

| | | |
|-----------------------------------|---|-------------------------|
| STATE OF ALABAMA, |) | |
| |) | IN THE CIRCUIT COURT OF |
| Petitioner, |) | |
| vs. |) | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, RUTH P. MAHOLOVICH) | | |
| EUNICE ETHERIDGE, and CHARLIE |) | CASE NUMBER 5938. |
| BRYARS, as to TRACT NUMBER 36, |) | |
| Respondents. |) | |

DECREE OF CONDEMNATION:

This cause came on for trial on the 18th day of September, 1964, on appeal from the order of condemnation made and entered in the Probate Court of this County, on the 22nd day of January, 1964, the parties to this proceeding came into open Court in their own person and by their Attorneys of Record, entered an unqualified appearance and the Court is of the opinion and finds that it has jurisdiction of the cause, and of the parties; and the parties, acting by and through their Attorneys of Record, having announced in open Court that they had entered into an agreement as follows:

That the Court does have jurisdiction of the parties and the lands in this cause; that the parties have agreed and consented that the demand for a jury trial in this cause be withdrawn; that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in said petition; that the said application of the Petitioner for order of condemnation should be granted by this Court; and that the Petitioner, State of Alabama, should pay to the Respondents, Allie Bryars, Ruth P. Maholovich, Eunice Etheridge and Charlie Bryars, the sum of Five Hundred Fifty and no/100 Dollars (\$550.00), as a fair and just amount for compensation and damages for lands so taken; all of which being considered by the Court and the Court being of the opinion that said agreement is fair and just, both to the State of Alabama and to the Respondent land owners, it is, therefore, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court, and it is the judgment of the Court, that the application of Petitioner for the condemnation of an easement or right of way in, over, on and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands,

and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public improvements constructed or installed thereon or thereover, together with all existing, future and potential easements of access between the right of way of the public way described in said petition and all the real property of the respondents remaining after the appropriation of said easement and the right of way described in said petition be, and the same hereby is, granted and allowed.

And now comes the Petitioner, by its Attorney and shows unto the Court that it has heretofore deposited with the Judge of the Probate Court of Baldwin County, Alabama, the sum of \$1,000.00 as damages and compensation for the condemnation of the lands and interest in the lands hereinafter described which said sum has been transferred and delivered by the Judge of the Probate Court of Baldwin County, Alabama, to the Clerk of this Court, who now has possession of said funds.

It is hereby ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court be, and she is hereby authorized and directed to pay to the Respondents, Allie Bryars, Ruth P. Maholovich, Eunice Etheridge and Charlie Bryars, the sum of Five Hundred Fifty and no/100 Dollars (\$550.00), which is the amount of the agreed settlement in this cause, and that the balance in the amount of \$450.00 presently being held by the Clerk, less the cost of court in this cause, which are hereby taxed against the Petitioner, be refunded and repaid by the Clerk to the Petitioner, State of Alabama.

Upon payment of the award and costs in this proceeding by the Petitioner in this cause, the hereinafter described lands and interest in said lands are hereby condemned and awarded to Petitioner, State of Alabama. It is further ORDERED, ADJUDGED AND DECREED by the Court that the Petitioner, the State of Alabama, be and it hereby is given and awarded a right of way and easement in, over, on and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions existing on said lands and the right to prevent any

person from placing or maintaining any obstructions on or upon said lands and also have the right to enter said lands for the purpose of constructing, maintaining and repairing the public road, avenue or highway for which said lands are sought to be condemned herein, and for the uses and purposes sought in said petition or application, together with all existing, future and potential easements of access between the said right of way of the public way hereinafter described and all the remaining property of said respondents, after said appropriation of said easement hereinafter described.

It is further, ORDERED, ADJUDGED AND DECREED by the Court that title to the property hereinafter described be, and the same hereby is divested out of the Respondents and is hereby vested in the Petitioner, the State of Alabama, said property being more particularly described in Exhibit "A" attached hereto, and by reference made a part hereof as though fully set forth herein.

DONE AND ORDERED, this 18 day of September, 1964.



Special Judge.

Filed
9-18-64
Cliff J. Hume
clerk

EXHIBIT "A"

Baldwin

Baldwin

and as shown on the right-of-way map of Project No. I-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County:

PARCEL NO. 1: Commencing at the northeast corner of Section 27, T-1-S, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. I-65-1(28); thence S 51° 25' W along the centerline of said Project a distance of 1797 feet; thence turn an angle of 90° 00' to the left and run a distance of 200 feet; thence southeasterly along a straight line (which if extended would intersect a point that is 400 feet southeasterly of and at right angles to the centerline of said Project at Station 1286+00) a distance of 167 feet, more or less, to the north property line and the point of beginning thence continuing southeasterly along said line (which if extended would intersect the said point that is 400 feet southeasterly of and at right angles to the centerline of said Project at Station 1286+00) a distance of 230 feet, more or less, to the north line of S½ of NE¼ of Section 27, T-1-S, R-4-E, the south property line; thence westerly along said south property line a distance of 135 feet, more or less, to the southwest corner of said property; thence S 0° 38' W along the west property line a distance of 210 feet, more or less, to the northwest corner of said property; thence easterly along the north property line a distance of 229 feet, more or less, to the point of beginning.

Said strip of land lying in the S½ of NE¼ of Section 27, T-1-S, R-4-E and containing 0.87 acres, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantees all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-1(28), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

PARCEL NO. 2: Commencing at the northeast corner of Section 27, T-1-S, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. I-65-1(28); thence S 51° 25' W, along the centerline of said Project, a distance of 2,571.61 feet to Station 1282+25.39 on the centerline of said Project which equals Station 20+00 on the centerline of the relocation of Alabama Highway No. 47; thence S 68° 37' E along the centerline of said relocation a distance of 627.07 feet; thence northeasterly along a curve to

the left (concave northeasterly) having a radius of 1,432.36 feet, along the centerline of said relocation, a distance of 253.95 feet to Station 2+41.1 on the centerline of said relocation which equals Station 0+00 on the centerline of the relocation of a county road; thence S 0° 30' 15" E along the centerline of said county road relocation a distance of 249 feet to the south line of 88 $\frac{1}{2}$ of 22 $\frac{1}{2}$ of Section 27, T-1-N, R-4-E, the south property line and the point of beginning; thence westerly along said south property line a distance of 40 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said relocation; thence S 0° 30' 15" E, parallel to the centerline of said relocation, a distance of 10 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said relocation at Station 3+30.95; thence turn an angle of 90° 00' to the right and run a distance of 10 feet; thence northeasterly along a curve to the right (concave northeasterly) having a radius of 507.46 feet, parallel to the centerline of said relocation, a distance of 145 feet, more or less, to the north property line (crossing the centerline of said relocation at Station 4+52.7) a distance of 62 feet, more or less, to a point that is 50 feet southeasterly of and at right angles to the centerline of said relocation; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 447.46 feet, parallel to the centerline of said relocation, a distance of 145 feet, more or less, to a point that is 50 feet southeasterly of and at right angles to the centerline of said relocation at Station 3+30.95; thence turn an angle of 90° 00' to the left and run a distance of 10 feet; thence S 0° 30' 15" N, parallel to the centerline of said relocation a distance of 65 feet, more or less, to the south line of 88 $\frac{1}{2}$ of 22 $\frac{1}{2}$ of Section 27, T-1-N, R-4-E, the south property line; thence westerly along said south property line a distance of 40 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of 22 $\frac{1}{2}$ of Section 27, T-1-N, R-4-E and containing 0.33 acres, more or less.

PARCEL NO. 3: Commencing at the northeast corner of Section 27, T-1-N, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 995 feet, more or less, to Station 1257+97 on the centerline of Alabama Highway No. 1-65-1(26); thence S 51° 25' E along the centerline of said Project a distance of 2,571.61 feet to Station 1252+23.32 on the centerline of said Project which equals Station 20+00 on the centerline of the relocation of Alabama Highway No. 47; thence S 63° 35' E along the centerline of said relocation a distance of 627.05 feet; thence northeasterly along a curve to the left (concave northeasterly) having a radius of 1,432.36 feet, along the centerline of said relocation, a distance of 253.95 feet to Station 20+41.1 on the centerline of said relocation which equals Station 0+00 on the centerline of the relocation of a county road; thence N 0° 30' 15" E along the centerline of said county road relocation a distance of 250.95 feet; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 477.46 feet, along the centerline of said relocation, a distance of 490.15 feet to the west property line and the point of beginning; thence northerly along said west property line a distance of 31 feet, more or less, to the present north right-of-way line of Alabama Highway No. 47, the north property line; thence easterly along the said north property line (crossing the centerline of said relocation at Station 9+06) a distance of 235 feet, more or less, to a point that is 30 feet southeasterly of and at right angles to the centerline of said relocation at Station 10+06.15; thence southeasterly along a curve to the left (concave southeasterly) having a radius of 447.46 feet, parallel to the centerline of said relocation, a distance of 245 feet, more or less, to the west property line; thence northerly along said west property line a distance of 31 feet, more or less, to the point of beginning.

9 December, 1964

Hon L. D. Owen
Judge of Probate
Bay Minette, Alabama

Re: Tract 36 on I-65-1(28)
Allie Bryars, et al.

Dear Judge Owen:

Reference our phone conversation this date on above tract No. 36.

A consent settlement in the sum of \$550.00 was reached between the State and Condemnees in above tract last September. Prior thereto the State had paid into your funds, I understand, \$1,000.00.

Please consider this as your authorization to forward to Mrs. Alice J. Duck the total amount deposited by the State with you, that is the \$1,000.00. She will make disbursement to the property owners, as provided in the consent order or settlement. And this is her authority to make the disbursement of said \$550.00 as provided by law-Mrs. Duck should immediately return the remaining \$450.00 to the State of Alabama. And with the money returned she should submit her cost bill in this case and she will receive a warrant in due course.

Sincerely,


Kenneth Cooper

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

Hon Samuel L. Stockman
951 Gov't Street Bldg.
Mobile, Alabama

STATE OF ALABAMA,

Petitioner,

VS.

ALLIE BRYARS, RUTH P. MAHOLOVICH,
EUNICE ETHERIDGE, CHARLIE BRYARS,
as to TRACT 36, Parcels 1 thru 3;
LESLIE E. GRIFFITH and MARGIE J.
GRIFFITH, as to TRACT 37; EVERETT
C. WHITE as to TRACT 40; CHARLES
WHITE, HIBBERT D. ETHERIDGE, CELIA
ETHERIDGE, as to TRACT 50, Parcels
1 thru 6, and BALDWIN COUNTY, a
Political Subdivision of the
State of Alabama,

Respondents.

IN THE PROBATE COURT

OF BALDWIN COUNTY,

ALABAMA

CASE NO. _____

CONDEMNATION OF LANDS

APPEARANCE

Comes now Blackmarr & Stockman and file this their
appearance for and on behalf of the Defendant Charlie Bryars
in the above styled cause.

BLACKMARR & STOCKMAN

BY

Keener T. Blackmarr
Samuel L. Stockman
KEENER T. BLACKMARR
Attorneys for the Defendant
Charlie Bryars.

Address of Blackmarr & Stockman:

951 Government Street Building
Mobile, Alabama

BOOK 035 PAGE 33

5084 In the Matter of State of Ala. vs. Allie Bryars, et al
 Administrator, Executor or Guardian. Residence.....

DeFair Masburn Docket..... Page..... Fee Book..... Page.....

| FEES OF PROBATE JUDGE | | AMOUNT | DATE | FEES OF PROBATE JUDGE | AMOUNT |
|-----------------------|---|--------|------|---|--------|
| -63 | Will-Order on Presentation, \$1.00 | 1 00 | | BROUGHT FORWARD, | 22 75 |
| | Affidavit in Petition for Probate, 25c | | | Affidavit to Report, 25c | |
| | Recording Petition, per 100 words, 15c | | | Recording, per 100 words, 15c | |
| | Issuing Citation, ent'g Sheriff's Returns, 50c | 1 00 | | Appointing Com'r to Divide, and Writ, \$2.00 | |
| | App'ting and Notifying Guard. ad Litem, 50c | 50 | | Approving Division and Order thereon, \$1.00 | |
| | Issuing Subpoenas for Witnesses, 50c | 25 | | App'ting and Notifying Guard. ad Litem, 50c | |
| | Affidavit of Witnesses, 25c | 50 | | PARTIAL SETTLEMENT—Affidavit in Acc't, 25c | |
| | Examining Will and order Probating, \$2.00 | 1 50 | | Examining, Stating Acc't and Ap. Hear., \$1.00 | |
| ③ | Issuing Commission to take Deposition, 50c | 1 50 | | Order to Publish Notice of Sale, 50c | |
| | Filing Interrogatories, 10c | 3 00 | | App'ting and Notifying Guard. ad Litem, 50c | |
| | Copy of same, per 100 words, 15c | 2 00 | | Examining Vouchers, 10c | |
| | Recording Will, per 100 words, 15c | 1 25 | | Administering Affidavits, 25c | |
| | Recording Testimony, per 100 words, 15c | 25 | | Making Decree and Order to Record, \$1.50 | |
| | Certificate, without seal, 25c | 50 | | Recording same, per 100 words, 15c | |
| | Certificate, with seal, 50c | | | Filing Claims and giving Receipt, 15c | |
| | Recording at Trial Court Will, per day, \$2.50 | 1 50 | | INSOLVENCY—Affidavit in Report, 25c | |
| | Issuing Notice of appeal | 50 | | Affidavit to Statements, 25c | |
| ① | LETTERS—Affidavit in Petition, 25c | | | Recording Rep't and Statem't, 100 words, 15c | |
| | Recording Petition, per 100 words, 15c | 5 50 | | Order Appointing Day of Hearing, 25c | |
| ④ | Recording Rel. right to Adm'ner, 100 words, 15c | 2 00 | | Order to Publish Notice of same, 25c | |
| | Granting Letters of Administration, 50c | | | Order for Citations, 25c | |
| | Issuing and Recording same, 50c | | | Iss'g Notice to Creditor Day of Hearing, 50c | |
| | Granting Letters of Guardianship, each minor, 50c | | | Order Sustaining Report, 25c | |
| | Issuing, Filing and Recording same, 50c | | | Order for Settlement, 25c | |
| | Taking, App., Filing, Rec. Adm. Bonds, \$1.00 | | | Order to Publish Day of Settlement, 25c | |
| | Taking, App. Filing, Guard. Bond, \$1.00 | | | Issuing Notice of Day of Settlement, 25c | |
| | Affidavit of Justification, 25c | | | Affidavit to Amount of Claims, 25c | |
| | Granting Order of Appraisement, 50c | | | App'ting and Notifying Guard. ad Litem 50c | |
| | Issuing Order of Appraisement, 25c | | | SALE OF REAL ESTATE—Affidavit in Petition, 25c | |
| | Recording same, per 100 words, 15c | | | Recording Petition, per 100 words, 15c | |
| | Order Removing Executor, Adm. Guard. \$2.00 | | | Order App't'g Day of Hear. and Notice, \$1.00 | |
| | Order Appointing General Guardian, \$1.00 | | | Order to Publish Notice of same, 50c | |
| | Order Appointing General Administ'r, \$1.00 | | | Issuing Citations, ent'g Sheriff's Return, 50c | |
| | Order Appointing Adm'r ad Litem, \$1.00 | | | App'ting and Notifying Guard. ad Litem, 50c | |
| | Recording Decree | | | Issuing Commission to take Deposition, 50c | |
| | HOMESTEAD—Rec. Pet'n for Com., 100 words, 15c | | | Filing Interrogatories, 10c | |
| | Record, Order for App., per 100 words, 15c | | | Copy of Interrogatories, per 100 words, 15c | |
| | Recording Order for Com., per 100 words, 15c | | | App't'g Com. to Divide and Issue Writ, \$2.00 | |
| | Notice to Commissioners, 50c | | | Affidavit to Report of Same, 25c | |
| | Recording Report of Com., per 100 words, 15c | | | Order Approving Division and Report, \$1.00 | |
| | Record, Order Setting Apart, 100 words, 15c | | | Recording same, per 100 words, 15c | |
| | INVENTORY—Order to Approve and Record, 50c | | | Hearing Applic'n for Dower, Iss'g Writ, \$4.00 | |
| | Affidavit to same, 25c | | | Exam'g Testim'y and Grant Ord'r to Sell, \$2.00 | |
| | Recording same, per 100 words, 15c | | | Recording Depositions, per 100 words, 15c | |
| | SUPPLEMENT INVENTORY—Order App., Rec., 50c | | | Record. Reliq'm't of Dower, 100 words, 15c | |
| | Affidavit to same, 25c | | | Recording Report, per 100 words, 15c | |
| | Recording same, per 100 words, 15c | | | Rec. Paym't Purchase Money, 100 words, 15c | |
| | Recording Decree, per 100 words, 15c | | | Making Order on Report of Sale of Land, 75c | |
| | APPRAISEMENT—Order Approving, Rec., 50c | | | Hear Ap'n to Compel Conveyance, etc., \$2.00 | |
| | Affidavit to same, 25c | | | FINAL SETTLEMENT—Affidavit in Account, 25c | |
| | Recording same, per 100 words, 15c | | | Affidavit to Statement of Heirs, 25c | |
| | SUPPLEMENT APPRAISEMENT—Grant, Order, 50c | | | Exam'g, Stating and Recording Acc't, \$1.00 | |
| | Issuing Order of Appraisement, 25c | | | Order to Publish Notice of same, 50c | |
| | Recording Warrant, per 100 words, 15c | | | App'ting and Notifying Guard. ad Litem, 50c | |
| | Order to Approve Appraisement, 50c | | | Examining Vouchers, 10c | |
| | Affidavit to same, 25c | | | Administering Affidavits, 25c | |
| | Recording same, per 100 words, 15c | | | Recording same, per 100 words, 15c | |
| | Recording Decree, per 100 words, 15c | | | Decree in Final Settlement, 50c | |
| | SALE OF PERISHABLE PROPERTY—Petition, 25c | | | SPECIAL PROCEEDINGS—Proceedings for Declaration | |
| | Recording same, per 100 words, 15c | | | of Unsound Mind and App. Guard. ad Litem, | |
| | Granting Order of Sale, 50c | | | \$5.00 | |
| | Issuing Order of Sale, 25c | | | Recording Decree Relieving Minors, etc., \$1.00 | |
| | App'ting and Notifying Guard. ad Litem, 50c | | | Proceed to Perpetuate Testimony, per 100 words, | |
| | Recording, per 100 words, 15c | | | 20c | |
| | SALE OF PERSONAL PROPERTY—Petition, 25c | | | Other Services Relating Thereto, 75c | |
| | Recording same, per 100 words, 15c | | | Record. Pro'dings Bind'g Out Appren., \$1.00 | |
| | Granting Order of Sale, 50c | | | For Recording Certificate of Judgment or Decree | |
| | Issuing Order of Sale, 25c | | | Misc. Filing | |
| | Order to Publish Notice of Sale, 50c | | | | |
| | CARRIED FORWARD | 22 75 | | TOTAL PROBATE JUDGE'S FEES, | 379 45 |

(Box 591-2) MARSHALL & EDISON MARSHALL & EDISON

| DATE | FEES OF SHERIFF | AMOUNT | DATE | FEES OF WITNESSES | AMOUNT |
|------|---|--------|------|-------------------|--------|
| | Serving and Returning Citations, @ \$1 50 | | | | |
| | Serving Witness, @ 65 | | | | |
| | Collecting Execution for Cost, 1 50 | | | | |
| | Serving Application to Perpetuate Testimony, 1 00 | | | | |
| | Impaneling Jury, 75 | | | | |
| | Serving Notices, @ 1 50 | | | | |
| | Summoning Jury Dower, per day, 5 00 | | | | |
| | Serving Writs, @ 1 50 | | | | |
| | Sheriff's Commission, | | | | |
| | FEES OF PRINTER | | | | |
| | FEES OF GUARDIAN AD LITEM | | | | |
| | FEES OF COMMISSIONERS | | | | |

STATE OF ALABAMA,

Petitioner,

vs.

ALLIE BRYARS, ET AL.,

Respondents.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5084

REPORT OF COMMISSIONERS:

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

Come the undersigned, Walter M. Lindsey, H. B. McGill
and O. W. Lyles

the Commissioners duly appointed to assess the damages to ~~xxxxxx~~ Tracts
Numbers: 36, 37, 40 and 50

of Project No. I-65-1(28), to which the owner and other parties in-
terested in the parcels of land set forth and described in the
original 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 offered,
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 parties in
interested therein are entitled to receive as damages and compen-
sation for the condemnation of their property, the following amount:

| | | |
|-------------------------|--|-----------------------------|
| Project No. I-65-1(28), | Parcel ^{TRACT} No. <u>36</u> | \$ <u>1000⁰⁰</u> |
| Project No. I-65-1(28), | Parcel ^{TRACT} No. <u>37</u> | \$ <u>1000⁰⁰</u> |
| Project No. I-65-1(28), | Parcel ^{TRACT} No. <u>40</u> | \$ <u>350⁰⁰</u> |
| Project No. I-65-1(28), | Parcel ^{TRACT} No. <u>50</u> | \$ <u>1800⁰⁰</u> |
| Project No. I-65-1(28), | Parcel No. _____ | \$ _____ |
| Project No. I-65-1(28), | Parcel No. _____ | \$ _____ |
| Project No. I-65-1(28), | Parcel No. _____ | \$ _____ |
| Project No. I-65-1(28), | 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 consider-
ed by us, or the proceedings to condemn the same prior to the assess-
ment of damages, and that we knew nothing of the same prior to our
appointment.

H. B. McNeil
Commissioner.

Chas. J. Lytle
Commissioner.

Kathleen Lindsey
Commissioner.

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

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

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STATE OF ALABAMA,

Petitioner,

vs.

ALLIE BRYARS, ET AL.,

Respondents,

IN THE PROBATE COURT OF

SALDWIN COUNTY, ALABAMA

CASE NO. 5084

FINAL ORDER OF CONDEMNATION:

On the 26th day of December, 1963, came Walter M. Lindsey, H. B. McGill 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~~ ^{Tract} No. 36, Parcels 1 thru 3; , , , , and , Project No. I-65-1(28), in the amount of \$ 1,000.00, for ~~Parcel~~ ^{Tract} No. 37; \$ 1,000.00, for ~~Parcel~~ ^{Tract} No. 40, \$ 350.00, for ~~Parcel~~ ^{Tract} No. 50, Parcels 4 thru 6, ~~XXXXXX~~ , \$ 1800.00, 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 22ND day of JANUARY, 1964.

L. L. Brown, Jr.

~~W. P. Stuart~~, Judge of Probate.

BOOK 035
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| | | |
|-----------------------------------|---|-------------------------|
| STATE OF ALABAMA, | I | |
| Petitioner, | I | IN THE PROBATE COURT OF |
| vs. | I | |
| | | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, RUTH P. MAHOLOVICH, | I | |
| EUNICE ETHERIDGE, and CHARLIE | I | |
| BRYARS, as to TRACT NUMBER 36, | I | CASE NUMBER 5084. |
| ET AL., | I | |
| Defendants. | I | |

NOTICE OF APPEAL

Comes the State of Alabama in the 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 22nd day of January, 1964, insofar as said order of condemnation relates to the Tract of land and the owners and parties interested therein as follows:

TRACT NUMBER 36: Allie Bryars, Ruth P. Maholovich, Eunice Etheridge and Charlie Bryars, are the owners of said tract.

That a copy of the description of the above designated tract is hereto attached, marked Exhibit "A", and by reference made a part hereof, as though fully set out herein.

The State of Alabama does herewith file in the Probate Court of Baldwin County, Alabama, the court rendering such order of condemnation, this, its written notice of appeal.

DONE this 31st day of January, 1964.

RICHMOND M. FLOWERS,
Attorney General
State of Alabama

By: J. D. Marshall
Duly appointed Special Assistant
Attorney General for the State of Alabama

Petitioner hereby demands a trial of this cause by Jury.

J. D. Marshall
Duly appointed Special Assistant
Attorney General for State of Alabama.

STATE OF ALABAMA, BALDWIN COUNTY
Jan 31, 1964
Filed _____
Recorded _____
book _____ page _____
J. D. Marshall
Judge of Probate

The undersigned hereby acknowledges himself security for costs in this cause.

Approved 31 Jan 1964
Edmund J. [unclear]
Judge of Probate

Julian A. Maholovich
Duly appointed Special Assistant
Attorney General for State of Alabama.

TO: ALLIE BRYARS, RUTH P. MAHOLOVICH, EUNICE ETHERIDGE and CHARLIE BRYARS.

You are hereby notified that the above Notice of Appeal was filed in the Office of the Judge of Probate of Baldwin County, Alabama, on the 31st day of January, 1964.

WITNESS my hand this 31st day of January, 1964.

J. D. Owen, Jr.
Judge, Probate Court of Baldwin County, Ala.
By: *Harry M. [unclear]*
Chief Clerk

Balance

Balance

and is shown on the right-of-way map of Project No. 1-45-1(18) as recorded in the Office of the Judge of Probate of Baldwin County.

PARCEL No. 1: Commencing at the northeast corner of Section 27, T-4-S, R-4-E; thence S $1^{\circ} 25'$ E along the east line of said Section a distance of 398 feet, more or less, to Station 1287+07 on the centerline of Project No. 1-45-1(18); thence S $51^{\circ} 25'$ E along the centerline of said Project a distance of 1777 feet; thence turn an angle of $25^{\circ} 00'$ to the left and run a distance of 292 feet; thence easterly along a straight line (which if extended would intersect a point that is 480 feet southeasterly of said at right angles to the centerline of said Project at Station 1286+05) a distance of 185 feet, more or less, to the north property line and the point of beginning; thence easterly along said line (which if extended would intersect the said point that is 480 feet southeasterly of said at right angles to the centerline of said Project at Station 1286+05) a distance of 254 feet, more or less, to the north line of $20\frac{1}{2}$ of $20\frac{1}{2}$ of Section 27, T-4-S, R-4-E, the north property line; thence easterly along said north property line a distance of 135 feet, more or less, to the southeast corner of said property; thence S $0^{\circ} 30'$ E along the east property line a distance of 210 feet, more or less, to the northeast corner of said property; thence easterly along the north property line a distance of 210 feet, more or less, to the point of beginning.

Said strip of land lying in the $20\frac{1}{2}$ of $20\frac{1}{2}$ of Section 27, T-4-S, R-4-E and containing 0.87 acres, more or less.

As a part of the consideration hereinafore stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. 1-45-1(18), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

PARCEL No. 2: Commencing at the northeast corner of Section 27, T-4-S, R-4-E; thence S $1^{\circ} 25'$ E along the east line of said Section a distance of 398 feet, more or less, to Station 1287+07 on the centerline of Project No. 1-45-1(18); thence S $51^{\circ} 25'$ E, along the centerline of said Project, a distance of 2,571.41 feet to Station 1286+05.39 on the centerline of said Project which equals Station 1286+05 on the centerline of the right-of-way of Alabama Highway No. 47; thence S $60^{\circ} 35'$ E along the centerline of said right-of-way a distance of 617.35 feet; thence northeasterly along a curve to

the left (concave northeasterly) having a radius of 1,431.39 feet, along the centerline of said relocation, a distance of 277.97 feet to Station 28+61 on the centerline of said relocation which equals Station 0+00 on the centerline of the relocation of a county road; thence S 0° 30' 16" E along the centerline of said county road relocation a distance of 278 feet to the south line of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-S, R-4-E, the south property line and the point of beginning; thence westerly along said south property line a distance of 40 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said relocation; thence S 0° 30' 16" E, parallel to the centerline of said relocation, a distance of 70 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said relocation at Station 3+30.97; thence turn an angle of 90° 00' to the right and run a distance of 10 feet; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 907.46 feet, parallel to the centerline of said relocation, a distance of 145 feet, more or less, to the north property line (crossing the centerline of said relocation at Station 4+01.7) a distance of 62 feet, more or less, to a point that is 30 feet southeasterly of and at right angles to the centerline of said relocation; thence southeasterly along a curve to the left (concave southeasterly) having a radius of 447.46 feet, parallel to the centerline of said relocation, a distance of 145 feet, more or less, to a point that is 30 feet northeasterly of and at right angles to the centerline of said relocation at Station 5+00.97; thence turn an angle of 90° 00' to the left and run a distance of 10 feet; thence S 0° 30' 16" W, parallel to the centerline of said relocation a distance of 65 feet, more or less, to the south line of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-S, R-4-E, the south property line; thence westerly along said south property line a distance of 40 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-S, R-4-E and containing 0.35 acres, more or less.

PARCEL No. 2: Commencing at the northeast corner of Section 27, T-1-S, R-4-E; thence S 1° 25' E along the east line or line running a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. 1-65-1(28); thence S 31° 25' W along the centerline of said Project a distance of 2,571.61 feet to Station 1288+03.35 on the centerline of said Project which equals Station 28+00 on the centerline of the relocation of Alabama Highway No. 47; thence S 63° 35' E along the centerline of said relocation a distance of 627.05 feet; thence northeasterly along a curve to the left (concave northeasterly) having a radius of 1,431.39 feet, along the centerline of said relocation, a distance of 277.95 feet to Station 28+61 on the centerline of said relocation which equals Station 0+00 on the centerline of the relocation of a county road; thence S 0° 30' 16" E along the centerline of said county road relocation a distance of 278.95 feet; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 447.46 feet, along the centerline of said relocation, a distance of 145.15 feet to the east property line and the point of beginning; thence northerly along said east property line a distance of 11 feet, more or less, to the present south right-of-way line of Alabama Highway No. 47, the north property line; thence easterly along the said north property line (crossing the centerline of said relocation at Station 3+06) a distance of 275 feet, more or less, to a point that is 30 feet northeasterly of and at right angles to the centerline of said relocation at Station 3+30.10; thence southeasterly along a curve to the left (concave southeasterly) having a radius of 447.46 feet, parallel to the centerline of said relocation, a distance of 145 feet, more or less, to the east property line; thence northerly along said east property line a distance of 11 feet, more or less, to the point of beginning.

| | | |
|-----------------------|---|-------------------------|
| STATE OF ALABAMA, | I | |
| Petitioner, | I | |
| vs. | I | IN THE PROBATE COURT OF |
| | I | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, ET AL., | I | |
| Respondents. | I | CASE NO. _____ |
| | I | |
| | I | |
| | I | |

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR
CONDEMNATION AND APPOINTING COMMISSIONER:

This cause having heretofore been set for hearing on the
5th day of November, 1963, at 10:00 A.M. o'clock, as set
 forth in the application of the State of Alabama to condemn the right
 of way or easement on ~~Tract 36~~ Tract 36, Parcels 1 thru 3; Tract 37;
Tract 40, Tract 50, Parcels 1 thru 6.
 Project I-65-1(28), 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 condem-
 nation 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 WALTER M. LINDSEY
H. B. MCGILL and, O. W. LYLES,
 who are resident citizens of Baldwin County, Alabama, possessing the
 qualifications of jurors and who are disinterested in these

Said strip of land lying in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27,
T-1-N, R-4-E and containing 0.12 acres, more or less.

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 (20) 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 5th day of November, 1963.

W. R. Stuart
W. R. Stuart, Probate Judge.
By: Nancy M. D'Oliver Chief Clerk
By: _____

BOOK 035 PAGE 35

NOTICE TO SHERIFF:

STATE OF ALABAMA)
)
BALDWIN COUNTY)

You are hereby COMMANDED to notify: O. W. LYLES

BAY MINETTE, ALABAMA

that in a proceeding in this Court styled State of Alabama vs.

Allie Bryars,, et al
and Baldwin County, a political subdivision of the State of Alabama,
in which the State of Alabama sought to condemn a certain right of
way or easement over certain lands in this County for the purposes
of a public highway or road as stated in the application for con-
demnation in this cause, this Court rendered a decree condemning the
right of way or easement over the lands therein sought, and appoint-
ed them to view said property sought to be condemned, hear evidence
and assess such damages and compensation as the owners and interest-
ed parties are entitled to recover for the taking of the same for
said public uses and purposes.

You are hereby commanded to serve a copy of the commission
hereto attached upon each of said commissioners within five (5) days
from the receipt hereof, and make return as to how you have execut-
ed this mandate.

Done this 5th day of November, 1963.

W. R. Smart
W. R. Smart, Judge of Probate.

By: Harry M. Doherty Chief Clerk

By: _____

BOOK
035
PAGE
36

Received 11 day of Nov 1963
and on 12 day of Nov 1963

I served a copy of the within Notice
on O. W. Lyles

By service on _____

TAYLOR WILKINS, Sheriff

By W. A. Zebert D. S.

Omni

37

PAGE

035

BOOK

NOTICE TO SHERIFF:

STATE OF ALABAMA)
)
BALDWIN COUNTY)

You are hereby COMMANDED to notify: WALTER M. LINDSEY,
BAY MINETTE, ALABAMA

that in a proceeding in this Court styled State of Alabama vs.
Allie Bryars, et al.,, et al
and Baldwin County, a political subdivision of the State of Alabama,
in which the State of Alabama sought to condemn a certain right of
way or easement over certain lands in this County for the purposes
of a public highway or road as stated in the application for con-
demnation in this cause, this Court rendered a decree condemning the
right of way or easement over the lands therein sought, and appoint-
ed them to view said property sought to be condemned, hear evidence
and assess such damages and compensation as the owners and interest-
ed parties are entitled to recover for the taking of the same for
said public uses and purposes.

You are hereby commanded to serve a copy of the commission
hereto attached upon each of said commissioners within five (5) days
from the receipt hereof, and make return as to how you have execut-
ed this mandate.

Done this 5th day of November, 1963.

W. R. Stuart
W. R. Stuart, Judge of Probate.
By: Harry M. D'Almeida Chief Clerk
By: _____

BOOK 035 PAGE 38

Received 11 day of Nov. 1963
and on 12 day of Nov 1963

I served a copy of the within Notice
on Walter M. Lindsey

By service on _____

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

Erin

$\frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{4}$

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

[illegible]

Figure 1. The effect of the concentration of the H_2O_2 solution on the amount of the released H_2O from the H_2O_2 -loaded hydrogel. The amount of the released H_2O was measured by the weight difference of the hydrogel before and after the release. The concentration of the H_2O_2 solution was 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, and 1.0 wt. %.

NOTICE TO SHERIFF:

STATE OF ALABAMA)
)
BALDWIN COUNTY)

You are hereby COMMANDED to notify: H. B. McGILL,

PERDIDO, ALABAMA

that in a proceeding in this Court styled State of Alabama vs.
Allie Bryars,, et al
and Baldwin County, a political subdivision of the State of Alabama,
in which the State of Alabama sought to condemn a certain right of
way or easement over certain lands in this County for the purposes
of a public highway or road as stated in the application for con-
demnation in this cause, this Court rendered a decree condemning the
right of way or easement over the lands therein sought, and appoint-
ed them to view said property sought to be condemned, hear evidence
and assess such damages and compensation as the owners and interest-
ed parties are entitled to recover for the taking of the same for
said public uses and purposes.

You are hereby commanded to serve a copy of the commission
hereto attached upon each of said commissioners within five (5) days
from the receipt hereof, and make return as to how you have execut-
ed this mandate.

Done this 5th day of November, 1963.

W. R. Stuart, Judge of Probate.
By: Amy M. Doherty Chief Clerk
By: _____

BOOK 035 PAGE 40

Received 11 day of Nov 1963
and on 12 day of Nov 1963
I served a copy of the within notice
on W. B. McGee

By service on _____

TAYLOR WILKINS, Sheriff
By W. G. Talbot D. S.
Om

BOOK 035 PAGE 41

STATE OF ALABAMA,

Petitioner,

vs.

ALLIE BRYARS, et al,

Respondents

I

I

I

I

I

I

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I

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: _____

COMMISSIONS:

TO: WALTER M. LINDSEY

H. B. MCGILL

O. W. LYLES

, and

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 of 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 damage 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 (20) 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

BOOK 035 PAGE 44

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 5th day of November _____, 1963.

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

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. Allie Bryars, et al. 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 respondents as to us shall seem just and proper in the premises, so help us God.

O. W. Lyke
John Lindsey
P. B. Mc Gill

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

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

BOOK 435
PAGE 45

STATE OF ALABAMA,

Petitioner,

vs.

ALLIE BRYARS, RUTH P. HANCOLOVICH,
EUNICE ETHERIDGE, CHARLIE BRYARS,
as to TRACT 36, Parcels 1 thru 3;
LESLIE E. GRIFFITH and MARGIE J.
GRIFFITH, as to TRACT 37; EUBRETT
C. WHITE as to TRACT 40; CHARLES
WHITE, RICHARD D. ETHERIDGE, CELIA
ETHERIDGE, as to tract 50, Parcels
1 thru 6. BALDWIN COUNTY, A Political
Subdivision of
State of Alabama, Respondents.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO: _____

APPLICATION FOR CONDEMNATION

TO THE HONORABLE 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 pro-
ceedings 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. I-65-1 (28), Baldwin County, Alabama.
3. That said public highway begins with Escambia County,
Alabama Line and runs to Alabama State Highway No. 59.
4. The right of way over the property and lands herein-
after described as Parcels Numbered Tract 36, Parcels 1 thru 3; Tract
37; Tract 40; Tract 50, Parcels 1 thru 6.

and as set out in the right of way map on Project No. I-65-1(28) 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 is 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

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 I-65-1(28), 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.

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U35
PAGE
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9. (a) Allie Bryars, Ruth P. Maholovich, Eunice Etheridge and Charlie Bryars are owners of Tract 36, Parcels 1 thru 3, and are all over 21 years and all residents of Baldwin County, except Charlie Bryars who resides in Mobile County;
(b). Leslie E. Griffith & Margie J. Griffith are owners of Tract 37, and are over the age of 21 years, and residents of Baldwin County, Alabama;
(c). Everett C. White is the owner of Tract 40, is over the age of 21 years and a resident of Baldwin County, Alabama;
(d). Charles White is the owner of Tract 50, Parcels 1 thru 6, is over the age of 21 and a resident of Baldwin County, Alabama; Hibbert Etheridge & Celia Etheridge are residents of Baldwin County and over the age of 21 years, claim some right, title or interest in said property by virtue of lease dated 10/7/61, recorded in Deed Book 325 page 63, Baldwin County, Alabama Records.

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.

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. I-65-1(28), 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.

RICHMOND M. FLOWERS,
Attorney General
State of Alabama

By: Telfair J. Mashburn
Duly Appointed Special Assistant
Attorney General for The State
of Alabama.

BOOK 035
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STATE OF ALABAMA

BALDWIN COUNTY

Before me, J. CONNOR OWENS, JR., a Notary Public
Baldwin County, Alabama, personally appeared Telfair J. Mashburn,
Assistant Attorney General of the State of Alabama, who is personally
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 condem-
nation are true and correct.

Telfair J. Mashburn

Sworn to and subscribed before me on this
the 18th day of October, 1963.

J. Connor Owens, Jr.
Notary Public, Baldwin County, Alabama

Baldwin

Baldwin

and as shown on the right-of-way map of Project No. 1-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County:

PARTIAL NO. 1: Commencing at the northeast corner of Section 27, T-1-N, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. 1-65-1(28); thence S 51° 25' W along the centerline of said Project a distance of 1797 feet; thence turn an angle of 90° 00' to the left and run a distance of 200 feet; thence southeasterly along a straight line (which if extended would intersect a point that is 400 feet southeasterly of and at right angles to the centerline of said Project at Station 1286+00) a distance of 165 feet, more or less, to the north property line and the point of beginning; thence continuing southeasterly along said line (which if extended would intersect the said point that is 400 feet southeasterly of and at right angles to the centerline of said Project at Station 1286+00) a distance of 230 feet, more or less, to the south line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E, the south property line; thence westerly along said south property line a distance of 135 feet, more or less, to the southwest corner of said property; thence N 0° 38' W along the west property line a distance of 210 feet, more or less, to the northwest corner of said property; thence easterly along the north property line a distance of 229 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E and containing 0.87 acres, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. 1-65-1(28), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

PARTIAL NO. 2: Commencing at the northeast corner of Section 27, T-1-N, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. 1-65-1(28); thence S 51° 25' W, along the centerline of said Project, a distance of 2,571.61 feet to Station 1288+25.39 on the centerline of said Project which equals Station 20+00 on the centerline of the relocation of Alabama Highway No. 47; thence S 68° 35' E along the centerline of said relocation a distance of 627.05 feet; thence northeasterly along a curve to

the left (concave northwesterly) having a radius of 1,432.39 feet, along the centerline of said relocation, a distance of 253.95 feet to Station 28+81 on the centerline of said relocation which equals Station 0+00 on the centerline of the relocation of a county road; thence N 0° 30' 16" E along the centerline of said county road relocation a distance of 249 feet to the south line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E, the south property line and the point of beginning; thence westerly along said south property line a distance of 40 feet, more or less, to a point that is 40 feet northwesterly of and at right angles to the centerline of said relocation; thence N 0° 30' 16" E, parallel to the centerline of said relocation, a distance of 70 feet, more or less, to a point that is 40 feet northwesterly of and at right angles to the centerline of said relocation at Station 3+30.95; thence turn an angle of 90° 00' to the right and run a distance of 10 feet; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 507.46 feet, parallel to the centerline of said relocation, a distance of 245 feet, more or less, to the north property line (crossing the centerline of said relocation at Station 4+82.7) a distance of 62 feet, more or less, to a point that is 30 feet southeasterly of and at right angles to the centerline of said relocation; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 447.46 feet, parallel to the centerline of said relocation, a distance of 145 feet, more or less, to a point that is 30 feet southeasterly of and at right angles to the centerline of said relocation at Station 3+30.95; thence turn an angle of 90° 00' to the left and run a distance of 10 feet; thence S 0° 30' 16" W, parallel to the centerline of said relocation a distance of 65 feet, more or less, to the south line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E, the south property line; thence westerly along said south property line a distance of 40 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E and containing 0.33 acres, more or less.

PARTIAL NO. 3: Commencing at the northeast corner of Section 27, T-1-N, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. 1-65-1(28); thence S 31° 25' W along the centerline of said Project a distance of 2,571.61 feet to Station 1258+25.39 on the centerline of said Project which equals Station 20+00 on the centerline of the relocation of Alabama Highway No. 47; thence S 68° 35' E along the centerline of said relocation a distance of 627.05 feet; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 1,432.39 feet, along the centerline of said relocation, a distance of 253.95 feet to Station 28+81 on the centerline of said relocation which equals Station 0+00 on the centerline of the relocation of a county road; thence N 0° 30' 16" E along the centerline of said county road relocation a distance of 330.95 feet; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 477.46 feet, along the centerline of said relocation, a distance of 490.15 feet to the west property line and the point of beginning; thence northerly along said west property line a distance of 31 feet, more or less, to the present south right-of-way line of Alabama Highway No. 47, the north property line; thence easterly along the said north property line (crossing the centerline of said relocation at Station 9+06) a distance of 235 feet, more or less, to a point that is 30 feet southeasterly of and at right angles to the centerline of said relocation at Station 10+65.10; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 447.46 feet, parallel to the centerline of said relocation, a distance of 245 feet, more or less, to the west property line; thence northerly along said west property line a distance of 31 feet, more or less, to the point of beginning.

Baldwin

Baldwin

and as shown on the right-of-way map of Project No. 1-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County;

Commencing at the southwest corner of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E; thence northerly along the east line of said Section 27 a distance of 1,315 feet, more or less, to approximate Station 41060 on the centerline of the relocation of Alabama Highway No. 47; thence S 64° 25' W along the centerline of said relocation a distance of 360 feet, more or less, to Station 38022.05; thence northwesterly along a curve to the right (concave northerly), having a radius of 1,432.39 feet along the centerline of said relocation, a distance of 61.05 feet to the east property line and the point of beginning; thence southerly along said east property line a distance of 68 feet, more or less, to a point that is 68 feet southeasterly of and at right angles to the centerline of said relocation; thence northwesterly along a curve to the right (concave northerly) having a radius of 1,492.39 feet, along the centerline of said relocation a distance of 625 feet, more or less, to the south property line; thence westerly along said south property line a distance of 225 feet, more or less, to the east side of a present county road, the west property line; thence northerly along said west property line (crossing the centerline of said relocation at approximate Station 28490) a distance of 310 feet, more or less, to the north line of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E, the north property line; thence easterly along said north property line a distance of 40 feet, more or less, to a point that is 40 feet southeasterly of and at right angles to the centerline of a county road relocation; thence S 0° 30' 15" W, parallel to the centerline of said county road relocation, a distance of 150 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of said Alabama Highway No. 47 relocation; thence northeasterly along a curve to the left (concave northerly) having a radius of 1,312.39 feet, parallel to the centerline of said Alabama Highway No. 47 relocation, a distance of 225 feet, more or less, to a point that is 120 feet northwesterly of and at right angles to the centerline of said relocation at Station 38022.05; thence turn an angle of 90° 00' to the right and run a distance of 30 feet, more or less, to the east property line; thence southerly along said east property line a distance of 120 feet, more or less, to the point of beginning.

Baldwin

Baldwin

and as shown on the right-of-way map of Project No. I-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County;

Commencing at the southeast corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, T-1-N, R-4-E; thence northerly along the east line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 535 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of the relocation of Alabama Highway No. 47 and the point of beginning; thence southwesterly along a curve to the left (concave southerly) having a radius of 1,512.39 feet, parallel to the centerline of said relocation, a distance of 5 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of said relocation at Station 55+17.40; thence turn an angle of 90° 00' to the right and run a distance of 70 feet; thence S 64° 25' W, parallel to the centerline of said relocation, a distance of 540 feet, more or less, to the west property line; thence northerly along said west property line (crossing the centerline of said Project at Station 51+97) a distance of 120 feet, more or less, to a point that is 60 feet northwesterly of and at right angles to the centerline of said relocation; thence S 64° 25' E, parallel to the centerline of said relocation, a distance of 290 feet, more or less, to a point that is 60 feet northwesterly of and at right angles to the centerline of said relocation at Station 55+17.40; thence northeasterly along a straight line (which if extended would intersect a point that is 80 feet northwesterly of and at right angles to the centerline of said relocation at Station 56+00) a distance of 50 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line (crossing the centerline of said relocation at Station 57+04) a distance of 411 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of said relocation; thence southwesterly along a curve to the left (concave southerly) having a radius of 1,512.39 feet, parallel to the centerline of said relocation, a distance of 385 feet, more or less, to the point of beginning.

Baldwin

Baldwin

and as shown on the right-of-way map of Project No. I-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County:

PARTIAL NO. 1: Commencing at the northeast corner of Section 26, T-1-N, R-4-E; thence N 88° 10' E, along the north line of said Section a distance of 1080 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28) and the point of beginning of the property herein to be conveyed; thence continuing N 88° 10' E, along the north line of said Section, the north property line (crossing the centerline of said Project at Station 1304+62.2) a distance of 280 feet, more or less, to the northeast corner of said property; thence southeasterly along the east property line a distance of 160 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project at approximate Station 1304+04; thence S 51° 25' W, parallel to the centerline of said Project, a distance of 1210 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project at Station 1250+00; thence southwesterly along a straight line (which if extended would intersect a point that is 175 feet southeasterly of and at right angles to the centerline of said Project at Station 1250+70) a distance of 105 feet, more or less, to a point, on the west property line, that is southeasterly of and at right angles to the centerline of said Project at Station 1250+98; thence N 1° 25' W, along said west property line (crossing the centerline of said Project at Station 1250+60) a distance of 397 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project; thence N 51° 25' E, parallel to the centerline of said Project, a distance of 935 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 8.18 acres, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantees all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-1(28), Court of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

PARCEL NO. 2: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 150 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28) at Station 1299+00; thence S 51° 25' W, parallel to the centerline of said Project, a distance of 400 feet; thence turn an angle of 90° 00' to the right and run a distance of 100 feet; thence N 51° 25' E, parallel to the centerline of said Project, a distance of 400 feet; thence turn an angle of 90° 00' to the right and run a distance of 100 feet to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 0.92 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein for temporary easement shall cease and terminate.

PARCEL NO. 3: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point on the north line of Section 26, T-1-N, R-4-E, the north property line, that is 250 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28); thence S 51° 25' W, parallel to the centerline of said Project, a distance of 150 feet, more or less, to a point that is 250 feet northwesterly of and at right angles to the centerline of said Project at Station 1300+00; thence turn an angle of 90° 00' to the left and run a distance of 100 feet; thence N 51° 25' E, parallel to the centerline of said Project, a distance of 200 feet; thence turn an angle of 90° 00' to the left and run a distance of 50 feet, more or less, to the north line of said Section 26, the north property line; thence S 88° 10' W, along said north property line a distance of 85 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 0.42 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein for temporary easement shall cease and terminate.

PARCEL NO. 4: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 250 feet southeasterly of and at right angles to the centerline of Project No. I-65-1(28) at approximate Station 1301+85; thence S 51° 25' W, parallel to the centerline of said Project, a distance of 690 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said Project at Station 1295+00; thence turn an angle of 90° 00' to the right and run a distance of 100 feet; thence N 51° 25' E, parallel to the centerline of said Project, a distance of 608 feet; thence southeasterly along a straight line a distance of 150 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 1.49 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein for temporary easement shall cease and terminate.

PARCEL NO. 5: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 250 feet southeasterly of and at right angles to the centerline of Project No. I-65-1(28) at approximate Station 1302+60; thence northwesterly along a straight line a distance of 130 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project at Station 1301+73; thence N 51° 25' E, parallel

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to the centerline of said Project, a distance of 230 feet, more or less, to the east property line; thence southerly along said east property line a distance of 120 feet, more or less, to a point that is 230 feet southeasterly of and at right angles to the centerline of said Project; thence S 51° 25' E, parallel to the centerline of said Project, a distance of 80 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 0.35 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein for temporary easement shall cease and terminate.

PARCEL NO. 6: An easement to a strip of land necessary for the construction and maintenance of a drainage ditch and being more fully described as follows: Commencing at the northwest corner of Section 26, T-1-N, R-4-E; thence S 1° 25' E, along the west line of said Section, a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. I-65-1(26); thence N 51° 25' E, along the centerline of said Project a distance of 1343.5 feet; thence turn an angle of 90° 00' to the right and run a distance of 170 feet to point of beginning; thence southeasterly along the centerline of said easement a distance of 200 feet to the point of ending.

Said strip of land making the right of way 25 feet wide on each side of the centerline of said easement from the point of beginning to the point of ending, lying in the NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 0.25 acres, more or less.

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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 10:00 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.

W. R. Stuart
W. R. Stuart, Probate Judge
By: Harry M. Salmer Chief Clerk
By: _____

BOOK 035 PAGE 30

Received 19 day of Oct 1963
and on 25 day of Oct 1963

I served a copy of the within Notice
on ~~Arthur P. Maholovich~~; Ruth P. Maholovich
maholovich, Eunice K. theidige
By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbot D. S.
Perdido

Received 19 day of Oct 1963
and on 26 day of Oct 1963

I served a copy of the within Notice
on Leslie K. Griffith; Margie J.
Griffith; Robert C. White
By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbot D. S.
Perdido

Sheriff claims 234 miles at
Ten Cents per mile Total \$ 23.40
TAYLOR WILKINS, Sheriff
BY W. A. Talbot
DEPUTY SHERIFF

Received 19 day of Oct 1963
and on 25 day of Oct 1963

I served a copy of the within Notice
on Chas. White; Wilbert D. K. theidige;
Celia K. theidige
By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbot D. S.
Perdido

Received 19 day of Oct 1963
and on 30 day of Oct 1963

I served a copy of the within Notice
on Allie Bryans & Charlie
Bryans
By service on Ruth P. Maholovich

TAYLOR WILKINS, Sheriff
By W. A. Talbot D. S.
Perdido

I hereby accept service
of the within notice,
and waive all other
to which I am entitled
and consent that the
Court hear this case
this date.

This the 5th day
of November, 1963.

Allie P. Bryans

STATE OF ALABAMA, I
Petitioner, I

vs. I

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

ALLIE BRYARS, RUTH P. MAHOLOVICH, I
EUNICE ETHERIDGE, CHARLIE BRYARS, I
as to TRACT 36, Parcels 1 thru 3; I
LESLIE E. GRIFFITH and MARGIE J. I
GRIFFITH, as to TRACT 37; EVERETT I
C. WHITE as to TRACT 40; CHARLES I
WHITE, HIBBERT D. ETHERIDGE, CELIA I
ETHERIDGE, as to TRACT 50, Parcels I
1 thru 6. BALDWIN COUNTY, a Political I
Subdivision of State I
of Alabama Respondents. I

CASE NO: 5084

APPLICATION FOR CONDEMNATION

TO THE HONORABLE 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 pro-
ceedings 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. I-65-1 (28), Baldwin County, Alabama.

3. That said public highway begins with Escambia County,
Alabama Line and runs to Alabama State Highway No. 59.

4. The right of way over the property and lands herein-
after described as ~~TRACTS 36, 37, 40, 50, PARCELS 1 THRU 6~~ Tract 36, Parcels 1 thru 3; Tract
37; Tract 40; Tract 50, Parcels 1 thru 6.

and as set out in the right of way map on Project No. I-65-1(28) 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 is 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

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STATE OF ALABAMA, BALDWIN COUNTY
FILED
OCT 18 1963
RECORDED
W. R. STUART
Judge of Probate

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 I-65-1(28), 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. (a) Allie Bryars, Ruth P. Maholovich, Eunice Etheridge and Charlie Bryars are owners of Tract 36, Parcels 1 thru 3, and are all over 21 years and all residents of Baldwin County, except Charlie Bryars who resides in Mobile County;
(b). Leslie E. Griffith & Margie J. Griffith are owners of Tract 37, and are over the age of 21 years, and residents of Baldwin County, Alabama;
(c). Everett C. White is the owner of Tract 40, is over the age of 21 years and a resident of Baldwin County, Alabama;
(d). Charles White is the owner of Tract 50, Parcels 1 thru 6, is over the age of 21 and a resident of Baldwin County, Alabama; Hibbert Etheridge & Celia Etheridge are residents of Baldwin County and over the age of 21 years, claim some right, title or interest in said property by virtue of lease dated 10/7/61, recorded in Deed Book 325 page 63, Baldwin County, Alabama Records.

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.

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. I-65-1(28), over the lands as set out in Exhibit "A" of this

BOOK 035 PAGE 08

application, all for the uses and purposes of a public highway for the State of Alabama.

RICHMOND M. FLOWERS,
Attorney General
State of Alabama

By: Telfair J. Mashburn
Duly appointed Special Assistant
Attorney General for The State
of Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, J. CONNOR OWENS, JR., a Notary Public
Baldwin County, Alabama, personally appeared Telfair J. Mashburn,
Assistant Attorney General of the State of Alabama, who is personally
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 condem-
nation are true and correct.

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Telfair J. Mashburn

Sworn to and subscribed before me on this
the 18th day of October, 1963.

J. Connor Owens, Jr.
Notary Public, Baldwin County, Alabama

Baldwin

Baldwin

and as shown on the right-of-way map of Project No. 1-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County:

PARCEL NO. 1: Commencing at the northeast corner of Section 27, T-1-N, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. 1-65-1(28); thence S 51° 25' W along the centerline of said Project a distance of 1797 feet; thence turn an angle of 90° 00' to the left and run a distance of 280 feet; thence southeasterly along a straight line (which if extended would intersect a point that is 400 feet southeasterly of and at right angles to the centerline of said Project at Station 1286+00) a distance of 165 feet, more or less, to the north property line and the point of beginning; thence continuing southeasterly along said line (which if extended would intersect the said point that is 400 feet southeasterly of and at right angles to the centerline of said Project at Station 1286+00) a distance of 250 feet, more or less, to the south line of S½ of NE¼ of Section 27, T-1-N, R-4-E, the south property line; thence westerly along said south property line a distance of 135 feet, more or less, to the southwest corner of said property; thence N 0° 30' W along the west property line a distance of 820 feet, more or less, to the northwest corner of said property; thence easterly along the north property line a distance of 289 feet, more or less, to the point of beginning.

Said strip of land lying in the S½ of NE¼ of Section 27, T-1-N, R-4-E and containing 0.87 acres, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. 1-65-1(28), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

PARCEL NO. 2: Commencing at the northeast corner of Section 27, T-1-N, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. 1-65-1(28); thence S 51° 25' W, along the centerline of said Project, a distance of 2,571.61 feet to Station 1282+25.39 on the centerline of said Project which equals Station 20+00 on the centerline of the relocation of Alabama Highway No. 47; thence S 68° 35' E along the centerline of said relocation a distance of 627.05 feet; thence northeasterly along a curve to

the left (concave northwesterly) having a radius of 1,432.39 feet, along the centerline of said relocation, a distance of 253.95 feet to Station 28+81 on the centerline of said relocation which equals Station 0+00 on the centerline of the relocation of a county road; thence N 0° 30' 16" E along the centerline of said county road relocation a distance of 249 feet to the south line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E, the south property line and the point of beginning; thence westerly along said south property line a distance of 40 feet, more or less, to a point that is 40 feet northwesterly of and at right angles to the centerline of said relocation; thence N 0° 30' 16" E, parallel to the centerline of said relocation, a distance of 70 feet, more or less, to a point that is 40 feet northwesterly of and at right angles to the centerline of said relocation at Station 3+30.95; thence turn an angle of 90° 00' to the right and run a distance of 10 feet; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 507.46 feet, parallel to the centerline of said relocation, a distance of 145 feet, more or less, to the north property line (crossing the centerline of said relocation at Station 4+82.7) a distance of 68 feet, more or less, to a point that is 30 feet southeasterly of and at right angles to the centerline of said relocation; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 447.46 feet, parallel to the centerline of said relocation, a distance of 145 feet, more or less, to a point that is 30 feet southeasterly of and at right angles to the centerline of said relocation at Station 3+30.95; thence turn an angle of 90° 00' to the left and run a distance of 10 feet; thence S 0° 30' 16" W, parallel to the centerline of said relocation a distance of 65 feet, more or less, to the south line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E, the south property line; thence westerly along said south property line a distance of 40 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E and containing 0.33 acres, more or less.

PARCEL NO. 2: Commencing at the northeast corner of Section 27, T-1-N, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. I-65-1(28); thence S 51° 25' W along the centerline of said Project a distance of 2,571.61 feet to Station 1262+25.39 on the centerline of said Project which equals Station 20+00 on the centerline of the relocation of Alabama Highway No. 47; thence S 68° 35' E along the centerline of said relocation a distance of 627.05 feet; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 1,432.39 feet, along the centerline of said relocation, a distance of 253.95 feet to Station 28+81 on the centerline of said relocation which equals Station 0+00 on the centerline of the relocation of a county road; thence N 0° 30' 16" E along the centerline of said county road relocation a distance of 330.95 feet; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 477.46 feet, along the centerline of said relocation, a distance of 498.15 feet to the west property line and the point of beginning; thence northerly along said west property line a distance of 31 feet, more or less, to the present south right-of-way line of Alabama Highway No. 47, the north property line; thence easterly along the said north property line (crossing the centerline of said relocation at Station 9+06) a distance of 235 feet, more or less, to a point that is 30 feet southeasterly of and at right angles to the centerline of said relocation at Station 10+65.10; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 447.46 feet, parallel to the centerline of said relocation, a distance of 245 feet, more or less, to the west property line; thence northerly along said west property line a distance of 31 feet, more or less, to the point of beginning.

Baldwin

Baldwin

and as shown on the right-of-way map of Project No. I-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the southwest corner of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E; thence northerly along the east line of said Section 27 a distance of 1,315 feet, more or less, to approximate Station 41+60 on the centerline of the relocation of Alabama Highway No. 47; thence S 64° 25' W along the centerline of said relocation a distance of 360 feet, more or less, to Station 38+02.05; thence northwesterly along a curve to the right (concave northerly), having a radius of 1,432.39 feet along the centerline of said relocation, a distance of 61.05 feet to the east property line and the point of beginning; thence southerly along said east property line a distance of 68 feet, more or less, to a point that is 60 feet southeasterly of and at right angles to the centerline of said relocation; thence northwesterly along a curve to the right (concave northerly) having a radius of 1,492.39 feet, along the centerline of said relocation a distance of 625 feet, more or less, to the south property line; thence westerly along said south property line a distance of 225 feet, more or less, to the east side of a present county road, the west property line; thence northerly along said west property line (crossing the centerline of said relocation at approximate Station 28+30) a distance of 310 feet, more or less, to the north line of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E, the north property line; thence easterly along said north property line a distance of 40 feet, more or less, to a point that is 40 feet southeasterly of and at right angles to the centerline of a county road relocation; thence S 0° 30' 16" W, parallel to the centerline of said county road relocation, a distance of 150 feet, more or less, to a point that is 120 feet north-easterly of and at right angles to the centerline of said Alabama Highway No. 47 relocation; thence northeasterly along a curve to the left (concave northerly) having a radius of 1,312.39 feet, parallel to the centerline of said Alabama Highway No. 47 relocation, a distance of 825 feet, more or less, to a point that is 120 feet northwesterly of and at right angles to the centerline of said relocation at Station 38+02.05; thence turn an angle of 90° 00' to the right and run a distance of 30 feet, more or less, to the east property line; thence southerly along said east property line a distance of 109 feet, more or less, to the point of beginning.

Baldwin

Baldwin

and as shown on the right-of-way map of Project No. I-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the southwest corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-W; thence northerly along the east line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 535 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of the relocation of Alabama Highway No. 47 and the point of beginning; thence southwesterly along a curve to the left (concave southerly) having a radius of 1,512.39 feet, parallel to the centerline of said relocation, a distance of 5 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of said relocation at Station 55+17.40; thence turn an angle of 90° 00' to the right and run a distance of 70 feet; thence S 64° 25' W, parallel to the centerline of said relocation, a distance of 340 feet, more or less, to the west property line; thence northerly along said west property line (crossing the centerline of said Project at Station 51+97) a distance of 120 feet, more or less, to a point that is 60 feet northwesterly of and at right angles to the centerline of said relocation; thence N 64° 25' E, parallel to the centerline of said relocation, a distance of 290 feet, more or less, to a point that is 60 feet northwesterly of and at right angles to the centerline of said relocation at Station 55+17.40; thence northwesterly along a straight line (which if extended would intersect a point that is 80 feet northwesterly of and at right angles to the centerline of said relocation at Station 56+00) a distance of 50 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line (crossing the centerline of said relocation at Station 57+04) a distance of 411 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of said relocation; thence southwesterly along a curve to the left (concave southerly) having a radius of 1,512.39 feet, parallel to the centerline of said relocation, a distance of 385 feet, more or less, to the point of beginning.

Baldwin

Baldwin

and as shown on the right-of-way map of Project No. I-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County:

PARCEL NO. 1: Commencing at the northwest corner of Section 26, T-1-N, R-4-E; thence N 83° 10' E, along the north line of said Section a distance of 1080 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28) and the point of beginning of the property herein to be conveyed; thence continuing N 83° 10' E, along the north line of said Section, the north property line (crossing the centerline of said Project at Station 1304+62.2) a distance of 280 feet, more or less, to the northeast corner of said property; thence southeasterly along the east property line a distance of 160 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project at approximate Station 1304+04; thence S 21° 25' W, parallel to the centerline of said Project, a distance of 1210 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project at Station 1292+00; thence southwesterly along a straight line (which if extended would intersect a point that is 175 feet southeasterly of and at right angles to the centerline of said Project at Station 1290+50) a distance of 105 feet, more or less, to a point, on the west property line, that is southeasterly of and at right angles to the centerline of said Project at Station 1290+98; thence N 1° 25' W, along said west property line (crossing the centerline of said Project at Station 1292+20) a distance of 397 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project; thence N 21° 25' E, parallel to the centerline of said Project, a distance of 995 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 8.18 acres, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-1(28), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

PARTIAL NO. 2: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 150 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28) at Station 1299+00; thence S 51° 25' W, parallel to the centerline of said Project, a distance of 400 feet; thence turn an angle of 90° 00' to the right and run a distance of 100 feet; thence N 51° 25' E, parallel to the centerline of said Project, a distance of 400 feet; thence turn an angle of 90° 00' to the right and run a distance of 100 feet to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 0.92 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein for temporary easement shall cease and terminate.

PARTIAL NO. 3: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point on the north line of Section 26, T-1-N, R-4-E, the north property line, that is 250 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28); thence S 51° 25' W, parallel to the centerline of said Project, a distance of 150 feet, more or less, to a point that is 250 feet northwesterly of and at right angles to the centerline of said Project at Station 1300+00; thence turn an angle of 90° 00' to the left and run a distance of 100 feet; thence N 51° 25' E, parallel to the centerline of said Project, a distance of 200 feet; thence turn an angle of 90° 00' to the left and run a distance of 50 feet, more or less, to the north line of said Section 26, the north property line; thence S 88° 10' W, along said north property line a distance of 85 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 0.42 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein for temporary easement shall cease and terminate.

PARTIAL NO. 4: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 250 feet southeasterly of and at right angles to the centerline of Project No. I-65-1(28) at approximate Station 1301+85; thence S 51° 25' W, parallel to the centerline of said Project, a distance of 690 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said Project at Station 1295+00; thence turn an angle of 90° 00' to the right and run a distance of 100 feet; thence N 51° 25' E, parallel to the centerline of said Project, a distance of 608 feet; thence southeasterly along a straight line a distance of 150 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 1.49 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein for temporary easement shall cease and terminate.

PARTIAL NO. 5: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 250 feet southeasterly of and at right angles to the centerline of Project No. I-65-1(28) at approximate Station 1302+60; thence northwesterly along a straight line a distance of 150 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project at Station 1302+75; thence N 51° 25' E, parallel

to the centerline of said Project, a distance of 230 feet, more or less, to the east property line; thence southerly along said east property line a distance of 120 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said Project; thence S 51° 25' W, parallel to the centerline of said Project, a distance of 80 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 0.35 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein for temporary easement shall cease and terminate.

PARCEL NO. 6: An easement to a strip of land necessary for the construction and maintenance of a drainage ditch and being more fully described as follows: Commencing at the northwest corner of Section 26, T-1-N, R-4-E; thence S 1° 25' E, along the west line of said Section, a distance of 998 feet, more or less, to Station 1287+97 on the centerline of Project No. I-65-1(28); thence N 51° 25' E, along the centerline of said Project a distance of 1343.5 feet; thence turn an angle of 90° 00' to the right and run a distance of 150 feet to point of beginning; thence southeasterly along the centerline of said easement a distance of 200 feet to the point of ending.

Said strip of land making the right of way 25 feet wide on each side of the centerline of said easement from the point of beginning to the point of ending, lying in the NW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E and containing 0.25 acres, more or less.

see also map 16

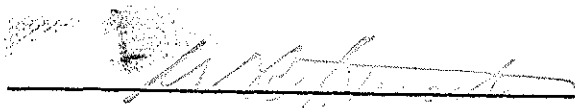
ORDER OF PROBATE COURT

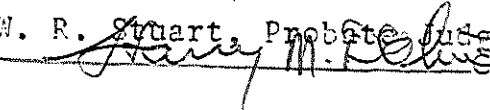
The foregoing application for condemnation having been presented to the Probate Court of Baldwin County, Alabama, and considered by the Court,

IT IS ORDERED that the same be and is hereby set for hearing on the 5th day of November, 1963 at 10:00 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.



W. R. Stuart, Probate Judge
By:  Chief Clerk
By: _____

BOOK 035 PAGE 17

5938

STATE OF ALABAMA, I
Petitioner, I
vs. I
ALLIE BRYARS, RUTH P. MAHOLOVICH, I
EUNICE ETHERIDGE, CHARLIE BRYARS, I
as to TRACT 36, Parcels 1 thru 3; I
LESLIE E. GRIFFITH and MARGIE J. I
GRIFFITH, as to TRACT 37; EVERETT I
C. WHITE as to TRACT 40; CHARLES I
WHITE, HIBBERT D. ETHERIDGE, CELIA I
ETHERIDGE, as to TRACT 50, Parcels I
1 thru 6, and BALDWIN COUNTY, a I
Political Subdivision of the I
State of Alabama, I
Respondents. I

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 5084

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice upon
Allie Bryars, Ruth P. Maholovich, Eunice Etheridge, Leslie E. Griffith
Margie J. Griffith, Everett C. White, Charles White, Hibbert D. Etheridge
Celia Etheridge and Baldwin County, a Political Subdivision of the State
of Alabama, who are all residents of Baldwin County, Alabama, residing
at Route I, Perdido, Alabama, and Charlie Bryars, Mobile, Alabama.

You will take notice that on the 18th day of October, 1963, an
application or petition was filed in this Court by the State of Alabama,
a copy of which petition is attached hereto, setting forth its desire to
condemn for certain purposes therein stated, certain lands belonging to
Allie Bryars, Ruth P. Maholovich, Eunice Etheridge, Charlie Bryars,
Leslie E. Griffith, Margie J. Griffith, Everett C. White, Charles White,
Hibbert D. Etheridge, Celia Etheridge and Baldwin County, a Political
Subdivision of the State of Alabama, a description of said lands being
specifically set forth in said application or petition filed in this
Court and said application or petition prays that this Court will make
and enter an order appointing a day for hearing of said application and
for such other and further orders and procedures as may be necessary.
You will take further notice that the Court has appointed the 5th day of
November, 1963, to hear said application or petition, at which time you
may appear and contest the same if you so desire to do.

WITNESS my hand this 18th day of October, 1963.

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

BOOK 035 PAGE 18

STATE OF ALABAMA,

Petitioner, I

vs. I

IN THE PROBATE COURT OF

ALLIE BRYARS, RUTH P. MAHOLOVICH, I
EUNICE ETHERIDGE, CHARLIE BRYARS, I
as to TRACT 36, Parcels 1 thru 3; I
LESLIE E. GRIFFITH and MARGIE J. I
GRIFFITH, as to TRACT 37; EVERETT I
C. WHITE as to TRACT 40; CHARLES I
WHITE, HIBBERT D. ETHERIDGE, CELIA I
ETHERIDGE, as to TRACT 50, Parcels I
1 thru 6, and BALDWIN COUNTY, a I
Political Subdivision of the I
State of Alabama, I

BALDWIN COUNTY, ALABAMA

CASE NO 5084

Respondents. I

BOOK 035 PAGE 19

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice upon Allie Bryars, Ruth P. Maholovich, Eunice Etheridge, Leslie E. Griffith, Margie J. Griffith, Everett C. White, Charles White, Hibbert D. Etheridge, Celia Etheridge and Baldwin County, a Political Subdivision of the State of Alabama, who are all residents of Baldwin County, Alabama, residing at Route I, Perdido, Alabama, and Charlie Bryars, Mobile, Alabama.

You will take notice that on the 18th day of October, 1963, an application or petition was filed in this Court by the State of Alabama, a copy of which petition is attached hereto, setting forth its desire to condemn for certain purposes therein stated, certain lands belonging to Allie Bryars, Ruth P. Maholovich, Eunice Etheridge, Charlie Bryars, Leslie E. Griffith, Margie J. Griffith, Everett C. White, Charles White, Hibbert D. Etheridge, Celia Etheridge and Baldwin County, a Political Subdivision of the State of Alabama, a description of said lands being specifically set forth in said application or petition filed in this Court and said application or petition prays that this Court will make and enter an order appointing a day for hearing of said application and for such other and further orders and procedures as may be necessary. You will take further notice that the Court has appointed the 5th day of November, 1963, to hear said application or petition, at which time you may appear and contest the same if you so desire to do.

WITNESS my hand this 18th day of October, 1963.


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

| | | |
|-----------------------|---|-------------------------|
| STATE OF ALABAMA, |) | |
| Petitioner, |) | IN THE PROBATE COURT OF |
| vs. |) | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, ET AL., |) | |
| Defendants. |) | CASE NUMBER 5084. |

NOTICE TO SERVE:

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing notice of appeal upon CHARLIE BRYARS, MOBILE, ALABAMA, and make due return to this court of such service.

DONE this 31st day of January, 1964.

STATE OF ALABAMA, BALDWIN COUNTY
 1-31-64
 book _____ page _____
 recorded _____
 J. D. Dwyer
 Judge of Probate

J. D. Dwyer
 Judge, Probate Court of Baldwin County, Ala.
 By: Henry M. O'Neal
 Chief Clerk

STATE OF ALABAMA
 BALDWIN COUNTY

I hereby certify that I have executed the within notice upon Charlie Bryars, by leaving a copy of the same with Blackmarr & Stockman, 951 Government Street, Mobile, Alabama, Attorneys of Record for Charlie Bryars.

DONE this 4 day of February, 1964.

Ray L. Bridges
 Sheriff. Mobile
Loyle Chambers DS

Page 2086

RECEIVED

FEB 8 1964

SHERIFF'S OFFICE

| | | |
|-----------------------|---|-------------------------|
| STATE OF ALABAMA, |) | |
| Petitioner, |) | IN THE PROBATE COURT OF |
| vs. |) | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, ET AL., |) | |
| Defendants. |) | CASE NUMBER 5084. |

NOTICE TO SERVE:

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing notice of appeal upon ALLIE BRYARS, ROUTE 1, PERDIDO, ALABAMA, and make due return to this Court of such service.

DONE this 31st day of January, 1964.

STATE OF ALABAMA, BALDWIN COUNTY

led 1-31-64 *
 recorded 1-31-64 book 1-31-64 page 1-31-64
J. D. Owen, Jr.
 Judge of Probate JPO

J. D. Owen, Jr.
 Judge, Probate Court of Baldwin County, Ala.
 By: Harry M. D'olive
 Chief Clerk

STATE OF ALABAMA

BALDWIN COUNTY

I hereby certify that I have executed the within notice upon Allie Bryars by leaving a copy of the same with her.

Ruth P. Mahalovich

DONE this 1 day of Feb, 1964.

Taylor Wilkins
 Sheriff.
W. G. Talbot

Perdido

Sheriff claims 26 miles at
 Ten Cents per mile Total \$ 2.60
 TAYLOR WILKINS, Sheriff
 BY Talbot
 DEPUTY SHERIFF

| | | |
|-----------------------|---|-------------------------|
| STATE OF ALABAMA, |) | |
| Petitioner, |) | IN THE PROBATE COURT OF |
| vs. |) | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, ET AL., |) | |
| Defendants. |) | CASE NUMBER 5084. |

NOTICE TO SERVE:

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing notice of appeal upon EUNICE ETHERIDGE, ROUTE 1, PERDIDO, ALABAMA, and make due return to this Court of such service.

DONE this 31st day of January, 1964.

STATE OF ALABAMA, BALDWIN COUNTY
 1-31-64
 J. D. Owen
 Judge of Probate

J. D. Owen, Jr.
 Judge, Probate Court of Baldwin County, Ala.
 By: Harry M. Ogline,
 Chief Clerk.

STATE OF ALABAMA
 BALDWIN COUNTY

I hereby certify that I have executed the within notice upon Eunice Etheridge, by leaving a copy of the same with her.

DONE this 1st day of Feb, 1964.

Taylor Wilkins
 Sheriff.
 W. A. Talbert

Perdido Sheriff claims 26 miles at
 Ten Cents per mile Total \$ 2.60
 TAYLOR WILKINS Sheriff
 BY Talbert DEPUTY SHERIFF

| | | |
|-----------------------|---|-------------------------|
| STATE OF ALABAMA, |) | |
| Petitioner, |) | IN THE PROBATE COURT OF |
| vs. |) | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, ET AL., |) | |
| Defendants. |) | CASE NUMBER 5084. |

NOTICE TO SERVE:

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing notice of appeal upon RUTH P. MAHOLOVICH, ROUTE I, PERDIDO, ALABAMA, and make due return to this Court of such service.

DONE this 31st day of January, 1964.

STATE OF ALABAMA, BALDWIN COUNTY
 Filed 1-31-64
 Recorded J. D. Owen
 Judge of Probate

J. D. Owen
 Judge, Probate Court of Baldwin County, Ala.
 By: Harry M. Dolney
 Chief Clerk

STATE OF ALABAMA
 BALDWIN COUNTY

I hereby certify that I have executed the within notice upon Ruth P. Maholovich, by leaving a copy of the same with her.

DONE this 1 day of Feb, 1964.

Taylor Wilkins
 Sheriff.
W. A. Talbot

Perdido Sheriff claims 26 miles at
 Ten Cents per mile Total \$ 2.60
 TAYLOR WILKINS, Sheriff
 BY Talbot
 DEPUTY SHERIFF

| | | |
|----------------------|---|-------------------------|
| STATE OF ALABAMA, | X | |
| Complainant, | X | IN THE CIRCUIT COURT OF |
| Vs. | X | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, et al, | X | AT LAW |
| Defendants. | X | |

Comes now Wilters & Brantley and files this notice that they are the Attorneys of Record for Allie Bryars, one of the Defendants in the above styled cause.

FILED
FEB 11 1934
MRS. L. DICK, CLERK
REGISTER

WILTERS & BRANTLEY

BY: *Samuel M. Brantley*
Attorney for Allie Bryars,
Defendant.

| | | |
|----------------------|---|-------------------------|
| STATE OF ALABAMA, | X | |
| Complainant, | X | IN THE CIRCUIT COURT OF |
| Vs. | X | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, et al, | X | AT LAW |
| Defendants. | X | |

Comes now Wilters & Brantley and files this notice that they are the Attorneys of Record for Eunice Etheridge, one of the Defendants in the above styled cause.

WILTERS & BRANTLEY

BY: *Samuel M Brantley*
Attorney for Eunice Etheridge
Defendant.

FILED
FEB 11 1964
ALICE J. DUCK, CLERK
REGISTER

| | | |
|----------------------|---|----------------------|
| STATE OF ALABAMA, | § | IN THE CIRCUIT COURT |
| Petitioner, | § | OF BALDWIN COUNTY, |
| VS. | § | ALABAMA. |
| ALLIE BRYARS, et al, | § | CASE NO. _____ |
| Defendants. | § | |

Comes the Defendant Charlie Bryars in the above styled cause and for answer to the Petition herein says:

Not guilty.

BLACKMARR & STOCKMAN

BY *[Signature]*
Attorneys for the Defendant
Charlie Bryars

Served copy on:

Mr. Telfair Mashburn
Attorney at Law
Bay Minette, Alabama

FILED

MAR 25 1964

CERTIFICATE OF SERVICE

ALICE J. DUCK, CLERK
REGISTER

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 24th day of March, 1964
[Signature]
Attorney for Defendant Charlie Bryars

| | | |
|----------------------|---|-------------------------|
| STATE OF ALABAMA, | X | |
| Complainant, | X | IN THE CIRCUIT COURT OF |
| Vs. | X | BALDWIN COUNTY, ALABAMA |
| ALLIE BRYARS, et al, | X | AT LAW |
| Defendants. | X | |

Comes now Wilters & Brantley and files this notice that they are the Attorneys of Record for Ruth P. Maholovich, one of the Defendants in the above styled cause.

FILED

FEB 11 1964

ALICE L. DUCK, CLERK
REGISTER

WILTERS & BRANTLEY

BY: *S. Allen M. Brantley*
Attorneys for Defendant,
Ruth P. Maholovich

| | | |
|------------------------------------|---|----------------------|
| STATE OF ALABAMA, | § | |
| Petitioner, | § | |
| VS. | § | IN THE PROBATE COURT |
| | | OF BALDWIN COUNTY, |
| ALLIE BRYARS, RUTH P. MAHOLOVICH, | § | ALABAMA |
| EUNICE ETHERIDGE, CHARLIE BRYARS, | § | |
| as to TRACT 36, Parcels 1 thru 3; | § | |
| LESLIE E. GRIFFITH and MARGIE J. | § | CASE NO. _____ |
| GRIFFITH, as to TRACT 37; EVERETT | § | |
| C. WHITE as to TRACT 40; CHARLES | § | |
| WHITE, HIBBERT D. ETHERIDGE, CELIA | § | |
| ETHERIDGE, as to TRACT 50, Parcels | § | |
| 1 thru 6, and BALDWIN COUNTY, a | § | |
| Political Subdivision of the | § | |
| State of Alabama, | § | |
| Respondents. | § | |

CONDEMNATION OF LANDS

APPEARANCE

Comes now Blackmarr & Stockman and file this their appearance for and on behalf of the Defendant Charlie Bryars in the above styled cause.

BLACKMARR & STOCKMAN

BY

Keener T. Blackmarr
 KEENER T. BLACKMARR
 Attorneys for the Defendant
 Charlie Bryars.

Samuel L. Stockman
 SAMUEL L. STOCKMAN

Address of Blackmarr & Stockman:

951 Government Street Building
 Mobile, Alabama

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 5th day of December, 1963.

Keener T. Blackmarr
 Attorney for

BOOK
 035
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