

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Petitioner,	)	
vs.	)	BALDWIN COUNTY, ALABAMA
H. S. SKIPPER and GEORGE H. SKIPPER, as to TRACT NUMBER 24-Rev.,	)	CASE NUMBER 6163.
Respondents.	)	

STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and H. S. Skipper, et al. (appellees), parties to the above styled cause, through their respective attorneys of record, each acting with full authority as follows:

1. That the petitioner is authorized to institute and prosecute this proceeding to acquire the property or interest for order of condemnation filed in the Probate Court of Baldwin County, Alabama, on the 28th day of April, 1964, for the public purposes stated in said application or petition.

2. That all proceedings in the Probate Court of Baldwin County, Alabama, in this cause were regular, and an appeal has been duly and properly perfected within the time allowed and entered in said Probate Court in this cause on the 24th day of July, 1964, in this Court and trial by jury on the issue of valuation has been properly demanded.

3. That the application or petition for order of condemnation correctly sets out the uses and purposes for which the property and rights herein sought is to be devoted, used or applied and the petitioner has the right to obtain said property in this proceeding for the purposes stated.

4. That the respondents herein are the only parties known to either petitioner or respondents who have or assert any right, title or interest in or to the lands or interest therein sought to be acquired.

5. That the respondents have had due notice of this trial and all proceedings herein and expressly enter their appearance in this court.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the respondents are entitled for the lands and interest in lands sought to be acquired by the petitioner for the uses and purposes stated.

7. That the time of taking in this proceeding is the date on which the application for order of condemnation was filed in the Probate Court, to-wit, April 28, 1964, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, July 23, 1964.

FILED  
SEP 22 1964  
ALICE L. DUCK, CLERK  
REGISTER

J. John J. Madhous  
Attorney for Petitioner.

Samuel Kellman  
Attorney for Respondents.

BAY MINETTE, ALA., 1 Dec 1914

State of Ala - vs -

W. H. Ripper & George F. Ripper

IN ACCOUNT WITH  
**ALICE J. DUCK**  
CLERK OF CIRCUIT COURT

FOR \_\_\_\_\_

1 copy of Motion for a new trial

11 60

KENNETH COOPER

ATTORNEY AT LAW

109 EAST 121 STREET

BAY MINETTE, ALABAMA

TELEPHONE 937-7412

8 February, 1965

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

Re: State of Alabama, Plaintiff  
vs.  
Skipper, et al, #61643  
Tract No. 24

Dear Mrs. Duck:

On 30 December, 1964, I filed in your office NOTICE OF APPEAL AND SECURITY FOR COSTS THEREOF to the Supreme Court of Alabama for above-styled cause. On Wednesday of last week I received from your office my copy of the transcript you had prepared to forward to the Supreme Court.

Please be advised the Plaintiff in this cause, the State of Alabama, does hereby serve you notice that it desires to dismiss the appeal heretofore taken in this cause on 30 December, 1964. There is inclosed herewith NOTICE OF WITHDRAWAL OF APPEAL in this cause, with sufficient copies for the attorney of record and one copy thereof for the Supreme Court of Alabama.

You are hereby authorized, and directed, to pay to the Condemnees in this cause, in accordance with the verdict of the jury on 23 September, 1964, the sum of \$20,500.00, for Tract No. 24, Project No. I-10-1(11). There will be \$10,300.00 remaining in this particular account after the above said award of \$20,500.00 is made. Please issue your check, earliest, to State of Alabama, Project I-10-1(11) For Tract 24, for this remainder; it may be forwarded directly to me. When the check for this remainder is issued, please forward with it all of your court costs, including those for the appeal to the Supreme Court of Alabama.

Very truly yours,

*Kenneth Cooper*  
Kenneth Cooper

Duly Appointed Special Assistant  
Attorney General For State of  
Alabama, Attorney For Plaintiff.

cc: Hon Samuel L. Stockman  
951 Gov't St. Bldg., Room 323  
Mobile, Alabama

Mr. C. W. Coleman  
P.O. Box 7158  
Mobile, Alabama

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
H. S. SKIPPER and	)	
GEORGE SKIPPER, and	)	CASE NO. 6164
Tract No. 24, et al,	)	
Defendants.	)	

NOTICE OF WITHDRAWAL OF APPEAL

Comes now the Plaintiff (Condemnor) in the above-styled cause, and withdraws its appeal to the Supreme Court of Alabama as given by its NOTICE OF APPEAL AND SECURITY FOR COSTS THEREOF on 30 December, 1964.

The Plaintiff authorizes and directs the Clerk of Circuit Court of Baldwin County, Alabama, to immediately make disbursement of funds now held by that office in accordance with the verdict of the jury and the judgment of said court made and entered 23 September, 1964.

Dated the 8th day of February, 1965.

Richmond L. Flowers  
Attorney General  
State of Alabama

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

FILED

FEB 8 1965

ALICE L. DICK, CLERK  
REGISTER

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 64-65

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

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

H. S. Skipper and George Skipper, and Tract 24, et al., Appellee,

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

Now, it is hereby certified, That it was thereupon considered, ordered & adjudged  
by our Supreme Court on the 15 day of February, 19 65,

, that the said appeal be and stand  
dismissed; and that it was further considered, ordered and adjudged

that the appellant, The State of Alabama, pay

the costs accruing on said appeal in this Court and in the Court below, for which costs let  
execution issue.

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

this the 15 day of February, 19 65.

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

THE SUPREME COURT OF ALABAMA

October Term, 19 64-65

1 Div., No. 275

State of Alabama

Appellant,

v.

H. S. Skipper and George Skipper, and

Tract 24, et al.

Appellee.

From Baldwin Circuit Court.  
No. 6163

CERTIFICATE OF DISMISSAL

The State of Alabama,

FEB 16 1965

County.

} Filed

this day of 19

STATE OF ALABAMA,	)	IN THE PROBATE COURT OF
Petitioner,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
	)	CASE NO. 6163
H. S. SKIPPER and	)	
GEORGE H. SKIPPER and	)	
TRACT NUMBER 24-Rev.;	)	
Defendants.	)	

ANSWER

Comes now the Defendants, H. S. Skipper and George H. Skipper, separately and severally, and for answer to the petition heretofore filed denies each and every allegation of the said petition and requires strict and legal proof thereof.

Also come the Defendants, H. S. Skipper and George H. Skipper, separately and severally, and for further answer to the petition heretofore filed, saith: Not guilty.

BLACKMARR & STOCKMAN

By *Sumner H. Blackman*  
Attorneys for the Defendants,  
H. S. Skipper and George H. Skipper.

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 25th day of August, 1964  
*Sumner H. Blackman*  
Attorney for said Defendants

**FILED**  
AUG 26 1964

WILLIE L. GUCK, CLERK  
REGISTER

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-26-64

Recorded \_\_\_\_\_ book \_\_\_\_\_ page \_\_\_\_\_

*L. D. Owen, Jr.*  
Judge of Probate

*ac*



THE STATE OF ALABAMA }  
 Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 24th day of  
 September, 1964, ~~Monday in~~, 196~~x~~, in a cer-  
 tain cause in said Court wherein State of Alabama  
Plaintiff, and H.S. Skipper and George Skipper and  
Tract 24, et al Defendants, a judgement was rendered against said  
Plaintiff  
 to reverse which Judgment, the said State of Alabama,  
 applied for and obtained from this office an APPEAL, returnable to the next  
 Term of our Supreme Court of the State of Alabama, to be held at Montgomery, on  
 the        day of       , 196~~x~~ next, and the necessary bond  
 having been given by the said Kenneth Cooper, Attorney for Plaintiff,  
~~with~~       , ~~attorney~~

Now, You Are Hereby Commanded, without delay, to cite the said H.S. Skipper and  
George Skipper and Tract 24, et al or Samuel L. Stockman  
      , attorney, to appear at the next Term of our  
 said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 31st  
 day of December, A. D., 196<sup>4</sup>.

Attest:

Alice J. Duck, Clerk.

2589  
CASE NO. 6164

CIRCUIT COURT  
Baldwin County, Alabama

STATE OF ALABAMA

578  
Vs. { Citation in Appeal

H.S. SKIPPER & X GEORGE SKIPPER,  
and Tract 24, et al,

RECEIVED

JAN 5 - 1965

Issued 31st day of Dec., 1964,  
SHERIFF'S OFFICE

to be served on

Hon. Samuel L. Stickman  
957 Gov't Bldg.  
Mobile, Ala

by service

Received 5  
and on 3  
I served a Copy of the  
Hon. Samuel L. Stickman  
1965

RAY D. BRIDGES, Sheriff  
Baldwin County, Ala.

STATE OF ALABAMA,	)	
	)	IN THE CIRCUIT COURT OF
Petitioner,	)	
vs.	)	BALDWIN COUNTY, ALABAMA
H. S. SKIPPER and GEORGE H.	)	
SKIPPER, as to TRACT NUMBER	)	
24-Rev.,	)	CASE NUMBER 6163.
Defendants.	)	

FINAL JUDGMENT:

This cause coming on to be heard by the Court on this the 23rd day of September, 1964, now come the parties and their respective attorneys of record and it appearing to the Court from the stipulation of the parties made and entered into on this date and filed in this cause, that on the 28th day of April, 1964, an application was filed in the Probate Court of Baldwin County, Alabama, by the State of Alabama, seeking to condemn certain lands therein described for the uses and purposes therein averred, and that subsequent thereto proceedings were had in the Probate Court of Baldwin County, Alabama, in accordance with the statutes in such cases made and provided, and that said Court did, on the 23rd day of July, 1964, enter an order of condemnation of the lands described in said application and which are hereinafter described, and that on the 24th day of July, 1964, the State of Alabama appealed from said order of condemnation to this Court and demanded a trial by jury; and it further appearing to the Court from the stipulation of the parties hereinabove referred to that the only issue in this proceeding is the damages and compensation, if any, to which the Defendant landowners are entitled and that an order of condemnation should be here entered condemning the lands hereinafter described for the uses and purposes set forth in the application, which is now on file in this Court.

And now comes a jury of twelve good and lawful men, to-wit, Ralph E. O'Quinn and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowners are entitled having been submitted to them, did return a verdict in words and figures as follows:

"We the jury, assess the amount of damages and compensation to which the Defendants in this case are entitled at \$20,500.00.

/s/ Ralph E. O'Quinn  
As Foreman".

And the Court having considered all of the above is of the opinion and judgment that an order or judgment of condemnation should be here entered conditioned upon the payment by the State of Alabama to the Clerk of this Court for the use and benefit of the Defendant landowners; it is, therefore

ORDERED, ADJUDGED AND DECREED by the Circuit Court of Baldwin County, Alabama, as follows:

1. That the application of the State of Alabama for the condemnation of the lands hereinafter described be, and the same is hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part thereof as though fully set forth herein, be, and the same is hereby condemned for the use by the State of Alabama as a right of way for a public road of limited access as set forth in the application aforesaid, and the rights therein are hereby divested out of the landowners and into the State of Alabama, upon the payment by the State of Alabama of the sums hereinafter ordered and decreed to be paid.

2. That the damages and compensation to which the Defendant landowners in this case, H. S. Skipper and George H. Skipper, are entitled is hereby fixed at the sum of \$20,500.00 which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowners; and that upon the payment of said amount by the State of Alabama to said landowners the condemnation of the lands hereinabove described shall be, and become effective.

3. That the State of Alabama pay the costs of this proceeding.

DATED this 23rd day of September, 1964.

Joseph M. Mullin

Circuit Judge.

FILED

172

OCT 5 1964

ALICE I. DUCK, CLERK  
REGISTER

TRACT 24

Beginning at the southwest corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 3, T-5-S, R-4-E; thence northerly along the west boundary of said NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , the west property line, a distance of 114 feet, more or less, to a point that is 125 feet northerly of and at right angles to the centerline of the left lane of Project No. I-10-1(11); thence N 89° 32' 25" E, parallel to the centerline of said left lane, a distance of 1460 feet, more or less, to a point that is 125 feet northerly of and at right angles to the centerline of said left lane at P. C. Station 832+97.77; thence easterly, parallel to the centerline of said left lane, along a curve to the right (concave southerly) having a radius of 11,584.15 feet a distance of 3355 feet, more or less, to a point; thence N 71° 00' 11" E a distance of 170 feet to a point on the east boundary of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 3, T-5-S, R-4-E, the east property line; thence southerly along said east property line a distance of 597 feet, more or less, to a point on the south boundary of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 3, the south property line at this point; thence westerly along said south property line a distance of 1325 feet, more or less, to a point on the east boundary line of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 3, the east property line at this point; thence southerly along said east property line (crossing the centerline of the right lane of said Project No. I-10-1(11) at Station 843+42) a distance of 295 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of said right lane; thence N 80° 45' 12" W, parallel to the centerline of said right lane, a distance of 1390 feet, more or less, to a point on the east boundary line of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 3, the west property line; thence northerly along the said west property line a distance of 725 feet, more or less, to a point on the north boundary line of the said SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , the south property line; thence westerly along the said south property line a distance of 1326 feet to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  (and the SE $\frac{1}{4}$ ) of Section 3, T-5-S, R-4-E, and containing 52.14 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-10-1(11), 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 grantors.

**Easement for Muck Disposal:** The herein described property, a strip of land 150 feet in width and 2625 feet in length, to be used for the purpose of a Muck Disposal Area, extending 150 feet northerly of and at right angles to the north boundary line of right of way for Project No. I-10-1(11) from Station 830+00 to Station 856+25 on the right lane.

Said strip of land lying in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  (and in the SE $\frac{1}{4}$ ) of Section 3, T-5-S, R-4-E, and containing 9.16 acres, more or less.

**Easement for Muck Disposal:** The herein described property, a strip of land 150 feet in width and 253 feet in length, to be used for the purpose of a Muck Disposal Area, extending 150 feet southerly of and at right angles to the south boundary line of right of way for Project No. I-10-1(11) from Station 832+47 to Station 833+00 on the right lane.

Said strip of land lying in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 3, T-5-S, R-4-E, and containing 1.38 acres, more or less.

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
H. S. SKIPPER and	)	
GEORGE SKIPPER and	)	CASE NO. 6163
Tract 24, et al,	)	
Defendants.	)	

NOTICE OF APPEAL AND SECURITY FOR COSTS THEREOF

Comes now the Plaintiff (Condemnor) in the above-styled cause, and appeals to the Supreme Court of Alabama from the Final Judgment rendered in this cause in and by the Circuit Court of Baldwin County, Alabama, Law Side, on, to-wit, 24 September, 1964, and in which cause your Plaintiff's Motion For a New Trial was overruled by a judgment of the trial court on, to-wit, 4 December, 1964.

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

SECURITY FOR COSTS

I, the undersigned, do hereby acknowledge myself as security for costs of the appeal taken by the Plaintiff(Condemnor) in this cause.

Kenneth Cooper  
Attorney For Plaintiff

Taken and approved on this  
30 day of December, 1964.

W. J. L. L. L.  
Clerk, Circuit Court  
Baldwin County, Alabama

FILED

DEC 30 1964

W. J. L. DUCK, CLERK  
RECEIVED

Samuel L. Stockman  
951 Front St. Bl. Mobile

DIV. NO. \_\_\_\_\_

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 6152

THE STATE OF ALABAMA

Baldwin County.

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

was plaintiff, and H.S. Skipper and George Skipper, and Tract 24, et al,

~~were~~  
~~was~~ Defendants, as fully and completely as the same appears of record in said Court.

And I further certify that the said State of Alabama did on the 30th day of December, 1964, pray for and obtain an appeal from the judgment of said Court to the Supreme Court of Alabama to reverse said judgment of said Court upon entering into bond with Kenneth Cooper, Attorney for Plaintiff as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of Baldwin County is hereto affixed, this the 31st day of December, 1964

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

(Code 1940, Title 7, Sec. 767)



State vs Skipper

JURY LIST - SEPTEMBER 21, 1964

- ~~1. Bishop, Aaron, Farmer, Fairhope~~
- ~~2. Bishop, Daniel C., Fisherman, Barnwell~~
- ~~3. Bloch, John, Farmer, Elberta~~
- ~~4. Britt, Cecil, Carpenter, Bay Minette~~
- ~~5. Brooks, Horace D., Farmer, Summerdale~~
- ~~6. Bryars, Thomas Eugene, Brookley Field, Bay Minette~~
- ~~7. Childress, Lewis E., Farmer, Fairhope~~
- ~~8. Childress, Paul, Jr., Farmer, Loxley~~
- ~~9. Cox, Young Ausphera, Merchant, Stockton~~
- ~~10. Darby, William H., State Emp., Gulf Shores~~
- ~~11. Davis, Robert M., Merchant, Foley~~
- ~~12. Dubrock, George, Cabinet Maker, Fairhope~~
- ~~13. Dunn, J.R., Grand Hotel, Fairhope~~
- ~~14. Durant, Joe C., Farmer, Bay Minette~~
- ~~15. Freeman, Sam, Merchant, Robertsedale~~
- ~~16. Gerhard, Cassebaum, Farmer, Elberta~~
- ~~17. Gwaltney, John L., Farmer, Robertsedale~~
- ~~18. Hammes, Otto, Farmer, Summerdale~~
- ~~19. Head, Charlie, Jr., Farmer, Stapleton~~
- ~~20. Hoiles, Richard, Salesman, Summerdale~~
- ~~21. James, Robert D., Farmer, Foley~~
- ~~22. Joyner, J.H., Jr., Grand Hotel, Fairhope~~
- ~~23. Lee, Hubert, Florist, Robertsedale~~
- ~~24. Lyrene, Edward, Farmer, Silverhill~~
- ~~25. Mancel, Arthur, Farmer, Daphne~~
- ~~26. Mannich, Ingwald, Farmer, Mag. Spgs.~~
- ~~27. Mason, Dupree, Salesman, Fairhope~~
- ~~28. McDaniel, Edward, Farmer, Robertsedale~~
- ~~29. McGee, James, Brookley Field, Fairhope~~
- ~~30. McVay, A.R., School Supervisor, Bay Minette~~
- ~~31. Miller, R. Cecil, Implement Dealer, Foley~~
- ~~32. Moore, Louis Davis, Farmer, Summerdale~~
- ~~33. Morgan, J.T., Farmer, Robertsedale~~
- ~~34. O'Quinn, Ralph E., Civil Service, Lillian~~
- ~~35. Osborne, W.A., Civil Service, Foley~~
- ~~36. Rider, Charles, Woodsman, Bay Minette~~
- ~~37. Schnatz, Pete M., Civil Service, Lillian~~
- ~~38. Sims, James F., Farmer, Rabon~~
- ~~39. Wrenn, Walter P., Fleet, Bay Minette~~
- ~~40. Weatherford, Arthur C., Newport, Bay Minette~~
- ~~41. Weeks, Oscar G., Mechanic, Mag. Spgs.~~
- ~~42. White, Grady, Salesman, Foley~~
- ~~43. Carmichael, Arlee, Brookley Field, Daphne~~
- ~~44. Douglas, Oliver, Brookley Field, Daphne~~
- ~~45. Jones, George, Business Oper., Daphne~~
- ~~46. Lett, Charlie, Sr., Retired, Daphne~~
- ~~47. Thomas, Tom, Bacon McMillan, Bay Minette~~
- ~~48. Thompson, Herman, Public Work-Mobile, Daphne~~
- ~~49. Yelding, Bailey, Sr., Carpenter & Bricklayer, Daphne~~

P XXXXX XXXXX X

D XXXXX XXXXX