STATE OF ALABAMA, BALDWIN COUNTY Filed ____ 5_6_64 Recorded_ STATE OF ALABAMA, Judge of Probate Petitioner, vs. IN THE PROBATE COURT OF MONA T. STROCK; JAMES T. STROCK, SARAH S. DALBEY; J. ROBERT STROCK and TRACT NUMBER 18; E. DAVIDSON; H. L. TAYLOR; SCOTT PAPER COMPANY, a corporation, and TRACTS NUMBERED 35 and 35-A BALDWIN COUNTY, ALABAMA Rev, Parcels 1 through 6, both) inclusive; EDWARD A. PETELINSKI, JEROME A. PETELINSKI, JOSEPH R. PETELINSKI, W. H. ELLISON, MATTIE ELLISON and TRACT NUMBER 28; and BALDWIN COUNTY, a Political Subdivision of the State of Alabama, CASE NO. 52/0)) Respondents.

APPLICATION FOR CONDEMNATION:

TO THE HONORABLE L. D. OWEN, JR., JUDGE OF PROBATE OF 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 or way over the lands hereinafter described for a public road or highway, and as a basis for the relief sought, shows unto the Court as follows:

- 1. Petitioner is authorized under the Constitution of Alabama 1901, and under the provisions of Title 19, Section 1, Code of Alabama, 1940, as amended, to institute and prosecute these proceedings in its own name for the purposes of a public road or highway.
- 2. That said public highway has been designated by the State Highway Director as a part of the State Highway System and also known as Project No. I-10-1(11), Baldwin County, Alabama.
- 3. That said public highway begins with Escambia County, Florida Line and runs to Alabama State Highway No. 59 line at Loxley, Alabama.
- 4. The right of way over the property and lands hereinafter described as Tracts Numbered 18; 35; 35-A Rev., Parcels 1

through 6, both inclusive; and 28, and as set out in the right of way map on Project No. I-10-1(11) 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 tracts of land are necessary for use by Petitioner as a right of way for such public highway and in which Petitioner seeks to condemn as easements or right of ways are located wholly within Baldwin County, Alabama, and are 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-10-1(11), 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 tracts of land and according to the petitioner's information, knowledge and belie 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 tracts by reason of taxes and easements due and chargeable, and is hence made a Respondent herein.
- 9. (a) That MONA T. STROCK, JAMES T. STROCK, SARAH S. DALBEY and J. ROBERT STROCK, who are all over the age of twenty-one years and of sound mind, and are non-residents of the State of Alabama, whose attorney of record is SHERMAN S. DALBEY, 20 West Ohio Avenue, Rittman, Ohio, are the owners of TRACT NUMBER 18;
- (b) That H. L. Taylor and E. Davidson, who are both over the age of twenty-one years and are residents of Baldwin County, Alabama, are the owners of TRACTS NUMBERED 35 and 35-A

Rev., Parcels 1 through 6, both inclusive; that SCOTT PAPER COMPANY, a corporation, doing business in the State of Alabama, with offices in Mobile, Alabama, claims some right, title or interest in said property;

(c) That EDWARD A. PETELINSKI, JEROME A. PETELINSKI and JOSEPH R. PETELINSKI, who are all over the age of twenty-one years and are residents of Baldwin County, Alabama, are the owners of TRACT NUMBER 28; that W. H. ELLISON and MATTIE ELLISON, are both over the age of twenty-one years and residents of Baldwin County, Alabama, claim some right, title or interest in said property.

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.
- 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-10-1(11), 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: Duly appointed Special Assistant Attorney General for the State of A. mallbur Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice L. Miller, 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 condemnation are true and correct.

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Sworn to and subscribed before me this 6th day of May, 1964.

Notary Public, Baldwin County, Alabama.

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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 22nd day of May, 1964, at 10:00 o'clock A. M.

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

DATED this 6th day of May, 1964.

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

County, Alabama, and more particularly described as

follows:

and as about by the Right of May Map of Project No. I-10-2 (21)44 as recorded in the Office of the Judge of Brobate of Baldwin County.

Commencing at the SI corner of the IN } of the SN } of Section 4, T 5 S. R 4 B; thense northerly along the Bast boundary line of said { of } sec. tion, the Bat property line, a distance of 300 feet, more or less, to the point of beginning at Sta. 765 > 00 on the conterline of the Laft Lane of Broject No. 1-10-1 (II) 44; thence northerly along said hist property line a distance of 120 feet, more or less, to a point that is 123 feet morth ensterly of and at right pagles to the conterline of said Left Lame; the narthwesterly) parallel to the contorline of sold left lane, along a curve to the right (concave mortheasterly) having a radius of 1604.71, a dista of 1385 feet, more or less, to a point on the West boundary line of said } of } section, the West property line; thence southerly along said West property line (crossing the centerline of said Laft Lame at Sta. 751 - 17) a distance of 613 feet, more or less, to a point that is 125 feet southwest erly of and at right angles to the centerline of the hight lame of said project; thence southeasterly, parallel to the contorline of said Right lane, along a curve to the left (concave northeasterly) having a radius of 3944.71 feet, a distance of 655 feet, more or less, to a point on the South boundary of said } of } section, the South property line; themse easterly along said South property line a distance of 720 feet, more or less, to a point on said Bast property line; thence northerly along said Bast property line a distance of 300 feet, more or less, to the point of boginning.

Said strip of land lying in the NW 2 of SW 2 of Section 4, T 5 3, R 4 E, and containing 16.90 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 (91)44, County of Baldwin, and all of the granters 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 granters.

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. County, Alabama, and more particularly described as

follows:

And as shown by the Right of Way Map of Project No. I-IO-1 (1) 44 as recorded in the Office of the Judge of Probate of Baldwin County.

Commencing at the SE corner of the SW 2 of the NR 2 of Section 7, T 5 S, R 5 E; thence northerly along the Bast boundary of said of 2 section, the East property line, a distance of 275 feet to the point of beginning at Sta. 1009 \$\phi\$ 14 on the centerline of the Left Lane of Project No. I-10-1 (IN 44; thence northerly along said East property line a distance of 145 feet, muse or less, to a point that is 125 feet northeasterly of and at right parallel to the centerline of said Left Lane; thence northwesterly, the left (concave southwesterly) having a radius of 5854.58 feet, boundary of said 2 of 2 section, the West property line; thence more or 1420 feet, more or less, to a point on the West outherly along said West property line a distance of 620 feet, right angles to the centerline of the Right Lane of said project; Lane, along a curve to the right (concave southwesterly) having a radius of 11,259.15 feet, a distance of 380 feet, more or less. South property line; thence easterly along said South property line; thence south property line; thence easterly along said South property line; thence easterly along said South property line; thence northerly along said East property ginning.

Said strip of land lying in the SW 1 of the NE 2 of Section 7. T 5 S, R 5 E, and containing 18.50 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 (ND 44, County of Baldwin, and all of the grantors remaining real property consisting of all parcels contiguous one to another whether acquired by separate conveyances of otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by grantors.

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EXHIBIT "A" TRACT #35-A Rev.

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remaining property in and to said senses liet announce that is

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Hast property line (erossing the conterline of the Left Lane of said project at Station 1337+03) a distance of 530 feet, more or less, to a point that is 125 feet northerly of and at right angles to the centerline of said Left Lane; thence westerly, parallel to the centerline of said Left Lane; along a curve to the right (concave northerly) having a radius of 550k.58 50st. a distance of 1630 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane at P.C. Station 1320+24.16; thence N 36° 47' 50° W a distance of 120 feet, more or less, to a point that is 185 feet northeasterly of and at right angles to the centerline of said northeasterly of and at right angles to the centerline of said northeasterly of and at right angles to the centerline of said Left Lane; thence N 66° k7' 50° W, parallel to the centerline of said Left Lane, a distance of 1315 feet, more or less, to a point; thence S 83° 12' 10° W, a distance of 120 feet, more or less, to a point that is 125 feet northeasterly of and it right and the said to the said angles to the centerline of said Left Lane; thence I 66° 47° 50° E, parallel to the centerline of said Left Lane, a distance of E, parallel to the centerline of said lest property line; 2495 feet, more or less, to a point on said West property line; thence southerly along said West property line a distance of them. 535 foot, more or less, to the point of beginning.

Said strip of land lying in Soction 25, 2-5-8, R-5-E. and containing 73.10 seres, more or less.

As a part of the consideration hereimphore studies there is also bargained, sold, conveyed and relinquished to the grantee all existing future or potential semion law or speciment of 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 granters remaining real property consisting of all parcels contiguous one to another whether acquired by separate conveyances or otherwise, all of which purcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by granters.

Easement for Drainage: Commonoing at a point that is 80 feet onverly of and at right angles to the contextibe of released Taylor Comp Road at P.T. Station 186+23.96; themse station parallel to the contextine of said Tax close a common the right (concave westerly) having a radius of 1225.92 to the distance of 315 feet, more or less, to the point of beginning thence N 78° 41° 11° B, a distance of 272 feet, more or less, to a point; thence S 5° 41° 11° W, a distance of 272 feet, more or less, to a point that is 80 feet easterly of and at right and a section of 272 feet. angles to the centerline of relocated Taylor Camp Mondy them northerly, parallel to the centerline of said road along a curve to the left (cencare westerly) having a radius of 1225.92 feet a distance of 11 feet, more or less, to the point of beginning

Said strip of land lying in the EM; of the SE; of Eco-tion 22, 7-5-8, R-5-B, and containing 0.25 cores, must be less.

Paroment for Muck Disposal: The herein described property; a strip of land 150 feet in width and 2700 feet in length, and tending 150 feet mortheasterly of and at sight angles to the Mortheast boundary line of Right of May for Project Me. I-10-1 (11) on the Left Lane from Station 1227-10 to Station 135.

Bold strip of land lying in the 5% of Section 230 T-5-S, R-5-B, and contains 9.30 tores, more or less.

Decembro for Mark Disposal: The living described archarge. tonding 150 foot continuosterly of and at sight engine to the Southwest boundary line of Right of Way for Project Mr. 1-17 (11) from Station 1227+00 on the Right Lane to the Lente boundary line of Soction 23, 2-5-8, 2-5-2.

Said strip of land lying in the SHE of Section 23, 2-5-5, R-5-E, and containing 7.65 acres, more or less.

Basement for Enck Disposal: The herein described property, a Strip of land 150 feet in width and 2525 feet in length, so be used for the purpose of a Mack Bisposal Area, extending 150 feet northeasterly of and at right angles to the Bortheast boundary line of Right of Way for Project No. I-10-1 (11) from the West boundary line of Section 25, 7-5-5, R-5-E, to Station 1305-00 on the Lort Jame.

Said strip of land lying in the IM? of Section US. 2-5-S, R-5-S, and containing 8.69 acres, more or less.

Easement for Muck Disposal: The herein described property, a strip of land 150 feet in width and 2300 feet in length, to be used for the purpose of a Muck Disposal Area, extending 150 peet southwesterly of and at right angles to the Southwest boundary line of Right of Way for Project No. 1-10-1 (11) from the West boundary line of Section 25, 2-5-8, N-5-N to Station 1307+00 on the Right Lang.

Said strip of land lying in the Min of Section 25. 2-5-8, R-5-E, and containing 7.92 cores, more or less.

Resonant for Muck Disposal: The herein described property, a strip of land 150 feet in width and 980 feet in length, to be used for the purpose of a Muck Disposal Area, extending 150 feet southwesterly of and at right angles to the Southwest boundary line of Right of Way for Project No. 1-10-1 (11) from Station 1316-00 to P.C. Station 1325-86.78 on the Right Lane.

Said strip of land lying in Section 25, T-5-5. R-5-E, and containing 3,38 acres, more or less.

Basement for Muck Disposal: The herein described property, strip of land varying in width from 150 feet to 105 feet and 400 feet in length, to be used for the purpose of a Back Disposal Area, extending from the Southwest boundary line of Right-of-Way for Project No. I-10-1 (11) to a line lying 310 feet southwesterly of the centerline of the Right Lare of said project between Station 1330+00 and Station 1334+00.

Said strip of land lying in the SN of Section 25. 2-5-S, R-5-E, and containing L.17 acres, more or less.

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Rasement for Muck Disposal: The herein described property, a strip of land 150 feet in width and 1476 feet in length of AT2 be used for the purpose of a Muck Disposal Area, extending 150 feet northeasterly of and at right angles to the Northeast boundary line of Right of Way for Project No. I-10-1 (11) from P.C. Station 1320+24.16 on the Left Lane to Station 1335+00.

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And as shown by the Right of Way Map of Project No. I-10-1 (II) 44 as resorded in the Office of the Judge of Probate of Baldwin County.

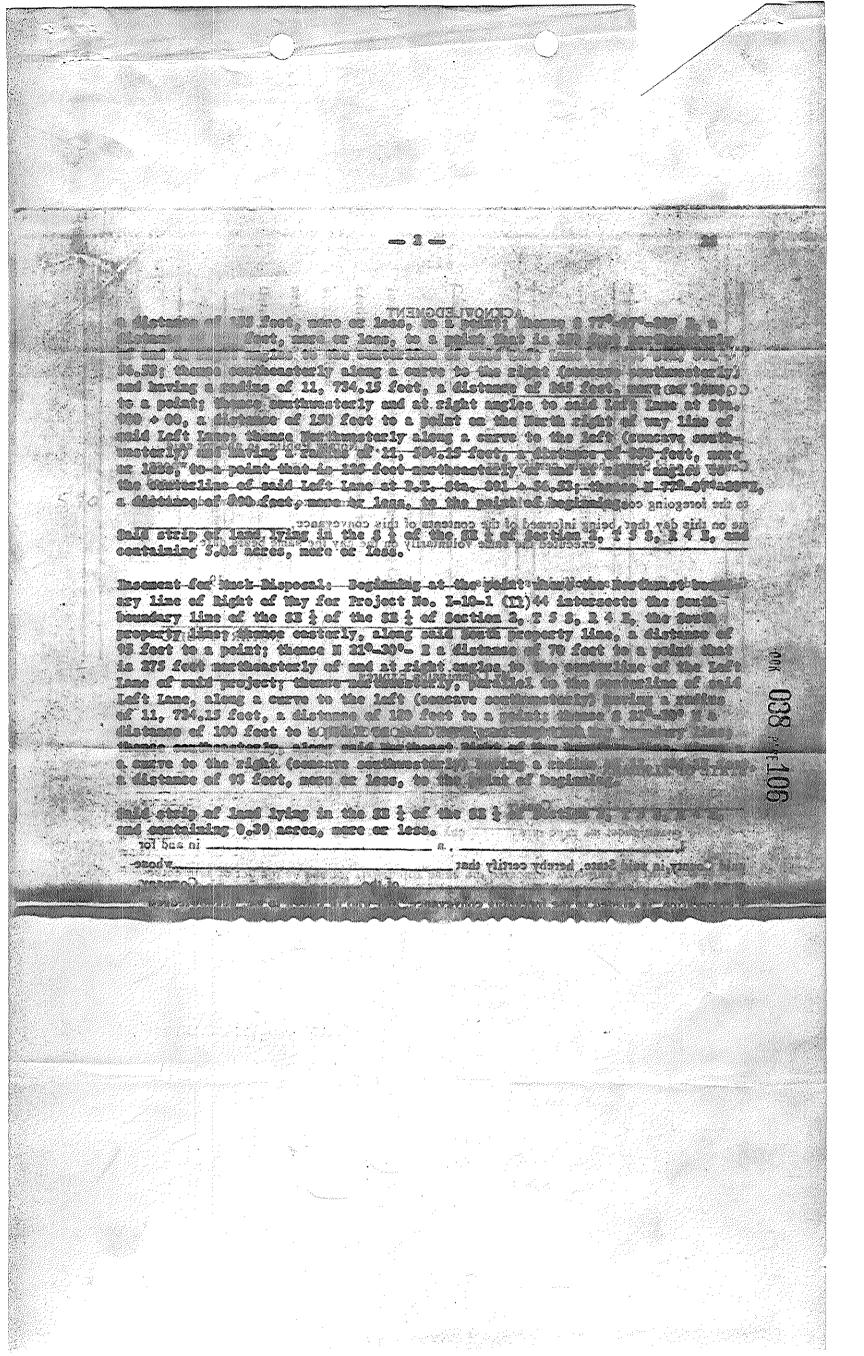
Commencing at the SW corner of the SB 2 of Section 2, T 5 S, R 4 B; thence northerly along the West boundary of said & section, the West property line, a distance of 475 feet to the point of beginning at Sta. 235 + 93 on the centerline of the Left Lane of Project No. I-10-1 (II) 44; thence mortherly along said West property line a distance of 130 feet, more or less, to a point that is 125 feet mortheasterly of and at right angles to the conterline of said Left Lane; thence S 770-070-20" B, parallel to the centerline of said Left Lane, a distance of 590 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane at P.C. Sta. 891 + 56.53; thence southeasterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southwesterly) having a radius of 11, 584.15 feet, a distance of 970 feet, more or less, to a point; thence N 780-000-11" E a distance of 100 feet to a point that is 175 feet mortheasterly of and at right angles to the centerline of said Left lane; thence southeasterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southwesterly) having a radius of 11, 634.15 feet, a distance of 685 feet, more or less, to a point on the South boundary of said & section, the South property line; thence westerly along said South property line a distance of 2245 feet, more or less, to a point on said West property line; thence mortherly along said West property line a distance of 475 feet, more or less, to the point of beginning.

Said strip of land lying in the S } of the SE } of Section 2, T S S, R 4 E, and containing 16.70 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-ID-1 (II) 44, County of Baldwin, and all of the grantors 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 grantors.

Pasement for Muck Disposal: Commencing at the SW corner of the SE 2 of Section 2, T 5 S, R 4 E; thence northerly along the West boundary of said 2 of 2 section, the West property line, a distance of 605 feet, more or less, crossing the centerline of the Left Lane of Project No. I-10-1 (II) 44, to the point of beginning; thence northerly along the said West boundary line,

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STATE OF ALABAMA,) IN THE CIRCUIT COURT OF Petitioner,) BALDWIN COUNTY, ALABAMA CASE NUMBER 6164. vs. EXA LOU BARNHILL, ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL, ALVA GORDON BARNHILL and CENTRAL BALDWIN BANK OF ROBERTSDALE,) ALABAMA, a corporation, as to TRACT NUMBER 17, Parcels 1 thru 3, both inclusive, Defendants.

INTERPOSITION OF CLAIM BY THIRD PARTIES

Comes now, BEN C. BARNHILL, DAVID BARNHILL and D. WENDELL BARNHILL, by their attorney, and moves this Honorable Court as follows:

Count One

That on the 10th day of April, 1964, the State of Alabama made application for condemnation of certain lands located in Baldwin County, Alabama as set forth in that certain case No. 5198 in the Probate Court of Baldwin County, Alabama; that in said application for condemnation, EXA LOU BARNHILL was named Party Respondent as owner of said property; that on the 14th day of May, 1964, the State of Alabama amended its application for condemnation by adding as Party Respondents, ROGER F. BARNHILL, CHARLES W. BARN-HILL, THOMAS MASTIN BARNHILL, and ALVA GORDON BARNHILL as owners of Tract Number 17, Parcels 1 thru 3 in said condemnation application; that said application was heard before the Probate Court of Baldwin County, Alabama on, to-wit: the 4th day of June, 1964 and the said Probate Court entered an Order of Condemnation on the same said date; that on, to-wit: the 24th day of July, 1964 the applicant State of Alabama appealed said Order of Condemnation to the Circuit Court of Baldwin County, Alabama, Case Number 5198; that on, to-wit: the 25th day of September, 1964 a Stipulation was filed between the attorney for the Petitioner State of Alabama and the attorney for the Respondents, EXA LOU BARNHILL, ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL and ALVA GORDON BARNHILI

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which stated among other things as Item Four in said Stipulation as follows: "4. 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.

- That the Respondents have had due notice of this trial and all proceedings herein and expressly enter their appearance in this Court.
- That the only issue in this proceedings is the damages and compensation, if any, to which Respondents are entitled for the land and interest in lands sought to be acquired by the Petitioner for the uses and purposes stated."; that a Final Judgment was rendered by the Honorable Joseph Mullins, Circuit Judge, awarding the Respondents the sum of ONE HUNDRED TWENTY-TWO THOUSAND EIGHT HUNDRED DOLLARS (\$122,800.00) as condemnation damages as aforesaid; that the State of Alabama, the original Petitioner, has filed with this Honorable Court a motion for a new trial, the hearing on which is set for December 4, 1964.

Count Two

That your Petitioners are the heirs of D. F. BARNHILL who died intestate on the 11th day of April, 1936 leaving as heirs-atlaw, EXA LOU BARNHILL, the wife of said D. F. BARNHILL, and the following children of D. F. BARNHILL and EXA LOU BARNHILL: ROGER F. BARNHILL, HAZEL V. BARNHILL MCVAY, CHARLESW. BARNHILL, DAVID BARN-HILL, MARJORIE BARNHILL ROPP, MASTIN BARNHILL, GORDON BARNHILL, BEN C. BARNHILL, D. WENDELL BARNHILL; that the said D. F. BARNHILL entered into a contract for the purchase of real property on the 7th day of July, 1933 from CLARA F. MASCHMEYER, a widow; that EXA LOU BARNHILL did complete the purchase of said real property and the property was conveyed to EXA LOU BARNHILL by CLARA F. MASCHMEYER on the 27th day of March, 1939, which said conveyance was subject to the rights of the heirs of D. F. BARNHILL, that the said property was lying in the County of Baldwin, State of Alabama, and described as follows: All of Section 5 in Township 5 South of Range 4 East; that the Estate of D. F. BARNHILL, Deceased, was admitted to Probate

Jet-48- p. 300-B

on the 20th day of April, 1936 by ROGER F. BARNHILL as Administrator; that an inventory of the assets of the said Estate was filed on May 18, 1936 by the said ROGER F. BARNHILL as Administrator, listing among other things the property under consideration herein; that the Estate of D. F. BARNHILL, Deceased, was closed on the 30th day of October, 1937 by ROGER F. BARNHILL listing as cash assets of the Estate an amount of EIGHT THOUSAND TWO HUNDRED THIRTY AND 35/100 DOLLARS (\$8,230.35) which was divided according to law and with the real property therein descending to the heirs according to laws of the State of Alabama; that on, to-wit: the 15th day of May, 1959, EXA LOU BARNHILL attempted to convey the property under consideration to ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL and ALVA GORDON BARNHILL reserving to herself a life estate in the property under consideration herein.

Count Three

That the Petitioners were never joined as Party Respondents to the condemnation proceedings referred to herein and that said Petitioners should have been joined as Party Respondents since they are entitled to their portion of the lands described herein under the statutes of the State of Alabama; that the said EXA LOU BARNHILL is specifically prohibited from conveying the property described herein under Title 47, Section 63, Code of Alabama 1940 as Amended; that the said EXA LOU BARNHILL when she completed the purchase of the property described herein from CLARA F. MASCHMEYER with the proceeds of the Estate took title to the property as Trustee for the benefit of the heirs of D. F. BARNHILL, Deceased.

Count Four

That your Petitioners only recently discovered that an attempt was made by EXA LOU BARNHILL to convey the property described herein to ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL and ALVA GORDON BARNHILL, to the damage of the interest of your Petitioners; that the interest of your Petitioners could be greatly damaged if the award made by the Courts were paid to the said ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL and ALVA GORDON BARNHILL without sufficient opportunity on the part of your Petitioners to have their interest determined.

WHEREFORE, your Petitioners move this Honorable Court to permit the Petitioners to intervene in the above styled cause as proper Party Respondents and owners of the property described in the Petition for Condemnation heretofore referred to, and further moves the Court that any award be paid into the Court to be held until such time that the rights of your Petitioners are determined, and makes a part of this motion, an Affidavit labeled "Exhibit A" as if the same had been specifically written herein; that upon a final hearing of this cause, that your Petitioners be allowed their portion of the condemnation award and that your Petitioners be made proper Party Respondents in any actions by the State of Alabama in appeal from the award of the Court as aforesaid or in any motions heretofore filed.



DUCK & LACEY

THIS CAUSE, coming on to be heard upon the Petition for Intervention and Affidavit of BEN C. BARNHILL, DAVID BARNHILL and D. WENDELL BARNHILL, the said Petitioners are hereby permitted to intervene in the above styled cause and the Circuit Clerk is hereby ordered to hold any and all funds awarded in that certain cause in the Circuit Court of Baldwin County, Alabama, Number 6164, in escrow until such time as the rights of Petitioners may be determined.

Dated this	the	day of		1964
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			JUDGE	

"EXHIBIT 🏝

AFFIDAVIT

STATE OF ALABAMA COUNTY OF BALDWIN

Before me, the undersigned authority, in and for said State and County, personally appeared BEN C. BARNHILL, DAVID BARNHILL and D. WENDELL BARNHILL, who, being duly sworn, do depose and say as follows:

That they are heirs-at-law of D. F. BARNHILL, Deceased, that the Estate of D. F. BARNHILL, Deceased, was settled on the 30th day of October, 1937 with assets listed therein among other things, the property situated in Baldwin County, Alabama as follows: All of Section 5, Township 5 South, Range 4 East; that they have an interest in and to the above described property as heirs-at-law of D. F. BARNHILL, Deceased; that they were never made Party Respondents, as they should have been, to that certain Petition for Condemnation by the State of Alabama heretofore filed in the Circuit Court of Baldwin County, Alabama, Case Number 6164; that we have carefully read and studied the foregoing Petition to Intervene in said action and the matters and facts alleged therein are true; that they have commenced an action in the Circuit Court of Baldwin County, Alabama to have their respective rights declared under the laws of the State of Alabama; further Affiants sayeth not

Sworn to and subscribed before me

this the 3rd day of December, 1964.

Notary Public

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State of Alabama V3 FXW LOV Barnhill 11 | Sceived 4 day of QUC 19 (4)
et als ind on 17 day of 12 c 152 TAYLOR WILKINS, Sheriff
By Carlisle Childrens D. S. Luplay TAYLOR WILKINS Shoriff
By Corline Checkroin 2 'Lali Shariff claims 250 miles 20 Ten Cents per mile Total 925
TAYLOR WILKINS Shariff FROM THE LAW OFFICES OF JOHN V. DUCK - RICHARD C. LACEY ATTORNEYS AT LAW FAIRHOPE, ALABAMA

STATE OF ALABAMA, Petitioner. IN THE PROBATE COURT OF EXA LOU BARNHILL; CENTRAL BALDWIN BANK OF ROBERTSDALE, ALABAMA, a corporation, and TRACT NUMBER 17, Parcels 1 BALDWIN COUNTY, ALABAMA thru 3, inclusive; RAY E. LOPER LUMBER COMPANY, a corporation, HERCULES POWER COMPANY, a corporation, and TRACT NUMBER 20; COLON L. ANDERSON, CARL CASE NO: 5/98 ANDERSON, ROBERT F. GÓDDARD, UNITED STATES OF AMERICA, and TRACT NUMBER 25; DxxExxHASTINGS, THEXFEDERALXLANDXBANKXOFXNEW FRACTXNUMBERX SAXAXX C. O. NIMS BALDWIN COUNTY SAVINGS & LOAN STATE OF ALABAMA. BALLEWIN COUNTY ASSOCIATION, a corporation, and TRACT NUMBER 16; O. M. NORTHCUTT, BERTHA NORTHCUTT and TRACT PHILD 4-20-64 NUMBER 26; and BALDWIN COUNTY, ALABAMA, a Political Subdivision of the State of Alabama, Judge of Probate Respondents.

APPLICATION FOR CONDEMNATION:

TO THE HONORABLE L. D. OWEN, JR., JUDGE OF PROBATE OF 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 or condemnation of a right of way over the lands hereinafter described for a public road or highway, and as a basis for the relief sought, shows unto the Court as follows:

- 1. Petitioner is authorized under the Constitution of Alabama 1901, and under the provisions of Title 19, Section 1, Code of Alabama, 1940, as amended, to institute and prosecute these proceedings in its own name for the purposes of a public road or highway.
- 2. That said public highway has been designated by the State Highway Director as a part of the State Highway System and also known as Project No. I-10-1(11), Baldwin County, Alabama.
- 3. That said public highway begins with Escambia County, Florida Line and runs to Alabama State Highway No. 59 line at

Loxley, Alabama.

- 4. The right of way over the property and lands hereinafter described as Tracts Numbered 17, Parcels 1 thru 3, inclusive,
 20, 25, 31-A, 16 and 26, and as set out in the right of way map on
 Project NoI-10-1(11) 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 tracts of land are necessary for use by Petitioner as a right of way for such public highway and in which Petitioner seeks to condemn as easements or right of ways are located wholly within Baldwin County, Alabama, and are 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-10-1(11), 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 tracts 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 names 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 tracts by reason of taxes and easements due and chargeable, and is hence made a Respondent herein.
- 9. (a) That EXA LOU BARNHILL, who is over the age of twenty-one years and a resident of Baldwin County, Alabama, is the owner of TRACT 17, Parcels 1 thru 3, inclusive; that the CENTRAL BALDWIN BANK OF ROBERTSDALE, ALABAMA, a corporation, with its principal place of business in Robertsdale, Alabama, claims some

right, title or interest in the property by virtue of certain mortgages of record in the Probate Court of Baldwin County, Alabama.

- (b) That RAY E. LOPER LUMBER COMPANY, a corporation, with its principal place of business at Bay Minette, Alabama, is the owner of TRACT 20, and that Ray E. Loper, Bay Minette, Alabama, is the agent upon whom service may be made; that HERCULES POWDER COMPANY, a corporation, claims some right, title or interest in said property by virtue of a stumpwood lease and Fred S. Ball, Jr., First National Bank Building, Montgomery, Alabama, is the statutory agent upon whom service may be made.
- (c) That CARL ANDERSON and COLON L. ANDERSON, both of whom are over the age of twenty-one years and residents of Baldwin County, Alabama, are the owners of TRACT 25; that ROBERT F. GODDARD, who is over the age of twenty-one years and a resident of Chicago, Illinois, and the UNITED STATES OF AMERICA claim some right, title or interest in said property by virtue of an uncancelled mortgage of record in the Probate Court of Baldwin County, Alabama.
- (d) That C. O. NIMS, who is over the age of twenty-one years and a resident of Baldwin County, Alabama, is the owner of TRACT 16; that the BALDWIN COUNTY SAVINGS AND LOAN ASSOCIATION, a corporation, with its principal place of business at Robertsdale, Alabama, claims some right, title or interest in said property by virtue of an uncancelled mortgage of record in the Probate Court of Baldwin County, Alabama.
- (e) That O. M. NORTHCUTT and BERTHA NORTHCUTT, who are over the age of twenty-one years and residents of Baldwin County, Alabama, are the owners of TRACT 26.

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-10-1(11), 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: D. D. D. M. Al. Accepted Duly appointed Special Assistant Attorney General for the State of Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

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 Alabama, and also being first duly sworn, deposes and says that the allegations of the foregoing application for condemnation are true and correct.

Delfair J. masselweren

Sworn to and subscribed before me on this the 20 th day of April, 1964.

Notary Public, Baldwin County, Alabama.

Slice L. millen

A hereby asknowledgemyself hable for looks that may actue in this cause

Lefair J. maslesuru

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 14th day of May, 1964, 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 20th day of April, 1964.

L. D. Owen, Jr., Probate Judge

lund to may 22,1964, at 10;00 a m. fract \$17, 3. 14 th 2000, 1964.

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and as shown by the Right-of-Way Map of Project No. I-10-1 (11) as recorded in the Office of the Judge of Probate of Baldwin County.

Parcel No. 1: Commencing at the southwest corner of the NET of the NET of Section 6, T-5-S, R-4-E; thence northerly along the West boundary of said NET of NET the West property line, a distance of 425 feet to the point of beginning at Station 679+54 on the centerline of the Left Lane of Project No. I-10-1 (11); thence northerly along said West property line a distance of 145 feet, more or less, to a point that is 140 feet northeasterly of and at right angles to the centerline of said Left Lane; thence southeasterly, parallel to the centerline of said Left Lane; along a curve to the left, (concave northeasterly) having a radius of 11, 319.15 feet, a distance of 825 feet, more or less, to a point that is 140 feet northeasterly of and at right angles to the centerline of said Left Lane at P.T. Station 687+58.95; thence S 61° 13° 46° E, parallel to the centerline of said Left Lane, a distance of 1605.32 feet, to a point that is 140 feet northeasterly of and st right angles to the centerline of said Left Lane, a distance of 1605.32 feet, to a point that is 140 feet northeasterly of and st right angles to the centerline of said Left Lane at P.C. Station 704+3.92; thence southeasterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southwesterly) having a radius of 5869.58 feet, a distance of 1550 feet, more or less, to a point; thence S 32° 30° 15° E a distance of 30 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane; thence south-easterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southwesterly) having a radius of 5854.58 feet, a distance of 680 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane at P.T. Station 726+38.81; thence S 59° 16' 50° E, parallel to the centerline of said Left Lane, a distance of 2212.01 feet, more or less, to the centerline of said Left Lane, a distance of 200 feet, more or less,

more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of the Right Lane of said Project; thence northwesterly, parallel to the centerline of said Right Lane, along a curve to the right (concave northeasterly) having a radius of 3944.71 feet, a distance of 450 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane at P.C. Station 74.7495.30; thence N 59859; 12° E, parallel to the centerline of said Right Lane, a distance of 2029.17 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane, along a curve to the left (concave southwesterly) having a radius of 6469.37 feet, a distance of 2840 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of said Right Lane at P.C. Station 698+76.01; thence S 70° 17' 22° W, a distance of 30 feet, more or less, to a point that is 140 feet southerly of and at right angles to the centerline of said Right Lane, thence N 79° 12' 38° W, parallel to the centerline of said Right Lane, a distance of 730 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of said Right Lane, a distance of 730 feet, more or less, to a point; thence N 49° 12' 38° W, a distance of 30 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of said Right Lane, a distance of 1088 feet, more or less, to a point on said West property line; thence northerly along said West property line a distance of 330 feet, more or less, to a point on beginning.

Said strip of land lying in the \mathbb{R}^1_0 of the NE 1_0 Section 6, (also in Section 5) T-5-S, R-4-E, and containing 89.50 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 grantros 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 grantors.

Easement for Drainage: Beginning at a point that is 125 feet northeasterly of and at right angles to the centerline of the Left Lane of Project No. I-10-1 (11) at Station 721+00; thence N 45° 15' K a distance of 200 feet to a point; thence N 62° 15' W a distance of 56.5 feet to a point; thence S 45° 15' W a distance of 200 feet to a point that is 125 feet north-easterly of and at right angles to the centerline of said Left Lane; thence southeasterly, parallel to the centerline of said left Lane, along a curve to the right (concave south-westerly) having a radius of 5854.58 feet, a distance of 56.5 feet, to the point of beginning.

Said strip of land lying in Section 5, T-5-S, R-4-E, and containing 0.23 acres, more or less.

Parcel 2: Beginning at the Southwest corner of the SW2 of the SE2 of Section 31, T-4-S, R-4-E; thence Northerly along the West boundary line (the West property line) a distance of 15 feet, more or less, to a point; thence N 00° 59' 17" E a distance of 268.75 feet to a point; thence S 89° 00' 43" E a distance of 60 feet to a point; thence S 00° 59' 17" W a distance of 268.75 feet to a point; thence S 00° 11' 43" W

a distance of 15 feet, more or less to a point on the South boundary line of the said $SW_{\frac{1}{2}}$ of $SE_{\frac{1}{2}}$; thence westerly along the said South boundary line a distance of 60 feet, more or less, to the point of beginning.

Said strip of land lying in the SW_2^2 of the SE_2^2 of Section 31, T-4-S, R-4-E and containing 0,39 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to the grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line described as (commencing at the Southwest corner of the SW of the SE; Section 31, T-4-S, R-4-E; thence N OO° 11' 43" W a distance of 15 feet, more or less, to a point; thence N OO° 59' 17" E a distance of 268.75 feet to the point of beginning; thence S 89° 00' 43" E a distance of 268.75 feet, more or less, to a point; thence S OO° 11' 43" E a distance of 15 feet, more or less, to a point) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Parcel No. 3: Beginning at the Southwest corner of the SW2 of the SET of Section 4, T-5-S, R-4-E; thence northerly, along the West boundary line of said SW2 of SE2, the West property line, a distance of 1240 feet to a point on the centerline of the Left Lane of Project No. I-10-1 (11) at Station 778+56.23; thence northerly, along said West property line, a distance of 7 feet, more or less, to a point on the North boundary line of said SW2 of SE2, the North property line; thence easterly, along said North property line, a distance of 1327 feet, more or less, to a point on the East boundary line of said SW2 of SE2, the East property line; thence southerly, along said East property line, a distance of 385 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of the Right Lane of said project; thence N 85° 20' 12" W, parallel to the centerline of said Left Lane, a distance of 1275 feet, more or less, to a point that is 60 feet easterly of and at right angles to said West property line; thence southerly, parallel to said West property line, a distance of 1057 feet, more or less, to a point on the South boundary line of said SW2 of SE2, the South property line; thence westerly, along said South property line, a distance of 60 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{3}$ of the SE $\frac{1}{3}$ of Section 4, T-5-S, R-4-E, and containing 11.71 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to the grantor's remaining property in and to said controlled access facility, provided, however, that there is hereby reserved along a line described as (commencing at a point that is 175 feet southerly of and at right angles to the centerline of the Right Lane of Project No. I-10-1 (11) (at Station 779+38, said point being 60 feet easterly of and at right angles to the West boundary line of the SW4 of the SE4 of Section 4, T-5-S, R-4-E, the West property line; thence southerly, parallel to said West property line, a distance of 1057 feet to a point on the South

boundary line of said SW of SE, the South property line) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Easement for Drainage: The herein described property, a strip of land 50 feet in width and 250 feet in length, to be used for the purpose of a drainage ditch, extending 250 feet southerly of and at right angles to the South boundary line of the Right of Way for Project No. I-10-1 (11) from Station 783+75 to Station 784+25 on the Right Lane of said project.

Said strip of land lying in the SW $\frac{1}{2}$ of the SE $\frac{1}{2}$ of Section 4, T-5-S, R-4-E, and containing 0.29 acres, more or less.

EXHIBIT "A"

County, Alabams, and more provided the Tool of

follows:

did as about by the Right of thy Map of Isojost No. 1-18-1 (II) 44 as reserved in the Office of the Judge of Drobate of Spidols County.

Compacing at the SI corner of the UD ? of the SI ? of Section 4, I S & B 4 B: thence mertherly along the West bound section, the Nest property line, a distance of 100 feet to the pe of beginning at Ste. 765 + 00 on the conterline of the Left Inne of Project No. I-10-1 (11) 44; thence mortherly, along said Bast property line a 41 tance of 126 feet, mare or less, to a point that is 12 of and at right angles to the contextine of main left laper the ensterly, possible to the centerline of sold Laft Lane, along a cur the left, (concave morthocsterly), having a radius of 3690.71 feet, tence of 57 feet, more or less, to a point that is las feet mort of and at right angles to the centerline of Laft Lane at P.T. St 40.46; thence S 340-370-300 E, parallel to the contariling of paid La lane, a distance of 1187 feet, more or less, to a point that is 30 feet westerly of and at right angles to the last boundary line of paid i of 207 1Lio of Jold 3 of 3 section, the Bast property line; thence northerly, parallel to and property line, a distance of 1025 feet, more or less, to a point on North poundary line of said of of } section, the North property line; th easterly, along said North property line, a distance of 435 feet, more or less, to a point; thence coutherly, along said hast property line, a distance 40 foot, more or less, to a Sprint; thence westerly, perallel to the SU; line of the MM 2 of the SU 2 of soid 3 of 2 section 4, a sten foot, sinterfer loss, to a point; theate 3 45 -00" E, a distance of 141 fo more or less, to a point that is 30 feet easterly of and at right angles to said West property line; thence southerly, parallel to said West property line, a distance of 385 feet, more or less, to a point that is 140 feet northerly of and at right angles to the centerline of said Left lane; thence S 84° _ 37° _ 50° E, parallel to the conterline of said Left Lane, a distant of 1255 feet, more or less, to a point on the Bast boundary line of said } of } section, the Bast property line; thence southerly, along said Bast property line, a distance of 194 feet, more or less, to a point on the Stut boundary line of said } of } section, the South property line; thence westerly, along said South property line, a distance of 2644 foot, note or less, to the point of beginning.

Said strip of land lying in the NE 2 of the SN 2 and the NN 2 of the SE 2 of Section 4, T 5 8, R 4 R, and containing 23.03 acros, mare or lease.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the granter hereby releases and relinguishes to the grantee any and all abutter's sights appurtement to the granter's remaining property in and to said controlled access facility, provided, however, that there is hereby reserved along a line described as (commencing at a point that is 125 feet mertherly of and at right angles to the centerline of the Left lane of Project No. I-10-1 (II) 44 at Sta. 777 o 27, said point being 30 feet westerly of and at right angles to the No. I said point being 30 feet westerly and at right angles to the No. I at the SU 2 of

madentiful Deturn hour: Deginities a possible to the last land at fight angles to the North Right of Way Man of the Last land of Manistration. Inc. Inch 1 (II) 44 at Sta. 771 • 00; themse newtherly and so with angles to said Might of May O'line a distance of 60 feet to a point; themse contactly and parallel to the said North Right of May line a distance of 562 feet, more or less, to a point that is 140 feet, prayingly of and at right angles to the Mat boundary of the RH 2 of the SH 2 of Section 4, T 5 8, R 4 R, themse northerly and parallel to the said Rast boundary line a distance of 60 feet to a point that is 80 feet wasterly of the said Rast boundary line a distance of 60 feet to a point that is 80 feet wasterly of the said Rast Committer of Section (1) in the West Right of Way line of Brady Read); themse southerly along the said Right of Way line a distance of 873 feet, more or less, to a point that in 10 feet; more thereby of and at right angles to the contactine of the Last Lane of said project (said point being on the North Right of Way Mane); themse uncotacty along the said Right of Way line a distance of 630 feet, more or loss, to the point of hogsimming.

Sand-briefs of land lying in the UL 1 of the St died grobbered 2 Bide Siy flate Saline

CONTRACTOR OF THE PROPERTY OF

Baldwin

County, Alabama, and more particularly described as

follows:

And as shown by the Right of Way Map of Project No. I-10-1 (II) 44 as recorded in the Office of the Judge of Probate of Baldwin County.

Commencing at the NW corner of the SW 2 of the SW 2 of Section 2, T 5 S, R 4 E; thence southerly along the West boundary of said 2 of 2 section. the West property line, a distance of 238 feet to the point of beginning at Sta. 858 + 20 on the centerline of the Left Lame of Project No. I-10-1 (11)44; thence southerly along said West property line a distance of 915 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of the Right Lane of said project; thence S 5-45°-17" E, parallel to the centerline of said Right Lane, a distance of 1162 feet, more or less, to a point on the South boundary of the S of the SW 2 of said Section 2, the South property line; thence easterly along said South property line a distance of 1560 feet, more or less, to a point on the Bast boundary of the SB 2 of the SW 2 of said Section 2, the Bast property line; thence northerly along said Bast property line (crossing the centerline of said Left Lane at Sta. 885 + 93) a distance of 605 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane; thence N 770-07°-20" W, parallel to the centerline of said Left Lane, a distance of 1070 feet, more or less, to a point; thence N 470-070-200 W a distance of 170 feet, to a point that is 210 feet northeasterly of and at right angles to the centerline of said Left Lane; thence N 770-070-200 W, parallel to the centerline of said Left Lane, a distance of 1352 feet, more or less, to a point that is 210 feet northerly of and at right angles to the centerlime at P.T. Sta. 359 + 98.61; thence northwesterly along a curve to the left (concave southerly) having a radius of 11,669.15 feet, a distance of 230 feet, more or less, to a point on the West boundary of the SW 1 of the SW 2 of said Section 2, the West property line at this point; thence southerly along said West property line a distance of 215 feet, more or less, to the point of beginning.

Said strip of land lying in the S & of the SW & of Section 2. T 5 s. R 4 B. and containing 59.42 acres, more or less.

As a part of consideration hereinabove stated there is also sold, conveyed and relinquished to the grantee all quisting 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)44. County of Baldwin, and all of the grantees consisting of all percels contiguous one to another whether bequired 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 suited by grantors.

Pasement for Muck Disposal: Deginning at a point that is 125 feet southwesterly of and at right angles to the centerline of the Right Lane of Project No. I-19-1 (11)44 at Sts. 363 + 00; thence S 30-450-12" R, along the M boundary line of Right of May for said project, a distance of 773 feet, mare or less; to a point on the South Boundary line of the SN 1 of the SN 1 of Section 2, T 5 8, R 4 R, the South property Time; thence with the South property Line; a distance of 773 feet; mare of 185 Month property line; thence with the SN 1 of South property Line, a distance of 773 feet; mare of 2005, to a point; thence N 09-149-40" R a distance of 185 Month property. executed the same voluntarily on the day the same bears date. . animiland In

Said strip of land lying in the SW 1 of the SW 2 of section 2 T 5 S. R 4 E. cad gontalning 1.12 acres, more or less.

Pagement for Much Disposal: Commencing at a point that is 125 feet northeasterly of and at right angles the the centerline of the Left Lane of Project No. 1-10-1 (11)44 at Sta. 334 + 00, the point of beginning; thence northeasterly and at right angles to the said centerline, a distance of 150 feet to a point; thence 8 770-070-100 I a distance of 130 feet, more or less, to the Bast boundary line of the SE } of the SE } of Section 2, T 5 S. R 4 B; thence coutherly along the said Bast boundary line, a distant of 155 feet, more or loss, to a point on the North Right of they of said left lane; themse N 770-070-100 B a distance of 180 Nort, add 05-1606 To the point of beginning.

Said strip of land lying in the SE } of the SN } of Section 2, T Adam At To and The taining 0.51 acres, zore or less.

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and as shown on the right-of-way map of Project No. I-10-1(11) as recorded in the Office of the Judge of Probate of Baldwin County:

Beginning at the morthwest corner of the NW\$ of the NE\$ of Section 6, T-5-S, R-4-B; thence easterly along the morth boundary of the said NW\$ of NE\$, the morth property line, a distance of 60 feet, more or less, to a point that is 60 feet easterly of and at right angles to the west boundary of said NW\$ of NE\$; thence southerly and parallel to said west boundary a distance of 415 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) at Station 666+04; thence S 73° 13° 46° B, a distance of 530 feet, more or less, to a point; thence N 76° 46° 14° B, a distance of 30 feet to a point that is 140 feet mortherly of said centerline at P. C. Station 671+58.95; thence southeasterly along a curve to the southeast (concave northeasterly) having a radius of 11,319.15 feet, a distance of 369 feet, more or less, to a point on the south boundary of said NW\$ of NE\$, a distance of 970 feet, more or less, crossing the centerline of the left lane at Station 670+42, to a point on the west boundary of said NW\$ of NE\$, and the centerline of Brady Road; thence northerly along the said west boundary of the said NW\$ of NE\$ and the centerline of the NE\$ (also the centerline of said road), a distance of 658 feet, more or less, crossing the centerline of the left lane at Station 665+67.39, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{2}$ of the NE $\frac{1}{2}$ of Section 6, T-5-S, R-4-E, and containing 3.52 acres, more or less.

STATE OF ALABAMA. 0 Appellant,) VS. IN THE PROBATE COURT OF EXA LOU BARNHILL, ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL, ALVA GORDON BARNHILL, CENTRÁL BALDWIN BANK OF ROBERTSDALE, BALDWIN COUNTY, ALABAMA ALABAMA, a corporation, and TRACT NUMBER 17, Parcels 1 thru)
3, inclusive; RAY E. LOPER
LUMBER COMPANY, a corporation,)
HERCULES POWDER COMPANY, a CASE NUMBER 5198. corporation, and TRACT NUMBER 20; COLON L. ANDERSON, CARL ANDERSON, ROBERT F. GODDARD, UNITED STATES OF AMERICA, and TRACT NUMBER 25; C. O. NÍMS, BALDWIN COUNTY SAVINGS & LOAN ASSOCIATION, a corporation, and) TRACT NUMBER 16, Appellees.

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 23rd day of July, 1964, insofar as said order of condemnation relates to the Tracts of land and the owners and parties interested therein as follows:

TRACT NUMBER 17, Parcels 1 thru 3, inclusive: Exa Lou Barnhill, Roger F. Barnhill, Charles W. Barnhill, Thomas Mastin Barnhill and Alva Gordon Barnhill, are the owners of said tract; that Central Baldwin Bank of Robertsdale, Alabama, a corporation, claims some right, title or interest in and to said property;

TRACT NUMBER 20: Ray E. Loper Lumber Company, a corporation, is the owner of said tract; that Hercules Powder Company, a corporation, claims some right, title or interest in and to said property;

TRACT NUMBER 25: Carl Anderson and Colon L. Anderson, are the owners of said tract; that Robert F. Goddard and the United States of America claim some right, title or interest in said property;

TRACT NUMBER 16: C. O. Nims is the owner of said tract; that Baldwin County Savings and Loan Association, a corporation, claims some right, title or interest in said property;

That a copy of the descriptions of the above designated tracts 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 con-

demnation, this, its written notice of said appeal.

DONE this 24th day of July, 1964.

RICHMOND M. FLOWERS, Attorney General State of Alabama

Duly appointed Special Assistant
Attorney General for the State of Alabama

Appellant hereby demands a trial of this cause by Jury.

Duly appointed Special Assistant Attorney General for State of Alabama.

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

Duly appointed Special Assistant Attorney General for State of Alabama.

TO: J. B. BLACKBURN, Attorney of record for EXA LOU BARNHILL, ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL and ALVA GORDON BARNHILL; CENTRAL BALDWIN BANK OF ROBERTSDALE, ALABAMA, a corporation; RAY E. LOPER, as agent for RAY E. LOPER LUMBER COMPANY, a corporation; FRED S. BALL, JR., First National Bank Building, Montgomery, Alabama, as agent for HERCULES POWDER COMPANY, a corporation; COLON L. ANDERSON, CARL ANDERSON, ROBERT F. GODDARD, UNITED STATES OF AMERICA: C. O. NIMS and BALDWIN COUNTY SAVINGS AND LOAN ASSOCIATION, a corporation.

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 24th day of July, 1964.

WITNESS my hand this 24th day of July, 1964.

Judge, Probate Court of Baldwin County, Alabama.

follows: and as shown by the Right-of-Way Map of Project No. I-10-1 (11) as recorded in the Office of the Judge of Probate of Baldwin County.

Parcel No. 1: Commencing at the southwest corner of the NET of the NET of Section 6, T-5-S, R-4-E; thence northerly along the West boundary of said NET of NET the West property line, a distance of 425 feet to the point of beginning at Station 679+54 on the centerline of the Left Lane of Project No. I-10-1 (11); thence northerly along said West property line a distance of 145 feet, more or less, to a point that is 140 feet northeasterly of and at right angles to the centerline of said Left Lane; thence southeasterly, parallel to the centerline of said Left Lane, along a surve to the to the centerline of said Left Lane, along a curve to the left, (concave northeasterly) having a radius of 11, 319.15 feet, a distance of 825 feet, more or less, to a point that is 140 feet northeasterly of and at right angles to the center-line of said Left Lane at P.T. Station 687+58.95; thence S 81° 13' 46" E, parallel to the centerline of said Left Lane, a distance of 1685.32 feet, to a point that is 140 feet north-easterly of and at right angles to the centerline of said Left Lane at P.C. Station 704-43.92; thence southeasterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southwesterly) (having a radius of 5869.58 feet, a distance of 1550 feet, more or less, to a point; thence S 32° 30° 15" E a distance of 30 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane; thence south easterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southwesterly) having a radius of 5854.58 feet, a distance of 680 feet, more or less, to a point that is 125 feet northeasterly of and at right angles. to the centerline of said Left Lane at P.T. Station 726+38.81; thence S 59° 16° 50" E, parallel to the centerline of said Left Lane, a distance of 2212.01 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane at P.C. Station 748+50.46; thence southeasterly, parallel to the centerline of said Left Lane, along a curve to the left (concave northeasterly) having a radius of 3694.71 feet, a distance of 200 feet, more or less, to a point on the East boundary of Section 5, T-5-S, R-4-E, the East property line; thence southerly (crossing the center-line of said Left Lane at Station 751+17) a distance of 618 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of the Right Lane of said Project; thence northwesterly, parallel to the centerline of said Right Lane, along a curve to the right (concave northeasterly) having a radius of 3944.71 feet, a distance of 450 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane at P.C. Station 74,745.30; thence N 59*59: 127 E, parallel to the centerline of said Right Lane, a distance of 2029.17 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane at P.T. Station 727*59.59; thence northwesterly, parallel to the centerline of said Right Lane, along a curve to the left (concave southwesterly) having a radius of 8469.37 feet, a distance of 2840 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of said Right Lane at P.C. Station 698*76.01; thence S 70° 17° 22° W, a distance of 30 feet, more or less, to a point that is 140 feet southerly of and at right angles to the centerline of said Right Lane; a thence N 79° 12° 38° W, parallel to the centerline of said Right Lane; thence N 49° 12° 38° W, a distance of 30 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of said Right Lane; a to a point that is 125 feet southerly of and at right angles to the centerline of said Right Lane at Station 691+00; thence N 79° 12° 38° W, parallel to the centerline of said Right Lane, a distance of 1088 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of said Right Lane, a distance of 1088 feet, more or less, to a point on said West property line; thence northerly along said West property line; thence northerly along said West property line a distance of 330 feet, more or less, to the point of beginning.

Said strip of land lying in the Et of the NET Section 6. (also in Section 5) T-5-S, R-4-E, and containing 89.50 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 grantros 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 grantors.

Easement for Drainage: Beginning at a point that is 125 feet northeasterly of and at right angles to the centerline of the Left Lane of Project No. I-10-1 (11) at Station 721+00; thence N 45° 15° E a distance of 200 feet to a point; thence N 62° 15° W a distance of 56.5 feet to a point; thence S 45° 15° W a distance of 200 feet to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane; thence southeasterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southwesterly) having a radius of 5854.58 feet, a distance of 56.5 feet, to the point of beginning.

Said strip of land lying in Section 5, T-5-8, R-4-E, and containing 0.23 acres, more or less.

Parcel 2: Beginning at the Southwest corner of the SW2 of the SW2 of Section 31, T-4-S, R-4-E; thence Northerly along the West boundary line (the West property line) a distance of 15 feet, more or less, to a point; thence N 00° 59: 17" E a distance of 268.75 feet to a point; thence S 89° 00: 43" E a distance of 60 feet to a point; thence S 00° 59: 17" W a distance of 268.75 feet to a point; thence S 00° 11: 43" W

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a distance of 15 feet, more or less to a point on the South boundary line of the said $SW_{\frac{1}{2}}$ of $SE_{\frac{1}{2}}$; thence westerly along the said South boundary line a distance of 60 feet, more or less, to the point of beginning.

Said strip of land lying in the SWH of the SWH more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to the grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved of the SW; of the SE; Section 31, T-4-S, R-4-E; thence of the SW; of the SE; Section 31, T-4-S, R-4-E; thence point; thence N 00° 59: 1?" E a distance of 268.75 feet to the point of beginning; thence S 89° 00° 43" E a distance of 80 feet to a point; thence S 00° 59: 1?" W a distance of 268.75 feet, more or less, to a point; thence S 00° 11: 43" E a distance of 15 feet, more or less, to a point; thence S 00° 11: 43" E of ingress to and egress from such remaining property to and the controlled access facility only at such points as may be established by public authority.

Parcel No. 3: Beginning at the southwest corner of the SW2 of the SW2 of Section 4, T-5-S, R-4-E; thence northerly, along the West boundary line of said SW2 of SE2, the West property line, a distance of 12h0 feet to a point on the centerline of thence northerly, along said West property line, a distance of thence northerly, along said West property line, a distance of of said SW2 of SE2, the North property line, a distance of said SW2 of SE2, the North property line, a distance of 1327 feet, more or less, to a point on the East boundary line of said SW2 of SE2, perty line, a distance of 385 feet; more or less, to a point that is 175 feet southerly of and at right angles to the center-parallel to the centerline of said project; thence N 85° 20° 128 W, 1275 feet, more or less, to a point that is 60 feet easterly of and at right angles to the center-parallel to the centerline of said Left Lane, a distance of 1657 feet, more or less, to a point that is 60 feet easterly southerly, parallel to said West property line; thence southerly, parallel to said West property line; thence of said SW2 of SE2, the South property line; thence westerly, along said Sw2 of SE2, the South property line; thence westerly, or less, to the point of beginning.

Said strip of land lying in the SW2 of the SE2 of or less.

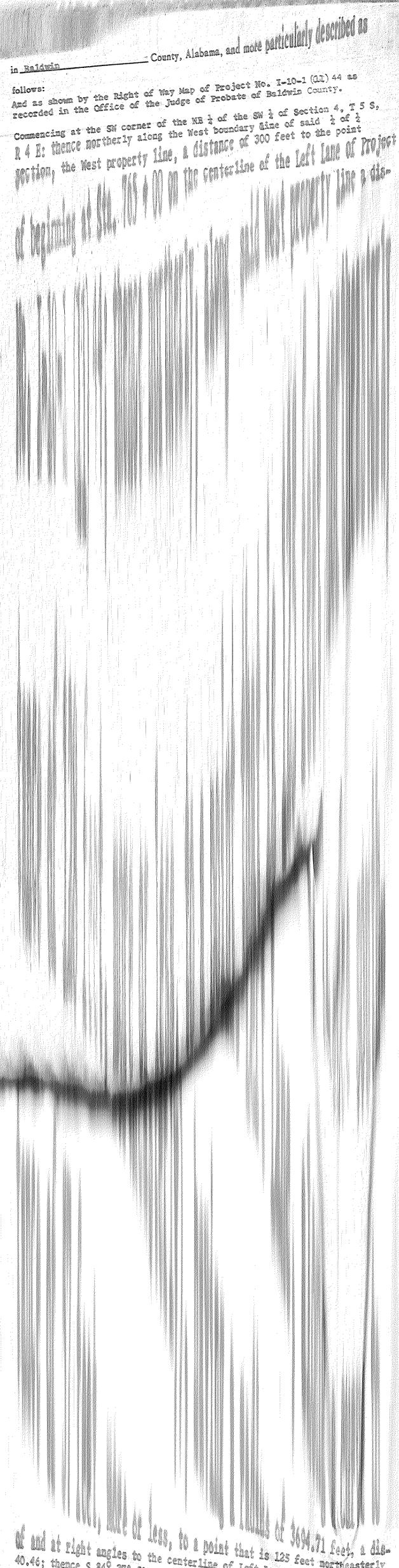
This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to the grantor's provided, however, that there is hereby reserved along a line of and at right angles to the centerline of the Right Lane of and at right angles to the centerline of the Right Lane of the feet easterly of and at right angles to the West boundary West property line; thence southerly, parallel to said West property line, a distance of 1057 feet to a point on the South

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boundary line of said Swit of SRi, the South property line)
the right of ingress to and egress from such remaining
property to and from said service road or roads which will
be accessible to the controlled access facility only at
such points as may be established by public authority.

Resement for Drainage: The herein described property, a strip of land 50 feet in width and 250 feet in length, to be used for the purpose of a drainage ditch, extending 250 feet southerly of and at right angles to the South boundary. Time of the Right of Way for Project No. I-10-1 (11) from Station 783+75 to Station 784+25 on the Right Lame of said project.

Said strip of land lying in the SW2 of the SE2 of Section 4, T-5-S, R-4-E, and containing 0.29 acres, more or less.



Milly to a point that is 125 feet mornicasterly Mil It right angles to the centerline of Left Lane at Par. Sta. 765 of 40.46; thence S 846_376_50° E, parailel to the centerline of said left ione, a distance of 1207 feet, more or less, to a point that is W feet verterly of and at right until to the last boundary line of said to of section, the Bast property line; thence northerly, parallel to said Bast IM, I distance of 1025 feet, more or less, to a point on the North boundary line of said tof t section, the North property line; thence easterly, along said North property line, a distance of 435 feet, more or less, to a point; thence southerly, along said Bust property line, a distance 40 feet, more or less, to a point; thence westerly, parallel to the North boun SEY line of the NW 1 of the SE 1 of said 1 of 1 section 4, a distance of 175 said more or less, to a point; thence S 45 -00" W, a distance of 141 feet; line, a discourt that is 30 feet easterly of and at right angles to norther: -- erty line; thence southerly, parallel to said West property Cortherly of and f. 885 feet, more or less, to a point that is 140 feet S 840_ 37. and 1 885 reet, more or arab, ...
of 1255 feet, more or less, to the centerline of said left lane; thented of a section, the East proint on the East boundary line of said a of a section, the East property line; thence southerly, along said East Droperty line, a distance of 194 feey, more or less, to a point on the South boundary line of said i of a section, the South property line; thence Westerly, along said South Property line, a distance of 2644 feet, more or

less, to the point of beginning.

Said strip of land lying in the NE 2 of the SW 2 and the NW 2 of the GE 2 of Section 4, T 5 5, R 4 B, and containing 23.03 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appartenent to the grantor's remaining property in and to said controlled access facility, provided, however, that there is hereby reserved along a line described as (commencing at a point that is 125 feet mortherly of and at right angles to the Centerline of the Left Lans of Project No. I-10-1 (II) 44 at Sta. 777 > 27, said point being 30 feet westerly of and at right angles to the Nest boundary line of the NE 2 of the SN 2 of

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Section 4, T 5 S, R 4 E, the West property line; thence northerly, parallel to said West property line, a distance of 1025 feet, more or less, to a point on the North boundary line of said 2 of 3 section; thence easterly along the said North boundary line a distance of 435 feet, more or less, to a point on the North boundary line of the NW 2 of the SE 3 of said Section 4; thence southerly and at right angles to said point on said North boundary line a distance of 40 feet to a point; thence westerly and parallel to said North boundary line a distance of 175 feet, more or less, to a point; thence S 450-00° W, a distance of 141 feet, more or less, to a point that is SO feet easterly of and at right angles to the West boundary line of said 3 of 3 section; thence southerly, parallel to said West boundary line a distance of 385 feet to a point that is 140 feet mortherly of and at right angles to the centerline of the Laft Lane of said Project at Sta. 778 + 90) right of ingress to und egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such point as may be established by public authority.

Basement for Detour Road: Beginning at a point that is 125 feet mortherly of and at right angles to the North Right of Way Line of the Left Lane of Project No. I-10-1 (T1) 44 at Sta. 771 + 00; thence northerly and at right angles to said Right of Way line a distance of 60 feet to a point; thence easterly and parallel to the said North Right of Way line a distance of 562 feet, more or less, to a point that is 140 feet westerly of and at right angles to the Bast boundary of the NB 2 of the SW 2 of Section 4, T 5 S, R 4 B, thence northerly and parallel to the said Bast boundary line a distance of 808 feet, more or less, to a point; thence easterly a distance of 60 feet to a point that is 80 feet westerly of the said Bast boundary of said 2 of 3 section (said point being on the West Right of Way line of Brady Road); thence southerly along the said Right of Way line a distance of 873 feet, more or less, to a point that is 125 feet mortherly of and at right angles to the centerline of the Left Lane of said project (said point being on the North Right of Way line); thence westerly along the said Right of Way line a distance of 630 feet, more or less, to the point of beginning.

Said strip of land lying in the NE ; of the SN ; of Section 4, T 5 S, R 4 S, and containing 1.98 acres, more or less.

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And as shown by the Right of Way Map of Project No. I-10-1 CI) 44 as re-

Communicating at the Nil corpor of the SW 2 of the SW 2 of Section 2, T 5 S. R 4 E; thence southerly along the West boundary of said 2 of 2 section, the West property line, a distance of 23% feet to the point of beginning et St., 850 + 20 on the residence of the Left Lake of Project No. I-10-1 (11)44: Thence southerly along said West property line a distance of 915 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of the Right lane of said project; thence S. And 80°-45°-12° E, parallel to the centerline of said Right Lane, a distance of 1162 feet, more or less, to a point on the South boundary of the S } of the SW & of said Section 2, the South property line; thence easterly along said South property line a distance of 1560 feet, more or less, to a point on the Bast boundary of the SB & of the SW & of said Section 2, the Bast property line; thence mortherly along said Bast property line (crossing the centerline of said left Lane at Sta. 885 + 93) a distance of 605 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said left lane; thence N 770. 07'-20" W, parallel to the cepterline of said Left Lame, a distance of 1070 feet, more or less, to a point; thence N 470-07'-20" W a distance of 170 feet, to a point that is 210 feet northeasterly of and at right angles to the centerline of said Left Lane; thence N 779-079-200 W. parallel to the conterline of said Left Lane, a distance of 1352 feet, more or less, to a point that is 210 feet northerly of and ar right angles to the centerline of P.T. Sta. 859 - 98.61; thence porthwesterly along a curve to the left (concave southerly) having a radius of 11,669.15 feet, a distance of 230 feet, more or less, to a point on the West boundary of the SW 2 of the SW g of said Section 2, the West property line at this point; thence southerly along said West property line a distance of 215 feet, more or less, to the point of beginning.

Said strip of land lying in the S & of the SW & of Section 2, T 5 S, R 4 E,

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing fature 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)44, County of Baldwin, and all of the granters 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 grantors.

Hasement for Muck Disposal: Beginning at a point that is 125 feet southwesterly of and at right angles to the centerline of the Right Lane of Project No. I-10-1 (R1)44 at Sta. 263 + 00; thence S 80°-45'-12° E, along the SN boundary line of Right of May for said project, a distance of 770 feet, more or less, to a point on the South boundary line of the SN i of the SN i of Section 2. T 5 S, R 4 E, the South property line; thence westerly, along said South property line, a distance of 785 feet, more or less, to a point; thence N 09°-14°-46° E a distance of 125 feet, more or less, to the point of beginning.

Said strip of land lying in the SW 1 of the SW 2 of Section 2, T 5 S, R 4 E, and containing 1.12 acres, more or less.

Basement for Much Disposal: Commencing at a point that is 125 feet northeasterly of and at right abgles to the centerline of the left Lane of Project No. I-10-1 (11)44 at Sta. 884 + 00, the point of beginning; thence northeasterly and at right angles to the said centerline, a distance of 150 feet to a point; thence S 77°-07°-20° E a distance of 130 feet, more or less, to the East boundary line of the SE 1 of the SN 1 of Section 2, T 5 S, R 4 B; thence southerly along the said Rast boundary line, a distance of 135 feet, more or less, to a point on the North Right of Way of said Left Lane; thence N 77°-07°-20° E a distance of 165 feet, more or less, to the point of beginning.

Said strip of land lying in the SH 2 of the SW 2 of Section 2, T 5 5, R 4 B, and containing 0.51 acres, more or less.

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in Baldwin County, Alabama, and more particularly described as

follows: and as shown on the right-of-way map of Project No. I-10-1(11) as recorded in the Office of the Judge of Probate of Baldwin County:

Beginning at the northwest corner of the NW2 of the NE of Section 6, T-5-S, R-4-E; thence easterly along the north boundary of the said NW of NE the north property line, a distance of 60 feet, more or less, to a point that is 60 feet easterly of and at right angles to the west boundary of said $NW_{\frac{1}{4}}$ of $NE_{\frac{1}{4}}$; thence southerly and parallel to said west boundary a distance of 415 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) at Station 666+04; thence S 73° 13' 46" E, a distance of 530 feet, more or less, to a point; thence N 76° 46' 14" E, a distance of 30 feet to a point that is 140 feet northerly of said centerline at P. C. Station 671+58.95; thence southeasterly along a curve to the southeast (concave northeasterly) having a radius of 11,319.15 feet, a distance of 369 feet more or less, to a point on the south boundary of said NW2 of NS $\frac{1}{4}$; thence westerly along the said south boundary of said NW $\frac{1}{4}$ of NS $\frac{1}{4}$, a distance of 970 feet, more or less, crossing the centerline of the left lane at Station 670+42, to a point on the west boundary of said NW of NE and the centerline of Brady Road: thence northerly along the said west boundary of the said NV_4 of NE_4 and the west boundary line of the NV_4 of the NE_4 (also the centerline of said road), a distance of 658 feet, more or less, crossing the centerline of the left lane at Station 665+67.39, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E, and containing 3.52 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to the grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line described as (commencing at the northwest corner of the NW1 of the NE1 of Section 6, T-5-S, R-4-B; thence easterly along the north boundary line of the said NW1 of NB1 a distance of 60 feet, more or less, to the point of beginning on the east right-of-way line of Brady Road; thence southerly along the said east right-of-way line a distance of 415 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) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as nay be established by public authority.

Petitioner,)

VS.

EXA LOU BARNHILL, ROGER F. DEALDWIN COUNTY, ALABAMA BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL, ALVA GORDON BARNHILL and CENTRAL BALDWIN BANK OF ROBERTSDALE, ALABAMA, a corporation, as to TRACT NUMBER 17, Parcels 1 thru 3, both inclusive,

Defendants.

FINAL JUDGMENT:

This cause coming on to be heard by the Court on this the 25th 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 20th 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 ϕf 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 describ ed 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.

R. C. Miller 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 \$122,800.00.

/s/ R. C. Miller
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:

- l. 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 hereof 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, Exa Lou Barnhill, Roger F. Barnhill, Thomas Mastin Barnhill, Alva Gordon Barnhill and Central Baldwin Bank of Robertsdale, a corporation, are entitled is hereby fixed at the sum of \$122,800.00, 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 25th day of September, 1964.

LICE I DUCK, SLEWS

Deschaff Circuit Judge.

6160

STATE OF ALABAMA,		I			
	Petitioner,	I			
VS.		I	IN THE PROBATE COUPT OF		
EXA LOU BARNHILL, E	ET AL., Respondents	1	RAIDWIN COUNTY ALADAMA		
•		I	BALDWIN COUNTY, ALABAMA		
e de la companya de		I	CASE NO. 5198		
		I			
The second secon	the supplies the supplies	-	an the same and the		
		1			

FINAL ORDER OF CONDEMNATION:

	On the 18th day of	June, 1	963, came John 1	Biggs
Jake		and Michael Bal		
Commiss	ioners heretofore appoint	ed by this Court	to assess and a	!s-
certain	the damages and compensa	tion to which the	e owners and oth	er
parties	interested in the tracts	of land set for	th in the applic	ation
for cond	demnation of lands hereto	fore filed in the	is cause are ent	itled
and file	ed their report in writin	g and under oath	, setting forth	that
they awa	arded compensation and da	mages to the said	l owners and oth	er
parties	interested in Paragrama	K. Tract No. 20		
	, , , , , , , , , , , , , , , , , , ,			
No. I-de	9-1(29), in the amount of	\$ 8,500.00 , for	Parcel No	;
	, for Parcel No.			
	, \$, fo			
	cel No, \$			
	, for Parcel No.			
No.				
	It is therefore, ORDE	RED, ADJUDGED AND	DECREED by the	
Court th	nat the said report of Co	mmissioners be fi	led in this Cou	rt
and reco	orded.	maaan amaa qaa gaa aa aanaa aa aa ah amaa baa ah aa ah ah aa ah aa ah ah aa ah ah a	er en granden.	

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 23 day of ukey, 1

W. P. Stuart, Judge of Probate.

STATE OF ALABAMA,		I	
	Petitioner,	I	
vs.		I	IN THE PROBATE COURT OF
EXA LOU BARNHILL, ET	AL.,	I	BALDWIN COUNTY, ALABAMA
Res	pondetns	I	DADDWIN COONTY, ALABAMA
		I	CASE NO. 5198
		I	
	ere en	· · . · · · · X	
		I	
	FINAL ORDER	OF CON	DEMNATION:
On the	th day of	June,	1964 , 1963, came JAKE
KUELER, JOHN BIGGS		_and	BILL WINGO
Commissioners hereto:	fore appoint	ed by th	nis Court to assess and as-
certain the damages	and compensat	tion to	which the owners and other

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.

Court that the said report of Commissioners be filed in this Court

and recorded.

It is therefore, ORDERED, ADJUDGED AND DECREED by the

It is FURTHER ORDERED by the Court that said Petitioner

pay all costs of the proceeding. Done this 23 day of $\sqrt{\alpha}$

W. P. Stuart, Judge of Probate.

Frual Order & Condemnation

Trade 16, 17 & 26

Petitioner. Ĭ vs. Ţ IN THE PROBATE COURT OF Ĭ BALDWIN COUNTY, ALABAMA I CASE NO: 5198 Ĭ Ĭ Ĭ REPORT OF COMMISSIONERS: TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA: TAKE KUELER & MICHEAL BALDWIN the Commissioners duly appointed to assess the damages to Parcels Numbers ______ # 20 of Project No. I-105-xxxxxxx to which the owner and other parties interested 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 interested 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 compensation for the condemnation of their property, the following amount: Project No. I-86-1(28), Farcel No. 20 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.____ Project No. I-65-1(28), Parcel No. \$_____\$ Project No. I-65-1(28), Parcel No._____\$__

Ĭ

STATE OF ALABAMA.

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 considered by us, or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our

appointment.

Sworn to and subscribed before me

L.D. OWEN, JR.

Report of Commirs
Tract 20

STATE OF ALABAMA, Ĭ Petitioner, I VS. I IN THE PROBATE COURT OF Ĭ BALDWIN COUNTY, ALABAMA Ĭ Ţ CASE NO: 5198 Ĭ Ĭ REPORT OF COMMISSIONERS: TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA: TOWN BIGGS & BILL WINGO the Commissioners duly appointed to assess the damages to Parcels Numbers TRACT # 17 of Project No. I-1605-1x(200x), to which the owner and other parties interested 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 interested 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 compensation for the condemnation of their property, the following amount: Project No. I-65-1(28), Parcel No. // \$/020000 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.______\$____ 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 considered by us, or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

Commissioner.

Commissioner.

Commissioner.

Sworn to and subscribed before me

this _20th day of

1963.

XXXXXXXXXXXXX Judge of Probate.

L.D.OWEN, JR.

Report of Commers
Rarcel 17

6164

STATE OF ALABAMA,		I	
	Petitioner,	I	
vs.		I	IN THE PROBATE COUPT OF
		I	BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET	AL.,	I	BABBUTN COUNTY, ALABAMA
	Respondents	I	CASE NO. 5198
		I	
the mean transmission of		I	
		I	

FINAL ORDER OF CONDEMNATION:

	On the _	lith day of	June,	1964, 3	%xxx c sme	F. B. E13	<u>is</u> on
Car1	Ellison	· · · · · · · · · · · · · · · · · · ·	_and	John B	iggs	· · · · · · · · · · · · · · · · · · ·	,
Commiss	ioners heret	ofore appoint	ted by th	is Court	to asses	s and as-	
certain	the damages	and compense	ation to	which th	e cwners	and other	
parties	interested	in the tracts	s of land	l set for	th in the	applicat:	ion
for cond	demnation of	lands hereto	ofore fil	ed in th	is cause	are entit]	led
and file	ed their repo	ort in writin	ng and un	der oath	, setting	forth tha	it
they awa	arded compen:	sation and da	images to	the sai	d owners	and other	
parties	interested :	in Parkkarak	x Tract	No. 25	· ···· · · · · · · · · · · · · · · · ·		>
	<u> </u>		,	<u> </u>	nd	, Projec	:t
No. IXX	Statistic in	the amount of	\$24,000	.00 , fo	r Parcel	No.	;
\$, for Pa	arcel No	, \$_		, for	Parcel No	٠.
***************************************	, \$, £0	or Parce	1 No	, \$	· · · · · · · · · · · · · · · · · · ·	_,
for Parc	cel No.	, \$		for Par	cel No	,	
\$, for Pa	arcel No.	; an	d \$, f	or Parcel	
No.	•						
	It is the	erefore, ORDE	ERED, ADJ	UDGED AN	D DECREED	by the	
Court th	nat the said	report of Co	ommission	ers be f	iled in t	his Court	
and rec	orded.	was a sure of the	and the second second		er commencer of the commencer of	er og had til med her og had er	70 9 34

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 23 day of , 1963.

W. R. Stuart, Judge of Probate.

Final Order of Condemnation Tracta 25

STATE OF ALABAMA. Ĭ Petitioner. Ĭ vs. Ĭ IN THE PROBATE COURT OF Ţ BALDWIN COUNTY, ALABAMA I Ĭ CASE NO: 5198 Ĭ Ţ REPORT OF COMMISSIONERS: TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA: Come the undersigned, Jake Keuler, John Biggs, Bill Wingo the Commissioners duly appointed to assess the damages to Parcels Numbers Tract #16---of Project No. 1-265-1(26), to which the owner and other parties interested 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 interested 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 compensation for the condemnation of their property, the following amount: Project No. I-18-1(18), Fercel No. 16 \$ 2000.00 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 considered by us, or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

Comissioner

Commissioner.

Commissioner

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Sworn to and subscribed before

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STATE OF ALABAMA, Ĭ Ĭ Petitioner, IN THE PROBATE COURT OF vs. Ĭ Ĭ BALDWIN COUNTY, ALABAMA Ĭ CASE NO: 5198 Ĭ Ĭ ĭ REPORT OF COMMISSIONERS: TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA: Cone the undersigned, F. B. Ellison, Carl Ellison. John Biggs the Commissioners duly appointed to assess the damages to Parcels Numbers Tract_#25.___. of Project No. I-KX-1($\frac{26}{25}$), to which the owner and other parties interested 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 interested 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 compensation for the condemnation of their property, the following amount:

| T-|-|0(||) | 2nct | Project No. 105-1(28), Parcel No. 25 | \$24,080.00 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._____ \$___ 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 considered by us, or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

Commissioner.

Commissioner

Commissioner

Sworn to find subscribed before me

this the day of

19**63**6.

AKCOROCSDUSTEDCXXIII DECODOS OPPONENTA.

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

STATE OF ALABAMA. Ĭ Petitioner. Ĭ vs. Ĭ IN THE PROBATE COURT OF Ĭ BALDWIN COUNTY, ALABAMA Ĭ I CASE NO: 5198 Ĭ Ĭ REPORT OF COMMISSIONERS: TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA: Cone the undersigned, Bill Wingo, Jake Keuler, John Biggs the Commissioners duly appointed to assess the damages to Parcels Numbers Tract #26 ---... of Project No. I-65-1(28), to which the owner and other parties interested 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 interested thorein 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 compensation for the condemnation of their property, the following amount: Project No. I-65-1(28), Parcel No. 76 \$ 500.00 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. \$ 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 considered by us, or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

omnissioner.

Commissioner,

Commissioner.

Sworn to and subscribed before me

this 2011 day of

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

STATE OF ALABA	MA,	I	
	Petitioner,	I	
Vs.		I	IN THE PROBATE COURT OF
		Î	BALDWIN COUNTY, ALABAMA
EXA LOU BARNHII	LL. ET AL.	Î	DADDWIN GOOWII; ALADAWA
	,	I	CASE NO: 5198
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		I	
TO ANY SHERIFF	OF THE STATE OF	ALABAMA,	GREETINGS:
	YOU ARE HEREB	Y COMMAN	NDED to serve the following
notice upon	RAY E. LOPER	LUMBER	COMPANY, a corporation
	Ray E. Loper,	, Agent	
<u> </u>	BAY MINETTE,	ALABAMA	
		···	
	You will take	notice	that on the 20th day of
APRIL	_, 19 <u>64</u> , an app	olicatio	n or petition was filed in
this court by	the State of Alaba	ıma, a c	opy of which petition is a
attached hereto	, setting forth i	its desi	re to condemn for certain
purposes there	in stated, certain	lands	belonging to
RAY E. LOPER LU	UMBER COMPANY, as	to Trac	t 20
a description of	of said lands bein	ıg speci	fically set forth in said
application or	petition filed in	this c	ourt and said application or
petition prays	that this Court w	ill mak	e and enter an order appoint-
ing a day for h	earing of said ap	plicati	on and for such other and
further orders	and procedures as	may be	necessary. You will take
further notice	that the Court ha	s appoi	nted the 14th day of
MAY	_, 19 <u>64</u> , at]	0:00 A.	M. o'clock, to hear said
application or	petition, at whic	h time	you may appear and contest the
same if you so	desire to do.		
	WITNESS my han	d this	20 day of APRIL ,
19_64			21 D
•	4 QQ -		

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STATE OF ALABAMA,	I
Petitioner,	I TN THE PROPAGE COURT OF
vs.	IN THE PROBATE COURT OF
	I BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET AL.,	I TION
Respondents.	CASE NO: <u>5/98</u>
and the second s	make the second of the second
	I
TO ANY SHERIFF OF THE STATE OF ALA	
•	CMMANDED to serve the following
notice upon VERNOL R. J.	ANSEN, JR.,
UNITED STAT	ES ATTORNEY
FEDERAL BUI	LDING, MOBILE, ALABAMA
You will take no	tice that on the 2box day of
, 19_64, an appli	cation or petition was filed in
this court by the State of Alabama	, a copy of which petition is a
attached hereto, setting forth its	desire to condemn for certain
purposes therein stated, certain 1 CARL ANDERSON AND COLON L. ANDER	ands belonging to
CARL ANDERSON AND COLON L. ANDER	Son, as to tract number 25
a description of said lands being	specifically set forth in said
application or petition filed in t	his court and said application or
petition prays that this Court wil	
ing a day for hearing of said appl	
further orders and procedures as m	
further notice that the Court has	
	00 A.M. o'clock, to hear said
	time you may appear and contest the
same if you so desire to do.	armo you may appoar and control of
•	this 20th day of April ,
`\	chis were day of April ,
19 <u>64</u> . {4-5-8-64	
64-3-8-64 197	La Dem, Je

L.U. wen, Jr. W:-R:-Stuart, Judge of Probate

VIL 2211

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by serving a eo	py of the will in on
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By Chay	BRINGES, Sheritt
	De

RECEIVED

MAY 5 1964

SHERIFF'S OFFICE

STATE OF ALABAMA,	I
Petitioner,	I
Vs.	IN THE PROBATE COURT OF
	I BALDWIN COUNTY, ALABAMA
	Ĭ
EXA LOU BARNHILL, et al.	CASE NO: 5/98
	r T
and the second of the second o	And the second s
	Y .
Maritin Barrell	
TO ANY SHERIFF OF THE STATE OF	F ALABAMA, GREETINGS:
YOU ARE HEPI	EBY COMMANDED to serve the following
notice upon RERTHA NOR	тноптт
ROBERTSDAL	E, ALABAMA
/>	
You will tak	ce notice that on the 20th day of
or $April 1$. The substitute of the 4 is the 4 is the 4 is the 4 in	application or petition was filed in
	ebama, a copy of which petition is a
	its desire to condemn for certain
purposes therein stated; certa	
O. M. NORTHCUTT AND BERTH	A NORTHCUTT, TRACT NUMBER 26
a description of said lands be	eing 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 appoint-
ing 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 14th day of
, 19_ <u>64</u> , a	t 10:00 A.M. o'clock, to hear said
application or petition, at wh	ich time you may appear and contest the
same if you so desire to do.	
WITNESS my h	and this 20th. day of Anril ,
19 64 .	
	WAR O
204	- X N V hu X
	Wirk Stuart, Judge of Probate

Ten Cents per mile Total & S. Jo.

Ten Cents per mile Total & Sheriff
TAYLOR WILKINS, Sheriff
TAYLOR WILKINS, CHIEDIES

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STATE OF ALABAMA	,	I	
٧s.	Petitioner,	I	IN THE PROBATE COURT OF
EXA LOU BARNHILL,	ET AL.	I	BALDWIN COUNTY, ALABAMA
	Respondents,	I	CASE NO: 5198
	Company of the Compan	I Y	
		I	
TO ANY SHERIFF O	F THE STATE OF ALA	ABAMA	, GREETINGS:
		,	NDED to serve the following
notice upon	C. O. NIMS		
·	LOXLEY, ALA	BAMA	
		general General	
. 4'			
* **		· · · · · · · · · · · · · · · · · · ·	
	You will take no	tice	that on the 20th day of
APRIL	19 <u>64</u> , an appli	catio	on or petition was filed in
this court by the	e State of Alabama	, a c	copy of which petition is a
			ire to condemn for certain
	•		belonging to
	to Tract Number 16		
a description of	said lands being	speci	fically set forth in said
application or pe	etition filed in t	his c	ourt and said application or
petition prays th	at this Court wil	l mak	e and enter an order appoint-
ing a day for hea	ring of said appl	icati	on and for such other and
further orders an	d procedures as m	ay be	necessary. You will take
further notice th	at the Court has	appoi	nted the 14th day of
MAY, 19 64, at 10:00 A.M.c.clock, to hear said			
application or pe	tition, at which	time	you may appear and contest the
same if you so de	sire to do.		
	WITNESS my hand 1	this	20 th day of April ,
19 64 .		<i>(</i> -	. 6
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	216	D. C	Wen, Jr.
	· - }	भ - निर	-Stuart, Judge of Probate

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By service on		-	· · ·	<u> </u>		
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	TAYLOR			S, Sh	ftff :	-
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BY V	COR V	J-KI	etaj ş Ns	4		It .
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STATE OF ALABAMA,	I	
Petitioner,	I	
vs.	IN THE PROBATE COURT OF	
	I BALDWIN COUNTY, ALABAMA	
EXA LOU BARNHILL, ET AL.,	I	
Respondents.	CASE NO: <u>5198</u>	
	Management of the second secon	
egyer e meget er er gett i syggemen meget minde kommen en generale et e en e	mingraken kan ang kambana ang kan ang penggulan ang kang tantang ang kanalan ang kanalan ang pagalan. Tang kanalan ang kanalan a	
	I	
TO ANY SHERIFF OF THE STATE OF ALA	BAMA, GREETINGS:	
YOU ARE HEREBY C	OMMANDED to serve the following	
and the control of th	IN COUNTY SAVINGS & LOAN ASSOCIATION	
ROBERT	TSDALE, ALABAMA	
A Company of the Comp		
You will take not	tice that on the 20th day of	
APRIL , 19 64, an applic	cation or petition was filed in	
this court by the State of Alabama,	, a copy of which petition is a	
attached hereto, setting forth its	desire to condemn for certain	
purposes therein stated, certain la	ands belonging to	
C. O. Nims, as to Tract Number 16		
a description of said lands being s	pecifically set forth in said	
application or petition filed in th	is court and said application or	
petition prays that this Court will	make and enter an order appoint-	
ing a day for hearing of said appli	cation and for such other and	
further orders and procedures as ma	y be necessary. You will take	
further notice that the Court has appointed the 14th day of		
MAY , 19 64 , at 10:0	0 A. M.o'clock, to hear said	
application or petition, at which t	ime you may appear and contest the	
same if you so desire to do.		
WITNESS my hand t	his 20th day of April ,	
19 64		
	XSOum &	
200 L.W	D. Owen, JrlRStuart, Judge of Probate	

served a copy of the within Police
on Selduen Aunity
Syservice on

RIOule Chile

Sheriff claims 50 miles at Ten Cents per mile Total \$.500 TAYLOR WILKINS, Sheriff BEPUTY SHERIFF Lace

STATE OF ALABAMA,	I
Petitioner,	I IN THE PROBATE COURT OF
EXA LOU BARNHILL as to TRACT 17, Parcels 1 thru 3, inclusive,	I BALDWIN COUNTY, ALABAMA
ET AL.,	I CASE NO: <u>5198</u>
Anna de la company de la compa	And a contract of the contract
	I
TO ANY SHERIFF OF THE STATE OF AL.	ABAMA, GREETINGS:
YOU ARE HEREBY	COMMANDED to serve the following
notice upon EXA LOU BARNHII	
ROBERTSDALE, AI	LABAMA
You will take no	otice that on the 20 day of
and programmer of the control of the	cation or petition was filed in
this court by the State of Alabama	
attached hereto, setting forth its	
purposes therein stated, certain 1	
Exa Lou Barnhill, Tract 17, Parce	
a description of said lands being	
application or petition filed in t	
	I make and enter an order appoint-
ing a day for hearing of said appl	some of a strong community and a community of the communi
further orders and procedures as m	ay be necessary. You will take
further notice that the Court has	appointed the 14th day of
May , 19 64 , at10:	00 A.M. o'clock, to hear said
application or petition, at which	time you may appear and contest the
same if you so desire to do.	4
WITNESS my hand	this <u>20th</u> day of April
19	LA Dan J
206 L	Down Jr. Judge of Probate
•	MARKARAMEK, Judge of Probate

By service on_ Sheriff claims_ Ten Cents per mile Total & U. O U
TAYLOR WILKINS, Sheriff
BY Callele Children
DEPUTY SHERIFF

S

STATE OF ALABAMA,	I
Petitioner,	I
Vs.	IN THE PROBATE COURT OF
EXA LOU BARNHILL, et al.	I BALDWIN COUNTY, ALABAMA
LAR DOU DARWITTED, et al.	I
	CASE NO: 5198
	I
	general and the second
	· · · · · · · · · · · · · · · · · · ·
	•
TO ANY SHERIFF OF THE STATE OF	ALABAMA, GREETINGS:
YOU ARE HEREB	Y COMMANDED to serve the following
notice upon CENTRAL BALDWIN	N BANK
ROBERTSDALE, ALA	ABAMA
You will take	notice that on the 20th day of
	plication or petition was filed in
	ama, a copy of which petition is a
	its desire to condemn for certain
purposes therein stated, certain	•
EXA LOU BARNHILL, Tract 17, Par	
and the second s	ng specifically set forth in said
the state of the s	n this court and said application or
petition prays that this Court o	will make and enter an order appoint-
ing a day for hearing of said a	oplication and for such other and
further orders and procedures as	s may be necessary. You will take
further notice that the Court ha	as appointed the 14th day of
MAY , 19 64 , at	10:00 A.M o'clock, to hear said
application or petition, at whic	th time you may appear and contest the
same if you so desire to do.	
WITNESS my har	nd this 20th day of APRIL ,
19 64 .	
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Received day of april 19 60 and on 22 day of april 19 60 and on 22 day of april 19 60 and on 22 day of the within Potice on Control Stillier Sank

By service on BELLis

TAYLOR WILKINS Sherin

R'Wale

S. C.

	NOTICE TO SHERIFF:	STATE OF ALABAMA, BALDWIE COUNTY
CTATE OF 11 45 414	,	Filed 5_20_64_M
STATE OF ALABAMA)	Escorded Doub page
BALDWIN COUNTY)	Judge of Probate
You are	hereby COMMANDED to noti	.fy:
BILL WINGO		
JAKE KUELER		
JOHN BIGGS		
that in a proceeding	ng in this Court styled S	State of Alabama vs.
O.M. NORTHCUTT & BT	ERTHA NORTHCUTT, ETAL, T	RACT # 26 , et al
and Baldwin County,	, a political subdivision	of the State of Alabama,
in which the State	of Alabama sought to con	demn a certain right of
way or easement ove	er certain lands in this	County for the purposes
of a public highway	or road as stated in th	e application for con-
demnation in this c	ause, this Court renders	d a decree condenning the
right of way or eas	ement over the lands the	rein sought, and appoint-
ed them to view sai	d property sought to be	condemned, hear evidence
and assess such dam	ages and compensation as	the cwners and interest-
ed parties are enti	tled to recover for the	taking of the same for
said public uses an	d purposes.	
You are	hereby commanded to serv	e a copy of the commission
hereto attached upo	n each of said commission	ners within five (5) days
from the receipt he	reof, and make return as	to how you have execut-
ed this mandate.		
Done thi	s 20th. day of Ma	, 1963 ₄ .
atti kati singan <u>tilang panggan</u> an mga panggan manan sa pagamanggan sa panggan sa		The second secon
		D. Owen Oxin
		MXXXX, Judge of Probate.
	L.D. OWE	in, JR, Perale
	0	hiet clark

Received 2/- Day of May 1964
and on 5-25-64 & Secueda notice
on Bill Wings at Robertsdale, ala
and on 5-27-64 & Secueda notice
on Jake Kneller at Loxlay ala
finde John Biggs 5 st. La
keylow Willshir Sheriff

Ten Cents per mile Total \$ TAYLOR WILKING, Sheriff



Office of Circuit Judge

NINETEENTH JUDICIAL CIRCUIT
CLANTON, ALABAMA

JOSEPH J. MULLINS CIRCUIT JUDGE REBECCA DELENE CLECKLER

October 15, 1964

Mrs. Alice J. Duck, Circuit Clerk Baldwin County, Alabama Box 239 Bay Minette, Alabama

Dear Mrs. Duck:

In Re: State Of Alabama vs. Exra Lou Barnhill, Et., Al., -Circuit Court, Baldwin County, Alabama, Case No. 6164.

Joséph /J. Mullins

I am enclosing herein Motion For New Trial this day presented to me in the above matter, and have continued the same to be heard at 10:00 o'clock, A. M. on the 4th. day of December, 1964. If for any reason this date is not satisfactory with the Attorneys involved, and the Court Reporter there, it will be necessary that they notify me immediately.

It is my opinion that the formal order of the Supreme Court directing me to go to Bay Minette on the occasion of the trial of this case carries over and would cover the hearing of this motion.

I am

JJM:rdc

Enclosure: 1

CC: Honorable J. B. Blackburn

Attorney At Law Bay Minette, Alabama

CC: Honorable Telfair J. Mashburn

Attorney At Law Bay Minette, Alabama

NOTICE TO SHERIFF:

)	# 5198
BALDWIN COUNTY)	
You are hereby COMMANDED to a	notify:
JAKE KUELER JOHN BIGGS	
BILL WINGO	
that in a proceeding in this Court style	ed State of Alabama vs.
EXA LOW BARNHILL, ETAL., TRACT # 17	, et al
and Baldwin County, a political subdivis	sion 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 th	nis County for the purposes
of a public highway or road as stated in	n the application for con-
demnation in this cause, this Court rend	dered a decree condemning the
right of way or casement 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	n 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 commi	ssioners within five (5) days
from the receipt hereof, and make return	n as to how you have execut-
ed this mandate.	
Done this 29th. day of	May , 1963.
appropriate and the control of the c	De Ouron Or.
XXXIX	XXXXXXXX Judge of Probate.
By: \mathcal{Q}	OWEN, JR.

#5198

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing Notice of Appeal upon CENTRAL BALDWIN BANK OF ROBERTSDALE, ALABAMA, and make due return to this Court of such service.

DONE this 24th day of July, 1964.

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

Received 2 day of July 1964

and on 3 day of July 1964

I served a copy of the within 1860 of July 1960

on Entra Bullian State on Harman Bullian Sheriff

By Califf Claims Total S. Sheriff

Taylor Wilkins, Sheriff

NOTICE TO SHERIFF:

STATE OF ALABAMA)		CASE # 5198
BALDWIN COUNTY)		
	hereby COMM/	ANDED to notify:	
JAKE KUELER			
JOHN BIGGS			
BILL WINGO			
that in a proceedin	g in this Co	ourt styled State of	Alabama vs.
EXA LOU BARNHILL, E	TAL, TRACT	# 17	, et al
and Baldwin County,	a political	I subdivision of the	State of Alabama,
in which the State	of Alabama s	sought to condemn a o	ertain right of
way or easement ove	r certain la	ands in this County i	for the purposes
of a public highway	or road as	stated in the applic	ation for con-
demnation in this c	ause, this (Court rendered a deci	see condemning the
right of way or eas	ement over t	the lands therein sou	ight, and appoint-
ed them to view sai	d property s	sought to be condemne	ed, hear evidence
and assess such dam	ages and com	npensation as the own	ners and interest-
ed parties are enti	tled to reco	over for the taking o	of the same for
said public uses an	d purposes.		
You are	hereby comma	anded to serve a copy	of the commission
hereto attached upo	n each of sa	aid commissioners wit	hin five (5) days
from the receipt he	reof, and ma	ake return as to how	you have execut-
ed this mandate.			
Done thi	s <u>29th</u>	lay of May	, 1963.
and the state of t	September 1990 - La Company of the C		and the second of the second o
	, 1	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Deven or indge of Probate.
·		chee	1 clerk

Received 29day of 1	^
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and onday of	
I served a)copy of the within	7
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on fake xueles	6-3-67
- (Who Deans	5/30/64
Bull Yu	- Jake
and the same of th	enge 6/3/64
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TAYOR-WILLING	Sheriff
(Defending)	1
)
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Sheriff claims miles	
Ten Centu per mile Total \$	
TAYLOR WILKINS, Sheriff	
BY CC	
DEPUTY SHERIFF	

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STATE OF ALABAMA,)
Petitioner,) IN THE PROBATE COURT OF
vs.) BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET AL.,)
Respondents.) CASE NO: <u>5/98</u>
***)
TO ANY SHERIFF OF THE STATE OF	ALABAMA, GREETINGS:
YOU ARE HEREBY COMMAN	DED to serve the following notice
upon THOMAS MASTIN	BARNHILL
LOXLEY, ALABA	MMA
	that on the $\frac{14 \mathrm{th}}{}$ day of $\frac{\mathrm{May}}{}$ n was filed in this Court by the State
	ition is attached hereto, setting forth
, , , ,	in purposes therein stated, certain
	BARNHILL, ET AL.,
a description of said lands bei	ng specifically set forth in said
	n this Court and said application or
	will make and enter an order appoint-
• •	pplication and for such other and
	s may be necessary. You will take
further notice that the Court h	
	o'clock A. M., to hear said
	ch time you may appear and contest the
same if you so desire to do.	
WITNESS my hand this	
	Den 2
Sheriff claimsmiles_at	Choralian
Ten Cents per mile Total \$	Chief Clark .R.D. Owen, Jr Judge of Probate C
8Y	and on 14 day of May 1964
BTATE OF ALABAMA, BALDWIN COUNTY Filed5	I served a copy of the within Motice:
Becorded A	on Thorows Mastin Barnfull
- D. Owen A	By service on
Judge of Probate a. 195	
THE THE	TAYLOR WILKINS, Sheriff

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Filed S-14-64 served a copy of the within noting		•		
EXA LOU BARNHILL, et al., Respondents. Respondents. CASE NO: 5/98 TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS: YOU ARE HEREBY COMMANDED to serve the following notice upon		STATE OF ALABAMA,)	
TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS: YOU ARE HEREBY COMMANDED to serve the following notice upon ROCHE F. BARNHILL LOXLEY, ALABAMA You will take notice that on the 14th day of May Amended 1964, 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 EXA LOU BARNHILL, ET AL., a description of said lands being specifically set forth in 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 27th day of May 1964, at 10:00 o'clock A. M., 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 14thday of MBy 1964. Shorth Glaboms TANLOR WILLOUS Shorth as a point of the within Amelia at Tan Conta per mile Total Shorth and this 14thday of MBy 1964. Shorth Glaboms Deputy MILLOUS Shorth as a point of the within Amelia at Tan Conta per mile Total Shorth and this 14thday of MBy 1964. Shorth Glaboms Deputy MILLOUS Shorth as a point of the within Amelia at Tan Conta per mile Total Shorth and this 14thday of MBy 1964. Shorth Glaboms Deputy MILLOUS Shorth and Tan Conta per mile Total Shorth and Tan		Petitioner,)	IN THE PROBATE COURT OF
Respondents.) CASE NO: 5/98 TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS: YOU ARE HEREBY COMMANDED to serve the following notice upon RCGER F. BARNHILL LCXLEY, ALABAMA You will take notice that on the 14th day of May Amended 1964, 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 condenn for certain purposes therein stated, certain lands belonging to EXA LOU BARNHILL, ET AL., a description of said lands being specifically set forth in 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 27th day of May 1964, at 10:00 o'clock A. M., to hear said application or petition, at which time you may appear and contest the same if you so desire to do. MITNESS my hand this 14thday of May 1964. Should claims for mile rolls at 15 miles at 1		vs.)	
TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS: YOU ARE HEREBY COMMANDED to serve the following notice upon ROCER F. BARNHILL LOXLEY, ALABAMA You will take notice that on the 14th day of May Amended 1964, 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 EXA LOU BARNHILL, ET AL., a description of said lands being specifically set forth in 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 27th day of May , 1964, at 10:00 o'clock A. M., 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 14thday of May , 1964. Sheriff claims There are the court will have good a probate. Sheriff claims There are the court will be added a possible of the court will be added a possible of the court which time you may appear and contest the same if you so desire to do. WITNESS my hand this 14thday of May , 1964. Sheriff claims There are the court will be added a possible of the court will be		EXA LOU BARNHILL, et al.,)	BALDWIN COUNTY, ALABAMA
YOU ARE HEREBY COMMANDED to serve the following notice upon ROGER F. BARNHILL LOXLEY, ALABAMA You will take notice that on the 14th day of May Amended 1964, 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 EXA LOU BARNHILL, ET AL., a description of said lands being specifically set forth in 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 27th day of May , 1964, at 10:00 o'clock A. M., 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 14thday of May , 1964. Sharlif claime Taylor WILKINS, Sheriff STATE OF ALABAMA, BALDWIN COUNTY Find Short page		Respondents.)	CASE NO: <u>5/98</u>
YOU ARE HEREBY COMMANDED to serve the following notice upon ROGER F. EARNHILL LOXLEY, ALABAMA You will take notice that on the 14th day of May Amended 1964, 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 EXA LOU BARNHILL, ET AL., a description of said lands being specifically set forth in 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 27th day of May 1964, at 10:00 o'clock A. M., 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 14thday of May 1964. Sharlf Glange of Freday 1964.)	
You will take notice that on the 14th day of May Amended 1964, 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 EXA LOU BARNHILL, ET AL., 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 27th day of May , 1964, at 10:00 o'clock A. M., 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 14thday of May , 1964. Sherliff claims Taylor Wilkiaks Sherliff STATE OF ALABAMA, BALDWIN CODNTY Fled Same of Frebate And Sherliff Colors for the winth Andrew on Fager The State of Trabate And Sherliff Colors for the winth Andrew on Fager The State of Trabate And Sherliff Colors for the winth Andrew on Fager The State of Trabate And Sherliff State of Trabate And Sherliff Colors for the winth Andrew on Fager The State of Trabate And Sherliff State of Trabate And Sherliff State of Trabate And Sherliff Sherliff State of Trabate And Sherliff Sherlif	36 	TO ANY SHERIFF OF THE STATE	OF ALABAMA	, GREETINGS:
You will take notice that on the 14th day of		YOU ARE HEREBY COM	MANDED to	serve the following notice
You will take notice that on the 14th day of May Amended 1964, 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 EXA LOU BARNHILL, ET AL., 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 27th day of May 1964, at 10:00 o'clock A. M., 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 14thday of May 1964. Sheriff claims Taylor WILKING, Sheriff by Open May 19		upon ROGER F. BARN	HILL	
1964, 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 toEXA LOU BARNHILL, ET AL., a description of said lands being specifically set forth in 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 _27th day of May, 1964, at10:00o'clock A. M., 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 this14thday ofMay, 1964. Sheatiff claims		LOXLEY, ALABAI	MA	
1964, 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 toEXA LOU BARNHILL, ET AL., a description of said lands being specifically set forth in 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 27th day of May, 1964, at10:00o'clock A. M., 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				
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of Alabama, a copy of which petition is attached hereto, setting forth its desire to condemn for certain purposes therein stated, certain lands belonging toEXA LOU BARNHILL, ET AL., 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 the27thday of		Amended		
its desire to condemn for certain purposes therein stated, certain lands belonging toEXA LOU BARNHILL, ET AL., a description of said lands being specifically set forth in 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 _27th _day of				
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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 27th day of May , 1964, at 10:00 o'clock A. M., 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 14thday of May , 1964. Sheriff claims Amiles at Taylor WILKIMS, Sheriff BY Deputy SHERIFF BY L. D. Owen The Court of the Within May 1964. ETATE OF ALABAMA, BALDWIN GOUNTY FINAL DEPUTY SHERIFF BY I Served a copy of the Within May 1964. Browned Deputy SHERIFF BY I Served a copy of the Within May 1964. By Service on By s		its desire to condemn for ce	rtain purpo	oses therein stated, certain
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 27th day of May , 1964, at 10:00 o'clock A. M., 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 14thday of May , 1964. Sheriff claims Taylor WILKIMS, Sheriff By Down Taylor WILKIMS, Sheriff Secondary Deputy Sheriff Secondary Deputy Sheriff Secondary Deputy Sheriff By Down Taylor Deputy Sheriff Secondary Deputy Sheriff Secondary Deputy Sheriff Secondary Deputy Sheriff Secondary Deputy Sheriff Sheriff Secondary Deputy Sher		lands belonging toEXA LO	U BARNHILL,	, ET AL.,
ac	Ter BY STAT Filed_	petition prays that this Couring a day for hearing of said further orders and procedures further notice that the Couring May , 1964, at 10 application or petition, at a same if you so desire to do. WITNESS my hand the Couring American Cents per mile Total \$	rt will maked applications as may be that appoint the same appoint the sam	ce and enter an order appoint- ion and for such other and e necessary. You will take inted the 27th day of o'clock A. M., to hear said you may appear and contest the ay of May, 1964. Chief Clerk Judge of Probate. ed, Jr. Judge of Probate. day of Judge of Probate. day of Judge of
196 TAYLOR WILKINS, Sheriff By W.O. Larner		Jadge of Probate and	By serv	ice on
175			196	TAYLOR WILKINS, Sheriff By W. O. Sames

NOTICE TO SHERIFF: STATE OF ALABAMA, BALDWIA ROUNT) STATE OF ALABAMA BALDWIN COUNTY You are hereby COMMANDED to notify: ___ F. B. ELLISON CARL ELLISON . TOHN BIGGS that in a proceeding in this Court styled State of Alabama vs. CARL ANDERSON, ETAL, TRACT # 25 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 condemnation in this cause, this Court rendered a decree condomning the right of way or easement over the lands therein sought, and appointed them to view said property sought to be condemned, hear evidence and assess such damages and compensation as the owners and interested 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 executed this mandate. Done this 20th. day of May

Received 2 day of 1960

I served a copy of the within 199

on 23 let Rosenton

By service on Less B-23-let

TAYLOR WILKINS Shoriff

By M Castlury D. S.

Rosenton D. S.

Sheriff claims — miles at TAYLOR VARIORS, Sheriff

TAYLOR VARIORS, Sheriff

BY DESTY SHERIFF

NOTICE TO SHER	IFF:
	STATE OF ALAZAMA, BALDWIN COURTY
STATE OF ALABAMA)	Filed 5_20_ 64
BALDWIN COUNTY)	Bosordod P. Ougan O
	Judge of Probate Co
You are hereby COMMANDED t	
TAKE KEULUR	
JOHN BIGGS	
BILL WINGO	
that in a proceeding in this Court st	yled State of Alabama vs.
C. O. NIMS (BALDWIN SAVINGS & LOAN) T	TRACT 16 , et al
and Baldwin County, a political subdi	vision 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 r	endered a decree condenning the
right of way or easement over the lan	ds therein sought, and appoint-
ed them to view said property sought	to be condemned, hear evidence
and assess such damages and compensat	ion as the owners and interest-
ed parties are entitled to recover fo	r the taking of the same for
said public uses and purposes.	
You are hereby commanded t	o serve a copy of the commission
hereto attached upon each of said com	missioners within five (5) days
from the receipt hereof, and make ret	urn as to how you have execut-
ed this mandate.	
Done this 20th. day of	, 1963.
	L. D. Owe Dr.
-	MAXXONANTX, Judge of Probate. D. OWEN, JR.
Bv:	an Kesalier

5/98

NOTICE TO SHERIFF:

	STATE OF ALABAMA. BALUWIN OCO.
STATE OF ALABAMA	Filed 5 - 20 - 6 4
BALDWIN COUNTY)	seconded De book page
	Judge of Probate
You are hereby COMMANDED to	notify:
- BIET WINGO	
JAKE KUELER	
JOHN BIGGS	
that in a proceeding in this Court styl	ed State of Alabama vs.
O.M. NORTHCUIT & BERTHA NORTHCUIT, ETA	L, TRACT # 26 , et al
and Baldwin County, a political subdivi	sion of the State of Alabama.
in which the State of Alabama sought to	
way or easement over certain lands in t	
of a public highway or road as stated i	n the application for con-
demnation in this cause, this Court rem	ndered a decree condenning 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	on 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 commi	issioners within five (5) days
from the receipt hereof, and make return	on as to how you have execut-
ed this mandate.	
Done this 20th day of	May , 1963.
entral de la companya de la company La companya de la co	

N. R. Stuart, Judge of Probate.

NOTICE TO SHERIFF: STATE OF ALABAMA, BALDWIN COUNTY Filed ____ 5 - 20 - 6 4 STATE OF ALABAMA BALDWIN COUNTY You are hereby COMMANDED to notify:_ TAKE KHELER MICHEAL BALDWIN that in a proceeding in this Court styled State of Alabama vs. RAYOF LOPER LUMBER COMPANY, ETAL , TRACT # 20 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 condemnation in this cause, this Court rendered a decree condenning the right of way or easement over the lands therein sought, and appointed them to view said property sought to be condemned, hear evidence and assess such damages and compensation as the owners and interested 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 executed this mandate.

Done this _____day of ____

NOTICE TO SHERIFF:

5/98

STATE OF ALABAMA
BALDWIN COUNTY

emme e gara e ega e e	You are hereby COMMANDED to notify:	
	B. WILISIN	
	ARL BELISON	_
	DEN BIGGS	
th	t in a proceeding in this Court styled State of Alabama vs.	
7.79 2.00 2.00	MARI ANDERSON, STALLATRACT # 25, et a	al
an	Baldwin County, a political subdivision of the State of Alabama	,
in	which the State of Alabama sought to condemn a certain right of	
wa	or easement over certain lands in this County for the purposes	
cf	a public highway or road as stated in the application for con-	
de	mation in this cause, this Court rendered a decree condemning the	е
ri	ht of way or easement over the lands therein sought, and appoint	-
ed	them to view said property sought to be condemned, hear evidence	
an	l assess such damages and compensation as the owners and interest	-
ed	parties are entitled to recover for the taking of the same for	
sa	d public uses and purposes.	
	You are hereby commanded to serve a copy of the commission	cn
he	eto attached upon each of said commissioners within five (5) day	s
fr	om the receipt hereof, and make return as to how you have execut-	
ed	this mandate.	
and the Managaran	Done this 20th. day of May , 19634.	
		,
	J. D. Owen Or	
	L.D. OWEN, JR.	
	By: Con Chevalia	
	OF ALBERTA PALETTE COUNTY Chief clerk	_
Filed	5-20-64 M	
~~ ~~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	Darty J.	

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher

AFFIDAVIT OF PUBLICATION
STATE OF ALABAMA, BALDWIN COUNTY.
Colom/d. Underson
COST STATEMENT 13
was published in said newspaper for 3 consecutive weeks in the following issues: Date of 1st publication
Subscribed and sworn before the undersigned this day of the land of the No
259

NOTICE TO SHERIFF:

STATE OF ALABAMA BALDWIN COUNTY You are hereby COMMANDED to notify: TOHN BIGGS JAKE KUELER MICHEAL BALDWIN that in a proceeding in this Court styled State of Alabama vs. RAY E LOPER LUMBER COMPANY, ETAL TRACT # 20 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 condemnation in this cause, this Court rendered a decree condenning the right of way or easement over the lands therein sought, and appointed them to view said property sought to be condemned, hear evidence and assess such damages and compensation as the owners and interested 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 executed this mandate. Done this 20th day of May, 1963.

STATE OF ALABAMA, BALDWIN COUNTY

Piled 5-20.64

Recorded book page

Judge of Property

Judge of Property

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		claims	Total \$ 2	100		:	:		*	:	
:	Ten C	ants per mile	14th) (5, p.She)	rill			· .				. :

Watice to Commissioners
Tract 20

STATE OF ALABAM	Α,	Į	
	Petitioner,	I	
vs.		I	THE PROBATE COURT OF
	TIPL AT	I BA	LDWIN COUNTY, ALABAMA
EXA LOU BARNHILL	•	I	
	Respondents.	I	CASE NO: 5/98
	· · · · · · · · · · · · · · · · · · ·	<u> </u>	m man, ways at the analysis of the state of
ana ara-mai ana ara-mai		I	
		I	
TO ANY SHERIFF	OF THE STATE OF A	ABAMA, GR	EETINGS:
	YOU ARE HEREBY	COMMANDED	to serve the following
notice upon 0	. M. NORTHCUTT		
<u> </u>	OBERTSDALE, ALABA	MA	
· ·			
- <u> </u>		:	
· · · · · · · · · · · · · · · · · · ·	You will take r	otice tha	t on the 20th day of
APRIL	real-freedom commence of the market over the contribution of the c	and the second second second second second	r petition was filed in
this court by th			of which petition is a
			to condemn for certain
purposes therein	stated, certain	lands belo	

a description of	said lands baing	snocific	ally set forth in said
			and said application or
			d enter an order appoint- ind for such other and
•			essary. You will take
			the <u>14th</u> day of
			'clock, to hear said
		time you	may appear and contest the
same if you so de	1	2	// April
10	WIINESS my hand	this <u>XD</u>	th. day of April ,
1964•) ,
	208 -	\mathcal{L}_{0}	1 Crund
		WRSEN	en, Jr. ert; Judge of Probate

Received 2 day of Opin 19 to and on 23 day of An 14 X

I served a copy of the within October on Mathematical Service on Provided Position

Sheriff claims 5 2 miles at TAYLOR WILKINS, Sheriff DEPUTY SHERIFF

STATE OF ALABAMA,	I
Petitioner,	TN THE DRODATE COURT OF
vs.	IN THE PROBATE COURT OF
	I BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, et al.,	I 5.00 P
Respondents.	CASE NO: <u>5/98</u>
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TO ANY CHERTEE OF THE CTATE OF A	I ADAMA COPETTMOC
TO ANY SHERIFF OF THE STATE OF A	•• ••
	COMMANDED to serve the following
notice upon COLON L. ANDER	
Loxley, Alaban	
	"
You will take	notice that on the 20th day of
APRIL , 19 64, an app	lication or petition was filed in
this court by the State of Alaba	ma, a copy of which petition is a
attached herato, setting forth i	ts desire to condemn for certain
purposes therein stated, certain	lands belonging to
CARL ANDERSON AND COLON L. ANDERS	SON, as to Tract Number 25
a description of said lands bein	g specifically set forth in said
application or petition filed in	this court and said application or
petition prays that this Court w	ill make and enter an order appoint-
ing a day for hearing of said ap	plication and for such other and
further orders and procedures as	may be necessary. You will take
further notice that the Court ha	s appointed the <u>14th</u> day of
May , 19 64 , at1	0:00 A.M. o'clock, to hear said
application or petition, at which	h time you may appear and contest the
same if you so desire to do.	
WITNESS my han	d this <u>20</u> day of April ,
19_64	
	XM. O
214	L. D. Owen, Jr.
	W:-R:-Stuart, Judge of Probate

Agreed of day of april 19 6g

serve agony of the within Allie

TAYLOR MILKINS, Sheriff

By Lucy D. S.

Sheriff claims

Ten Cents per mile Total & C. 00.

By Judy Sheriff

Deputy Sheriff

Deputy Sheriff

STATE OF ALABAMA,	I
Petitioner,	IN THE PROBATE COURT OF
v 5 •	I
EXA LOU BARNHILL, ET AL.,	I BALDWIN COUNTY, ALABAMA
Respondents.	CASE NO: 5198
Respondences.	
	The second of th
TO ANY SHERIFF OF THE STATE OF ALA	BAMA, GREETINGS:
YOU ARE HEREBY CO	OMMANDED to serve the following
notice upon CARL ANDERS	
LOXLEY, AL.	ABAMA
	tice that on the 20th day of
APRIL , 19 64 , an applic	cation or petition was filed in
this court by the State of Alabama,	, a copy of which petition is a
attached hereto, setting forth its	desire to condemn for certain
purposes therein stated, certain la	ands belonging to
CARL ANDERSON, as to Tract Number 3	25
a description of said lands being s	specifically set forth in said
application or petition filed in th	is court and said application or
petition prays that this Court will	make and enter an order appoint-
ing a day for hearing of said appli	
further orders and procedures as ma	y be necessary. You will take
further notice that the Court has a	
May , 19 64 , at 10:0	00 A.M. o'clock, to hear said
application or petition, at which t	
same if you so desire to do.	
	his 20-th day of APRIL ,
1964	
	D. Owen, Jr.

W. R. Stuart, Judge of Probate

Received day of Glassian 1969
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On Manager

By service on

TAYLOR MILKINS, Shellff

By Sheriff latins to Sheriff

Ten Cents for mile Total Manager

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EXHIBIT "A"

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	<u> </u>	Comm	ty, Alabama,	and more pa	rticularly de	scribed as
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somes:			<i>3</i> 9°.			1.0
And as six	out by the	light of thy	Man of Tra	30-4 M- 1	7 90 0 4000	
corded in	the Office	of the Judge	or repeat	ject no. 1		44 23 26-
erape e Tillareganja. 2. Kris	er alektra er er er alla alaktra alaktra.		S OF STOOMS	s or partol		and the second s
Deginaing	at the m	corner of the	e DM 1 es a	ho 200 & od	7	

Beginning at the My corner of the NW i of the NW i of Section 11, 7 5 s. R 4 B; thence westerly, along the North boundary line of said i of i section a distance of 200 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the conterline of the Right Lane of Project No. I-10-1 (II)44 at P.G. Sta. 870 > 77.67; thence conthenatorly, parallel to the centerline of said Right Lane, along a curve to the right (consave conthenatorly) having a radius of 22, 793.31 feet, a distance of 205 feet, more or less, to a point on the Bast boundary line of said i of i section, the Bast property line; thence mertherly, along said Bast property line a distance of 35 feet, more or less, to the point of beginning.

Said strip of land lying in the NN } of the NN } of Section 11, T S S, R 4 E. and constining 0.00 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 (NN) 44, County of Buldwia, and all of the granters 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 comed by granters.

Magnet for Nuck Disposal: Commencing at the NB corner of the NN 2 of Magnet and 2 of 2 section, the Bast property line, a distance of 35 feet to the point of beginning; thence southerly, along said Bast property line, a distance of 155 feet to a point that is 275 feet southwesterly of and at right angles to the centerline of the Right Lane of Project No. I-10-1 (ID) 44; thence morthwesterly, parallel to the centerline of said Right Lane, along a curve to the left (concave southwesterly) having a radius of 22, 643. 31 feet, a distance of 225 feet, more or less, to a point that is 275 feet southwesterly of and at right angles to the centerline of said Right Lane at P.C. Sta. 570 + 77.67; thence N 500-450-127 N, parallel to the conterline of said Right Lane, a distance of 778 feet to a point; thence N 600-140-450 B a distance of 25 feet, more or less, to a point on the North boundary line of said 2 of 3 section, the North property line; thence easterly, along said North property line, a distance of 735 feet, more or less, to a point that is 155 feet, southwesterly; of and at right angles to the centeri Pier 5.

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a 300 feat, 125 at 7620, 20 ffe	polat of beginning. 22,/23.40 venuos
fail strip of land twice to the	i d the mi i of section 11, 7 5 s,
R 4 E, and containing 2.33 acres,	more or less.
a Notary Public, in and for Fild	
secta	County in said State, hereby certify that:
bengie e	name(s)
known to me, acknowledged befo	to the foregoing conveyance, and who
of this conveyance.	me on this day that being informed of the contents
ily on the day the same bears date.	
36 A82	
The second secon	VIII I AND LESS AND

STATE OF ALABAMA, Ĭ X Petitioner, IN THE PROBATE COURT OF Ĭ vs. Ĭ COLON L. ANDERSON, ETAL BALDWIN COUNTY, ALABAMA Ĭ CONDEMNEES CASE NO: 5198 I I I STATE OF ALABAMA, BALDWID WOOM? I FILE 5 _ 20 - 64 COMMISSIONS: TO: BILL WINGO TAKE KUELER

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.

- TOHN BIGGS

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

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.

nothing of the sam	e prior to	your appointment.
Given	inder my han	d and seal of office thisday of
May	<u> </u>	
		AND Strart, Judge of Probate.
STATE OF ALABAMA	ý	
BALDWIN COUNTY)	,
*		, do solemnly swear that we will well
and truly try the	cause now p	ending and submit at the our decision.

and truly try the cause now pending and submit it for our decision, and case being styled State of Alabama vs. Alabama vs. 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.

premises, so neip us dod.

Sworn to and subscribed before me

this _____day of _____,

L.D. OWEN, JR.

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(\$1×		TAYLOR	WILKINS,	Sheriff	
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STATE OF ALABAMA) Ĭ Petitioner. Ĭ vs. Ĭ IN THE PROBATE COURT OF Ĭ BALDWIN COUNTY, ALABAMA Ţ EXA LOU BARNHILL, ETAL I CASE NO: 5198 RESPONDENT Ĭ Ĭ I

COMMISSIONS:

TO:	JAKE	KUELER	
	JOHN	BIGGS	\$ and
	BILL	WINGO	

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

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.

Margel III Springshow Commerce and Commerce	Given under my hand and seal of office thisday of
May	, 196 3 .
	LA Oring
	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

L.D. OWEN, JR.

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. EXA IOU BARNHIII, ETAL 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.

Sworn to and subscribed before me

LA Ou Dr

day of

TOWN BY COCK	
CARL BLLESON	, and
TO: B. BLLISON	
	COMMISSIONS: Douge of Problem as Problem
	COMMISSIONS:
and the second of the second o	Filed management of the state o
	I STATE OF ALASAMA, BALDWIR COUNTY
	I
CONDEMNEES	I CASE NO: 5198
COLON L. ANDERSON, ETAL	I
THE PARTY OF A STATE OF A T	BALDWIN COUNTY, ALABAMA
vs.	I IN THE PROBATE COURT OF
Petiti	oner, [
STATE OF ALABAMA;	Ĭ.

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

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.

nothing of the same prior to your appointment.
Given under my hand and seal of office this 20th day of
, 1963 ₂
La Due
Wxxxxxxxxxx Judge of Probate.
L.D. OWEN, JR.
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,

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.

John J. Breggs

Carl Ellison

J.B. Ellison

Sworn to and subscribed before me

this ______, 1963

W. R. Stuart, Judge of Probate.

L.D. OWEN, JR.

STATE OF ALABAMA;	I	
Petiti	oner, I	
vs.	I	IN THE PROBATE COURT OF
	Ĭ	BALDWIN COUNTY, ALABAMA
COLON L.ANDERSON, ETAL	X	DADDSIN COONTI, AQABAMA
CONDEMNEES	I	CASE NO:
		5198
	¥	STATE OF ATABLES IN A
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	COMMISSIO	INS:
TO:		Judge of Probate
JOHN BIGGS		and and
JAKE KUELER		All Parameters and the Control of th

MICHAEL BALDWIN
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.

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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 20th. day of May , 1963.

L.D. OWEN, JR.

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. COLON L. ANDERSON, ETAL 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.

Sworn to and subscribed before me

thic

/day of

1963

WXXXXXXXXXXX, Judge of Probate.

L.D. OWEN, JR,

STATE OF ALABAMA, I Petitioner. Ĭ vs. Ĭ IN THE PROBATE COURT OF Ĭ BALDWIN COUNTY, ALABAMA COLON L. ANDERSON, ETAL Ĭ CASE NO: 5198 CONDEMNEES Ĭ Ĭ Ĭ STATE OF ALABAMA, BALDWIN COUNTY Filed _____ 5 - 20 - 64 Υ COMMISSIONS: JAKE KEULER JOHN WI JOHN BIGGS

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

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.

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Mav		, 1963.					
			\geq	200	<u> </u>	•	
			XXXXXXX L.D. OW	tuart, Jud EN, JR.	ge of P	robate.	

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. The Rambie of all et al., and Baldwin Ccunty, 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.

Sworn to and subscribed before me this 8 day of

XXXXXXX Judge of Probate.

L.D. OWEN, JR.

NOTICE TO SHERIFF:

STATE OF ALABAMA

	You are hereby COMMANDED to notify:
JAKE K	EULER
JOHN B	I GGS
BILL W	INGO
that in	a proceeding in this Court styled State of Alabama vs.
ــــــــــــــــــــــــــــــــــــــ	VIMS (BALDWIN SAVINGS & LOAN) TRACT 16 , et a
and Bal	dwin County, a political subdivision of the State of Alabama
in whic	h 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 pu	blic highway or road as stated in the application for con-
demnati	on in this cause, this Court rendered a decree condenning the
right	f way or easement over the lands therein sought, and appoint
ed then	to view said property sought to be condemned, hear evidence
and ass	ess such damages and compensation as the owners and interest
ed part	ies are entitled to recover for the taking of the same for
said pu	blic 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 th	e receipt hereof, and make return as to how you have execut-
ed this	mandate.
	Done this, lay of, 196\$.
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	By: Que Revalue
	alief class

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Commence of the second	TAYLOR WILKINS, Sheriff		
•	By For Eastlum O. S.		 :
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Tract 16

Notice To Commissioners

DEPUTY STRIFF

(X)

STATE OF ALABAMA,	I	
Petitioner,	I	
vs.	I	IN THE PROBATE COURT OF
EXA LOU BARNHILL, ET AL.,	I	BALDWIN COUNTY, ALABAMA
Respondents	I	CASE NO. 5198
	Ĭ	CROE NO.
	I	
and the state of t	I	· ·
	I	

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

This cause having heretfore been set for hearing on the 14th day of May, 1964, 2063, 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 Respects Tract Number 20, et al.,

I-10-1(11)
Project Lease 10:00 x, as specified in said application for condemnation over the lands therein described for the uses and purposes of a public road or highway for the State of Alabama, and it appearing to the Court that notice of the filing of said application for condemnation and of the day set for the hearing of the same has been given to the owners and interested parties by service of a notice upon them for more than ten (10) days prior to this date.

WHEREUPON, after examination of said application and after hearing the evidence in support thereof, the Court is of the opinion that the allegations contained in said application are true and that it is necessary to condenn 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 condomnation 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

			Ιt	is	FURTHER	ORDI	ERED	by	the	Court	that		JOHN BIGGS	
JAKE	KUF	LER					an	₫ <u></u>	M.	LCHAE	L BALD	WIN		>
who	are	resi	ide	nt	citizens	of	Balo	lwin	Cou	nty,	Alaban	ıa,	possessing	the
qual	ific	atio	ons	of	jurors	and	who	are	dis	inter	ested	in	these	

proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed Commissioners to view said property and hear any evidence offered by interested parties and report to the Court within Twenty (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 20th day of May, 1964, ANGEST

P.-R. Stuart, Probate Judge.

L. D. Owen, Jr.

By:

STATE OF ALABAMA,	I
Petitioner,	I
vs.	I IN THE PROBATE COURT OF
EXA LOU BARNHILL, ET AL.,	I BALDWIN COUNTY, ALABAMA
Respondents	CACE NO. 510°
	CASE NO. 5198
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ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR CONDEMNATION AND APPOINTING COMMISSIONER:

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 condenn 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

J	OHN	BIGGS	ĺS	FURTHER	ORDE			Court BILL	thatJAKE WINGO	KEULER	· · · · · · · · · · · · · · · · · · ·
	 .					<u> </u>					 ,
who	are	resider	nt	citizens	of	Baldwin	Cot	unty,	Alabama,	possessing	the

qualifications of jurors and who are disinterested in these

proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed Commissioners to view said property and hear any evidence offered by interested parties and report to the Court within Twenty (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 20th day of May 1964 , xpxxx.

L. D. Owen, Jr.

STATE OF ALABAMA,		I	
	Petitioner,	I	
vs.		I	IN THE PROBATE COURT OF
		Ĭ	BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL,	ET AL.,	I	CASE NO. 5198
	Respondents,	I	CASE NO.
		I	
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ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR CONDEMNATION AND APPOINTING COMMISSIONER:

This cause having heretofore been set for hearing on the 14th day of May, 196%, at 10:00 o'clock, as set forth in the application of the State of Alabama to condemn the right of way or easement on MAXMENTS Tract # 26, et al.

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 condemnation and of the day set for the hearing of the same has been given to the owners and interested parties by service of a notice upon them for more than ten (10) days prior to this date.

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

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

		It	is	FURTHER	ORDI	ERED	ъу	the	Court	that	Bi11	Wingo	
	Jake	Kuel	er	· · · · · · · · · · · · · · · · · · ·		a	nd _		John	Biggs			<u> </u>
who	are	reside	ent	citizen:	of	Balo	dwir	Cou	unty,	Alaban	a, p	ossessing	the
oua!	Lific	ations	s of	jurors	and	who	are	di	sinter	ested	in t	hese	

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 20th day of May, 1964

By:

-Er-Rr-Stwart, Probate Judge. L. D. Owen, Jr.

STATE OF ALABAMA,	I	
Petitioner,	I	
vs.	I	IN THE PROBATE COURT OF
EXA LOU BARNHILL, ET AL.,	I	BALDWIN COUNTY, ALABAMA
ERA LOO BARNELLE, LI AL.,	I	CACE NO 5108
Respondents	I	CASE NO. 5198
	I	
en e	I	
	I	

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

This cause having heretofore been set for hearing on the 14th day of May, 1964, ANDES, at 10:00 o'clock, as set forth in the application of the State of Alabama to condemn the right of way or easement on PREFERENCE Tract #25, et al., I-10-1(11)

Project INDEXECUTE: Tract #25, et al., I-10-1(11)

Project INDEXENOUSE, as specified in said application for condemnation over the lands therein described for the uses and purposes of a public road or highway for the State of Alabama, and it appearing to the Court that notice of the filing of said application for condemnation and of the day set for the hearing of the same has been given to the owners and interested parties by service of a notice upon them for more than ten (10) days prior to this date.

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

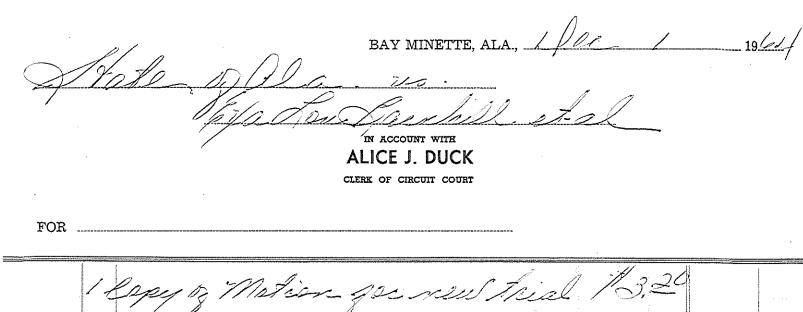
IT IS THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the prayer of said application for condemnation be granted and that the easement or right of way over the lands described in said application is hereby condemned for the uses and purposes of a public road or highway in Baldwin County, Alabama

			Ιt	is	FURTHER	ORDI	ERED	bу	the	Cour	t that		F.	В.	ELLIS	ON	-
CARI	LEL	LIS	ON				ar	ıd,	J	OHN I	BIGGS					,	
who	are	re	side	ent	citizens	of	Balo	dwin	L Cot	unty,	Alabar	ıa,	po	sse	ssing	the	
oua	lifi	cat	ions	of	jurors	and	who	are	di	sinte	rested	in	th	ese			

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		,x } %&¾x
		D D Or	
		W.R. Stuart, Prof	ate Judge.
		L.D. Owen, Jr.	- 10 page 1 page



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Times of the

) STATE OF ALABAMA, Petitioner, vs. EXA LOU BARNHILL, ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL, ALVA IN THE PROBATE COURT OF GORDON BARNHILL, CENTRAL BALDWIN BANK OF ROBERTSDALE, ALABAMA, A corporation, and TRACT NUMBER 17, Parcels 1 thru 3, inclusive; RAY E. LOPER BALDWIN COUNTY, ALABAMA LÚMBER COMPANY, a corporation, HERCULES POWDER COMPANY, a corporation, and TRACT NUMBER 20; COLON L. ANDERSON, CARL ANDERSON, ROBERT F. GODDARD, UNITED STATES OF AMERICA, and TRACT NUMBER25; C. O. NIMS, BALDWIN COUNTY SAVINGS & LOAN ASSOCIATION, a corporation, and TRACT NUMBER 16; O. M. NORTHCUTT, BERTHA NORTHCUTT and TRACT NUMBER 26; and BALDWIN COUNTY, ALABAMA, a Political Subdivision of the State of Alabama,)) Respondents.)

AMENDMENT TO APPLICATION

Now comes the Petitioner, by Telfair J. Mashburn, Special Assistant Attorney General, and amends the application or petition for condemnation which was heretofore filed in this cause, by adding as parties thereto as to Tract Number 17, Parcels 1 thru 3, both inclusive, the following named ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL and ALVA GORDON BARNHILL, thereby making the above named party respondents to this proceeding.

WHEREFORE, the premises considered, your Petitioner respectfully prays that an order be made appointing a day for the hearwng of this amendment to application for condemnation, and that notice of the filing thereof and of the day set for the hearing thereof be given to the above named Roger F. Barnhill, Charles W. Barnhill, Thomas Mastin Barnhill and Alva Gordon Barnhill.

STATE OF ALABAMA, BALDWID COUNTY

Eboorded_

RICHMOND M. FLOWERS, Attorney General State of Alabama

Judge of Frobate

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

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Alice L. Miller, a Notary Public, within and for 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 amendment are true and correct.

Jepain g. masleburn

Sworn to and subscribed before me on this the 14th day of May, 1964.

Notary Public, Baldwin County, Alabama.

alice L. miller

ORDER OF PROBATE COURT

The foregoing amendment to 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 27th day of May, 1964, at 10:00 o'clock A. M.

IT IS FURTHER ORDERED that notice of the amendment to application for condemnation and of the date set for the hearing thereof, be given to the Respondents, ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL and ALVA GORDON BARNHILL, at least ten (10) days before the hearing of this amendment.

DATED this 14th day of May, 1964.

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

United States Department of Justice

IN REPLY REFER TO STYLE OF CASE AND ROH: erb

UNITED STATES ATTORNEY SOUTHERN DISTRICT OF ALABAMA MOBILE 10. ALABAMA

August 5, 1964

Hon. L. D. Owen, Jr. Probate Judge, Baldwin County Bay Minette, Alabama

Dear Judge Owen:

Re: State of Alabama v. Exa Lou Barnhill, et al, - No. 5198, Probate Court, Baldwin County

Your file on the above case will show the address of one Robert F. Goddard, a claimant in Tract No. 25 as to any award to be granted to Carl Anderson and Colon L.Anderson. Therefore, we request that you forward the enclosed letter to him, which contains a copy of the Petition and Claim of the United States for the award to Mr. and Mrs. Anderson in this case.

Thanking you, we are

Very truly yours,

Enc.

VERNOL R. JANSEN, JR. United States Attorney

Ralph O. Howard

Assistant United States Attorney

Petitioner,) IN THE CIRCUIT COURT OF

vs.)

EXA LOU BARNHILL, ROGER F.)

BARNHILL, CHARLES W. BARNHILL,
THOMAS MASTIN BARNHILL, ALVA
GORDON BARNHILL, and CENTRAL
BALDWIN BANK, a corporation,)
as to TRACT NUMBER 17, Parcels
1 through 3,)

Respondents.)

STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and Exa Lou Barnhill, 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 20th day of April, 1964, for the public purposes stated in said application or petition.
- 72. 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.
- 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 20, 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.

Attorney for Petitioner.

Attorney for Respondents.



KENNETH COOPER

ATTORNEY AT LAW
109 EAST 121 STREET
BAY MINETTE, ALABAMA
TELEPHONE 937-7412

March 2, 1967

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

no. 6164

Dear Mrs. Duck:

You are hereby notified that the State of Alabama will not file an application for rehearing in the case of State of Alabama vs. Exa Lou Barnhill et al., First Division, No. 276.

This will authorize you to pay the balance of the condemnation award in this case to the defendants in the condemnation suit, namely, Exa Lou Barnhill, Roger F. Barnhill, Charles W. Barnhill, Thomas Mastin Barnhill and Alva Gordon Barnhill.

Very truly yours

KENNETH COOPER

DIV. NO

CERTIFICATE OF APPEAL. (Civil Cases.)

No		
THE STATE OF ALABAMA		
Beldwin County.		
•		To the state of th
	, Clerk of the Circuit	
align	County, in and for said State and	
County, hereby certify that the	foregoing pages numbered from one to	A service of the first of a constitution were expect.
, both inclusive,	contain a full, true and complete	. *
transcript of the record and prod	ceedings of said Court in a certain	
cause lately therein pending when	rein State of Alabama	,
was plaintiff, and Exa Lou Barnhill	, Roger F. Barnhill, Charles W. Barnhill, Thomas	
as to tract 17, Parcels 1 thru 3 inclus	and Central Baldwin Bank of Robertsdale, a Corp., live, were letely 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 Dece	mber , 1964, pray for and obtain	,
an appeal from the judgment of sa	aid Court to the Supreme Court	
of Ala	abama to reverse said judgment of said	The standard of the standard o
Court upon entering into bond wit	th Kenneth Cooser, Attorney for Plaintiff	
as	s surety thereon, which said bond has	
been approved by me.		
Witness my hand and the seal	l of said Circuit Court of	
Baldwin County is h	nereto affixed, this the 31st	
day of <u>December</u> , 19 64		
	Dicet-wen	
	Clerk of the Circuit Court of	
	County, Alabama.	
in the community of the	and an artist of the second control of the second of the s	
en en		
(Code 1940, Title 7, Sec. 767)		
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.4.		
Box 475-1 4748 MARSHALL & BRUCE-NASHVILLE		ş

STATE OF ALABAMA
BALDWIN COUNTY

#5198

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing Notice of Appeal upon J. B. BLACKBURN, as Attorney of Record, for RAY E. LOPER LUMBER COMPANY, and make due return to this Court of such service.

DONE this 24th day of July, 1964.

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

Received	28 day of	July 1	0 <u> </u>
and on	2 S day of	Detho E	Marc
By service	on		
Name of the last o	TAYLOR Y By	VILKINS, Sherif	<u>L</u> o. s.
	on	. (

#5198

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing Notice of Appeal upon FRED S. BALL, JR., First National Bank Building, Montgomery, Alabama, as Agent for HERCULES POWDER COMPANY, and make due return to this Court of such service.

DONE this 24th day of July, 1964.

- Care &

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

RECEIVED IN OFFICE

JUL 29 1964

M. S. BUTLER, Sheriff

EXECUTED BY SERVING A COPY OF THE WITHIN

This the 22 day of TULY 69

M. S. BUTLER
Sheriff Montgomery County

Deputy Sheriff

のはなる

STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing Notice of Appeal upon VERNOL R. JANSEN, JR., UNITED STATES DISTRICT ATTORNEY, MOBILE, ALABAMA, and make due return to this Court of such service.

DONE this 24th day of July, 1964.

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

See	J 29	Com
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Received 9-9	_ Day of Jedda	_ 194
and on 29	Day of	_ 19_ <i></i> >
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STATE OF ALABAMA BALDWIN COUNTY

#5198

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing Notice of Appeal upon C. O. NIMS, and make due return to this Court of such service.

DONE this 24th day of July, 1964.

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

Received: 28 day of July 19 6/1 and on 28 day of July 19 6/1 I served a copy of the Virkin Jotes 27 Copyrion on
By service on
TAYLOR VOLKING, Shoriff BY Glesburg D. S.
Sheriff claims

STATE OF ALABAMA
BALDWIN COUNTY

#5198

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing Notice of Appeal upon BALDWIN COUNTY SAVINGS AND LOAN ASSOCIATION, ROBERTSDALE, ALABAMA, and make due return to this Court of such service.

DONE this 24th day of July, 1964.

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

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Received day of Male 1964
and on day of land
I served a copy of the withint flow 81 (ppeal
on Baldwin County Laberna V
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Roll Insklere
By service or when the service or th
TAYLOR WILKINS Sheriff
Parket China
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RhOule
3 Imiles at
Sheriff claims
Ten Cents per mile Total \$ 5
Ten Conts per time TAYLOR WILKINS, Sheriff

STATE OF ALABAMA BALDWIN COUNTY

#5198

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the foregoing Notice of Appeal upon J. B. BLACKBURN, as Attorney of Record, for EXA LOU BARNHILL, ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL, ALVA GORDON BARNHILL, and make due return to this Court of such service.

DONE this 24th day of July, 1964.

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

By service on_

ome .

STATE OF ALABAMA,	I
Petitioner,	I
VS.	IN THE PROBATE COURT OF
	I BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET AL.,	I
Respondents.	CASE NO: 5/98
	I
to confinencials in Security (1977) and an initial immediate model for a selection of the Security (1978).	
	I
	×
TO ANY SHERIFF OF THE STATE OF AI	LABAMA, GREETINGS:
YOU ARE HEREBY	COMMANDED to serve the following
notice upon FRED S. BALL, J	R., Agent
	Company, a corporation
First National	Bank Building, Montgomery, Alabama.
You will take r	notice that on the 20th day of
April , 19 64 , an appl	ication or petition was filed in
this court by the State of Alaban	na, a copy of which petition is a
attached hereto, setting forth it	
purposes therein stated, certain	
RAY E. LOPER LUMBER COMPANY, as t	
a description of said lands being	specifically set forth in said
	this court and said application or
	ll make and enter an order appoint-
ing a day for hearing of said app	· · ·
further orders and procedures as	
further notice that the Court has	
	:00 A.M. o'clock, to hear said
	time you may appear and contest the
same if you so desire to do.	
WITNESS my hand	this <u>2014</u> . day of April ,
19	**************************************
* * **********************************	XI Am X
210 ⁻¹	D. Owen, Jr.
And B. Cr	Water Judge of Probate

RECEIVED IN OFFICE

APR 22 1964

M. S. BUTLER, Sheriff

EXECUTED BY SERVING & COPY OF THE WITHIN

This the 22 day of Captill 96 4

M. S. BUTLER

Sheriff Montgomery County

Monny8

Doputy Sheriff

The Sheriff claims 2 miles at 10c per mile for a total

M. S. Butler, Sheriff, Ala.

Petitioner,) IN THE PROBATE COURT OF

vs.)

EXA LOU BARNHILL, ET AL.,) BALDWIN COUNTY, ALABAMA

Respondents.)

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

This cause having heretofore been set for hearing on the 14th day of May, 1964, at 10:00 o'clock A. M., and continued to May 27, 1964, to enable Petitioner to amend said application to condemn the right of way or easements on Tract Numbered 17, Parcels 1 thru 3, both inclusive, Project No. I-10-1(11), by adding Roger F. Barnhill, Charles W. Barnhill, Thomas Mastin Barnhill and Alva Gordon Barnhill, as interested parties in said tract, as specified in said application as amended, for condemnation over the lands herein 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 amended application for condemnation and of the day set for hearing of the same has been given to the owners and interested parties less than ten (10) days prior to this date, and the said owners, acting by and through their Attorney, J. B. Blackburn, having waived the ten day notice and having consented in open court to hearing said application at this time, the Court proceeds to hear said application and the evidence in support thereof.

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, as amended, 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 thatJAKE KUELER
JOHN BIGGS , and BILL WINGO
who are resident citizens of Baldwin County, Alabama, possessing the
qualifications of jurors and who are disinterested in these pro-
ceedings (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 interest-
ed 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 22nd day of May, 1964.

By:____

THE STATE OF ALABAMA Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

	Mendayxinx	, 196x	, in a cer-
cause in said Court wherein	State of Alabama		
Day 1-11 Marking	Plaintiff, and Exa Lou I	Barnhill, Roger F.	Barnhill, Ch
	Barnhill, Alva Gordon Ba s to Tract 17, parcels l Defendança		
Plaintiff		8	
reverse whichJudgment	t , the said State o	of Alabama,	
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		Miles	
olied for and obtained from th	is office an APPEAL, returna	ble to the next	
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m of our Supreme	Court of the State of Alaba	ema to be held at Mo	ntgomery on
LAL VA VAA muunauutinen ja		name, or be anome or and	
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day of	<u></u>	96next, and the ne	cessary bond
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ving been given by the said	Kenneth Cooper, Attor	rney for Plaintiff	
ving been given by the said	Kenneth Cooper, Attor	rney for Plaintiff	
ving been given by the said	Kenneth Cooper, Attor	rney for Plaintiff	, sureties,
ving been given by the said	Kenneth Cooper, Attor	rney for Plaintiff	, sureties,
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Now, You Are Hereby Constral Baldwin Bank of Robe	ommanded, without delay, to	cite the saidExa Lou B	arnhill, Ro
Now, You Are Hereby Constraint Baldwin Bank of Roberts in Street Barnhill, Charles W. Barnhills Baldwin Bank of Roberts in Street Bank of Roberts in Stree	ommanded. without delay, to nhill, Thomas Mastin Barrertsdale, a Corporation, a or	cite the saidExa Lou Bahill, Alva Gordon as Tract 17, Parcel	arnhill, Ro Barnhill, a s 1 thru 3,
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Attest:

alief Auch, Clerk.

don f day of Jan 1966

served popy of the wilding leftern

TAYLOR WILKINS, Sheriff By Wal Lelbert D. S.

CIRCUIT COURT
Baldwin County, Alabama

STATE OF ALABAMA

Vs. Citation in Appeal

EXA LOU BARNHILL, ET AL

Issued 31stay of Dec., 1964,

so be served on Herry J. B. Palaelessen

STATE OF ALABAMA. Petitioner, VS. EXA LOU BARNHILL, ROGER F. BARNHILL, CHARLES W. BARNHILL, THOMAS MASTIN BARNHILL, ALVA IN THE PROBATE COURT OF GORDON BARNHILL, CENTRÁL BALDWIN BANK OF ROBERTSDALE, ALABAMA, A Corporation, and TRACT NUMBER 17, Parcels 1 thru) 3, inclusive; RAY E. LOPER BALDWIN COUNTY, ALABAMA LUMBER COMPANY, A Corporation, HERCULES POWDER COMPANY, A Corporation, and TRACT NUMBER 20; COLON L. ANDERSON, CARL NO. 5198 ANDERSON, ROBERT F. GODDARD, UNITED STATES OF AMERICA, and TRACT NUMBER 25; C.O. NIMS, BALDWIN COUNTY SAVINGS & LOAN ASSOCIATION, a Corporation, and)
TRACT NUMBER 16; O.M. NORTHCUTT,
BERTHA NORTHCUTT and TRACT)
NUMBER 26; and BALDWIN COUNTY,
ALABAMA, a Political Subdivision) of the State of Alabama, Respondents.

RE-APPOINTMENT OF COMMISSIONERS

In this cause, it being made to appear to the Court that the Application for Condemnation in the above styled cause was granted by this Court, as to C.O. NIMS, BALDWIN COUNTY SAVINGS & LOAN ASSOCIATION, a Corporation, and TRACT NUMBER 16, on May 14, 1964, and as to RAY E. LOPER LUMBER COMPANY, a Corporation, HERCULES POWDER COMPANY, a Corporation, and TRACT NUMBER 20, on May 14, 1964, and as to COLON L. ANDERSON, CARL ANDERSON, ROBERT F. GODDARD, UNITED STATES OF AMERICA and TRACT NUMBER 25, on May 14, 1964, and as to O.M. NORTHCUTT, BERTHA NORTHCUTT and TRACT NUMBER 26; and BALDWIN COUNTY, ALABAMA, a Political Subdivision of the State of Alabama, on May 14, 1964, and further, that on, to-wit: the 20th day of May, 1964, the following named resident: citizens of Baldwin County, Alabama were appointed as Commissioners to fix the compensation and damages for the taking of said property described as TRACT NUMBER 16, viz: JAKE KEULER, JOHN BIGGS, and BILL WINGO; and further that on the same date the following named resident citizens of Baldwin County, Alabama were appointed as

Commissioners to fix the compensation and damages for the taking of said property described as TRACT NUMBER 20, viz: JOHN BIGGS, JAKE KUELER, and MICHEAL BALDWIN; and further that on the same date the following named resident citizens of Baldwin County, Alabama were appointed Commissioners to fix the compensation and damages for the taking of said property described as TRACT NUMBER 25, viz: F.B. ELLISON, CARL ELLISON and JOHN BIGGS; and further that on the same date the following named resident citizens of Baldwin County, Alabama were appointed Commissioners to fix the compensation and damages for the taking of said property described as TRACT NUMBER 26, viz: BILL WINGO, JAKE KEULER and JOHN BIGGS;

And it further appearing to the Court that more than twenty (20) days have elapsed since the appointment of the said Commissioners, as aforesaid, and that they have not yet filed their report of the said compensation and damages to be awarded for the said Tracts of Land, Numbered 16, 20, 25 and 26;

IT IS, THEREFORE, ORDERED ADJUDGED AND DECREED by the Court that, as to TRACT NUMBER 16, the said JAKE KEULER, JOHN BIGGS and BILL WINGO; and as to TRACT NUMBER 20, the said JOHN BIGGS, JAKE KUELER and MICHEAL BALDWIN; and as to TRACT NUMBER 25, the said F.B. ELLISON, CARL ELLISON and JOHN BIGGS; and as to TRACT NUMBER 26, the said BILL WINGO, JAKE KEULER and JOHN BIGGS, being resident citizens of Baldwin County, Alabama, possessing the qualifications of jurors and who are disinterested in these proceedings, be, and they are hereby, re-appointed Commissioners to view said property and hear any evidence offered by interested parties, and report to the Court within twenty (20) days from this date 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.

DONE this the 8th day of June, 1964.

L.D. OWEN, JR. , JUDGE OF PROBATE

STATE OF ALABAMA.

IN THE PROBATE COURT OF

v.

BALDWIN COUNTY, ALABAMA

EXA LOU BARNHILL, et al; COLON L. ANDERSON, CARL ANDERSON, ROBERT F. GODDARD, UNITED STATES OF AMERICA, and TRACT NUMBER 25;

Petitioner

CASE NO. 5198

et al.

Respondents

PETITION AND CLAIM OF UNITED STATES OF AMERICA FOR NMARD TO CARL ANDERSON and COLON L. ANDERSON

Comes now the United States of America, by its attorney, Ralph O. Howard, Assistant Unite & States Attorney for the Southern District of Alabama, and shows unto this Monorable Court as follows, as to Tract No. 25 and the respondents, Carl Anderson and Colon L. Anderson:

- That the respondents, Carl Anderson and wife, Colon L. Anderson, are justly and truly indebted to the United States of America in the amount of \$6,271.96 as of July 1, 1964, plus a daily interest accrual thereafter of \$0.5831 on the sum of \$6,141.88. The figure, \$5,271.96, includes a principal indebtedness of \$6,141.88 and interest as of July 1, 1964, in the amount of \$130.08. A certified statement of the account is attached hereto and made a part hereof.
- 2. That said debt is proven by a mortgage recorded in Book 257 at page 484 et seq. in the office of the Judge of Probate of Baldwin County, Alabama, having been so recorded on October 18, 1955.
- The amount of the indebtedness set out in peragraph 1 and secured by the mortgage set out in paragraph 2 has not been paid and the same is now due and payable to the United States of America.
 - There are no set-offs or counter-claims to said indebtedness.

WMERRFORE, the United States of America files herewith its claim and asserts its lien upon the award made by the Commissioners appointed by this Court and any award made by the Circuit Court as to Treat No. 25, and the said Carl Anderson and Colon L. Anderson for the payment of the hereinabove described indebtedness owing to the United States of America.

Ralph O. Howard

celebro.

Assistant United States Attorney Southern District of Alabama

State of Alabama
v.
Exa Lou Barnhill, et al

Baldwin County, Alabama

STATE OF ALABAMA) (COUNTY OF MOBILE)

Personally appeared before me, the undersigned authority, Ralph O. Howard, who, being by me duly sworn, deposes and says that he is the Assistant United States Attorney for the Southern District of Alabama; that he has prepared and read the above and foregoing petition and claim as to Tract No. 25 and that the matters and things contained therein are true, as he verily believes; and that he has served all parties shown in the complaint as having an interest in said tract with a copy of said petition and claim by mail, postage prepaid, this ______ day of August, 1964.

Ralph O. Howard
Assistant United States Attorney, SDofAla.

Subscribed and sworn to before

me this 5 day of August, 1964.

Notary Public, Mobile County, Alabama

Copy to Carl Anderson

Colon L. Anderson

/ Robert F. Goddard

Form FB (451-11 (Row, C | 48)

CIPO BOIMEIN

UNITED STATES DEPARTMENT OF AGRICULTURE FARMERS HOME ADMINISTRATION

Finance office ST. Louis, Missouri

CERTIFIED STATEMENT OF ACCOUNT

Linton D. West, Masional Attorney CASE NO. Office of the Commist Council, Ditta 0146 Jan 1277 A A LAGOR VIDE A MARKET CO. This is to costify that MAMMAN Carl R. Anderson Colon L. Argerton Ç# ADORESS Doldwin Country Alebens is (are) indebted to the United States of America as reflected by the following statement of account: TRANSACTIONS NAVE BEEN BECORDED THROUGH | NITEREST HAS BEEN ACCRUSED THROUGH (Check appropriate block) CHANGES CREDITO TEN ADVANCES a de la companya de LOAN CODE LOAN REPAYMENTS UNPAID BALANCE adyances DAILY 13 Walnut AND NTEREST OTHER LOAM ACCRUAL 02.3 CHARGES INTEREST PRINCIPAL INTEREST PWINCIPAL 10 m 10 m 10 m "Total 1 9000.00 energy and the second Places is the liberal 120.08 6001.07 98/12/12/2020/Sepwerter 7 Des 9 Mais 1979. Ö 12.49 [a0]a36 90.00 1000 D 80.80 Take Comment 87.60 l=01m50 04.04 STEP () Min () 00.00 Jan ()] and () [00.60 1.001.002 7000 Leave L. J. J. Hall H. S. 燕僧 產幣 Invol A. 1989. - 11. 1 NAME OF STREET 80 () 50h NOT THE CC: Sieta Director Mintgoway, Alebenie On owner AND A STATE 2006.47 5.05.05 (Signature of approving allication) DATE OF CERTIFICATION The State of State of

Position 5

FRA 451-11 (Nev. 5-13-53)

Banhill JURY LIST - SEPTEMBER 21, 1964

L. Bishop, Agron, Farmer, Eairhope 2 Bishop, Daniel C., Fisherman, Barnwell 3.—Bloch, John, Farmer, Elberta 4.—Britt, Cecil, Carpenter, Bay Minette 5. Brooks, Horace D., Farmer, Summerdale 5. Bryars, Thomas Eugene, Brookley Field, Bay Minette 7. Childress, Lewis E., Farmer, Fairhope 8. Childress, Paul, Jr., Farmer, Loxley 9. Cox, Young Ausphera, Merchant, Scockton 10 State Top., Davis, Robert M., Merchant, Foley
Dubrock, George, Cabinet Maker, Fairhope
Dunn, J.R., Grand Hotel, Fairhope 14. Durant, Joe C., Fermer, Bay Minette 15. Freeman, Sam, Merchant, Robertsdale 16 Gerhard, Cassebaum, Farmer, Elberta 17. Gwaltney, John L., Farmer, Robertsdale 18 Harmes, Otto, Farmer, Summerdale 10. 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, Robertsdale 24. Lyrene, Edward, Farmer, Silverhill 25 Manci, Arthur, Farmer, Daphne ŧ! 26 Mannich, Ingwald, Farmer, Mag. Spgs. 27, Mason, Dupree, Salesman, Fairhope 28. McDaniel, Edward, Farmer, Robertsdale 29: McGee, James, Brookley Field, Fairhope 30 McVay, A.R., School Supervisor, Bay Minette 31. Miller, R. Cecil, Implement Dealer, Foley 77. Moore, Louis Davis, Farmer, Summerdale 33. Morgan, J.T., Farmer, Robertsdale 34. 0 Quinn, Ralph E., Civil Service, 35. Osborne, W.A., Civil Service, Foley Marian, Garler, Modenny, Joy Minett 37. Schnetz, Pete M., Civil Service, Lillia 38. Sims, James E. Farmer, Rabon 39. Wrenn, Walter P., Fleet, Bay Minette 40. Weatherford, Arthur C., Newport, Bay Minette 44. 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. Leat, 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 XXXXXX XXXXX XXXXX

STATE OF ALABAMA,)
Petitioner,	IN THE CIRCUIT COURT OF
vs.) BALDWIN COUNTY, ALABAMA
£@k@Nxkxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	CASE NUMBER 6164

We, the Jury, assess the land-owners compensation and damages at \$JVY,800.00.

R.C. Miller Foreman.

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF	
Petitioner,)	BALDWIN COUNTY, ALABAMA	
vs.)	AT LAW NO. 6164	
EXA LOU BARNHILL, ET AL,)		
Defendants,)		
DAVID BARNHILL, BEN C. BARNHILL and D. WENDELL BARNHILL,)		
Applicants to Intervene) ∍.)		

Comes now DAVID BARNHILL, BEN C. BARNHILL and D. WENDELL BARNHILL, and prays leave of the Court to intervene in the above styled cause, upon the grounds appearing from the allegations contained in the Petition to Intervene heretofore filed.

IN 12 1965

ATTORNEY FOR APPLICANT

300-4

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
EXA LOU BARNHILL, ROGER F. BARNHILL, CHARLES W.)	CASE NO. 6164
BARNHILL, THOMAS MASTIN BARNHILL, ALVA GORDON)	
BARNHILL, AND CENTRAL BALDWIN BANK OF ROBERTS-)	
DALE, A Corporation, as to Tract 17, Parcels 1	<u> </u>	and the second s
thru 3, inclusive,)	
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, 25 September, 1964, and in which cause your Plaintiff's Motion For New Trial was overruled by a judgement of the trial court on, to-wit, 4 December, 1964.

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.

Attorney For Plaintiff

Taken and approved on this

30 day of December, 1964.

Clerk, Chrouit Court Baldwin County, Alabama FILE !

ALL WILL REGISTER

STATE OF ALABAMA,)	
Petitioner, VS.)	IN THE CIRCUIT COURT OF
٧٥.)	BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET AL.,)	AT LAW NO. 6164
Defendants.)	

DEMURRER TO PETITION TO INTERVENE

Now come the defendants, Exa Lou Barnhill, Roger F.
Barnhill, Charles W. Barnhill, Thomas Mastin Barnhill and Alva
Gordon Barnhill, each separately and severally, by their attorney,
and demur to the petition to intervene filed in this cause by Ben C.
Barnhill, David Barnhill and D. Wendell Barnhill on December 4,
1964, and as gounds of such demurrer allege, separately and severally, the following:

- 1. No facts are alleged which entitle the said parties to intervene in this cause at this time.
- 2. It affirmatively appears that permission to intervene in this cause was not granted to the said parties prior to the filing of the said petition to intervene.
- 3. It affirmatively appears that leave of court to file the said petition to intervene was not obtained prior to the filing thereof.
- 4. It affirmatively appears that the said petition to intervene was not filed before final judgment in this cause in the Probate Court of Baldwin County, Alabama.
- 5. It affirmatively appears that the said petition to intervene was not filed before final judgment in this cause in the Circuit Court of Baldwin County, Alabama.
- 6. It affirmatively appears that the said petition to intervene was not filed until after final judgment in this cause in the Probate Court of Baldwin County, Alabama.

300-F

- 7. It affirmatively appears that the said petition to intervene was not filed until after final judgment in this cause in the Circuit Court of Baldwin County, Alabama.
- 8. It affirmatively appears that the parties who filed the said petition to intervene were not named as owners or parties in the application to condemn which was filed in this cause in the Probate Court of Baldwin County, Alabama.
- 9. It affirmatively appears that the parties who filed the said petition to intervene were not named as owners or parties in the application to condemn on which this cause was tried in the Circuit Court of Baldwin County, Alabama.

JAN \$ 1965

ALIE I WILL REGISTER

Attorney for Defendants

B. Blackleurn

			'
	STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
	Plaintiff,)	BALDWIN COUNTY, ALABAMA
	VS.)	AT LAW
	EXA LOU BARNHILL, ROGER F. BARNHILL, CHARLES W.)	CASE NO. 6164
Complete Com	BARNHILL, THOMAS MASTIN BARNHILL, ALVA GORDON)	
- where we will provide the same	BARNHILL, AND CENTRAL BALDWIN BANK OF ROBERTS-)	de la companya de la
P-Charlest Innovation of the Control	DALE, a Corporation, as to Tract 17, Parcels 1)	
D. Middleson, St. Co. Co. Co. Co. Co. Co. Co. Co. Co. Co	thru 3, inclusive,)	
The same of the sa	Defendants.)	

PETITION FOR DRAWDOWN

In the above-styled cause there has been money paid into the Circuit Court of Baldwin County, Alabama, in Registry, in the amount of Thirty-Two Thousand (\$32,000.00) Dollars. The defendants Exa Lou Barnhill, Roger F. Barnhill, Charles W. Barnhill, Thomas Mastin Barnhill and Alva Gordon Barnhill desire to withdraw Twenty-Four Thousand (\$24,000.00) Dollars of said sum as a pro tanto portion of the total above award which may be determined in this condemnation of lands.

The defendants pray this Honorable Court will make an order directing the Clerk of this Honorable Court to pay out to the defendants the above-mentioned sum of Twenty-Four Thousand (\$24,000.00) Dollars.

Attorney For Defendants

The State of Alabama, acting by and thru its duly appointed Special Assistant Attorney General, Kenneth Cooper, consents and prays this Honorable Court will allow the above motion and will make an order whereby defendants may withdraw the said sum of Twenty-Four Thousand (\$24,000.00) Dollars from the Registry of the

300-I

above-named Court.

Duly Appointed Special Assistant Attorney General, State of Alabama

ORDER:

The foregoing PETITION FOR DRAWDOWN having this date been presented to me, and its contents duly noted, it is the opinion of the Court that the petition should be granted. It is therefore

ORDERED, ADJUDGED and DECREED by this Court that the Defendants, Exa Lou Barnhill, Charles W. Barnhill, Thomas Mastin Barnhill, and Alva Gordon Barnhill be paid the requested sum of Twenty-Four Thousand (\$24,000.00) Dollars as a "draw-down" in this cause.

Done by me, as a previously appointed Special Appointed Judge to hear the trial of this cause, on this 19th day of April, 1966.

APR 20 1988

ALIE I WAY REPORT

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STATE OF	ALABAMA,)
	Petitioner,) IN THE PROBATE COURT OF
vs.)
7 O. V. D.	A 25.5.7.7.7.7.7.7.7.7.7.7.7.7.7.7.7.7.7.7	BALDWIN COUNTY, ALABAMA
EXA LOU BA	ARNHILL, ET AL.,) CASE NO: 5198
	Respondents.)
		•
TO ANY SHI	ERIFF OF THE STATE OF	ALABAMA, GREETINGS:
	YOU ARE HEREBY COMMA	NDED to serve the following notice
unon	CHARLES W. BA	-
upon		
	LOXLEY, ALABA	MA
		1.4th a May
		that on the 14th day of May
1964, an/	application or petiti	on was filed in this Court by the State
of Alabam	a, a copy of which pe	tition is attached hereto, setting fort
its desir	e to condemn for cert	ain purposes therein stated, certain
lands belo	onging to EXA LOU	BARNHILL, ET AL.,
		·
a descrip	tion of said lands be	ing specifically set forth in said
		in this Court and said application or
		
•	•	will make and enter an order appoint-
	<u> </u>	application and for such other and
		as may be necessary. You will take
further n	otice that the Court	has appointed the $\frac{27 \text{th}}{}$ day of
May	, 1964, at 10:00	A. M. o'clock A. M., to hear said
applicati	on or petition, at wh	ich time you may appear and contest the
same if y	ou so desire to do.	and the control of the second state of the second s
	WITNESS my hand this	14 day of May , 1964.
neriff claims	40 mijes at,	2 Den S
en Cents per mile		Chu Chevalier & Charles /
(<i>)</i>	KINS, Sh e riff By World	L. D. Owen, Jr., Judge of Probate.
DEPUTY ATE OF ALABA	MA, BALDWIN COUNTY	and on A day of May 19 let served a copy of the within
d_5_/	14-64 M	on Charles W. Barnhill
orded	book page A	444
	udge of Probate	By service on
	a	

191

TAYLOR WILKHIS, Sheriff By W.O. Harnly



STATE OF ALABAMA,)
Petitioner,) IN THE PROBATE COURT OF
VS.) BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET AL.,)
Respondents.) CASE NO: <u>5/98</u>
)
TO ANY SHERIFF OF THE STATE OF	ALABAMA, GREETINGS:
YOU ARE HEREBY COMMAN	NDED to serve the following notice
upon ALVA GORDON E	
LOXLEY. ALABA	AMA
Von will take notice	that on the <u>14th</u> day of <u>MAY</u>
Amended	on was filed in this Court by the State
	·
	tition is attached hereto, setting forth
its desire to condemn for cert	ain purposes therein stated, certain
lands belonging to <u>EXA LOU</u>	BARNHILL, ET AL.,
a description of said lands be	ing 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 appoint-
ing a day for hearing of said	application and for such other and
	application and for such other and
further orders and procedures	application and for such other and as may be necessary. You will take
further orders and procedures further notice that the Court	application and for such other and as may be necessary. You will take has appointed the 27th day of
further orders and procedures further notice that the Court May , 1964, at 10:0	application and for such other and as may be necessary. You will take has appointed the 27th day of o'clock A. M., to hear said
further orders and procedures further notice that the Court May, 1964, at 10:00 application or petition, at wh	application and for such other and as may be necessary. You will take has appointed the 27th day of
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further orders and procedures further notice that the Court May , 1964, at 10:00 application or petition, at who same if you so desire to do. WITNESS my hand this	application and for such other and as may be necessary. You will take has appointed the 27th day of o'clock A. M., to hear said wich time you may appear and contest the
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further orders and procedures further notice that the Court May , 1964, at 10:00 application or petition, at who same if you so desire to do. WITNESS my hand this Cents per mile Total S. TAYLOR WILKINS, Sheriff	application and for such other and as may be necessary. You will take has appointed the 27th day of o'clock A. M., to hear said hich time you may appear and contest the said high day of May, 1964. By Olive Chief Childudge of Probate. 1964. 1964. 1964.
further orders and procedures further notice that the Court May , 1964, at 10:00 application or petition, at wh same if you so desire to do. WITNESS my hand this Thy Lor wilkins, sheriff ATE OF ALABAMA, BALDWIN COUNTY	application and for such other and as may be necessary. You will take has appointed the 27th day of o'clock A. M., to hear said which time you may appear and contest the 14th day of May, 1964. Solution Older of Probate. 1966 L. D. Owen, Christinds of Probate. 1966
further orders and procedures further notice that the Court May , 1964, at 10:00 application or petition, at who same if you so desire to do. WITNESS my hand this TAYLOR WILKINS, Sheriff ATE OF ALABAMA, BALDWIN COUNTY at 5-14-64	application and for such other and as may be necessary. You will take has appointed the 27th day of o'clock A. M., to hear said hich time you may appear and contest the said high day of May, 1964. By Olive Chief Circled & Probate. 1964. 1 Served a copy of the within Making Bassard.

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follows: and as shown by the Right-of-Way Map of Project No. I-10-1 (11) as recorded in the Office of the Judge of Probate of Baldwin County.

Parcel No. 1: Commencing at the southwest corner of the MET of the MET of Section 6, T-5-S, R-L-E; thence northerly along the West boundary of said NET of MET the West property line, a distance of 425 feet to the point of beginning at Station 679+5h on the centerline of the Left Lane of Project No. I-10-1 (11); thence northerly along said West property line a distance of 145 feet, more or less, to a point that is 140 feet northeasterly of and at right angles to the centerline of said Left Lane; thence southeasterly, parallel to the centerline of said Left Lane; thence southeasterly, parallel to the centerline of said Left Lane; thence along a curve to the left, (concave northeasterly) having a radius of 11, 319.15 feet, a distance of 825 feet, more or less, to a point that is 140 feet northeasterly of and at right angles to the centerline of said Left Lane at P.T. Station 687+58.95; thence S 81° 13; 46° E, parallel to the centerline of said Left Lane, a distance of 1685.32 feet, to a point that is 140 feet northeasterly of and at right angles to the centerline of said Left Lane, at P.C. Station 704+43.92; thence southeasterly, parallel to the (centerline of said Left Lane, along a curve to the right (concave southwesterly) having a radius of 5869.56 feet, a distance of 1550 feet, more or less, to a point; that is 125 feet northeasterly of and at right easterly, parallel to the centerline of said Left Lane; thence southeasterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southwesterly) having a radius of 5869.56 feet, a distance of 680 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane at P.T. Station 726+38.81; Left Lane, a distance of 2212.01 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of said Left Lane at P.C. Station 786+50.46; Left Lane, a distance of 2212.01 feet, more or less, to a point that is 125 feet northeasterly of and at right angles

more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of the Right Lane of said Project; thence northwesterly, parallel to the centerline of said Right Lane, along a curve to the right (concave northeasterly) having a radius of 39\text{\text{M}}.71 feet, a distance of \text{\text{LSO}} feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane at P.C. Station 7.7495.30; thence N 59°59; 12° E, parallel to the centerline of said Right Lane, a distance of 2029.17 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane at P.T. Station 7.77459.59; thence northwesterly, parallel to the centerline of said Right Lane, along a curve to the left (concave southwesterly) having a radius of 8\text{\text{LSO}} 6.37 feet, southerly of and at right angles to the centerline of said Right Lane at P.C. Station 698+76.01; thence S 70° \text{\text{LTO}} 22° W. a distance of 30 feet, more or less, to a point that is 1\text{\text{LSO}} feet southerly of and at right angles to the centerline of said Right Lane; thence N 79° 12' 38° W, parallel to the centerline of said Right Lane, a distance of 730 feet, more or less, to a point; thence N \text{\text{LSO}} 12° 38° W, a distance of 30 feet, more or less, to a point; thence N \text{\text{LSO}} 12° 38° W, a distance of 30 feet, more or less, to a point that is 12° feet southerly of and at right angles to the centerline of said Right Lane, a distance of 1088 feet, more or less, to a point on said West property line; thence northerly along said West property line a distance of 330 feet, more or less, to the point of beginning.

Said strip of land lying in the E_{2}^{+} of the NE_{2}^{+} Section 6, (also in Section 5) T-5-S, R-4-E, and containing 89.50 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 grantros 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 grantors.

Resement for Drainage: Beginning at a point that is 125 feet northeasterly of and at right angles to the centerline of the Left Lane of Project No. I-10-1 (11) at Station 721+00; thence N 45° 15° E a distance of 200 feet to a point; thence N 62° 15° W a distance of 56.5 feet to a point; thence S 45° 15° W a distance of 200 feet to a point that is 125 feet north-easterly of and at right angles to the centerline of said Left Lane; thence southeasterly, parallel to the centerline of said Left Lane, along a curve to the right (concave south-westerly) having a radius of 5854.58 feet, a distance of 56.5 feet, to the point of beginning.

Said strip of land lying in Section 5, T-5-S, R-4-E, and containing 0.23 acres, more or less.

Parcel 2: Beginning at the Southwest corner of the SW2 of the SE2 of Section 31, T-4-S, R-4-E; themse Wortherly along the West boundary line (the West property line) a distance of 15 feet, more or less, to a point; thence N 00° 591 17" E a distance of 268.75 feet to a point; thence S 89° 001 43" E a distance of 60 feet to a point; thence S 00° 591 17" W a distance of 268.75 feet to a point; thence S 00° 111 43" W

a distance of 15 feet, more or less to a point on the South boundary line of the said SW_2^+ of SE_2^+ ; thence westerly along the said South boundary line a distance of 60 feet, more or less, to the point of beginning.

Said strip of land lying in the SW2 of the SE2 of Section 31, T-4-S, R-4-E and containing 0.39 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line described as (commencing at the Southwest corner of the SW+ of the SE+, Section 31, T-4-S, R-4-E; thence N 00° 11' 43" W a distance of 15 feet, more or less, to a point; thence N 00° 59' 17" E a distance of 268.75 feet to the point of beginning; thence S 89° 00' 43" H a distance of 268.75 feet, more or less, to a point; thence of 15 feet, more or less, to a distance of 268.75 feet, more or less, to a point; thence S 00° 11' 43" E a distance of 15 feet, more or less, to a point) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Parcel No. 3: Beginning at the southwest corner of the SW2 of the SE2 of Section 1, T-5-S, R-4-E; thence northerly, along the West boundary line of said SW2 of SE2, the West property line, a distance of 1240 feet to a point on the centerline of the Left Lane of Project No. I-10-I (11) at Station 778+56.23; thence northerly, along said West property line, a distance of 97 feet, more or less, to a point on the North boundary line of said SW2 of SE2, the North property line, a distance of 1327 feet, more or less, to a point on the East boundary line of said SW2 of SE2, the East property line; thence southerly, along said East property line, a distance of 385 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of the Right Lane of said project; thence W 65° 20° 128 W, parallel to the centerline of said Left Lane, a distance of 1275 feet, more or less, to a point that is 60 feet easterly of and at right angles to said West property line; thence southerly, parallel to said West property line, a distance of 1057 feet, more or less, to a point on the South boundary line of said SW2 of SE2, the South property line; thence westerly, along said South property line, a distance of 60 feet, more or less, to the point of beginning.

Said strip of land lying in the SW2 of the SE2 of Section μ , T-5-S, R- μ -E, and containing ll.71 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to the grantor's remaining property in and to said controlled access facility, provided, however, that there is hereby reserved along a line described as (commencing at a point that is 175 feet southerly of and at right angles to the centerline of the Right Lane of Project No. I-10-1 (11) at Station 779+38, said point being 60 feet easterly of and at right angles to the West boundary line of the SW% of the SE% of Section 4, T-5-S, R-4-B, the West property line; thence southerly, parallel to said West property line; thence southerly, parallel to said West property line; thence southerly, parallel to a fixed the Section 1057 feet to a point on the South

THE STATE OF ALABAMA - - - JUDICIAL DEPARTMENT THE SUPREME COURT OF ALABAMA OCTOBER TERM 1966-67

1 Div. 276

State of Alabama

v.

Exa Lou Barnhill et al.

Appeal from Baldwin Circuit Court

LAWSON, JUSTICE.

The State of Alabama filed a petition in the Probate

Court of Baldwin County to condemn lands belonging to Exa Lou

Barnhill and others for highway purposes.

The award of the Commissioners in the Probate Court was \$102,000 and a judgment of condemnation was entered ... accordingly.

The State took an appeal to the Circuit Court of Baldwin County, where no issue was made as to the right of the State to condemn the property in question. The sole question was the amount of damages to be awarded the property owners.

In the Circuit Court the trial was before the court and a jury. The jury returned a verdict in favor of the land-owners in the sum of \$122,800. Judgment was entered accordingly and the State's motion for a new trial was overruled. The State has appealed to this court.

The cause was submitted here on motions and merits.

Motion to Affirm

The appellees have filed a motion to affirm the judgment below on the ground that appellant has made no legal, meritorious or valid assignments of error and because "... in each and all of said assignments it [appellant] has failed to point out and show the page or place in the transcript where the alleged error appears."

Appellant has made twenty-five assignments of error.

Assignments of Error 1 through 9 are not sufficient, since they do not allege error on the part of the trial court for failure to grant the motion for new trial, nor do they allege error by the trial court in any respect. - King v. Jackson,

264 Ala. 339, 87 So. 2d 623, and cases cited; Randolph v. Kessler, 275 Ala. 73, 152 So. 2d 138; Doughty v. City of Fayette, 278 Ala. 121, 176 So. 2d 481; Accident Indemnity Ins. Co. v. Feely, 279 Ala. 74, 181 So. 2d 889; Thompson v. State, 267 Ala. 22, 99 So. 2d 198.

The criticism made by appellees of the remaining assignments of error is that none of them disclose or show the page or pages of the transcript of the record where the asserted error can be found.

The criticism is without merit in view of our recent holding in <u>Henry v. Jackson</u>, 279 Ala. 225, 228, 184 So. 2d 225, wherein we said in part as follows:

"Revised Supreme Court Rule 1, Title 7, Code 1940, Appendix (dealing with assignments of error and joinder therein), does not require that assignments of error be followed by reference to the page of the transcript where the action, or actions, made the basis of the assignment are to be found; but we have held that where appellant's counsel, following an assignment of error, refers to certain record pages, and this Court finds no such ruling at the pages referred to, no question is presented for our determination. Brooks v. Everett, 271 Ala. 354, 124 So. 2d 105; Crews & Green v. Parker, 192 Ala. 383, 68 So. 287; Sharpe v.

Hughes, 202 Ala. 509, 80 So. 797; Orso v. Cater, 272 Ala. 657, 133 So. 2d 864; Mothershed v. Mothershed, 274 Ala. 528, 150 So. 2d 372; Morton v. Clark, 10 Ala. App. 439, 65 So. 408; Christ v. Spizman, 33 Ala. App. 586, 35 So. 2d 568."

In <u>Henry v. Jackson</u>, <u>supra</u>, we declined to consider assignments of error which were followed by references to pages of the transcript on which did not appear the ruling complained of, but we did consider the assignments of error which were not followed by any reference to the pages of the transcript.

We hold, therefore, that the motion to affirm should be and it is denied.

Motion to Dismiss Appeal

The appellees have filed a motion to dismiss the appeal on the ground that the appellant, the State of Alabama, has not filed the bonds required by § 23 of Title 19 and by § 690, Title 7, of the 1940 Code of Alabama.

Section 72, Title 7 of the 1940 Code, as amended, reads:

"The state may sue in its own name, and is entitled to all remedies provided for the enforcement of rights between individuals, without giving bond or security or causing affidavit to be made, though the same may be

required as if the action were between private citizens; the written direction of the governor of the state to the attorney of record is a sufficient authority for bringing the suit."

In <u>State v. Sharp</u>, 278 Ala. 668, 180 So. 2d 264, where the State appealed from a judgment entered in a condemnation proceeding instituted by it, the appellee moved to dismiss the appeal on the ground that the State had failed to post bond or security for costs as required by § 23, Title 19, Code 1940. We did not grant the motion to dismiss, saying in part as follows: "... Section 72, Title 7, as amended, exempts the State from the giving of bond or security for costs in any suit brought in its own name..." (278 Ala., 669)

The Sharp Case, <u>supra</u>, disposes of appellee's contentention that the appeal should be dismissed because the State did not file the bond provided for in § 23, Title 19, Code 1940.

In the Sharp case, <u>supra</u>, we were not called upon to give consideration to the provisions of § 760, Title 7, Code 1940, which reads:

"After final judgment in the circuit court, or other court of like jurisdiction, in ad quod damnum proceedings under section 17 of title 19 of this Code either party may, within thirty days thereafter appeal to the supreme court; but on no appeal taken under this section shall the judgment of the

circuit court be superseded if the compensation assessed is paid to the owner, and
the costs of the suit are paid into court,
or if such compensation together with the
costs of suit, are paid into court, and
the applicant has given bond in double the
amount of the damages assessed, conditioned
to pay to the land owner such judgment as
may be finally rendered in his favor."

For the purpose of considering appellees' contention that the appeal should be dismissed because the State failed to give the bond provided for in § 760, Title 7, but for that purpose only, we will treat the record and the motion to dismiss as showing that the State has gone into possession of the condemned property and has paid into court the amount of compensation awarded to the appellees together with the costs of suit, but has failed to give "bond in double the amount of the damages assessed, conditioned to pay to the land owner such judgment as may be finally rendered in his favor."

We are of the opinion that § 72, Title 7, supra, operates to exempt the State from giving the bond provided for in that part of § 760, Title 7, quoted in the preceding paragraph. Our holding in the Sharp Case, supra, supports that view.

We are aware that the provision quoted from § 760, Title 7, is very similar to language used in § 235 of the

Constitution but the exemption given to the State in § 72, Title 7, does not violate § 235 of the Constitution, for that section has been held not to apply to the State, - Duy v. Alabama Western Railway Co., 175 Ala. 162, 57 So. 724; Finnell v. Pitts, 222 Ala. 290, 132 So. 2; Brock v. City of Anniston, 244 Ala. 544, 14 So. 2d 519.

The motion to dismiss the appeal is denied.

Merits

Appellant in its brief groups Assignments 1, 2, 3, , 4, 5, 6, 7, 8, 9 and 24 under Proposition 1 and the argument there made in support of appellant's contention for error was made in bulk as one. As previously observed, Assignments 1 through 9 are bad. Assignment 24 is to the effect that the trial court erred in overruling appellant's motion for a new trial. It is in proper form. The grounds of the motion for new trial listed and argued under Proposition 1 are all to the effect that a new trial should have been granted because of the excessiveness of the verdict. But some of Assignments I through 9 do not relate to the amount of the verdict. Hence, as appellees point out, we cannot consider any of the assignments argued in bulk under Proposition 1, for we have held many times that where unrelated assignments of error are argues in bulk, that is, are grouped and argued together, and one is found to be without merit, the others will not be considered. - Atlanta Life Ins. Co. v. Ash, 228 Ala. 184, 153 So.

261; Pierson v. Busby, 279 Ala. 201, 183 So. 2d 796; Henry v. Jackson, 279 Ala. 225, 184 So. 2d 133; Piper Ice Cream Co. v. Midwest Dairy Products Corp., 279 Ala. 471, 187 So. 2d 228; Johnston v. Byrd, 279 Ala. 491, 187 So. 2d 246.

We will observe, however, that the damages awarded to appellees were considerably less than the amount of damages which their witnesses testified appellees sustained. One of those witnesses fixed appellees damages at \$305,000. See Southern Electric Generating Co. v. Howard, 275 Ala. 498, 156 So. 2d 359; State v. Boone, 276 Ala. 16, 158 So. 2d 658; State v. Owen, 279 Ala. 281, 184 So. 2d 362. In Southern Electric Generating Co. v. Howard, supra, none of the landowner's witnesses was a professional appraiser.

In its brief appellant groups Assignments 21, 22, 23 and 24 under Propositions 2, 3 and 4. These assignments of error are related. Assignments 21, 22 and 23 are all to the effect that the trial court erred in refusing to grant appellant's motion for a mistrial because of a statement made by appellees' counsel in his argument to the jury. As pointed out above, Assignment 24 is that the trial court erred in overruling appellant's motion for a new trial and the grounds of the motion for new trial listed and argued under Propositions 2, 3 and 4 are to the effect that a new trial should have been granted because of the trial court's failure to grant appellees' motion for mistrial based on the argument of appellees' counsel. It is well established that several

assignments of error raising kindred questions may be presented under the same argument. - White Dairy Co. v. Sims, 230 Ala. 561, 161 So. 812; Hartford Fire Ins. Co. v. Clark, 258 Ala. 141, 61 So. 2d 19; Boohaker v. Trott, 274 Ala. 12, 145 So. 2d 179.

During the argument to the jury by counsel for appellees, the following transpired:

"MR. BLACKBURN [Counsel for appellees]:

Gentlemen, you live here in Baldwin County,

and you know that the Federal Government is

going to pay the biggest part of the compen
sation and damages assessed - - -

"MR. MASHBURN [Counsel for appellant] -May it please the Court, I tried to be quiet
for a good while there - - - He is approaching
on argument not proper; I think it is highly
improper to refer to who is paying for the
highway; that has nothing to do with it, and
I don't know but what it would be my duty at
this point, and I do make a motion for a mistrial on the basis of the statement made by
the counsel for the land-owner with regard to
who is going to pay the cost of the highway --

"THE COURT: I will overrule your motion, but I will instruct the jury at this particular point: Gentlemen, when you go in the jury room to consider the case, it is no concern to you at all as to who pays the judgment and don't you consider that. You will put that completely out of your mind.

'MR. MASHBURN: We except."

The appellant insists that the statement made by Mr. Blackburn, counsel for appellees, was highly improper and that the poison and prejudice which it injected into the case was not eradicated by the trial court's admonition to the jury not to consider it.

The statement of Mr. Blackburn, standing alone, was certainly prejudicial and the record contains no evidence to support it. However, we need not concern ourselves with the question as to whether it was so prejudicial as to be ineradicable because the record shows that it was reply in kind to improper argument first made by one of the lawyers for the appellant (Mr. Owens), who in his argument to the jury stated that the plaintiff in the case is the State of Alabama, "which as you know is all of us - which includes the defendants in this case as well as you and the other people here, inasmuch as this was a limited access highway with no enhancement concerned, it was up to the jury to be eminently fair to all parties concerned."

The statement of Mr. Owens was an appeal to the self-interest of the jurors as taxpayers and was improper. - Williams v. City of Anniston, 257 Ala. 191, 58 So. 2d 115;

St. Clair County v. Bukacek, 272 Ala. 323, 131 So. 2d 683. As we have indicated above, we entertain the view that the statement of Mr. Blackburn was provoked or produced by the statement of Mr. Owens and consequently can furnish no ground for reversal. - St. Clair County v. Bukacek, supra, and cases cited.

In its brief appellant groups Assignments 20, 24 (Ground 19 of the motion for new trial) and 25 under Proposition 5. These assignments are so related that they may be argued in bulk. See <u>Boohaker v. Trott</u>, <u>supra</u>.

Two parcels of land are involved. At this point in the opinion we are concerned only with the larger tract which, prior to the taking, consisted of approximately 960 acres of land, which was operated as a single farming unit. Appellees planted row crops and silage and raised cattle on the 960-acre tract. Some of it was timber land. All of the witnesses gave testimony to the effect that it was a very valuable piece of property.

The controlled or limited access highway, which runs in an easterly and westerly direction, takes approximately ninety acres of that tract. Approximately 480 acres is left north of the highway and approximately 390 acres is left south of it. Appellees' silos are situated north of this highway and at least some of the fields where silage has been raised are situated south of the highway. No overpass

or underpass has been provided or authorized which will enable appellees to transport silage from the fields in the tract south of the highway to the silos situated on the north side.

The assignments of error with which we are presently concerned, those argued under Proposition 5 of appellant's brief, are all in connection with the following question asked Charles Barnhill, one of the appellees, on direct examination by his lawyer:

"Now I will ask you if you have computed the distance, assuming you raised silage on this part of the 960 acres south of the highway, if you raised silage here and transported it up here to the silo after the highway is built and the way you have to travel, the number of miles it would require you to travel to transport that silage to your silo."

Objection interposed by counsel for appellant was overruled and the witness stated that he had computed the total mileage and that "just for the wagons and trucks for 800 round trips, between five and six thousand miles."

In <u>Blount County v. Campbell</u>, 268 Ala. 548, 552, 109 So. 2d 678, we said in part as follows:

"The well-established general rule of compensation in a condemnation proceeding

where only a part of a tract is taken is that the owner is entitled to the difference between the value of the entire tract immediately before the taking and the value of the part of the tract remaining after the taking. (Authorities cited) In determining the value of the property after the taking the jury should consider any factor or circumstance which would depreciate the value in any way. (Authorities cited) This includes any effect that the completed project for which the land is condemned may produce on the remaining tract. (Authorities cited)"

The main question presented in St. Clair County v. Bukacek, supra, was whether the jury in a case of this kind is entitled to consider, in assessing damages, the deprivation or limitation of access to a controlled access highway when the highway is constructed on a new right-of-way, and where the landowner had no previous access rights to this highway.

We answered the question in the affirmative, saying in part as follows:

"... If a conventional four lane access highway is built through the property, the remaining land has one value; if a four

lane non-access highway is built, the remaining land has a lesser value, because the abutting landowner has no frontage, cannot cross the highway from one tract to the other and must use a circuitous route to go from one tract to another, where formerly the tract was not divided. Under the law of this state, these differences in value are to be considered in arriving at the total difference in the value of the property before and after the taking.

"In view of our constitutional provisions, statutes and decisions, we hold that where, as here, the property right of access is condemned and the abutting property owner is denied access to the controlled or limited access highway, this factor or circumstance is proper for the jury to consider in arriving at just compensation to be awarded the owner of the land." (272 Ala., 329-330)

At least some of the witnesses who testified for the State, the appellant, stated in effect that in fixing the amount of the damages to appellees by the construction of the controlled or limited access highway, they did not take

into consideration the fact that the highway divided the 960-acre tract into two tracts, with the landowners not having the right to cross the highway from one tract to the other.

On the other hand, the witnesses who testified for appellees took those factors into consideration. As we have shown, those factors are proper for the jury's consideration.

We are of the opinion that the evidence of the witness Charles Barnhill, with which we are presently concerned,
was properly admitted. It does not simply show an inconvenience to the present landowners, but has a direct bearing
on the value of the land before its taking and the value of
appellees' land remaining after the taking.

The judgment of the trial court is affirmed.

AFFIRMED.

Livingston, C. J., Goodwyn and Coleman, JJ., concur.

I, Richard W. Neal, Deputy Clerk of the Supreme Court of Alahama, do hereby certify that the foregoing is a full true and correct copy of the instrument(s) herewith set out as same appears of record in said Court

in said Court. Witness my hand this 23day

Deputy Clerk, Supreme Court of Alabama

of_

THE STATE OF ALABAMA...JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19.66-67

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 Exa Lou Barnhill, et al. , AppelleeS, wherein by said Court it was considered adversely to said appellant , were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant: NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by our Supreme Court, on the 23 day of February , 1967, that xoid Of xook Attionmed xond charact was for the xonsidered xook red xook and with dead whee the certain court in the finance. IT WAS FURTHER CONSIDERED, ORDERED AND ADJUDGED that the judgmen of the Circuit Court be in all things affirmed. IT WAS FURTHER 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. Richard W. Neal Deputy	To	the	Clerk	of the Circuit Cour	
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THE SUPREME COURT OF ALABAMA

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Div., No. 276 lst

State of Alabama

Appellant,

vs.

Exa Lou Barnhill, et al., Appellee. 8

Baldwin Circuit

No. 6164 CERTIFICATE OF **AFFIRMANCE**

The State of Alabama,

Filed

BROWN PRINTING CO., MONTGOMERY