, for order of condemnation of a right of way over the lands hereinafter described for a public road or highway and as a basis for the relief sought shows unto the Court as follows:

(1) Petitioner is authorized under the Constitution of Alabama 1901 and under the provisions of Title 19, Section 1, Code of Alabama, 1940, as amended, to institute and prosecute these proceedings in its own name for the purposes of a public road or highway.

(2) That said public highway has been designated by the State Highway Director as a part of the State Highway System and also known as Project No. F-193(9), Baldwin County, Alabama.

(3) That said public highway begins at a point approximately one-half mile south of U.S. Postoffice in Stapleton, Alabama, where U.S. Highway No. 31 and Alabama Highway No. 59 fork, and runs thence northwardly to a point south of Bay Lnette, Alabama, on U.S. Highway No. 31, approximately six hundred feet south of the section line dividing sections 21 and 28, T-2S, R-3-E ,

(4) The right of way over the property and lands hereinafter described as Parcels Numbers 4, 7 and 8

and as set out in the right of way map on Project No. 193(9) on file in the State Highway Department and in the office of the Judge of Probate of Baldwin County, Alabama, has been deemed necessary by the State Highway Director in order to facilitate the flow of traffic and promote public safety.

STATE OF ALABAMA, BALDWIN COUNTY  
FILED OCT. 11, 1963  
Recorded W. R. Stuart  
Judge of Probate

(5) That said tract(s) of land necessary for use by Petitioner as a right of way for such public highway and in which Petitioner seeks to condemn as easement(s) or right of way(s) are (is) located wholly within Baldwin County, Alabama, and are (is) described in ~~Exhibit "A"~~, attached hereto. *as before to court copy from deed*

(6) That the right of way or easement which Petitioner seeks to condemn for highway purposes is set out and described in the right of way map on Project F-193(9), which is on file in the State Highway Department and in the office of the Judge of Probate of Baldwin County, Alabama.

(7) That a diligent search has been made of the records of Baldwin County, Alabama, and diligent inquiry made to ascertain the names and addresses of the parties owning said tract(s) of land and according to the best of Petitioner's information, knowledge and belief the said lands are owned and interest in said lands are claimed by the parties named as respondents in this cause.

(8) That Baldwin County, Alabama, a body corporate under the laws of the State of Alabama with its county seat in the City of Bay Minette, Alabama, may have or claim an interest in said tract by reason of taxes and easements due and chargeable, and is hence made a respondent herein.

(9) ~~XXXXXXXXXXXX~~ ~~SEE EXHIBIT "A", ATTACHED.~~

WHEREFORE, the premises considered, your Petitioner respectfully prays:

(1) That an order be made appointing a day for the hearing of this application and that notice of the filing thereof and of the day set for the hearing thereof be given to the respondents.

(2) That this Court will appoint commissioners to ascertain and report the compensation and damages occasioned by such taking.

EXHIBIT A

Tract No. 4: Beginning at Station 21+89 of Project Number F-193(9) the south property line; thence S 87° 36' W a distance of 32.0 feet to a point on the present right of way line of U.S. Route No. 31, the point of beginning of the parcel of land hereinafter described. Thence N 2° 24' W a distance along said right of way line of 536.0 feet to a point on the north property line; thence S 87° 36' W a distance of 16.0 feet; thence S 1° 36' W a distance of 175.0 feet; thence S 0° 21' W a distance of 362.0 feet; thence N 87° 36' E a distance of 45.0 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 0.40 acres, more or less.

Tract No. 7: Beginning at Station 27+25 of Project Number F-193 (9) the south property line; thence S 87° 36' W a distance of 32.0 feet to a point on the present right of way line of U.S. Route No. 31; the point of beginning of the parcel of land hereinafter described. Thence N 2° 24' W along said right of way line a distance of 715.0 feet to a point on the north property line; thence S 87° 41' W a distance of 16.0 feet; thence S 2° 24' E a distance of 715.0 feet; thence N 87° 36' 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 0.26 acres, more or less.

Tract No. 8: Beginning at Station 34+39 of Project Number F-193(9) the south property line; thence S 87° 41' W a distance of 32.0 feet to a point on the present right of way line of U.S. Route No. 31, the point of beginning of the parcel of land hereinafter described. Thence N 2° 24' W along said right of way line a distance of 78.0 feet to a point on the north property line; thence S 87° 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 N 87° 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.

BOOK 004 PAGE 213

(3) That upon a final hearing of this petition an order and decree be made by this Court condemning the easement for the right of way, as set out in the right of way map on Project No. F-192(9), over the lands as set out in Exhibit "A" of this application, all for the uses and purposes of a public highway for the State of Alabama.

NOTARY PUBLIC

Notary General

STATE OF ALABAMA

By:

Kenneth Cooper  
Duly Appointed Special  
Assistant Attorney General  
For The State of Alabama

BOOK

USA PAGE 214

STATE OF ALABAMA

BALDWIN COUNTY

Before me, G. Mac Humphries, Notary Public, Baldwin County,

Alabama

, personally appeared Kenneth Cooper, Assistant Attorney General of the State of Alabama, who is personally known to me, and who is known to me in his official capacity as an Assistant Attorney General of the State of Alabama, and also being first duly sworn, deposes and says that the allegations of the foregoing application for condemnation are true and correct.

Kenneth Cooper  
Affiant

Sworn and subscribed before me on this 12 day of October, 1963.

G. Mac Humphries  
Notary Public, Baldwin County,  
Alabama



ORDER OF PROBATE COURT

The foregoing application for condemnation having been presented to the Probate Court of Baldwin County, Alabama, and considered by the Court,

IT IS ORDERED that the same be and is hereby set for hearing on the 29 day of ~~OCTOBER~~, 1963, at 9:00 A M o'clock.

IT IS FURTHER ORDERED that notice of the application for condemnation and of the date set for the hearing thereof be given to respondents at least ten (10) days before the hearing of this application.

Dated this 11 day of ~~OCTOBER~~, 1963.

W R Stuart  
Probate Judge  
By: Harry M. Collins Chief Clerk  
By: \_\_\_\_\_

BOOK  
USA  
PAGE  
215

STATE OF ALABAMA,  
PETITIONER,

1129  
IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Vs.

LUTHER FINDLEY and MAGGIE FINDLEY,  
(For Parcel 4); Clarice May HALE  
(FOR PARCEL 7) A. H. BROWN; CLARICE  
MAY HALE and A. H. HALE (PARCEL 8);  
AND BALDWIN COUNTY, ALABAMA, A POL-  
ITICAL-SUBDIVISION OF THE STATE OF  
ALABAMA, . . . RESPONDENTS.

TO: Luther Findley and Maggie Findley, Stapleton, Alabama; Clarice  
May Hale, Stapleton, Alabama; A. H. Brown, Clarice May Hale and A. H.  
Hale, Stapleton, Alabama; Baldwin County Board of Commissioners, John  
Hadley, Chairman, Bay Minette, Alabama.

BOOK 034 PAGE 210

YOU WILL PLEASE TAKE NOTICE that an application was filed in  
this Court by the State of Alabama, a copy of which said application  
is attached hereto, alleging that it desires to have condemned an  
easement or right of way for a public road across lands belonging to  
above named respondents, which said lands are particularly described  
in the said application;

And the application prays that a day be appointed for the hearing  
thereof and for such further, other and different orders and decrees  
as may be necessary and proper for the acquisition by the Applicant  
of the easement or right of way over and across the above mentioned  
property.

THIS IS TO NOTIFY YOU that the Probate Court of Baldwin County,  
Alabama, has, and by an order this day made and entered, appointed  
the 29 day of October, 1963, at 9:00 A M o'clock,  
as the day and time upon which said application will be heard, at  
which time you may appear and contest the same, if you choose to do  
so.

Done this 11 day of OCTOBER, 1963.

W. R. Stuart  
Judge of Probate  
By: Harry M. O'Brien Chief Clerk  
By: \_\_\_\_\_

STATE OF ALABAMA, BALDWIN COUNTY  
Oct 11, 1963 M  
Filed \_\_\_\_\_  
Recorded W. R. Stuart  
Judge of Probate

Received 14 day of Oct 1963  
and on 14 day of Oct 1963  
I served a copy of the within Notice  
on Luther Lindsey, Mayor  
Sunday, Charles May Hale  
By service on A. H. Brown

TAYLOR WILKINS, Sheriff  
By W. A. Talbert D. S.  
Stapleton

Received 14 day of Oct 1963  
and on 14 day of Oct 1963  
I served a copy of the within Notice  
on Charles May Hale,  
A. H. Hale  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. A. Talbert D. S.  
Stapleton

Received 14 day of Oct 1963  
and on 14 day of Oct 1963  
I served a copy of the within Notice  
on Baldwin County Board  
of Commissioners  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. A. Talbert D. S.  
own

BOOK U34 PAGE 217

Sheriff claims 144 miles at  
Ten Cents per mile Total \$ 14.40  
BY W. A. Talbert Sheriff  
DEPUTY SHERIFF

STATE OF ALABAMA,

PETITIONER,

VS.

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

Respondents.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Case No. \_\_\_\_\_

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR  
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the \_\_\_\_\_  
day of 29th Oct, 1963, at 9:00 AM o'clock, as set forth in  
the application of the State of Alabama to condemn the right-of-way  
or easement on Parcels 4, 7 and 8,  
Project P-193(9), as specified in said application for condemnation  
over the lands therein described for the uses and purposes of a  
public road or highway for the State of Alabama, and it appearing to  
the Court that notice of the filing of said application for condemna-  
tion and of the day set for the hearing of the same has been given  
to the owners and interested parties by service of a notice upon them  
for more than ten (10) days prior to this date.

WHEREUPON, after examination of said application and after hear-  
ing the evidence in support thereof, the Court is of the opinion that  
the allegations contained in said application are true and that it is  
necessary to condemn the easement or right-of-way over the lands as  
described in said application, all for the uses and purposes of a  
public road or highway in and for the State of Alabama, and no cause  
having been shown why such application should not be granted;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the prayer of said application for condemnation be granted and that  
the easement or right-of-way over the lands described in said appli-  
cation is hereby condemned for the uses and purposes of a public  
road or highway in Baldwin County, Alabama.

IT IS FURTHER ORDERED by the Court that E. P. Bell,

Randolph McGowan,

O. W. lyles

who are resident citizens of Baldwin County, Alabama, possessing the qualifications of jurors and who are disinterested in these proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed commissioners to view said property and hear any evidence offered by interested parties and report to the Court within twenty days after their appointment the amount of damages and compensation to which the owners and interested parties are entitled to receive for the condemnation of said right of way.

IT IS FURTHER ORDERED by this Court that a notice of their appointment be at once issued to said commissioners, and that the Sheriff of said County serve notice of said appointment upon each of the commissioners as required by law.

Done this 29 day of OCTOBER, 1963.

W. R. Stuart  
Judge of Probate

By:

Henry M. Soline  
Chief Clerk.

BOOK  
U34  
PAGE 219

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. \_\_\_\_\_

COMMISSIONS

TO: E. P. Bell  
Randolph McGowan, and  
O. W. Lyles.

KNOW YE, that having full faith and confidence in your integrity and competency, you have been by order and decree of the Probate Court of Baldwin County, Alabama, designated and appointed as commissioners in the above styled cause, with all the power, authority and duties vested in or which may devolve on you as such commissioners under and by virtue of the provisions of Chapter I of Title 19 of the Code of Alabama of 1940, as amended.

You will be sworn as jurors and you or a majority of you shall assess the damages and compensation to which the owners and interested parties are entitled by virtue of and on account of the condemning of the right-of-way or easement over the tracts of land described in the application for condemnation filed in this cause, all for the uses and purposes of a public road or highway in and for the State of ALABAMA. A description of the lands and the names of the owners and the easement sought are specifically set out in the application for condemnation filed in this cause.

You may view the lands to be subjected and you must receive all legal evidence offered by any party touching the amount of damages or compensation the owner of said lands and interested parties will sustain and are entitled to receive. Any person interested in the proceedings may be present in person or by attorney at any of these proceedings which you may have.

BOOK  
USA  
PAGE 220

You must within twenty days from the day of your appointment, which is this date, make a report in writing to the Court stating the amount of damage and compensation ascertained and assessed by you for the owners and parties interested in the tracts of land, and file a certificate along with your award that none of you have been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages, and that you knew nothing of the same prior to your appointment.

Given under my hand and seal of office this 31 day of OCTOBER, 1963.

W. R. Stewart  
Judge of Probate  
By: Harry M. Oliver Chief Clerk  
By: \_\_\_\_\_

STATE OF ALABAMA )  
BALDWIN COUNTY )

We, and each of us do solemnly swear that we will well and truly try the cause now pending and submit it to our decision, said case being styled State of Alabama vs. LUTHER FINDLEY, et al., and Baldwin County, a political subdivision of the State of Alabama, and that we are not directly, nor indirectly, interested in the issues to be tried, and that we are not biased or prejudiced against either of said parties, and that we will render such compensation to the defendants as to us shall seem just and proper in the presence, so help us God.

Randolph M. Gorman Jr.  
Chas. W. Lytle  
E. P. Bell

Sworn to and subscribed before me this 20 day of Nov, 1963.

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

BOOK USA PAGE 221

Received 20 day of Nov 1963  
and on 20 day of Nov 1963  
served a copy of the within Police  
on C. F. Bell, Randolph  
McDowell, D. W. Lyles  
by service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By Sundel D. S.



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. \_\_\_\_\_

REPORT OF THE COMMISSIONERS

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

Come the undersigned, E. P. Bell, O.W. Lyles

and Randolph McGowan

the Commissioners duly appointed to assess the damages to Parcels  
Numbers 4, 7 and 8

of Project No. F-193(9), to which the owner and other parties in-  
terested in the parcels of land set forth and described in the ori-  
ginal application for condemnation of lands filed in this cause, are  
entitled for the condemnation of such lands, and having been duly  
sworn as jurors are sworn, and having viewed the lands described in  
said application for condemnation, and having set a tile and place  
for the hearing of the evidence to be offered by any party touching  
the amount of damages the owners of the lands and other parties in-  
terested therein will sustain and the amount of compensation they  
are entitled to receive, and having received all legal evidence of-  
fered, do hereby state that the amount of damages and compensation  
has been ascertained and assessed by the undersigned according to  
law and that the said owners of said parcels of land and other par-  
ties interested therein are entitled to receive as damages and com-  
pensation for the condemnation of their property, the following  
amount:

Project No. F-193(9), Parcel No. 4, \$ 800<sup>00</sup> ;  
Project No. F-193(9), Parcel No. 7, \$ 10,000<sup>00</sup> ;  
Project No. F-193(9), Parcel No. 8, \$ 16,000<sup>00</sup> ;

Project No. F-193(9), Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_

Project No. F-193(9), Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_

Project No. F-193(9), Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_

We hereby certify that we have not been consulted with, advised with or approached by any person with reference to the value of the lands other than as to the evidence submitted to and considered by us or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

E. P. Bell  
Commissioner  
W. L. Lyles  
Commissioner  
Randolph M. Gowan Sr.  
Commissioner

Sworn to and subscribed before me  
this 27th day of November, 1963.

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

BOOK U4 PAGE 223

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 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. 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 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 November, 1963.

W. R. Street  
Judge of Probate

STATE OF ALABAMA,

X

Complainant,

X

IN THE PROBATE COURT OF

Vs.

X

BALDWIN COUNTY, ALABAMA

A. H. BROWN, (FOR PARCEL 8),  
et al,

X

CASE NO. 5081

Respondents,

X

X

BOOK 034 PAGE 209

### NOTICE OF APPEAL

Comes A. H. Brown in the above entitled cause and prays for and makes an appeal to the Circuit Court of Baldwin County, Alabama, from the order of condemnation entered in said cause on, to-wit, the 29th day of November, 1963, in so far as said order of condemnation relates to the land described as Parcel 8, filed in said cause, and as it relates to A. H. Brown, does hereby file in the Court of Probate of Baldwin County, Alabama, the court rendering such order of condemnation, this its written notice of said appeal.

This the 23rd day of December, 1963.

WILLIERS & BRANTLEY

BY:

Solomon M Brantley  
Attorneys for A. H. Brown

TO: Honorable Kenneth Cooper, Attorney, Attorney for the State of Alabama.

You are hereby notified that the above notice of appeal was filed in the office of the Probate Court of Baldwin County, Alabama, on the 23rd day of December, 1963.

Witness my hand this the \_\_\_\_ day of December, 1963.

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

*a jury trial is demanded.*

*Solomon M Brantley*

STATE OF ALABAMA,	)	
	)	
Condemnor,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
LASLIE E. TENNISON and MAY	)	AT LAW
I. TENNISON,	)	NO.
	)	
Condemnees.	)	

MOTION TO DISMISS APPEAL

Now comes Laslie E. Tennison and May I. Tennison, condemnees, in the above styled cause, by their attorney, and appearing specially for the purpose of filing this motion and for no other purpose and files this their motion to dismiss the appeal heretofore filed by the State of Alabama to this court from the Probate Court of Baldwin County, Alabama, and respectfully represents and shows unto the court and your Honor as follows:

1. That on the 18th day of October, 1963, the State of Alabama filed an application for condemnation against these condemnees and others in the Probate Court of Baldwin County, Alabama, which application was docketed as case number 5083 in said Probate Court and which application was filed pursuant and under the authority of Chapter One, Title 19 of the 1940 Code of Alabama. That thereafter the Probate Court of Baldwin County, Alabama, entered a final order of condemnation in said case in and by the terms of which the property described in the said application for condemnation belonging to these condemnees 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 One of Title 19 of the 1940 Code of Alabama.

2. That on to-wit, November 29, 1963, the Probate Court of Baldwin County, Alabama, 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 number 5060 in said court, enter a similar order of condemnation; on November 29, 1963, the said court in a condemnation proceeding filed

on October 18, 1963, entitled State of Alabama vs. Frank M. Taylor, et al, and docketed as case number 5080 in said court enter a similar order of condemnation; on November 29, 1963, the said court 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 number 5081, enter a similar order of condemnation; on November 29, 1963, the said court 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 number 5085 enter a similar order of condemnation; on November 29, 1963, the said court in a condemnation proceeding filed on October 16, 1963, entitled State of Alabama vs. H. V. Harrell and docketed in said court as case number 5099, enter a similar order of condemnation.

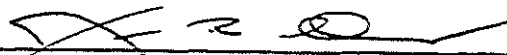
3. That on to-wit, December 27, 1963, the State of Alabama filed in the Probate Court of Baldwin County, Alabama, an instrument purporting to be a notice of appeal from order of condemnation in and by the terms of which the State of Alabama purported or attempted to take an appeal to the Circuit Court of Baldwin County, Alabama, from the order of condemnation entered in said cause on the 29th day of November, 1963. That your condemnees were parties to case number 5083 in the Probate Court of Baldwin County, Alabama, in which case an order of condemnation was made and entered on November 29, 1963, but they were not parties to or interested in the other aforesaid cases set out in paragraph two above. 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 the notice of the appeal from order of condemnation 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 in the notice of appeal from order of condemnation were condemnees. 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 in case number 5083 in which proceeding your condemnees were parties thereto, although a copy of a notice of appeal from order of condemnation has been served on your condemnees.

WHEREFORE, your condemnees respectfully move the court to 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 return the proceeding had in the Probate Court of Baldwin County, Alabama, in the condemnation proceeding noted above in which these condemnees were named as parties for further action by the Probate Court of Baldwin County, Alabama.

FILED

MAY 20 1904

  
Attorney for Laslie E. Tennison  
and May I. Tennison.

ALICE J. DUCK, CLERK  
REGISTER

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 64-65

To the Clerk of the Circuit Court,

Baldwin County—Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said county, in a certain cause lately pending in said Court between

State of Alabama, Appellant,

and

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

wherein by said Court it was considered adversely to said appellant, were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant:

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by our Supreme Court, on the 21 day of January, 19 65, that said

judgment of said Circuit Court be in all things

affirmed, and that it was further considered, ordered, and adjudged that the appellant, and

George T. Byrne and W. R. Cooper, sureties on the appeal bond,  
pay

the costs accruing on said appeal in this Court and in the Court below.

~~XXXXXX further certified that, in appearing that said parties have waived their rights of exception under the laws of Alabama, it was ordered that execution issue accordingly.~~

Witness, J. Render Thomas, Clerk of the Supreme

Court of Alabama, this the 21st day of

January

19 65

*J. Render Thomas*

Clerk of the Supreme Court of Alabama.

THE APPLICATION FOR REHEARING HAVING BEEN  
OVERRULED ON THIS DATE, THIS CERTIFICATE IS  
RE-ISSUED. THIS FEB 25-1965

*J. Render Thomas*  
CLERK, SUPREME COURT OF ALA.



5897

THE SUPREME COURT OF ALABAMA

October Term, 19 64-65

1 Div., No. 226

State of Alabama

Appellant,

vs.

W. P. Brown & Sons Lumber Co.,

a Corporation, et al.

Appellee.

From Baldwin Circuit Court

CERTIFICATE OF  
AFFIRMANCE

The State of Alabama,

Baldwin County, } Filed

this 23 day of Jan 1965

Wing J. French

STATE OF ALABAMA,	Ø	
	Ø	IN THE CIRCUIT COURT OF
Condemnor,	Ø	
vs.	Ø	BALDWIN COUNTY, ALABAMA
	Ø	
FRANK M. TAYLOR, ET AL.,	Ø	
	Ø	AT LAW
Condemnees.	Ø	

ORDER DISMISSING APPEAL

This cause coming on to be heard was submitted to the Court on the motion of Frank M. Taylor, Gary Ellis, Scott Ellis, International Paper Company, Inc., Eugene T. Reid, Russell Sherman, Delayne R. Sherman, Jessie M. Reed, R. J. Robertson and Mary F. Robertson to dismiss the appeal heretofore sought to be taken to this Court by the State of Alabama, from the Probate Court of Baldwin County, Alabama; and the Court having considered said motions and having heard the arguments of the attorneys for the movents and for the State of Alabama, is of the opinion that said motions should be granted; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, At Law, as follows:

1. That the motions of Frank M. Taylor, Gary Ellis and Scott Ellis, International Paper Company, Inc., Eugene T. Reid, Russell Sherman and Delayne R. Sherman, Jessie M. Reed and R. J. Robertson and Mary F. Robertson are, each hereby granted and as to such movents the appeal heretofore sought to be taken by the State of Alabama to this Court from the Probate Court of Baldwin County, Alabama, on December 27, 1963, be, and the same is hereby, dismissed.

2. That the Clerk of this Court remand to the Probate Court of Baldwin County, Alabama, the proceedings in this cause insofar as they relate to the above named movents and transmit to said Court a certified copy of this order.

3. That the Probate Court of Baldwin County, Alabama, shall, with respect to the above named movents, proceed in accordance with the statutes in such cases made and provided.

Done this the 24 day of February, 1964.

*Hubert H. Hall*

Circuit Judge

FILED  
FEB 24 64  
ALICE L. DUCK, CLERK  
REGISTER

STATE OF ALABAMA,

Comdemnor,

vs.

W. P. BROWN & SONS  
LUMBER COMPANY, INC.,  
A CORPORATION, ET AL,

Condemnees.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

No. 5897

#### EXTENSION OF TIME FOR FILING TRANSCRIPT

Application having been duly made to this Court for an extension of time for filing of the transcript in this cause with the Supreme Court of Alabama, and good cause having been shown for such request, it is therefore

Ordered, Adjudged and Decreed that an additional period of thirty (30) days shall be granted for filing the transcript in this cause with the Supreme Court of the State of Alabama.

Done this 18th day of May, 1964.

Hubert M. Vance  
Judge, Circuit Court

Filed 5-18-64  
Alicia J. Duck  
clerk

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
CONDEMNOR-PLAINTIFF	)	BALDWIN COUNTY, ALABAMA,
VS.	)	AT LAW,
FRANK M. TAYLOR; GARY ELLIS and	)	NO. 5897.
SCOTT ELLIS; INTERNATIONAL	)	
PAPER COMPANY, INC., a corpora-	)	
tion; EUGENE T. REID; JESSIE M.	)	
REED; RUSSELL SHERMAN and DELAYNE)	)	
R. SHERMAN; R. J. ROBERTSON and	)	
MARY F. ROBERTSON,	)	
CONDEMNEES-DEFENDANTS	)	

NOTICE OF APPEAL AND SECURITY FOR COSTS THEREOF

Comes now the condemnor-plaintiff in the above-styled cause and appeals to the Supreme Court of Alabama from that certain order made and entered by the Circuit Court of Baldwin County, Alabama, in the above proceedings on, to wit, the 24th day of February 1964, granting the motions of the above-named condemnees-defendants to dismiss the appeal theretofore sought to be taken by the State of Alabama to the Circuit Court of Baldwin County, Alabama from the Probate Court of said county on, to wit, the 27th day of December, 1963; remanding the above-styled cause, and the proceedings therein, insofar as they relate to movants named in said order of February 24, 1964, to the said Probate Court of Baldwin County Alabama; and ordering that the Probate

Court of Baldwin County, Alabama shall, with respect to said movants, proceed in accordance with the statutes in such cases made and provided.

Richmond M. Flowers  
ATTORNEY GENERAL, STATE OF ALABAMA

Harvey Elrod  
DEPUTY ATTORNEY GENERAL,  
STATE OF ALABAMA

Kenneth Coome  
SPECIAL ASSISTANT ATTORNEY GENERAL  
STATE OF ALABAMA

ATTORNEYS FOR CONDEMNOR-PLAINTIFF

STATE OF ALABAMA )

BALDWIN COUNTY )

The undersigned State of Alabama, as principal, and

Geo T. Byrne and W. R. Cooper, as

sureties, hereby acknowledge ourselves as securities for costs of the above and foregoing appeal.

STATE OF ALABAMA  
BY

W. Rodgers  
ITS HIGHWAY DIRECTOR  
PRINCIPAL

Geo T Byrne

W R Cooper  
SURETIES

TAKEN AND APPROVED on this 19 day of March, 1964:

Alice J. Duck  
ALICE J. DUCK, CLERK, CIRCUIT COURT  
BALDWIN COUNTY, ALABAMA

FILED  
MAR 19 1964  
ALICE J. DUCK, CLERK  
REGISTER

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

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 44 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 44, Project F-193(9), owned by Gary Ellis and Scott Ellis, be dismissed only as to the said Parcel 44, 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. 44, 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 24 day of April, 1964.

FILED

APR 24 1964

ALICE I. DUCK, CLERK  
REGISTER

Robert M. Jones  
Circuit Judge

STATE OF ALABAMA,

Condemnor,

vs.

M. V. McWATERS, ET AL.,

Condemnees.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5061

ORDER APPOINTING DAY TO HEAR MOTION

This day came M. V. McWaters and Buena A. McWaters, Condemnees in the above styled cause, and appeared specially and filed a motion to dismiss this appeal and the same having been called to the attention of the Court, the Court is of the opinion that the same should be set down for hearing; it is, therefore

ORDERED, and DECREED by the Circuit Court of Baldwin County, Alabama, At Law, that the motion of M. V. McWaters and Buena A. McWaters be, and the same is hereby, set down for hearing on the 27 day of March, 1964, at 10:00 o'clock A. M.

Done this the 27 day of March, 1964.

FILED

MAR 23 1964

ALICE L. DUCK, CLERK  
REGISTER

Hubert M. Hester  
Circuit Judge



THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 1964-65

To the Clerk of the Circuit Court of  
Baldwin County—Greeting:

Whereas, in the matter of

State of Alabama, Appellant,

vs.

W. P. Brown & Sons Lumber Co., a Corp., et al., Appellee,

recently pending in the Supreme Court of Alabama, on appeal from the said

Circuit Court of Baldwin County, our

Supreme Court did on the 21st day of January, 1965,

render a Judgment of Affirmance

in said cause; and,

Whereas, a certificate of such action of the Supreme Court was duly issued to you, and there-  
after an application for a rehearing of said cause was filed in this Court on the 5th  
day of February, 1965:

Now, it is hereby certified, that our Supreme Court, or one of the Justices thereof, did, on the  
5th day of February, 1965, order that the said certificate be recalled. And  
you will accordingly return the same to this office at once, together with copy of the opinion in said  
cause issued to you.

Witness, J. Render Thomas, Clerk of the Supreme  
Court of Alabama, at the Judicial Building,

this the 5 day of February, 1965

J. Render Thomas  
Clerk of the Supreme Court of Alabama.

FILED

FEB 9 1965

ALICE L. DUCK, CLERK  
REGISTER

THE SUPREME COURT OF ALABAMA

October Term, 1964-65

1st Div., No. 226

State of Alabama

*Appellant,*

*vs.*

W. P. Brown & Sons Lumber

Co., a Corporation, et al.,

*Appellees*

From Baldwin Circuit Court.

No. 5897

Certificate of Recall

ON APPLICATION FOR REHEARING

The State of Alabama,

County.

} Filed

this day of 19

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

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 3 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 3, Project F-193(9), owned by H. V. Harrell, be dismissed only as to the said Parcel 3, 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. 3, 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 7 day of April, 1964.

*Hubert M. Moore*  
Circuit Judge

FILED

APR 7 1964

ALICE I. DICK, CLERK  
REGISTER

KENNETH COOPER

ATTORNEY AT LAW

109 EAST 121 STREET

BAY MINETTE, ALABAMA

TELEPHONE 937-7412

8 March, 1965

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

Re: State vs W.P. Brown & Sons  
Lumber Company, et al. (In  
Project F-193 (9))

Dear Mrs. Duck:

As you are aware, the Supreme Court of Alabama overruled the application for rehearing in the above-stated case on 25 February, 1965. This was Case No. 226, 1st Division. You are therefore requested to return to the Probate Court of Baldwin County, Alabama, only those cases involved in this appeal, pursuant to the Order Dismissing Appeal, signed by the late Judge Hubert M. Hall on 24 February, 1964. This particular order dismissed the appeals sought to be taken by the State of Alabama against Frank M. Taylor, International Paper Company, Inc., Eugene T. Reid, Russell and Delane Sherman, Jessie M. Reed, and R. J. Robertson. Gary and Scott Ellis' case has been settled since the institution of this case to the Supreme Court of Alabama.

A copy of this letter is being forwarded to Hon Harry M. D'Olive, with request that he pay the above-named Condemnees when the records have been received from your office, and the necessary orders have been drawn. Also, Judge D'Olive is requested to ascertain from the records in his office that no liens or other encumbrances have been filed against any of the above-named property owners since the date of filing each of the applications for Condemnations of above named owners' lands.

As to those other parcels against which the State attempted to take an appeal, they should not be returned to the Probate Office until the appropriate order can be obtained from the Circuit Judge ordering each case to be returned to that office pursuant to the agreement between the respective attorneys for the property owners, the Court and undersigned, last February. I will endeavor to obtain that order in a day or so.

Sincerely yours,

*Kenneth Cooper*  
Kenneth Cooper

KC/gw

cc: Judge Harry M. D'Olive, Bay Minette, Alabama

Hon Norborne Stone, Attorney At Law, Bay Minette, Alabama

STATE OF ALABAMA,

Condemnor,

vs.

M. V. McWATERS, 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 M. V. McWaters, one of the Condemnees 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 fourth 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. 5061 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 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 proceed-

ing 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 18, 1963, entitled State of Alabama vs. United States Steel Corporation, et al, and docketed in said court as Case No. 5080, 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 as "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 Cir-

cuit Court of Baldwin County, Alabama, from the Order of Condemnation entered in said cause on the 29th day of November, 1963."

That M. V. McWaters was a party to Case No. 5061 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, 5080, 5081, 5083, 5085 or 5099. That there was not on December 27, 1963, November 29, 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 there is attached hereto and marked "EXHIBIT I" and by reference made a part hereof, an affidavit of Ann Chevalier, 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. Sherrill R. Manning, et al. and docketed in said court as Case No. 5061, in which proceeding your condemnee M. V. McWaters 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, M. V. McWaters, 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: John Earl Chason  
Attorneys for M. V. McWaters

NOTE: By agreement of counsel the exhibits referred to in the foregoing motion, except "EXHIBIT I" have not been attached.



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 (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 72A); 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 and Telegraph Company, a corporation, Leslie E. Tenison and Mayl. Tenison, Archie A. Bacon and Bitha Bacon, Gaililee 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. Mulligan, 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 Ernesting 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  
Ann Chevalier

Sworn to and subscribed before me

on this the 20 day of March,  
1964.

Helen S. Slaughter  
Notary Public, Baldwin County, Alabama

FILED

MAR 23 1964

Alice I. Duck, CLERK  
REGISTER

STATE OF ALABAMA,	Ø	
	Ø	IN THE CIRCUIT COURT OF
Condemnor,	Ø	
vs.	Ø	BALDWIN COUNTY, ALABAMA
	Ø	
EUGENE REID,	Ø	AT LAW
	Ø	NO. <u>5897</u>
Condemnee.	Ø	

MOTION TO DISMISS APPEAL

Comes now Eugene Reid, 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 con-

demnation 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 Eugene Reid 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 Eugene Reid



STATE OF ALABAMA

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5060

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

Respondent.

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.

SHERRILL R. MANNING, (Parcel 25), C.  
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.

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. 5090

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-  
tain 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>, 10AAB, 20, 22, 32, 34,  
35, 39, 44, 45, 46, 47, 48, 49<sup>5B</sup>, 51, 52, 53, 53A, 54, 57, 58BAC, 69, 72A,

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

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

No. 9, \$ 8,930.00 for Parcel No. ~~10A~~ 10A, \$ 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 in 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.

*M. R. Stewart*  
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. R. 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.

W. M. 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 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. 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 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.

C. W. Stewart  
Judge of Probate

Exhibit G



STATE OF ALABAMA

CONDEMNOR,

VS

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

W.P. BROWN & SONS LUMBER COMPANY, INC. A CORP.  
(FOR PARCEL (A): RAY E. LOPEL  
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  
W. WARD (FOR PARCEL #38); RAY E.  
LOPEL 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 P.  
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 27 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

Harry M. D'Almeida  
Clerk

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. 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); 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. A. 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 Etha 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 Alabama, wherein H. V. Harrell was the Condemnee and said case was docketed in said court as Case #5089.

  
Harry M. D'Olive

Sworn to and subscribed before  
me on this the 20<sup>th</sup> day of January,  
1964.

FILED

JAN 22 1964

  
Notary Public, Baldwin County, Alabama

ALICE J. DUCK, CLERK  
REGISTER