

STATE OF ALABAMA,	§		
		IN THE CIRCUIT COURT OF	
Condemnor,	§		
vs.	§	BALDWIN COUNTY, ALABAMA	
RUSSELL SHERMAN and DELAYNE	§		
R. SHERMAN,	§	AT LAW	NO.
Condemnees.	§		

MOTION TO DISMISS APPEAL

Come now Russell Sherman and Delayne R. Sherman, 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 Con-

demnation entered in said cause on the 29th day of November, 1963." That Russell Sherman and Delayne R. Sherman 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, 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. 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 Russell Sherman and  
Delayne R. Sherman

**FILED**

FEB 4 1984

ALICE J. DUCK, CLERK  
REGISTER

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**FILED**

STATE OF ALABAMA

PETITIONER,

S.

W.P. Brown Lumber Company, a  
Corp. (For parcels A); Ray E. Loper  
Lumber Company, a Corp. (For parcels  
B thru E); R.T. Robertson (For parcel  
#6); 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

DAVID M. MCGOWAN, and THOMAS W. TAYLOR,

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  
to receive, 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 00, Parcel 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. 00.

THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the report of said 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.

to be paid to the owners of the same in Court as provided in Section 16 of  
the Code of Alabama, 1940.

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

November, 1963.

W. A. Stuart  
Judge of Probate

STATE OF ALABAMA

PETITIONER,

VS.

MERRILL R. MANNING, (Parcel 25), C.  
C. HARDY (Parcel 26), M.V. McWATERS  
(Parcel 29), EDWARD E. BAXENDALE  
(Parcel 30), MISS L.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. 5161

FINAL ORDER OF CONDEMNATION

On the 27th day of Nov, 1963, came O. W. LYLES, RANDOLPH  
McGOWAN, and L. 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. B. B. B.  
Judge of Probate

Exhibit B

STATE OF ALABAMA

PETITIONER,

VS.

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

RESPONDENTS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5081

FINAL ORDER OF CONDEMNATION

On the 27th day of November, 1963, came E. P. Bell,  
O.W. Lyles, and Randolph McGowan,  
commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 4, 7 and 8,  
and, Project No. F-193(9), in the amount of \$ 800.00  
for Parcel No. 4, \$ 10,000.00 for Parcel No. 7, \$ 16,000.00  
for Parcel No. 8, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_,  
for Parcel no. \_\_\_\_\_, and \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_.

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

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

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

Done this 29th day of November, 1963.

W. R. Stewart  
Judge of Probate

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 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. 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 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. 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

PETITIONER,

VS.

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

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Case No. 5081

FINAL ORDER OF CONDEMNATION

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

O.W. Lyles, and Randolph McGowan,

commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the applicat on  
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

STATE OF ALABAMA

PETITIONER,

VS.

ANDREW DAVISON (Parcel 14), RAY E.  
LOPER LUMBER CO., INC, A CORP  
(Parcel 40A & B), BERRY BRANTLEY  
AND BERRY BRANTLEY (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. 4003

FINAL ORDER OF CONDEMNATION

On the 22nd day of November, 1963, came B. P. Bell, Roadsides  
McGowan, and G. H. Lytle

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. P-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 received.

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

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

Done this 29th day of November, 1963.

W. M. Stewart  
Judge of Probate

Exhibit E

STATE OF ALABAMA

PETITIONER,

VS.

PAUL E. GOODGARD and ROBERTINE  
GOODGARD (For Parcel 41); BEN  
TUS and VELMA TUS (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. H. 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 MCGONAN, and O. W. LYLES,

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

Parcel No. 3, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_, and \$ \_\_\_\_\_ for Parcel No. \_\_\_\_\_.

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

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

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

Done this 29th day of Nov, 1963.

[Signature]  
Judge of Probate

STATE OF ALABAMA,	*	IN THE CIRCUIT COURT OF
	)	
Petitioner,	*	
	)	BALDWIN COUNTY, ALABAMA
vs.	*	
	)	
W.P. BROWN, et al, incl.	*	AT LAW
-----	)	
((EMORY BRANTLEY and	*	
DORIS BRANTLEY-Tract 70))	)	CASE NO. 5897
	*	
Respondents.	)	

# ORDER

This cause having been heard by consent of the parties prior to this date, and the appeal theretofore taken in said cause by the Petitioner having been dismissed by Petitioner, and the cause having been returned to the Probate Court of Baldwin County, Alabama, for final disposition in accordance with the decree of that Court, it is therefore

ORDERED, ADJUDGED and DECREED that

1. The appeal heretofore taken in this cause by the State of Alabama shall be and the same is hereby dismissed.

2. The rendition of this ORDER has been consented to by the State of Alabama.

Dated this 23rd day of August, 1965.

Isaac J. Manselkorn  
Circuit Judge

FILED  
AUG 25 1965  
HALL, ALA. CLERK

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

MOTION TO DISMISS APPEAL

Comes now Jessie M. Reed, 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 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 Jessie M. Reed 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 Jessie M. Reed

STATE OF ALABAMA

IN THE PROBATE COURT OF

CONDEMNOR,

BALDWIN COUNTY, ALABAMA

VS

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

CONDEMNNEES.

#### NOTICE OF APPEAL FROM ORDER OF CONDEMNATION

Comes now the STATE OF ALABAMA, acting by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, State of Alabama, Condemnor in above entitled cause, and prays for and takes an appeal to the Circuit Court Of Baldwin County, Alabama, from the order of condemnation entered in said cause on the 23 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. Solive

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EXHIBIT H

6. Parcel 8, owned by A.H. Brown, Clarice May Hale and A.H. Hale, Stapleton, Alabama, and as described in Exhibit "E" hereto.
7. Parcel 9, owned by Frank M. Taylor, Stapleton, Alabama, and as described in Exhibit "F" hereto.
8. Parcel 10 A, owned by G.M. Bush and Allera D. Bush, Stapleton, Alabama, and as described in Exhibit "G" hereto.
9. Parcel 14, owned by Andrew Davidson, Stapleton, Alabama, and as described in Exhibit "H" hereto.
10. Parcel 29, owned by M.V. McWaters and Buena A. McWaters, of Stapleton, Alabama, and as described in Exhibit "I" hereto.
11. 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.
12. 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.
13. Parcel 38, owned by Ella H. Ward, Stapleton, Alabama, and as described in Exhibit "L" hereto.
14. 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.
15. Parcel 44, owned by Gary Ellis of Stapleton, Alabama, and Scott Ellis, of Route 2, Hotchkiss, Colorado, and as described in Exhibit "N" hereto.
16. Parcel 45, owned by Ruth L. Page of Bay Minette, Alabama, and as described in Exhibit "O" hereto.
17. Parcel 46, owned by International Paper, Company, Inc, Mobile, Alabama, and as described in Exhibit "P" hereto.
18. Parcel 47, owned by J.F. Barnes, Bay Minette, Alabama, and as described in Exhibit "Q" hereto.
19. Parcel 50, owned by Eugene T. Reid, Bay Minette, Alabama, and as described in Exhibit "R" hereto.
20. Parcel 53, owned by Eugene T. Reid, Bay Minette, Alabama, and as described in Exhibit "S" hereto.
21. Parcel 54, owned by Russell Sherman and Delayne R. Sherman, Bay Minette, Alabama, and as described in Exhibit "T" hereto.
22. Parcel 58 B&C, owned by Jessie M. Reid, Bay Minette, Alabama, and as described in Exhibit "U" hereto.
23. Parcel 66, owned by R.J. Robertson and Mary F. Robertson, Bay Minette, Alabama and as described in Exhibit "V" hereto.
24. Parcel 72A, owned by L.T. Rhodes, Jr., Bay Minette, Alabama and as described in Exhibit "W" hereto.
25. 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

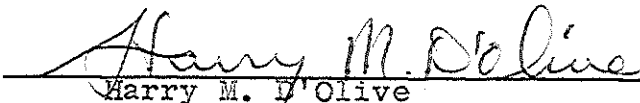
Before me, the undersigned authority, personally appeared Harry M. D'Olive who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

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. 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 Alabama, 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 L. DUCK, CLERK  
REGISTER

STATE OF ALABAMA,  
PETITIONER,  
VS.  
H. V. HARRELL,  
RESPONDENT.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 5099

BOOK U34 PAGE 233

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-2S, R-3-E ,

(4) The right of way over the property and lands hereinafter described as Parcels Numbers 3

53.6,  
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.

(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.

BOOK 104 PAGE 204

EXHIBIT "A"

PARCEL 3: Beginning at a point 40 feet left of and at right angles to the centerline at Station 4+15 on the southeast leg of the "Y" intersection south of Stapleton of Project Number F-193(9), the point of beginning of the parcel of land hereinafter described. Thence N 26° 55' W along the present right of way line of Alabama State Route No. 59 a distance of 250.0 feet; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 1950.1 feet a distance of 370.0 feet; thence S 87° 36' W a distance of 50.0 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 1950.1 feet a distance of 472.0 feet; thence S 30° 40' W a distance of 150.0 feet; thence S 89° 35' E a distance of 32.0 feet; thence N 33° 10' E a distance of 423.0 feet; thence N 89° 20' E a distance of 58.0 feet; thence S 26° 40' E a distance of 405.0 feet; thence S 89° 35' E a distance of 40.0 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of NW $\frac{1}{4}$  SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 5, T-4-S, R-3-E, and containing 1.55 acres, more or less.

BOOK  
004  
PAGE  
205

(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-190(2), 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.

STATE OF ALABAMA  
By: Kenneth Cooper  
Duly Appointed Special  
Assistant Attorney General  
For The State of Alabama

BOOK USA PAGE 258

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Mary Evelyn Talbot

\_\_\_\_\_, 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 16th day of October, 1963.

Mary Evelyn Talbot  
Notary Public, State of Georgia

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 5th 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 16th day of October, 1963.

W. C. Stuart  
Probate Judge  
By: Harry M. Davis Chief Clerk

BOOK USA PAGE 257

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 5th 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 18th day of October, 1963.

M. R. Stewart  
Probate Judge  
By: Harry M. Polue Chief Clerk  
By: \_\_\_\_\_

BOOK USA PAGE 259

STATE OF ALABAMA  
BALDWIN COUNTY

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA,  
Petitioner,  
Vs  
H. V. HARRELL,  
Respondent.

BOOK 004 PAGE 200

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 respondent, which said land 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 5th day of November, 1963, at 9:00 AM 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 18th day of October, 1963.

  
Judge of Probate

By:  Chief Clerk  
By: \_\_\_\_\_

STATE OF ALABAMA,  
PETITIONER,  
VS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

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

H. V. HARRELL

Respondent

COMMISSIONS

BOOK 034 PAGE 261

TO: OCIE W. LYLES,  
E. P. BELL, and  
RANDOLPH McGOWAN.

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.

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 18th day of October, 1963.

W. R. Stuart  
Judge of Probate  
By: Harry M. Dolive 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. H. V. HARRELL, ~~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 McGowan Sr  
C. W. Lyke  
E. P. Bell

Sworn to and subscribed before me this 21st day of Oct, 1963.

W. R. Stuart  
Judge of Probate.  
By: Harry M. Dolive,  
Chief Clerk

STATE OF ALABAMA,  
PETITIONER,  
VS.  
H. V. HARRELL,  
Respondent

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, OCIE W. LYLES and  
RANDOLPH MCGOWAN

the Commissioners duly appointed to assess the damages to Parcels  
Numbers 3  
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 time 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. 3, \$ 15,000<sup>00</sup>;  
Project No. F-193(9), Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_;  
Project No. F-193(9), Parcel No. \_\_\_\_\_, \$ \_\_\_\_\_;

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

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.

Randolph Mayman Jr.  
Commissioner

Chas. W. Lytle  
Commissioner

E. P. Bell  
Commissioner

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

W. R. Steward  
Judge of Probate

By: Harry M. Doherty  
chief clerk.

BOOK  
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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.

W. R. Stewart  
Judge of Probate

STATE OF ALABAMA,  
PETITIONER,  
Vs.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

5099

H. V. HARRELL,

RESPONDENT.

BOOK U34 PAGE 232

TO: H. V. HARRELL, Stapleton, Alabama.

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 respondent, 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 5th 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. C. Stewart  
Judge of Probate  
By: Harry M. Dohue Chief Clerk  
By: \_\_\_\_\_

#### 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 5th 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 for the hearing thereof be given to respondent at least (10) ten days before the hearing of this application.

Dated this 18 day of October, 1963.

W. C. Stewart  
Probate Judge  
By: Harry M. Dohue Chief Clerk  
By: \_\_\_\_\_

STATE OF ALABAMA,  
PETITIONER,  
VS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 5061

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

BOOK U34 PAGE 194

Respondent 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-2S, R-3-E ,

(4) The right of way over the property and lands hereinafter described as Parcels Numbers 25, 26, 29, 30, 36 and 38

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 4, 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.

(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 law 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"

PARCEL NUMBER 25: Beginning at Station 59+43 of Project Number F-193 (9) the south property line; thence S 88° 06' W a distance of 32.0 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 105.0 feet to a point on the north property line; thence S 88° 13' W a distance of 25.3 feet; thence S 7° 20' E a distance of 105.0 feet; thence N 88° 06' E a distance of 25.3 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 32, T-3-S, R-3-E and containing 0.06 acres, more or less.

PARCEL NUMBER 26: Beginning at Station 66+48 of Project F-193 (9) the south property line; thence S 88° 15' W a distance of 32.0 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 210.0 feet to a point on the north property line; thence S 88° 42' W a distance of 49.2 feet; thence S 13° 40' E a distance of 214.0 feet; thence N 88° 15' E a distance of 25.3 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 32, T-3-S, R-3-E and containing 0.19 acres, more or less.

PARCEL NUMBER 29: Beginning at Station 79+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° 24' E a distance of 36.0 feet to a point on the present right of way line of U.S. Route Number 31; thence N 13° 14' E along said right of way line a distance of 367.5 feet to a point on the north property line; thence S 88° 59' W a distance of 37.4 feet to a point on the centerline of said project at Station 83+10.6; thence S 88° 59' W a distance of 64.0 feet; thence S 12° 34' W a distance of 365.0 feet; thence N 88° 24' E a distance of 64.0 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 29, T-3-S, R-3-E and containing 0.86 acres, more or less.

PARCEL NUMBER 30: Beginning at Station 83+10.6 of Project Number F-193 (9), the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 59' E a distance of 37.4 feet to a point on the present right of way line of U.S. Route Number 31; thence N 13° 14' E along said right of way line a distance of 470.4 feet to a point on the north property line; thence S 88° 59' W a distance of 39.0 feet to a point on the centerline of said project at Station 87+81; thence S 88° 59' W a distance of 64.0 feet; thence S 12° 34' W a distance of 470.4 feet; thence N 88° 59' E a distance of 64.0 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 29, T-3-S, R-3-E and containing 1.06 acres, more or less.

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**PARCEL NUMBER 36:** Beginning at Station 119+38 of Project Number F-193 (9) the south property line, the point of beginning of the parcel of land hereinafter described; thence N 87° 54' E a distance of 56.0 feet to a point on the present right of way line of U.S. Route Number 31; thence N 13° 14' E along said right of way line a distance of 1165.0 feet to a point on the north property line; thence S 88° 19' W a distance of 64.0 feet to a point on the centerline of said project at Station 131+03; thence S 88° 19' W a distance of 64.0 feet; thence S 12° 54' W a distance of 886.0 feet; thence S 15° 11' W a distance of 200.0 feet; thence S 12° 54' W a distance of 31.0 feet; thence N 87° 54' E a distance of 72.5 feet to the point of beginning.

Said parcel of land lying in the NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 29, T3-S, R-3-E and containing 3.26 acres, more or less.

**PARCEL NUMBER 38:** Beginning at Station 133+99 of Project Number F-193 (9), the south property line, the point of beginning of the parcel of land hereinafter described. Thence N 88° 19' E a distance of 59.0 feet to a point on the present right of way line of U.S. Route 31; thence N 13° 14' E along said right of way line a distance of 75.0 feet; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 1472.7 feet a distance of 732.1 feet; thence N 41° 41' E a distance of 361.0 feet to a point on the north property line; thence S 88° 37' W a distance of 60.0 feet to a point on the centerline of said project at Station 146+92; thence S 88° 37' W a distance of 84.9 feet; thence S 41° 41' W a distance of 206.0 feet; thence S 40° 41' W a distance of 254.0 feet; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 2354.0 feet a distance of 592.0 feet; thence S 26° 09' W a distance of 206.0 feet; thence S 12° 54' W a distance of 127.0 feet; thence N 88° 19' E a distance of 69.6 feet to the point of beginning.

Said parcel of land lying in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 20, T-3-S, R-3-E and containing 3.28 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.

~~NOTARY PUBLIC~~  
~~STATE OF ALABAMA~~

STATE OF ALABAMA

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

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034  
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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 fore-  
going application for condemnation are true and correct.

Kenneth Cooper  
Affiant

Sworn and subscribed before me on this 3rd day of October,  
1963.

[Signature]  
~~NOTARY PUBLIC~~ 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 23<sup>rd</sup> day of October, 1963, at 9:00AM 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 4<sup>th</sup> day of October, 1963.

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

BOOK 034 PAGE 193

STATE OF ALABAMA,  
PETITIONER,

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

Vs.

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

1130

Respondent.

TO: Sherrill R. Manning, Stapleton, Alabama; Mr. C. C. Hardy,  
Stapleton, Alabama; Mr. M. V. McWaters, Stapleton, Alabama;  
Mr. Howard E. Baxendale, Stapleton, Alabama; Mrs E. R. McCreary,  
Stapleton, Alabama; Vina Ward, Stapleton, Alabama; and Baldwin  
County Board of County Commissioners, Mr. John Hadley, Chairman,  
Bay Minette, Alabama.

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 23<sup>rd</sup> 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 4<sup>th</sup> day of October, 1963.

W. C. Stewart  
Judge of Probate  
By: Harry M. McCreary Chief Clerk  
By: \_\_\_\_\_

Received 4 day of Oct 1963  
and on 7 day of Oct 1963

served a copy of the within Notice

on Sherrill R. Manning, C. C. Hardy,

M. V. McWaters, Howard E. Baxendale,

By service on Mrs. E. R. McCreary, Vina Ward, John Hadley

TAYLOR WILKINS, Sheriff  
By: W. A. Talbot D. S.  
Stapleton

BY W. A. Talbot  
TAYLOR WILKINS, Sheriff  
Total Cents per mile Total \$12.00  
miles at 120 claims

BOOK 004 PAGE 200

Received 4 day of Oct 1963  
4 day of Oct 1963

a copy of the within Dugma  
Baldwin Co. Board of County  
Commissioners  
by service on John B. Hadley,  
Chairman

TAYLOR WILKINS, Sheriff  
By W. A. Talbert

EXECUTED

This 17 day of Oct, 1963

by serving a copy of the within of  
Sherrill R. Manning  
RAY D. BRIDGES, Sheriff

By J. W. Lloyd

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RECEIVED  
OCT 9 1963  
SHERIFF'S OFFICE

3908  
1004

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

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

Respondent.

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

BOOK 084 PAGE 202

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR  
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the \_\_\_\_\_ day of 23rd October, 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 25, 26, 29, 30 36, and 38, 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 O. W. LYLES,  
Randolph McGowan, E. P. Bell,

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 23rd day of October, 1963.

W. R. Stewart  
Judge of Probate  
By: Harry M. O'Line Chief Clerk

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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. \_\_\_\_\_

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COMMISSIONS

TO: D. W. Lyles  
RANDOLPH MCGOWAN, and  
E. P. Bell

KNOW YE, that having full faith and confidence in your integ-  
rity and competency, you have been by order and decree of the Pro-  
bate Court of Baldwin County, Alabama, designated and appointed as  
commissioners in the above styled cause, with all 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 interest-  
ed 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 sus-  
tain and are entitled to receive. Any person interested in the pro-  
ceedings may be present in person or by attorney at any of these  
proceedings which you may have.

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. E. Stewart  
Judge of Probate  
By: Harry M. Blue 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. Sherrill R. Manning, 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 McGowan Sr  
C. W. Lytle  
E. P. Bell

Sworn to and subscribed before me this 1st day of Nov, 1963.

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

Received 20 day of Nov 1963

and on 20 day of Nov 1963

I served a copy of the within Notice

on Out Lyles, Randolph W.  
McDavin, C P Dull

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

TAYLOR WILKINS, Sheriff

By Smidal D. S.

STATE OF ALABAMA,

PETITIONER,

VS.

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

Respondent.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

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

BOOK U34 PAGE 206

REPORT OF THE COMMISSIONERS

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

Come the undersigned, O. W. LYLES, RANDOLPH McGOWAN and

E. P. BELL

the Commissioners duly appointed to assess the damages to Parcels  
Numbers 25, 26, 29, 30, 36, 38

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. 25, \$ 200<sup>00</sup> ;  
Project No. F-193(9), Parcel No. 26, \$ 1650<sup>00</sup> ;  
Project No. F-193(9), Parcel No. 29, \$ 3200<sup>00</sup> ;

Project No. F-193(9), Parcel No. 38, \$ 16,780<sup>00</sup>

Project No. F-193(9), Parcel No. 30, \$ 1800<sup>00</sup>

Project No. F-193(9), Parcel No. 36, \$ 12,000<sup>00</sup>

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. Lyke  
Commissioner

Randolph McGowan Sr.  
Commissioner

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

W. R. Stuart  
Judge of Probate  
By: Harry M. White,  
Chief Clerk

BOOK  
USA  
PAGE 207

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

BOOK U34 PAGE 208

FINAL ORDER OF CONDEMNATION

On the 27th day of Nov, 1963, came O. W. LYLES, RANDOLPH  
McGOWAN, and E. P. BELL,  
commissioners heretofore appointed by this Court to assess and as-  
certain the damages and compensation to which the owners and other  
parties interested in the tracts of land set forth in the application  
for condemnation of lands heretofore filed in this cause are entitled  
and filed their report in writing and under oath setting forth that  
they awarded compensation and damages to the said owners and other  
parties interested in Parcels No. 25, 26, 29, 30,  
36, and 38, Project No. F-193(9), in the amount of \$ 200.00  
for Parcel No. 25, \$ 1650.00 for Parcel No. 26, \$ 3200.00  
for Parcel No. 29, \$ 16,780.00 for Parcel No. 38, \$ 1800.00  
for Parcel no. 30, and \$ 12,000.00 for Parcel No. 36.

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

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

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

Done this 29th day of Nov, 1963.

W. N. Stewart  
Judge of Probate

THE STATE OF ALABAMA }  
 Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the \_\_\_\_\_  
 February 24, 1964 \_\_\_\_\_ Monday in \_\_\_\_\_, 196\_\_\_\_\_, in a cer-  
 tain cause in said Court wherein \_\_\_\_\_ State of Alabama \_\_\_\_\_

Condemnor - \_\_\_\_\_ Plaintiff, and Frank M. Taylor; Gary Ellis and Scott Ellis;  
 International Paper Company, Inc., a corporation; Eugene T. Reid; Jessie M. Reed;  
 Russell Sherman & Delayne R. Sherman; R.J. Robertson and Mary F. Robertson  
 Defendant, a judgement was rendered against said

\_\_\_\_\_ State of Ala. \_\_\_\_\_

to reverse which Judgment \_\_\_\_\_, the said Condemnor-~~y~~ Plaintiff \_\_\_\_\_

applied for and obtained from this office an APPEAL, returnable to the next \_\_\_\_\_

Term of our Supreme \_\_\_\_\_ Court of the State of Alabama, to be held at Montgomery, on  
 the \_\_\_\_\_ day of \_\_\_\_\_, 196\_\_\_\_\_, next, and the necessary bond

having been given by the said State of Alabama; E.M. Rodgers, George T. Byrne  
~~with~~ and W.R. Cooper \_\_\_\_\_, sureties,

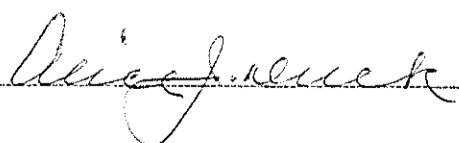
Now, You Are Hereby Commanded, without delay, to cite the said Defendants - Condemnees

\_\_\_\_\_ or Chason & Stone \_\_\_\_\_

\_\_\_\_\_, attorney, to appear at the ~~Supremex~~ next \_\_\_\_\_ Term of our  
 said Supreme Court, to defend against the said Appeal, if they \_\_\_\_\_ think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 1st  
 day of April \_\_\_\_\_, A. D., 1964\_\_\_\_\_.

Attest:

 \_\_\_\_\_, Clerk.

Received 8 day of April 1964  
and on 9 day of April 1964

I served a copy of the within Citation  
on Chason & Stone

By service on John Chason

TAYLOR, WILKINS, SHRIFF  
By Falbert D. S.  
om

70,5897

**CIRCUIT COURT**  
**Baldwin County, Alabama**

State of Ala.

Vs. } Citation in Appeal

Frank M. Taylor  
et als

Issued \_\_\_\_\_ day of \_\_\_\_\_, 196\_\_\_\_,

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
	*	
Petitioner,	)	
	*	BALDWIN COUNTY, ALABAMA
vs.	)	
	*	
W. P. BROWN, et al, incl.	)	AT LAW
-----	*	
(Leslie E. & May I.	)	
Tennison-Tract 34).	*	Case No. 5897
	)	
Respondents.	*	

## ORDER

This cause having been heard by consent of the parties prior to this date, and the appeal theretofore taken in said cause by the Petitioner having been dismissed by Petitioner, and the cause having been returned to the Probate Court of Baldwin County, Alabama, for final disposition in accordance with the decree of that Court, it is therefore

ORDERED, ADJUDGED and DECREED that

1. The appeal heretofore taken in this cause by the State of Alabama shall be and the same is hereby dismissed.

2. The rendition of this ORDER has been consented to by the State of Alabama.

Dated this 23rd day of August, 1965.

Jeffrey J. Madaleno  
Circuit Judge

FILED  
AUG 25 1965  
ALICE J. DUCK, CLERK  
RECORDED

STATE OF ALABAMA,

Petitioner,

vs.

W.P. BROWN, et al, incl.

(ELLA H. WARD-Tract 38)

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5897

# ORDER

This cause having been heard by consent of the parties prior to this date, and the appeal theretofore taken in said cause by the Petitioner having been dismissed by Petitioner, and the cause having been returned to the Probate Court of Baldwin County, Alabama, for final disposition in accordance with the decree of that Court, it is therefore

ORDERED, ADJUDGED and DECREED that

1. The appeal heretofore taken in this cause by the State of Alabama shall be and the same is hereby dismissed.

2. The rendition of this ORDER has been consented to by the State of Alabama.

Dated this 23rd day of August, 1965.

Telford H. Mathison  
Circuit Judge

FILED  
MAY 20 1968  
FBI - NEW YORK  
COMM. REGISTER

6001-6009-6011-6012  
6014-6016 6022

ORDERED AND ADJUDGED on this the 10 day of March, 1965.

10-65  
James L. Muller

6022

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
	*	
Petitioner,	)	
	*	BALDWIN COUNTY, ALABAMA
vs.	)	
	*	
W.P. BROWN, et al, incl.	)	AT LAW
-----	*	
(L.T. RHODES, JR.-Tract 72A)	)	
	*	CASE NO. 5897
Respondents.	)	

ORDER

This cause having been heard by consent of the parties prior to this date, and the appeal theretofore taken in said cause by the Petitioner having been dismissed by Petitioner, and the cause having been returned to the Probate Court of Baldwin County, Alabama, for final disposition in accordance with the decree of that Court, it is therefore

ORDERED, ADJUDGED and DECREED that

1. The appeal heretofore taken in this cause by the State of Alabama shall be and the same is hereby dismissed.
2. The rendition of this ORDER has been consented to by the State of Alabama.

Dated this 23rd day of August, 1965.

Jeffery W. Maslowski  
Circuit Judge

FILED

AUG 25 1965

ALICE A. DUCK, CLERK  
REGISTER

STATE OF ALABAMA, )  
 )  
 VS. ) Condemner, ) IN THE CIRCUIT COURT OF  
 ) BALDWIN COUNTY, ALABAMA  
 J. F. BARNES, ET AL., ) AT LAW NO. 5897  
 ) Defendants. )

MOTION TO DISMISS APPEAL

Now come J. F. BARNES, W. P. BROWN & SONS LUMBER COMPANY, INC., a corporation, RAY E. LOPER LUMBER COMPANY, INC., a corporation, RUTH L. PAGE, L. T. RHODES, JR., and SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY, INC., a corporation, each separately and severally, each and all of whom appear specially and solely and only for the purpose of filing this motion, and move to dismiss the appeal filed by the State of Alabama, as Condemner, on, to-wit, December 27, 1963, and as grounds of said motion allege, separately and severally, the following:

1. On, to-wit, October 4, 1963, the State of Alabama, as Condemner, filed a condemnation suit in the Probate Court of Baldwin County, Alabama, against certain lands and against W. P. Brown & Sons Lumber Company, Inc., a corporation, Ray E. Loper Lumber Company, Inc., a corporation, R. J. Robertson and Baldwin County, Alabama, a political subdivision of the State of Alabama, to condemn for public purposes the lands described in the petition for condemnation which was filed in the said cause. A final order of condemnation was made in the said cause on, to-wit, November 29, 1963. This cause was Numbered 5060 in the Probate Court of Baldwin County, Alabama. The State of Alabama, the Condemner in the said cause, has not appealed to this court from the final order of condemnation rendered in this said cause Numbered 5060, and has taken no appeal in the said cause against any of the persons or corporations filing this motion.

2. On, to-wit, October 4, 1963, the State of Alabama, as Condemner, filed a condemnation suit in the Probate Court of Baldwin