

L. D. Owen, Jr.
Judge of Probate

STATE OF ALABAMA,

Petitioner,

vs.

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
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 Sub-
division of the State of Alabama.

Respondents.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 5210

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 herein-
after 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 belief the said lands are owned and interest in said lands are claimed by the parties named as Respondents in this cause.

8. That Baldwin County, Alabama, a body corporate under the Laws of the State of Alabama, with its County Seat in the City of Bay Minette, Alabama, may have or claim an interest in said 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.

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: Telfair J. Mashburn
Duly appointed Special Assistant
Attorney General for the State of
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.

Jeffair J. Madliburn

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

Allice L. Miller

Notary Public, Baldwin County, Alabama.

I, hereby acknowledge myself
liable for the costs that may
accrue in this cause —

Jeffair J. Madliburn

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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.

EXHIBIT "A"
TRACT #18

in Baldwin County, Alabama, and more particularly described as follows:

And as shown by the Right of Way Map of Project No. I-10-1 (11)44 as recorded in the Office of the Judge of Probate of Baldwin County.

Commencing at the SE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T 5 S, R 4 E; thence northerly along the East boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the East property line, a distance of 300 feet, more or less, to the point of beginning at Sta. 765 + 00 on the centerline of the Left Lane of Project No. I-10-1 (11) 44; thence northerly along said East property line a distance of 125 feet, more or less, to a point that is 125 feet north-easterly of and at right angles to the centerline of said Left Lane; thence northwesterly, parallel to the centerline of said Left Lane, along a curve to the right (concave northeasterly) having a radius of 3694.71, a distance of 1385 feet, more or less, to a point on the West boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the West property line; thence southerly along said West property line (crossing the centerline of said Left Lane at Sta. 751 + 17) a distance of 618 feet, more or less, to a point that is 125 feet southwest-erly of and at right angles to the centerline of the Right Lane of said project; thence southeasterly, parallel to the centerline 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 $\frac{1}{4}$ of $\frac{1}{4}$ section, the South property line; thence easterly along said South property line a distance of 720 feet, more or less, to a point on said East property line; thence northerly along said East prop-erty line a distance of 300 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4, T 5 S, 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 poten-tial 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 grantors remaining real property consisting of all parcels con-tiguous one to another whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instru-ment or are connected thereto by other parcels owned by grantors.

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Easement for Muck Disposal: The herein described property, a strip of land 100 feet in width and 150 feet in length, to 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 the Right of Way for Project No. I-10-1 (EX) 44 from Sta. 756 + 00 to Sta. 757 + 00 on the centerline of the Left Lane.

Said strip of land lying in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, T 5 S, R 4 E, and containing 0.11 acres, more or less.

Easement for Muck Disposal: Beginning at a point that is 100 feet westerly of and at right angles to the centerline of the Right of Way for Project No. I-10-1 (EX) 44 at Sta. 757 + 00; thence a distance of 10 feet, more or less, to a point on the South boundary line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, T 5 S, R 4 E, the South property line; thence easterly, along said South property line, a distance of 100 feet, more or less, to a point on the Southwest boundary line of the Right of Way for said project; thence northeasterly, parallel to the centerline of said Right Lane, along a curve to the right (concave northeasterly) having a radius of 1000.71 feet, a distance of 100 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, T 5 S, R 4 E, and containing 0.04 acres, more or less.

It is hereby agreed that the herein described project and rights granted herein to the said parcels of land covered by easement for muck disposal lying outside the right of way shall cease and terminate, and revert to the grantor.

Witness my hand and seal this _____ day of _____, 19____.

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EXHIBIT "A"
TRACT #35

in Baldwin County, Alabama, and more particularly described as

follows:

And as shown by the Right of Way Map of Project No. I-10-1 (11) 44 as recorded in the Office of the Judge of Probate of Baldwin County.

Commencing at the SE corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7, T 5 S, R 5 E; thence northerly along the East boundary of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the East property line, a distance of 275 feet to the point of beginning at Sta. 1009 + 14 on the centerline of the Left Lane of Project No. I-10-1 (11) 44; thence northerly along said East property line a distance of 145 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 northwesterly, parallel to the centerline of said Left Lane, along a curve to the left (concave southwesterly) having a radius of 5854.58 feet, a distance of 1420 feet, more or less, to a point on the West boundary of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the West property line; thence southerly along said West property line a distance of 620 feet, more or less, to a point that is 200 feet southerly of and at right angles to the centerline of the Right Lane of said project; thence southeasterly, parallel to the centerline of said Right 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, to a point on the South boundary of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the South property line; thence easterly along said South property line a distance of 500 feet, more or less, to a point on said East property line; thence northerly along said East property line a distance of 275 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 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 (11) 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.

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Parcel No. 1: Beginning at the northeast corner of the NW 1/4 of the NW 1/4 of Section 16, T-5-S, R-5-E; thence southerly along the East boundary of NW 1/4 of NW 1/4, the East property line, a distance of 140 feet to point of beginning at station 1112+32 on the centerline of the Right Lane of Project No. I-10-1 (11); thence southerly along said East property line a distance of 145 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane; thence northwesterly, parallel to the centerline of said Right Lane, along a curve to the left (concave southwesterly) having a radius of 7514.44 feet, a distance of 1100 feet, more or less, to a point on the North boundary of said NW 1/4 of NW 1/4, the North property line; thence southerly along said North property line a distance of 200 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of the Left Lane of said project; thence southeasterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southeasterly) having a radius of 8719.37 feet, a distance of 200 feet, more or less, to a point on said East property line; thence southerly along said East property line a distance of 145 feet, more or less, to point of beginning.

Said strip of land lying in the NW 1/4 of the NW 1/4 of Section 16, T-5-S, R-5-E, and containing 7.00 acres, more or less.

Parcel No. 2: Beginning at the southeast corner of the NW 1/4 of the NW 1/4 of Section 16, T-5-S, R-5-E; thence southerly along the West boundary of said NW 1/4 of NW 1/4, the West property line, a distance of 295 feet, more or less, to a point that is 275 feet northeasterly of and at right angles to the centerline of Project No. I-10-1 (11) at Station 1112+32; thence southerly, parallel to the centerline of said project, a distance of 140 feet, more or less, to a point on the South boundary of said NW 1/4 of NW 1/4, the South property line; thence southerly along said South property line a distance of 135 feet, more or less, to point of beginning.

Said strip of land lying in the NW 1/4 of the NW 1/4 of Section 16, T-5-S, R-5-E, and containing 1.14 acres, more or less.

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Parcel No. 1: Beginning at the northeast corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, T-5-S, R-5-E; thence easterly along the East boundary line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$, the North property line, a distance of 350 feet, more or less, to a point that is 210 feet southeasterly of and at right angles to the centerline of Project No. 1-10-1 (11) at Station 1131+90; thence S $50^{\circ} 03' 29''$ W, parallel to the centerline of said Project, a distance of 530 feet, more or less, to a point on the North boundary of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$ the North property line; thence easterly along said North property line a distance of 100 feet, more or less, to point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, T-5-S, R-5-E, and containing 1.41 acres, more or less.

Parcel No. 2: Commencing at the northeast corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, T-5-S, R-5-E; thence easterly along the North boundary line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$, the North property line, a distance of 212 feet to point of beginning at Station 1130+00 on the centerline of Project No. 1-10-1 (11); thence easterly along said North property line a distance of 120 feet, more or less, to a point that is 210 feet northeasterly of and at right angles to the centerline of said project; thence S $62^{\circ} 03' 20''$ W, parallel to the centerline of said project, a distance of 3755 feet, more or less, to a point that is 210 feet northeasterly of and at right angles to the centerline of said Project at Station 1130+57; thence southeasterly along a straight line a distance of 792 feet, more or less, to a point that is 110 feet northeasterly of and at right angles to the centerline of said Project at Station 1130+45; thence easterly along a straight line a distance of 170 feet, more or less, to a point that is 80 feet northwesterly of and at right angles to the centerline of the relocation of the Taylor Camp Road, at Station 208+15; thence northeasterly, parallel to the centerline of said road along a curve to the right (concave northeasterly) having a radius of 1324.93 feet, a distance of 417 feet, more or less, to a point that is 80 feet northwesterly of and at right angles to the centerline of said road at P.M. Station 212+25.33; thence N $15^{\circ} 21' 12''$ E, parallel to the centerline of said road, a distance of 100 feet, more or less, to a point that is 80 feet northwesterly of and at right angles to the centerline of said road at P.M. Station 213+13.17; thence northeasterly, parallel to the centerline of said road along a curve to the left (concave northeasterly) having a radius of 574.93 feet, a distance of 511.94 feet, more or less, to a point that is 80 feet northwesterly of and at right angles to the centerline of said road at P.M. Station 212+33.94; thence S $47^{\circ} 14' 50''$ W, a distance of 140 feet, more or less, to a point that is 80 feet southeasterly of and at right angles to the centerline of said road at P.M. Station 211+53.94; thence southeasterly parallel to the centerline of said road along a curve to the right (concave northwesterly) having a radius of 1034.93 feet, a distance of 605.56 feet, more or less, to a point that is 80 feet southeasterly of and at right angles to the centerline of said road at P.M. Station 212+75.19; thence S $75^{\circ} 56' 40''$ W, parallel to the centerline of said road, a distance of 151.86 feet, to a point that is 80 feet southeasterly of and at right angles to the centerline of said road at P.M. Station 212+13.33; thence southeasterly, parallel to the centerline of said road along a curve to the left (concave southeasterly) having a radius of 574.93 feet, a distance of 511.94 feet, more or less, to a point that is 80 feet southeasterly of and at right angles to the centerline of said road at Station 212+75.19; thence southeasterly along a straight line a distance of 120 feet, more or less, to a point that is 435 feet northeasterly of and at right angles to the centerline of said Project at Station 1191+90; thence southeasterly along a straight line (which if extended would intersect a point that is 210 feet northeasterly of and at right angles to the centerline of said Project at Station 1200+54) a distance of 405 feet, more or less, to a point on the East boundary line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, T-5-S, R-5-E; thence easterly along the East boundary line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$, the North property line, a distance of 212 feet to point of beginning at Station 1130+00 on the centerline of Project No. 1-10-1 (11).

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the NW 1/4 of Section 22, T-5-S, R-5-E, the East property line, thence southerly along said East property line, following the centerline of said project at Station 1170+00, a distance of 720 feet, more or less, to a point that is 210 feet southerly of and at right angles to the centerline of said project; thence S 50° 03' 20" W, parallel to the centerline of said project, a distance of 110 feet, more or less, to a point that is 210 feet southwesterly of and at right angles to the centerline of said Project at Station 1180+00; thence northwesterly along a straight line a distance of 110 feet, more or less, to a point that is 110 feet southwesterly of and at right angles to the centerline of said Project at Station 1190+00; thence southerly along a straight line a distance of 110 feet, more or less, to a point that is 110 feet southerly of and at right angles to the centerline of said Project at Station 1190+00; thence southerly, parallel to the centerline of said road along a curve to the left (concave easterly) having a radius of 571.13 feet, a distance of 537 feet, more or less, to a point that is 80 feet easterly of and at right angles to the centerline of said road at P.T. Station 191+47.49; thence S 11° 33' 20" W, parallel to the centerline of said road, a distance of 543.52 feet to a point that is 80 feet easterly of and at right angles to the centerline of said road at P.T. Station 186+21.90; thence southerly, parallel to the centerline of said road along a curve to the right (concave westerly) having a radius of 1225.92 feet, a distance of 655.26 feet, more or less, to a point that is 80 feet easterly of and at right angles to the centerline of said road at P.C. Station 180+11.46; thence S 70° 53' 50" W a distance of 160 feet to a point that is 80 feet westerly of and at right angles to the centerline of said road at P.C. Station 180+11.46; thence northerly, parallel to the centerline of said road along a curve to the left (concave westerly) having a radius of 1065.92 feet, a distance of 569.74 feet, to a point that is 80 feet westerly of and at right angles to the centerline of said road at P.T. Station 186+21.90; thence S 11° 33' 20" W, parallel to the centerline of said road a distance of 543.52 feet, to a point that is 80 feet westerly of and at right angles to the centerline of said road at P.T. Station 191+47.49; thence northerly, parallel to the centerline of said road along a curve to the right (concave easterly) having a radius of 1065.92 feet, a distance of 569.74 feet, more or less, to a point that is 80 feet northerly of and at right angles to the centerline of said road at Station 197+50; thence northerly along a straight line a distance of 172 feet, more or less, to a point that is 110 feet southwesterly of and at right angles to the centerline of said Project at Station 1180+00; thence northwesterly along a straight line a distance of 845 feet, more or less, to a point that is 210 feet southwesterly of and at right angles to the centerline of said Project at Station 1180+00; thence S 50° 03' 20" W, parallel to the centerline of said project, a distance of 1100 feet, more or less, to a point on the North property line; thence easterly along said North property line a distance of 112 feet, more or less, to the point of beginning.

Said strip of land lying in the NW 1/4 of the NW 1/4 of Section 22, T-5-S, R-5-E, and containing 11.15 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

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remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line described as (Beginning at a point that is 80 feet northwesterly of and at right angles to the centerline of relocated Taylor Camp Road at Station 208+15; thence northeasterly, parallel to the centerline of said road along a curve to the right (concave southeasterly) having a radius of 1034.93 feet, a distance of 437 feet, more or less, to a point that is 80 feet northwesterly of and at right angles to the centerline of said road at P.T. Station 212+75.19; thence $N 75^{\circ} 56' 40'' E$, parallel to the centerline of said road a distance of 351.86 feet, to a point that is 80 feet northwesterly of and at right angles to the centerline of said road at P.C. Station 215+75.19; thence northeasterly, parallel to the centerline of said road along a curve to the left (concave northwesterly) having a radius of 874.93 feet, a distance of 511.94 feet, more or less, to a point that is 80 feet northwesterly of and at right angles to the centerline of said road at P.T. Station 221+33.94; thence $S 47^{\circ} 34' 50'' E$, a distance of 160 feet, more or less, to a point that is 80 feet northwesterly of and at right angles to the centerline of said road at P.T. Station 221+33.94; thence southeasterly, parallel to the centerline of said road along a curve to the right (concave northwesterly) having a radius of 1034.93 feet, a distance of 605.56 feet, more or less, to a point that is 80 feet southeasterly of and at right angles to the centerline of said road at P.C. Station 215+75.19; thence $S 75^{\circ} 56' 40'' W$, parallel to the centerline of said road, a distance of 351.86 feet to a point that is 80 feet southeasterly of and at right angles to the centerline of said road at P.T. Station 212+75.19; thence southwesterly, parallel to the centerline of said road along a curve to the left (concave southeasterly) having a radius of 874.93 feet, a distance of 315 feet, more or less, to a point that is 80 feet southeasterly of and at right angles to the centerline of said road at Station 208+15 and the point of ending. Also along a line described as beginning at a point that is 80 feet southeasterly of and at right angles to the centerline of said road at Station 197+50; thence southerly, parallel to the centerline of said road along a curve to the left (concave easterly) having a radius of 1034.93 feet, a distance of 637 feet, more or less, to a point that is 80 feet easterly of and at right angles to the centerline of said road at P.C. Station 191+47.70; thence $S 44^{\circ} 33' 20'' E$, parallel to the centerline of said road, a distance of 543.52 feet to a point that is 80 feet easterly of and at right angles to the centerline of said road at P.T. Station 186+23.96; thence southerly, parallel to the centerline of said road along a curve to the right (concave westerly) having a radius of 1225.92 feet, a distance of 455.86 feet, more or less, to a point that is 80 feet easterly of and at right angles to the centerline of said road at P.C. Station 180+11.40; thence $N 70^{\circ} 55' 50'' W$, a distance of 160 feet to a point that is 80 feet westerly of and at right angles to the centerline of said road at P.C. Station 180+11.40; thence northeasterly, parallel to the centerline of said road along a curve to the left (concave westerly) having a radius of 1065.92 feet, a distance of 569.74 feet, more or less, to a point that is 80 feet westerly of and at right angles to the centerline of said road at P.T. Station 186+23.96; thence $N 11^{\circ} 33' 20'' W$, parallel to the centerline of said road a distance of 123.52 feet to a point that is 80 feet westerly of and at right angles to the centerline of said road at P.C. Station 191+47.70; thence northeasterly, parallel to the centerline of said road along a curve to the right (concave easterly) having a radius of 1034.93 feet, a distance of 667 feet to a point that is 80 feet northwesterly of and at right angles to the centerline of said road at Station 197+50 and the point of ending. 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.

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Parcel No. 5: Commencing at the northeast corner of the SW $\frac{1}{4}$ of Section 22, T-5-S, R-5-E; thence westerly along the North boundary of said SW $\frac{1}{4}$, the North property line, a distance of 425 feet to the point of beginning at Station 1210+67 on the centerline of Project No. I-10-1 (11); thence westerly along the said North property line a distance of 238 feet, more or less, to a point on the West property line; thence southerly along said West property line a distance of 81 feet, more or less, to a point that is 215 feet southwesterly of and at right angles to the centerline of said project; thence S 50° 03' 20" E, parallel to the centerline of said project, a distance of 1560 feet, more or less, to a point; thence S 80° 03' 20" E, a distance of 72 feet, more or less, to a point that is 179 feet southwesterly of and at right angles to the centerline of said project at Station 1226+00; thence S 50° 03' 20" E, parallel to the centerline of said project, a distance of 2400 feet, more or less, to a point on the South boundary line of the SW $\frac{1}{4}$ of Section 23, T-5-S, R-5-E, the South property line; thence easterly, along said South property line (crossing the centerline of the Left Lane of said project at Station 1253+57) a distance of 880 feet, more or less, to a point that is 215 feet northeasterly of and at right angles to the centerline of said Left Lane; thence northwesterly, parallel to the centerline of said Left Lane along a curve to the right (concave northeasterly) having a radius of 11,244.15 feet, a distance of 145 feet, more or less, to a point; thence N 87° 32' 29" W, a distance of 180 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 northwesterly, along a curve to the right (concave northeasterly) having a radius of 11,334.15 feet, a distance of 1490 feet, more or less, to a point that is 164 feet northeasterly of and at right angles to the centerline of said project; thence N 50° 03' 20" W, parallel to the centerline of said project, a distance of 1297 feet, more or less, to a point that is 164 feet northeasterly of and at right angles to the centerline of said project at Station 1226+00; thence N 20° 03' 20" W, a distance of 92 feet, more or less, to a point that is 210 feet northeasterly of and at right angles to the centerline of said project; thence N 50° 03' 20" W, parallel to the centerline of said project, a distance of 1213 feet, more or less, to a point on said North property line; thence southerly along said North property line a distance of 318 feet, more or less, to the point of beginning.

Said strip of land lying in the S $\frac{1}{2}$ of Section 23, T-5-S, R-5-E, and containing 38.40 acres, more or less.

Parcel No. 6: Commencing at the northwest corner of Section 25, T-5-S, R-5-E; thence southerly along the West boundary of said section, the West property line, a distance of 1610 feet to the point of beginning at Station 1283+15 on the centerline of the Right Lane of Project No. I-10-1 (11); thence southerly along said West property line a distance of 135 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane; thence S 68° 56' 35" E, parallel to the centerline of said Right Lane, a distance of 2633 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 Station 1310+00; thence S 38° 56' 35" E, a distance of 70 feet, more or less, to a point that is 160 feet southwesterly of and at right angles to the centerline of said Right Lane; thence S 68° 56' 35" E, parallel to the centerline of said Right Lane, a distance of 1540 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said Right Lane at P.O. Station 1325+00.78; thence southeasterly, parallel to the centerline of said Right Lane, along a curve to the left (concave northeasterly) having a radius of 5889.58 feet, a distance of 665 feet, more or less, to a point; thence N 71° 08' 56" E, a distance of 70 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 Station 1333+00; thence easterly, parallel to the centerline of said Right Lane, along a curve to the left (concave northerly) having a radius of 5889.58 feet, a distance of 625 feet, more or less, to a point on the East boundary of said section, the East property line; thence northerly along said

East property line (crossing the centerline 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 5604.58 feet, 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 Left Lane; thence N 66° 47' 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 at right angles to the centerline of said Left Lane; thence N 66° 47' 50" E, parallel to the centerline of said Left Lane, a distance of 2495 feet, more or less, to a point on said West property line; thence southerly along said West property line a distance of 535 feet, more or less, to the point of beginning.

Said strip of land lying in Section 25, T-5-S, R-5-E, and containing 73.10 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 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.

Easement for Drainage: Commencing at a point that is 80 feet easterly of and at right angles to the centerline of relocated Taylor Camp Road at P.T. Station 186+23.96; thence southerly, parallel to the centerline of said road along a curve to the right (concave westerly) having a radius of 1225.92 feet, a distance of 315 feet, more or less, to the point of beginning; thence N 78° 41' 11" E, a distance of 272 feet, more or less, to a point; thence S 5° 44' 20" E, a distance of 40.16 feet to a point; thence S 78° 41' 11" W, a distance of 272 feet, more or less, to a point that is 80 feet easterly of and at right angles to the centerline of relocated Taylor Camp Road; thence northerly, parallel to the centerline of said road along a curve to the left (concave westerly) having a radius of 1225.92 feet a distance of 41 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, T-5-S, R-5-E, and containing 0.25 acres, more or less.

Easement for Muck Disposal: The herein described property, a strip of land 150 feet in width and 2700 feet in length, 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) on the Left Lane from Station 1227+00 to Station 1254+00.

Said strip of land lying in the SE $\frac{1}{4}$ of Section 23, T-5-S, R-5-E, and containing 9.30 acres, more or less.

Easement for Muck Disposal: The herein described property, a strip of land 150 feet in width and 2205 feet in length, extending 150 feet southwesterly of and at right angles to the Southwest boundary line of Right of Way for Project No. I-10-1 (11) from Station 1227+00 on the Right Lane to the South boundary line of Section 23, T-5-S, R-5-E.

Said strip of land lying in the SW $\frac{1}{4}$ of Section 23, T-5-S, R-5-E, and containing 7.65 acres, more or less.

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Easement for Muck Disposal: The herein described property, a strip of land 150 feet in width and 2525 feet in length, to 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 the West boundary line of Section 25, T-5-S, R-5-E, to Station 1305+00 on the Left Lane.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 25, T-5-S, R-5-E, 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 feet southwesterly of and at right angles to the Southwest boundary line of Right of Way for Project No. I-10-1 (11) from the West boundary line of Section 25, T-5-S, R-5-E to Station 1307+00 on the Right Lane.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 25, T-5-S, R-5-E, and containing 7.92 acres, more or less.

Easement 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. I-10-1 (11) from Station 1316+00 to P.C. Station 1325+80.78 on the Right Lane.

Said strip of land lying in Section 25, T-5-S, R-5-E, and containing 3.38 acres, more or less.

Easement for Muck Disposal: The herein described property, a strip of land varying in width from 150 feet to 185 feet and 400 feet in length, to be used for the purpose of a Muck Disposal Area, extending from the Southwest boundary line of Right-of-Way for Project No. I-10-1 (11) to a line lying 380 feet southwesterly of the centerline of the Right Lane of said project between Station 1330+00 and Station 1334+00.

Said strip of land lying in the SE $\frac{1}{4}$ of Section 25, T-5-S, R-5-E, and containing 1.47 acres, more or less.

038 p. 103

35-A Rev

ACKNOWLEDGMENT

Easement for Muck Disposal: The herein described property, a strip of land 150 feet in width and 1476 feet in length, 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.

Said strip of land lying in the E $\frac{1}{2}$ of Section 25, T-5-S, R-5-E, and containing 4.94 acres, more or less, is

County in said State, and who to the foregoing conveyance, and who me on this day that, being informed of the contents of this instrument, executed the same voluntarily on the day and at the place hereinafter stated.

NOTARY PUBLIC

My Commission Expires

ACKNOWLEDGMENT FOR RECORD

STATE OF ALABAMA

County

Said County is said State, and who to the foregoing conveyance, and who me on this day that, being informed of the contents of this instrument, executed the same voluntarily on the day and at the place hereinafter stated.

006 038 P. 104

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 SW corner of the SE $\frac{1}{4}$ of Section 2, T 5 S, R 4 E; thence northerly along the West boundary of said $\frac{1}{4}$ section, the West property line, a distance of 475 feet to the point of beginning at Sta. 885 + 93 on the centerline of the Left Lane of Project No. I-10-1 (II) 44; thence northerly along said West property line a distance of 130 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 S $77^{\circ}-07'-20''$ E, 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 $78^{\circ}-00'-11''$ E a distance of 100 feet to a point that is 175 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 11, 634.15 feet, a distance of 683 feet, more or less, to a point on the South boundary of said $\frac{1}{4}$ 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 northerly 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 $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 2, T 5 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-10-1 (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.

Easement for Muck Disposal: Commencing at the SW corner of the SE $\frac{1}{4}$ of Section 2, T 5 S, R 4 E; thence northerly along the West boundary of said $\frac{1}{4}$ of $\frac{1}{4}$ 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,

BOOK 038 PAGE 105

ACKNOWLEDGMENT
a distance of 100 feet, more or less, to a point; thence S 77° 00' 00" E a distance of 100 feet, more or less, to a point that is 100 feet northwesterly and at right angles to the centerline of said left lane at Sta. 501 + 56.53; thence southwesterly along a curve to the right (concave southwesterly) and having a radius of 11, 734.15 feet, a distance of 565 feet, more or less, to a point; thence southwesterly and at right angles to said left lane at Sta. 500 + 00, a distance of 150 feet to a point on the North right of way line of said left lane; thence northwesterly along a curve to the left (concave southwesterly) and having a radius of 11, 734.15 feet, a distance of 565 feet, more or less, to a point that is 100 feet northwesterly of the left lane at Sta. 501 + 56.53; thence S 77° 00' 00" E a distance of 100 feet, more or less, to the point of beginning of the strip of land lying in the S 1/2 of the SE 1/4 of Section 2, T 5 S, R 4 E, and containing 5.02 acres, more or less.

Incident for Mark Disposal: Beginning at the point where the Northwesterly line of Right of Way for Project No. 1-10-1 (11) 44 intersects the South boundary line of the SE 1/2 of the SE 1/4 of Section 2, T 5 S, R 4 E, the South property line; thence easterly, along said South property line, a distance of 95 feet to a point; thence N 21° 30' 00" E a distance of 70 feet to a point that is 275 feet northwesterly of and at right angles to the centerline of the left lane of said project; thence northwesterly, parallel to the centerline of said left lane, along a curve to the left (concave southwesterly) having a radius of 11, 734.15 feet, a distance of 100 feet to a point; thence S 21° 30' 00" E a distance of 100 feet to a point on the Northwesterly boundary line; thence southwesterly, along said Northwesterly boundary line, a distance of 95 feet to a point; thence S 21° 30' 00" E a distance of 70 feet to a point that is 275 feet northwesterly of and at right angles to the centerline of the left lane of said project; thence easterly, along said South property line, a distance of 95 feet, more or less, to the point of beginning.

strip of land lying in the SE 1/2 of the SE 1/4 of Section 2, T 5 S, R 4 E, and containing 0.39 acres, more or less.

006 038 106

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Petitioner,	)	BALDWIN COUNTY, ALABAMA
vs.	)	CASE NUMBER 6164.
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. BARNHILL, 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 BARNHILL

261-48 P. 300-17

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.

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 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-at-law, 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 BARNHILL, 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

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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.

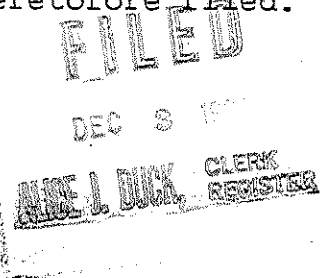
Count Three

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.



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.

JUDGE

200-D

"EXHIBIT A"

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:

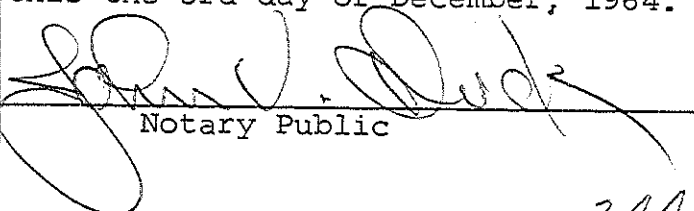
That they are heirs-at-law of D. F. BARNHILL, Deceased, that the Estate of D. F. BARNHILL, Deceased, was settled on the 30th day of October, 1937 with assets listed therein among other things, the property situated in Baldwin County, Alabama as follows: All of Section 5, Township 5 South, Range 4 East; 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.


BEN C. BARNHILL


DAVID BARNHILL


W. WENDELL BARNHILL

Sworn to and subscribed before me
this the 3rd day of December, 1964.


Notary Public

200-6

110 6164

State of Alabama

VS

Ex & Lora Barnhill

et al's

Received 4 day of Dec 1964
and on 17 day of Dec 1964

Received a copy of the within entry of claim

Ex & Lora Barnhill 12-11-64

Charles W. Barnhill 12-11-64

Thomas Martin Barnhill

Robert F. Barnhill 12-17-64

TAYLOR WILKINS, Sheriff

By Carlisle Wheeler D. S.

Lapley

Petition To Intervene

Received 4 day of Dec 1964
on 7 day of Dec 1964

Received a copy of the within claim

Central Savings Bank

of Robertsdale

service on Robert Gullage

TAYLOR WILKINS, Sheriff

By Carlisle Wheeler

R. Wells

FILED
DEC 3 1964
CLERK
JAIL

FROM THE LAW OFFICES OF
JOHN V. DUCK - RICHARD C. LACEY
ATTORNEYS AT LAW
FAIRHOPE, ALABAMA

Sheriff claims 250 miles at
Ten Cents per mile Total \$ 25.00
TAYLOR WILKINS, Sheriff
BY DEPUTY SHERIFF

STATE OF ALABAMA,)

Petitioner,)

vs.)

IN THE PROBATE COURT OF

EXA LOU BARNHILL; CENTRAL)

BALDWIN BANK OF ROBERTSDALE,)

ALABAMA, a corporation, and)

TRACT NUMBER 17; Parcels 1)

thru 3, inclusive; RAY E. LOPER)

LUMBER COMPANY, a corporation,)

HERCULES POWER COMPANY, a)

corporation, and TRACT NUMBER)

20; COLON L. ANDERSON, CARL)

ANDERSON, ROBERT F. GODDARD,)

UNITED STATES OF AMERICA, and)

TRACT NUMBER 25; ~~xxx xxx xxx xxx xxx~~)

~~THE FEDERAL LAND BANK OF NEW~~)

~~ORLEANS, xxx corporation, xxx~~)

~~TRACT NUMBER six, xxx~~)

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.)

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

STATE OF ALABAMA, BALDWIN COUNTY

Filed 4-20-64 M

Recorded L. D. Owen book xx page xx

Judge of Probate

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 herein-after 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 uncanceled 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 uncanceled 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: Telfair J. Mashburn
Duly appointed Special Assistant
Attorney General for the State of
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.

Telfair J. Mashburn

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

Alice L. Miller

Notary Public, Baldwin County, Alabama.

I hereby acknowledge myself
liable for costs that may
accrue in this cause

Telfair J. Mashburn

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,

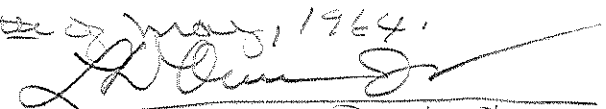
IT IS ORDERED that the same be and is hereby set for hearing on the 14th day of May, 1964, at 10:00 A. M. o'clock.

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

*Continued to May 22, 1964, at 10:00 a.m.
as to Mrs. Epa Lou Barnhill and Tract #17,
Parcels 1 through 3.
Done this the 14th of May, 1964.

Judge of Probate*

Baldwin

Baldwin

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 NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E; thence northerly along the West boundary of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ 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 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 5869.58 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 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 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 centerline 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 747+95.30; 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 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° 47' 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; 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 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 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 $\frac{1}{2}$ of the NE $\frac{1}{4}$ 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 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.

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-S, R-4-E, and containing 0.23 acres, more or less.

Parcel 2: Beginning at the Southwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of SE $\frac{1}{4}$; 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, 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" E a distance of 80 feet to a point; thence S 00° 59' 17" 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) 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 SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4, T-5-S, R-4-E; thence northerly, along the West boundary line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 97 feet, more or less, to a point on the North boundary line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4, T-5-S, R-4-E, and containing 0.29 acres, more or less.

EXHIBIT "A"

in Baldwin County, Alabama, and more particularly described as

follows:

And as shown by the Right of Way Map of Project No. 1-10-1 (12) 44 as recorded in the Office of the Judge of Probate of Baldwin County.

Commencing at the SE corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T 5 S, R 4 E; thence northerly along the West boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the West property line, a distance of 300 feet to the point of beginning at Sta. 765 + 00 on the centerline of the Left Lane of Project No. 1-10-1 (12) 44; thence northerly, along said West property line a distance of 128 feet, more or less, to a point that is 128 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 3694.71 feet, a distance of 57 feet, more or less, to a point that is 128 feet northeasterly of and at right angles to the centerline of Left Lane at P.T. Sta. 765 + 40.46; thence S $84^{\circ}-37'-30''$ E, parallel to the centerline of said Left Lane, a distance of 1187 feet, more or less, to a point that is 80 feet westerly of and at right angles to the East boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the East property line; thence northerly, parallel to said East property line, a distance of 1025 feet, more or less, to a point on the North boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ 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 East property line, a distance of 40 feet, more or less, to a point; thence westerly, parallel to the North boundary line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said $\frac{1}{4}$ of $\frac{1}{4}$ section 4, a distance of 173 feet, more or less, to a point; thence S $45^{\circ}-00''$ W, a distance of 141 feet, more or less, to a point that is 80 feet easterly of and at right angles to said West property line; thence southerly, parallel to said West property line, a distance of 885 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 $84^{\circ}-37'-30''$ E, parallel to the centerline of said Left Lane, a distance of 1255 feet, more or less, to a point on the East boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the East property line; thence southerly, along said East property line, a distance of 194 feet, more or less, to a point on the South boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4, T 5 S, R 4 E, 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 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 128 feet northerly of and at right angles to the centerline of the Left Lane of Project No. 1-10-1 (12) 44 at Sta. 777 + 27, said point being 80 feet westerly of and at right angles to the West boundary line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of

Section 4, T 5 S, R 4 E, the West boundary 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 $\frac{1}{4}$ of $\frac{1}{4}$ 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 NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 4; thence southerly and at right angles to said point on said North boundary line a distance of 175 feet, more or less, 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 45°-30' W, a distance of 141 feet, more or less, to a point that is 30 feet easterly of and at right angles to the West boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section; thence southerly, parallel to said West boundary line a distance of 365 feet to a point that is 140 feet northerly of and at right angles to the centerline of the Left Lane of said Project at Sta. 778 + 00) right of ingress to and egress from such running property to and from said service road or roads when and where necessary for the controlled access facility, and at such point as may be established by public authority.

Easement for Driveway Road: Beginning at a point on the North Right of Way line of the Left Lane of Project No. 1-12-1 (EU) 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 East boundary of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4, T 5 S, R 4 E, thence northerly and parallel to the said East boundary line a distance of 300 feet, more or less, to a point; thence easterly a distance of 60 feet to a point that is 20 feet westerly of the said East boundary of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4 (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 140 feet northerly 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.

Some strip of land lying in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4, T 5 S, R 4 E, and containing 1.01 acres, more or less.

in Baldwin County, Alabama, and more particularly described as follows:

And as shown by the Right of Way Map of Project No. I-10-1 (11) 44 as recorded in the Office of the Judge of Probate of Baldwin County.

Commencing at the NW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T 5 S, R 4 E; thence southerly along the West boundary of said $\frac{1}{4}$ of $\frac{1}{4}$ 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 Lane 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 $80^{\circ}-45^{\circ}-12''$ 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 East boundary of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2, the East property line; thence northerly along said East 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 $77^{\circ}-07^{\circ}-20''$ W, parallel to the centerline of said Left Lane, a distance of 1070 feet, more or less, to a point; thence N $47^{\circ}-07^{\circ}-20''$ 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 $77^{\circ}-07^{\circ}-20''$ 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 centerline at P.T. Sta. 859 + 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T 5 S, R 4 E, 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 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) 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.

Easement 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 (11) 44 at Sta. 863 + 00; thence S $80^{\circ}-45^{\circ}-12''$ E, along the SW boundary line of Right of Way for said project, a distance of 778 feet, more or less, to a point on the South boundary line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 $07^{\circ}-14^{\circ}-40''$ E a distance of 125 feet, more or less, to the point of beginning.

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

Easement for Muck Disposal: Commencing 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) 44 at Sta. 884 + 00, the point of beginning; thence northeasterly and at right angles to the said centerline, a distance of 130 feet to a point; thence S $77^{\circ}-07^{\circ}-20''$ E a distance of 130 feet, more or less, to the East boundary line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T 5 S, R 4 E; thence southerly along the said East 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 $77^{\circ}-07^{\circ}-20''$ E a distance of 189 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T 5 S, R 4 E, and containing 0.51 acres, more or less.

Baldwin

Baldwin

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 NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E; thence easterly along the north boundary of the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$, 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 NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence westerly along the said south boundary of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$, 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 $\frac{1}{4}$ of NE $\frac{1}{4}$ and the centerline of Brady Road; thence northerly along the said west boundary of the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and the west boundary line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ (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.

STATE OF ALABAMA,	0	
Appellant,)	
vs.)	
EXA LOU BARNHILL, ROGER F.	)	IN THE PROBATE COURT OF
BARNHILL, CHARLES W. BARNHILL,)	
THOMAS MASTIN BARNHILL, ALVA)	
GORDON BARNHILL, CENTRAL)	
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,	)	CASE NUMBER 5198.
HERCULES POWDER COMPANY, a)	
corporation, and TRACT NUMBER)	
20; COLON L. ANDERSON, CARL)	
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,)	
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

By J. P. Madliburn
Duly appointed Special Assistant
Attorney General for the State of Alabama

Appellant hereby demands a trial
of this cause by Jury.

J. P. Madliburn
Duly appointed Special Assistant
Attorney General for State of Alabama.

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

J. P. Madliburn
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.

L. D. Oliver
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 NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E; thence northerly along the West boundary of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ 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 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 5869.58 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 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 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 centerline 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 747+95.30; 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 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° 47' 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; 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 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 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 $\frac{1}{2}$ of the NE $\frac{1}{4}$ 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 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.

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-S, R-4-E, and containing 0.23 acres, more or less.

Parcel 2: Beginning at the Southwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of SE $\frac{1}{4}$; 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, 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" E a distance of 80 feet to a point; thence S 00° 59' 17" 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) 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 SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4, T-5-S, R-4-E; thence northerly, along the West boundary line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 97 feet, more or less, to a point on the North boundary line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4, T-5-S, R-4-E, and containing 0.29 acres, more or less.

WITNESSES:

Notary Public

ACKNOWLEDGMENT

STATE OF ALABAMA

County

in and for

and

in Baldwin County, Alabama, and more particularly described as follows:

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

Commencing at the SW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T 5 S, R 4 E; thence northerly along the West boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the West property line, a distance of 300 feet to the point

of beginning of Sta. 765 + 00 on the centerline of the Left Lane of Project

of and at right angles to the centerline of Left Lane at P.T. Sta. 765 + 40.46; thence S $84^{\circ}37'50''$ E, parallel to the centerline of said Left Lane, a distance of 1187 feet, more or less, to a point that is 80 feet westerly of and at right angles to the East boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the East property line; thence northerly, parallel to said East property line, a distance of 1025 feet, more or less, to a point on the North boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ 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 East property line, a distance of 40 feet, more or less, to a point; thence westerly, parallel to the North boundary line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said $\frac{1}{4}$ of $\frac{1}{4}$ section 4, a distance of 175 feet, more or less, to a point; thence S $45^{\circ}00''$ W, a distance of 141 feet, line, a distance of 80 feet easterly of and at right angles to said North property line; thence southerly, parallel to said West property line, a distance of 835 feet, more or less, to a point that is 140 feet S $84^{\circ}37'50''$ E, parallel to the centerline of said Left Lane; thence of 1255 feet, more or less, to a point on the East boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the East property line; thence southerly, along said East boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4, T 5 S, R 4 E, 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 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 125 feet northerly of and at right angles to the centerline of the Left Lane of Project No. I-10-1 (CL) 44 at Sta. 777 + 27, said point being 80 feet westerly of and at right angles to the West boundary line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of

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 $\frac{1}{4}$ of $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 45°-00' W, a distance of 141 feet, more or less, to a point that is 80 feet easterly of and at right angles to the West boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section; thence southerly, parallel to said West boundary line a distance of 385 feet to a point that is 140 feet northerly of and at right angles to the centerline of the Left Lane of said Project at Sta. 778 + 90) 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 point as may be established by public authority.

Baseline for Detour Road: Beginning at a point that is 125 feet northerly of and at right angles to the North Right of Way Line of the Left Lane of Project No. I-10-1 (II) 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 East boundary of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T 5 S, R 4 E, thence northerly and parallel to the said East 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 East boundary of said $\frac{1}{4}$ of $\frac{1}{4}$ 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 northerly 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T 5 S, R 4 E, and containing 1.98 acres, more or less.

And as shown by the Right of Way Map of Project No. I-10-1 (11) 44 as recorded in the Office of the Judge of Probate of Baldwin County.

Commencing at the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T 5 S, R 4 E; thence southerly along the West boundary of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the West property line, a distance of 238 feet to the point of beginning at Sta. 853 + 20 on the centerline of the Left Lane 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 $80^{\circ}-45'-12''$ 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2, the South property line; thence easterly along said South property line a distance of 1360 feet, more or less, to a point on the East boundary of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2, the East property line; thence northerly along said East 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 $77^{\circ}-07'-20''$ W, parallel to the centerline of said Left Lane, a distance of 1070 feet, more or less, to a point; thence N $47^{\circ}-07'-20''$ 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 $77^{\circ}-07'-20''$ 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 centerline at P.T. Sta. 839 - 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T 5 S, R 4 E, and containing 52.32 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) 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.

Easement 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 (11) 44 at Sta. 863 + 00; thence S $80^{\circ}-45'-12''$ E, along the SW boundary line of Right of Way for said project, a distance of 778 feet, more or less, to a point on the South boundary line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 $09^{\circ}-14'-46''$ E a distance of 125 feet, more or less, to the point of beginning.

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

Easement for Muck Disposal: Commencing 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) 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 $77^{\circ}-07'-20''$ E a distance of 130 feet, more or less, to the East boundary line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T 5 S, R 4 E; thence southerly along the said East boundary line, a distance of 155 feet, more or less, to a point on the North Right of Way of said Left Lane; thence N $77^{\circ}-07'-20''$ E a distance of 168 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T 5 S, R 4 E, and containing 0.51 acres, more or less.

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 NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E; thence easterly along the north boundary of the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$, 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 NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence westerly along the said south boundary of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$, 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 $\frac{1}{4}$ of NE $\frac{1}{4}$ and the centerline of Brady Road; thence northerly along the said west boundary of the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and the west boundary line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ (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 NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E; thence easterly along the north boundary line of the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ 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 may be established by public authority.

STATE OF ALABAMA,)	
)	
Petitioner,)	
	)	IN THE CIRCUIT COURT OF
vs.)	
	)	BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ROGER F.)	
BARNHILL, CHARLES W. BARNHILL,)	
THOMAS MASTIN BARNHILL, ALVA)	
GORDON BARNHILL and CENTRAL	)	CASE NUMBER 6164.
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 of Baldwin County, Alabama, in accordance with the statutes in such cases made and provided, and that said Court did, on the 23rd day of July, 1964, enter an order of condemnation of the lands described in said application and which are hereinafter described, and that on the 24th day of July, 1964, the State of Alabama appealed from said order of condemnation to this Court and demanded a trial by jury; and it further appearing to the Court from the stipulation of the parties hereinabove referred to that the only issue in this proceeding is the damages and compensation, if any, to which the Defendant landowners are entitled and that an order of condemnation should be here entered condemning the lands hereinafter described for the uses and purposes set forth in the application, which is now on file in this Court.

And now comes a jury of twelve good and lawful men, to-wit, 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:

1. That the application of the State of Alabama for the condemnation of the lands hereinafter described be, and the same is hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part 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.

STATE OF ALABAMA,

Petitioner,

vs.

EXA LOU BARNHILL, ET AL.,

Respondents

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 5198

FINAL ORDER OF CONDEMNATION:

On the 18th day of June, 1963, came John Biggs
Jake Kueler and Michael Baldwin,
Commissioners heretofore appointed by this Court to assess and as-
certain the damages and compensation to which the owners and other
parties interested in the tracts of land set forth in the application
for condemnation of lands heretofore filed in this cause are entitled
and filed their report in writing and under oath, setting forth that
they awarded compensation and damages to the said owners and other
parties interested in ~~Parcels xxx~~ Tract No. 20, _____,
_____, _____, _____, and _____, Project
No. ~~E-65-1(28)~~ E-10-1(11), in the amount of \$ 8,500.00, for Parcel No. _____;
\$ _____, for Parcel No. _____, \$ _____, for Parcel No.
_____, \$ _____, for Parcel No. _____, \$ _____,
for Parcel No. _____, \$ _____, for Parcel No. _____,
\$ _____, for Parcel No. _____; and \$ _____, for Parcel
No. _____.

It is therefore, ORDERED, ADJUDGED AND DECREED by the
Court that the said report of Commissioners be filed in this Court
and recorded.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court
that the property described in the application for condemnation here-
tofore 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 July, 1964.

L. D. O'Connell

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

Y

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BALDWIN COUNTY, ALABAMA

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FINAL ORDER OF CONDEMNATION:

On the 4th day of June, 1964, ~~xxxx~~¹⁹⁶³ came JAKE KUELER, JOHN BIGGS and BILL WINGO, Commissioners heretofore appointed by this Court to assess and ascertain the damages and compensation to which the owners and other parties interested in the tracts of land set forth in the application for condemnation of lands heretofore filed in this cause are entitled and filed their report in writing and under oath, setting forth that they awarded compensation and damages to the said owners and other parties interested in Tracts ~~Parcels~~ No. 17, 26, and 16, Project I-10-1(11), in the amount of \$ 102,000.00, for Tract ~~Parcel~~ No. 17; \$ 500.00, for Tract ~~Parcel~~ No. 26, \$ 2,000.00, for Tract ~~Parcel~~ No. 16, \$ _____, for Parcel No. _____, \$ _____, for Parcel No. _____, \$ _____, for Parcel No. _____; and \$ _____, for Parcel No. _____.

It is therefore, ORDERED, ADJUDGED AND DECREED by the Court that the said report of Commissioners be filed in this Court and recorded.

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

It is FURTHER ORDERED by the Court that said Petitioner

pay all costs of the proceeding.

Done this 23 day of July, 1965.



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

Final Order of Condemnation

Tracts 16, 17 & 26

STATE OF ALABAMA,

Petitioner,

vs.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

REPORT OF COMMISSIONERS:

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

Come the undersigned, JOHN BIGGS

JAKE KUELER & MICHEAL BALDWIN,

the Commissioners duly appointed to assess the damages to Parcels

Numbers: TRACT # 20

of Project No. ^{I-10-1(11)}~~I-65-1(28)~~, to which the owner and other parties in-
terested in the parcels of land set forth and described in the
original application for condemnation of lands filed in this cause,
are entitled for the condemnation of such lands, and having been duly
sworn as jurors are sworn, and having viewed the lands described in
said application for condemnation, and having set a time and place
for the hearing of the evidence to be offered by any party touching
the amount of damages the owners of the lands and other parties in-
terested therein will sustain and the amount of compensation they are
entitled to receive, and having received all legal evidence offered,
do hereby state that the amount of damages and compensation has been
ascertained and assessed by the undersigned, according to law and
that the said owners of said Parcels of land and other parties in
interested therein are entitled to receive as damages and compen-
sation for the condemnation of their property, the following amount:

Project No. I- 65 -1(28), ^{Tract} Parcel No. <u>20</u>	\$ <u>8,500.00</u>
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
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.

John T. Briggs
Commissioner.

Blake Kessler
Commissioner.

Walter B. Baldwin
Commissioner.

Sworn to and subscribed before me
this 18th day of June, 1967.

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

L.D. OWEN, JR.

Report of Comm'rs
Tract 20

STATE OF ALABAMA,

Petitioner,

vs.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

REPORT OF COMMISSIONERS:

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

Come the undersigned, JAKE KUELER

JOHN BIGGS & BILL WINGO,

the Commissioners duly appointed to assess the damages to Parcels

Numbers -----TRACT # 17-----

of Project No. I-65-1(28), to which the owner and other parties in-
terested in the parcels of land set forth and described in the
original application for condemnation of lands filed in this cause,
are entitled for the condemnation of such lands, and having been duly
sworn as jurors are sworn, and having viewed the lands described in
said application for condemnation, and having set a time and place
for the hearing of the evidence to be offered by any party touching
the amount of damages the owners of the lands and other parties in-
terested therein will sustain and the amount of compensation they are
entitled to receive, and having received all legal evidence offered,
do hereby state that the amount of damages and compensation has been
ascertained and assessed by the undersigned, according to law and
that the said owners of said Parcels of land and other parties in
interested therein are entitled to receive as damages and compen-
sation for the condemnation of their property, the following amount:

Project No. I-65-1(28), Parcel No. <u>17</u>	\$ <u>102,000.00</u>
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
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.

John T. Biggs
Commissioner.

W. L. Wingo
Commissioner.

John Keuler
Commissioner.

Sworn to and subscribed before me
this 14th day of June, 1964.

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

L.D.OWEN, JR.

Report of Comm'r
Parcel 17

STATE OF ALABAMA, I
Petitioner, I
vs. I IN THE PROBATE COURT OF
I
EXA LOU BARNHILL, ET AL., I BALDWIN COUNTY, ALABAMA
I
Respondents I CASE NO. 5198
I
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FINAL ORDER OF CONDEMNATION:

On the 11th day of June, 1964, ~~1963~~ came F. B. Ellison,
Carl Ellison and John Biggs,
Commissioners heretofore appointed by this Court to assess and as-
certain the damages and compensation to which the owners and other
parties interested in the tracts of land set forth in the application
for condemnation of lands heretofore filed in this cause are entitled
and filed their report in writing and under oath, setting forth that
they awarded compensation and damages to the said owners and other
parties interested in ~~Parcel No. 25~~ Tract No. 25, _____,
_____, _____, _____, and _____, Project
No. ~~1-10-16(11)~~ ^{I-10-16(11)}, in the amount of \$24,000.00, for Parcel No. _____;
\$ _____, for Parcel No. _____, \$ _____, for Parcel No.
_____, \$ _____, for Parcel No. _____, \$ _____,
for Parcel No. _____, \$ _____, for Parcel No. _____,
\$ _____, for Parcel No. _____; and \$ _____, for Parcel
No. _____.

It is therefore, ORDERED, ADJUDGED AND DECREED by the
Court that the said report of Commissioners be filed in this Court
and recorded.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court
that the property described in the application for condemnation here-
tofore 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

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pay all costs of the proceeding.

Done this 23 day of July, 1963

L. P. Stuart

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

Final Order of Condemnation

Tract 25

STATE OF ALABAMA,

Petitioner,

vs.

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IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

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. ¹⁰~~I-65-1(28)~~, to which the owner and other parties in-
terested in the parcels of land set forth and described in the
original application for condemnation of lands filed in this cause,
are entitled for the condemnation of such lands, and having been duly
sworn as jurors are sworn, and having viewed the lands described in
said application for condemnation, and having set a time and place
for the hearing of the evidence to be offered by any party touching
the amount of damages the owners of the lands and other parties in-
terested therein will sustain and the amount of compensation they are
entitled to receive, and having received all legal evidence offered,
do hereby state that the amount of damages and compensation has been
ascertained and assessed by the undersigned, according to law and
that the said owners of said Parcels of land and other parties in
interested therein are entitled to receive as damages and compen-
sation for the condemnation of their property, the following amount:

Project No. I- 65 -1(28), ^{Sheet} Parcel No. <u>16</u>	\$ <u>2,000.00</u>
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____

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

John L. Bly
Commissioner.

W. L. Wingo
Commissioner.

John Keuler
Commissioner.

Sworn to and subscribed before me
this 11th day of May, 1964.

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

STATE OF ALABAMA,

Petitioner,

vs.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

REPORT OF COMMISSIONERS:

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

Come 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-¹⁰~~65~~-1(⁶¹~~28~~), to which the owner and other parties in-
terested in the parcels of land set forth and described in the
original application for condemnation of lands filed in this cause,
are entitled for the condemnation of such lands, and having been duly
sworn as jurors are sworn, and having viewed the lands described in
said application for condemnation, and having set a time and place
for the hearing of the evidence to be offered by any party touching
the amount of damages the owners of the lands and other parties in-
terested therein will sustain and the amount of compensation they are
entitled to receive, and having received all legal evidence offered,
do hereby state that the amount of damages and compensation has been
ascertained and assessed by the undersigned, according to law and
that the said owners of said Parcels of land and other parties in
interested therein are entitled to receive as damages and compen-
sation for the condemnation of their property, the following amount:

Project No. ^{I-1-10(11) Grant} I-65-1(28)	Parcel No. <u>25</u>	\$ <u>24,000.00</u>
Project No. I-65-1(28)	Parcel No. _____	\$ _____
Project No. I-65-1(28)	Parcel No. _____	\$ _____
Project No. I-65-1(28)	Parcel No. _____	\$ _____
Project No. I-65-1(28)	Parcel No. _____	\$ _____
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.

John S. Biggs
Commissioner.

Carl E. Ellison
Commissioner.

J. B. Ellison
Commissioner.

Sworn to and subscribed before me
this 20th day of May, 196⁶⁴₃.

L. D. Owen, Jr.
~~Notary Public, State of Oregon~~
L. D. Owen, Jr., Judge of Probate

STATE OF ALABAMA,

Petitioner,

vs.

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IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

REPORT OF COMMISSIONERS:

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

Come 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-¹⁰~~65~~-1(28), to which the owner and other parties in-
terested in the parcels of land set forth and described in the
original application for condemnation of lands filed in this cause,
are entitled for the condemnation of such lands, and having been duly
sworn as jurors are sworn, and having viewed the lands described in
said application for condemnation, and having set a time and place
for the hearing of the evidence to be offered by any party touching
the amount of damages the owners of the lands and other parties in-
terested therein will sustain and the amount of compensation they are
entitled to receive, and having received all legal evidence offered,
do hereby state that the amount of damages and compensation has been
ascertained and assessed by the undersigned, according to law and
that the said owners of said Parcels of land and other parties in
interested therein are entitled to receive as damages and compen-
sation for the condemnation of their property, the following amount:

Project No. I-65-1(28), Parcel No. <u>26</u>	\$ <u>500.00</u>
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____
Project No. I-65-1(28), Parcel No. _____	\$ _____

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

John F. Bump
Commissioner.

W. L. Wingo
Commissioner.

Jack Keuler
Commissioner.

Sworn to and subscribed before me
this 11th day of June, 1964.

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

STATE OF ALABAMA, I
Petitioner, I
vs. I IN THE PROBATE COURT OF
I
I BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET AL. I
I CASE NO: 5198
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TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following
notice upon RAY E. LOPER LUMBER COMPANY, a corporation
Ray E. Loper, Agent
BAY MINETTE, ALABAMA

You will take notice that on the 20th day of
APRIL, 1964, an application 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 lands belonging to RAY E. LOPER LUMBER COMPANY, as to Tract 20

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 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
MAY, 1964, at 10:00 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.

WITNESS my hand this 20 day of APRIL,
1964.


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

Received 21 day of April 1914
and on 8 day of May 1914
I served copy of the within Notice
on Ray L. Zepher & Co.
by service on Ray L. Zepher,
Agent
TAYLOR WILKINS, Sheriff
By W. O. Talbot D. S.
Om.

Mrs Jansen

STATE OF ALABAMA,

Petitioner,

vs.

EXA LOU BARNHILL, ET AL.,

Respondents.

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IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following
notice upon VERNOL R. JANSEN, JR.,

UNITED STATES ATTORNEY

FEDERAL BUILDING, MOBILE, ALABAMA

You will take notice that on the 2~~nd~~ day of
April, 19 64, an application 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 lands belonging to
CARL ANDERSON AND COLON L. ANDERSON, as to Tract Number 25

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 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
May, 19 64, at 10:00 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.

WITNESS my hand this 20~~th~~ day of April,
19 64.

84-5-8-64

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L. D. Owen, Jr.
L.D. Owen, Jr.
W.-R.-Stuart, Judge of Probate

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~~Vol~~

EXECUTED
This 8 day of May, 1964
by serving a copy of the within on
Harold R. Jenkins
RAY D. BRIDGES, Sheriff
By C. J. Miller D.S.

RECEIVED

MAY 5 1964

SHERIFF'S OFFICE

STATE OF ALABAMA,

Petitioner,

vs.

EXA LOU BARNHILL, et al.

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IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following
notice upon BERTHA NORTHCUTT

ROBERTSDALE, ALABAMA

You will take notice that on the 20th day of
April, 1964, an application 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 lands belonging to

O. M. NORTHCUTT AND BERTHA NORTHCUTT. TRACT NUMBER 26

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 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
May, 1964, at 10:00 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.

WITNESS my hand this 20th day of April,
1964.

Received 21 day of April 1967
And on 23 day of Apr
I received a copy of the within Notice
on Arthur Northcutt

By service on _____

TAYLOR WILKINS, Sheriff
By [Signature] D. S.

East of Rosintra

52 miles

Sheriff claims 52 miles at
Ten Cents per mile Total \$ 5.20
TAYLOR WILKINS, Sheriff
BY Carlisle Chedden
DEPUTY SHERIFF

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
I
I
I
I
I

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following
notice upon C. O. NIMS


LOXLEY, ALABAMA

You will take notice that on the 20th day of
APRIL, 19 64, an application 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 lands belonging to _____
C. O. NIMS, as to Tract Number 16

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 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
MAY, 19 64, at 10:00 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.

WITNESS my hand this 20th day of April,
19 64.

216


L. D. Owen, Jr.
W. R. Stuart, Judge of Probate

Received 21 day of April 1968
and on 23rd day of April 1968
I served a copy of the within Notice
on C. D. Adams

By service on _____

TAYLOR WILKINS, Sheriff
By Richard Lopez D. S.

Sheriff claims 40 miles at
Ten Cents per mile Total \$ 4.00
TAYLOR WILKINS, Sheriff
BY Richard Lopez
DEPUTY SHERIFF

1173
STATE OF ALABAMA,

Petitioner,

vs.

EXA LOU BARNHILL, ET AL.,

Respondents.

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IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following
notice upon BALDWIN COUNTY SAVINGS & LOAN ASSOCIATION
ROBERTSDALE, ALABAMA

You will take notice that on the 20th day of
APRIL, 19 64, an application 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 lands belonging to _____
C. O. Nims, as to Tract Number 16

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 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
MAY, 19 64, at 10:00 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.

WITNESS my hand this 20th day of April,
19 64.

Received 21 day of April 1964
and on 27 day of Apr 1964
I served a copy of the within Notice
on Baldwin County
Lawrence & Mary Ann
By service on _____

TAYLOR WILKINS, Sheriff
R. D. O'Neil
D. S.

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
by Charles Childers
DEPUTY SHERIFF

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L. D. Owen, Jr.
~~xxxxxxx~~Mark, Judge of Probate

Received 21 day of April 1964
and on 23 day of April 1964
I served a copy of the within Notice
on Wpa Lew Burnhill

by service on _____

TAYLOR WILKINS, Sheriff
By Charles Childers D. S.

Loxley

Sheriff claims 4.6 miles at
Ten Cents per mile Total \$ 4.00
TAYLOR WILKINS, Sheriff
By Charles Childers
DEPUTY SHERIFF

202

Received 21 day of April 1919
and on 22 day of April 1919
I serve copy of the within Notice
on Central Bulletin Board

By service on C.B. Ellis

TAYLOR WILKINS, Sheriff
By Charles Phillips

R. W. Vale

Sheriff claims 60 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
By Charles Phillips
DEPUTY SHERIFF

302

NOTICE TO SHERIFF:

STATE OF ALABAMA, BALDWIN COUNTY

STATE OF ALABAMA)
BALDWIN COUNTY)

Filed 5-20-64 M

Recorded _____ book _____ page _____
L. D. Owen, Jr.
Judge of Probate ac

You are hereby COMMANDED to notify: _____

BILL WINGO ✓

JAKE KUELER ✓

JOHN BIGGS

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

O.M. NORTHCUTT & BERTHA NORTHCUTT, ETAL, TRACT # 26, et al

and Baldwin County, a political subdivision of the State of Alabama, in which the State of Alabama sought to condemn a certain right of way or easement over certain lands in this County for the purposes of a public highway or road as stated in the application for condemnation in this cause, this Court rendered a decree condemning 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, 1964.

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

L.D. OWEN, JR,

By: Ann Revalier
Chief Clerk

Received 21st Day of May 1964
and on 5-25-64 I served a notice
on Bill Wings at Robertsdale, Ala.
and on 5-27-64 I served a notice
on Jake Kneier at Roxley, Ala.
Signed John Siggs 5/28/64
Taylor Wilkins Sheriff
Jm Eastlund, D.S.

Sheriff claims 90 miles at
Ten Cents per mile Total \$ 9.00
TAYLOR WILKINS, Sheriff
BY John
DEPUTY SHERIFF



Office of Circuit Judge
NINETEENTH JUDICIAL CIRCUIT
CLANTON, ALABAMA

JOSEPH J. MULLINS
CIRCUIT JUDGE

REBECCA DELENE CLECKLER
COURT REPORTER

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. Extra
Lou Barnhill, Et., Al., -
Circuit Court, Baldwin
County, Alabama, Case No.
6164.

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

Yours very truly,

Joseph J. Mullins
Joseph J. Mullins

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:

STATE OF ALABAMA)
)
BALDWIN COUNTY)

5198

You are hereby COMMANDED to notify: _____

~~JAKE KUELER~~

~~JOHN BIGGS~~

~~BILL WINGO~~

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

EXA LOU BARNHILL, ETAL., TRACT # 17, et al
and Baldwin County, a political subdivision of the State of Alabama,
in which the State of Alabama sought to condemn a certain right of
way or easement over certain lands in this County for the purposes
of a public highway or road as stated in the application for con-
demnation in this cause, this Court rendered a decree condemning the
right of way or easement over the lands therein sought, and appoint-
ed them to view said property sought to be condemned, hear evidence
and assess such damages and compensation as the owners and interest-
ed parties are entitled to recover for the taking of the same for
said public uses and purposes.

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

Done this 29th. day of May, 1964.

L. D. Owen Jr.
~~XXXXXXXXXXXX~~ Judge of Probate.
L.D. OWEN, JR.

By: Ann Chevalier

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

Received 28 day of July 1964
and on 3 day of Aug
I served a copy of the within Notice of Appeal
on Central Baldwin Bank
By service on H. W. Wilkins

TAYLOR WILKINS, Sheriff
By Richard Wilkins
R. Wilkins

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY CC

1190

NOTICE TO SHERIFF:

STATE OF ALABAMA)
)
BALDWIN COUNTY)

CASE # 5198

You are hereby COMMANDED to notify: _____

JAKE KUELER

JOHN BIGGS

BILL WINGO

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

EXA LOU BARNHILL, ETAL, TRACT # 17, et al

and Baldwin County, a political subdivision of the State of Alabama, in which the State of Alabama sought to condemn a certain right of way or easement over certain lands in this County for the purposes of a public highway or road as stated in the application for condemnation in this cause, this Court rendered a decree condemning 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 29th. day of May, 1964.

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

L.D. OWEN, JR.

By:

Ann Cavalier
Chief Clerk

Received 29 day of May 1964
and on _____ day of _____ 19____
I served a copy of the within Notice
on John L. Lingo 5-30-64
Bill Wilkins 6/3/64

TAYLOR WILKINS, Sheriff
[Signature] D. S.

Sheriff claims 110 miles at
Ten Cents per mile Total \$ 11.00
TAYLOR WILKINS, Sheriff
BY C. C.
DEPUTY SHERIFF

original

STATE OF ALABAMA,)
Petitioner,) IN THE PROBATE COURT OF
vs.)
BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET AL.,)
Respondents.) CASE NO: 5198

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice
upon THOMAS MASTIN 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 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 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 14th day of May, 1964.

Sheriff claims 40 miles at
Ten Cents per mile Total \$ 4.00
TAYLOR WILKINS, Sheriff
BY L. D. Owen, Jr.
DEPUTY SHERIFF
STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-14-64
Recorded L. D. Owen, Jr.
Judge of Probate
aa 195

L. D. Owen, Jr.
By Ann Chevalier
Chief Clerk
L. D. Owen, Jr., Judge of Probate
Received 14 day of May 1964
and on 14 day of May 1964
I served a copy of the within Notice
on Thomas Mastin Barnhill
By service on _____
TAYLOR WILKINS, Sheriff
By W. O. Garner S.

Original

STATE OF ALABAMA,)
)
Petitioner,) IN THE PROBATE COURT OF
)
vs.)
) BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, et al.,)
)
Respondents.) CASE NO: 5198
)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

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 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 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 14th day of May, 1964.

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY L. D. Owen, Jr.
DEPUTY SHERIFF

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-14-64 M

Recorded L. D. Owen, Jr. book page

Judge of Probate
ac

L. D. Owen, Jr.

By Ann Chivalier

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

Received 14 day of May 1964

and on day of 19

I served a copy of the within notice

on Roger F. Barnhill

By service on

NOTICE TO SHERIFF: STATE OF ALABAMA, BALDWIN COUNTY

STATE OF ALABAMA)
BALDWIN COUNTY)

Filed 5-20-64 M
Recorded L. D. Owen, Jr. book _____ page _____
Judge of Probate

You are hereby COMMANDED to notify: _____

F. B. ELLISON ✓

CARL ELLISON ✓

JOHN BIGGS

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

CARL ANDERSON, ETAL, TRACT # 25, et al
and Baldwin County, a political subdivision of the State of Alabama,
in which the State of Alabama sought to condemn a certain right of
way or easement over certain lands in this County for the purposes
of a public highway or road as stated in the application for con-
demnation in this cause, this Court rendered a decree condemning the
right of way or easement over the lands therein sought, and appoint-
ed them to view said property sought to be condemned, hear evidence
and assess such damages and compensation as the owners and interest-
ed parties are entitled to recover for the taking of the same for
said public uses and purposes.

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

Done this 20th. day of May, 1964.

L. D. Owen, Jr.
XXXXXXXXXXXX, Judge of Probate.
L.D. OWEN, JR.

By: Ann Chevalier
Chief Clerk

Received 21 day of May 1964
and on _____ day of _____ 19____

I served a copy of the within Notice
on J. B. Gibson 4-23-64 Rosinton
Carl Gibson 4-23-64

By service on John Beag 5/27/64 Return for Service in Baginnette

TAYLOR WILKINS, Sheriff
By J. M. Eastman D. S.
Rosinton, Ala.

Sheriff claims 104 miles at 1040

Ten Cents per mile Total \$
TAYLOR WILKINS, Sheriff

BY [Signature]
DEPUTY SHERIFF

NOTICE TO SHERIFF:

STATE OF ALABAMA)
BALDWIN COUNTY)

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-20-64 M

Recorded _____ book _____ page _____

L. D. Carson
Judge of Probate

You are hereby COMMANDED to notify:

TAKF KILLED

JOHN BIGGS

BILL WINGO

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

C. O. NIMS (BALDWIN SAVINGS & LOAN) TRACT 16, et al

and Baldwin County, a political subdivision of the State of Alabama, in which the State of Alabama sought to condemn a certain right of way or easement over certain lands in this County for the purposes of a public highway or road as stated in the application for condemnation in this cause, this Court rendered a decree condemning 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, 1968.

L. D. Owen, Jr.
~~MADE BY STAMP~~ Judge of Probate.
 L.D. OWEN, JR.

By: Ann Kesler
Chief Clerk

5198

NOTICE TO SHERIFF:

STATE OF ALABAMA)
)
BALDWIN COUNTY)

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-20-64 M
Recorded L. D. Owen, Jr. page 1
Judge of Probate as

You are hereby COMMANDED to notify: _____

~~BILL WINGO~~

JAKE KUBLER

JOHN BIGGS

that in a proceeding in this Court styled State of Alabama vs.
O.M. NORTHCUTT & BERTHA NORTHCUTT, ETAL, TRACT # 26, et al
and Baldwin County, a political subdivision of the State of Alabama,
in which the State of Alabama sought to condemn a certain right of
way or easement over certain lands in this County for the purposes
of a public highway or road as stated in the application for con-
demnation in this cause, this Court rendered a decree condemning the
right of way or easement over the lands therein sought, and appoint-
ed them to view said property sought to be condemned, hear evidence
and assess such damages and compensation as the owners and interest-
ed parties are entitled to recover for the taking of the same for
said public uses and purposes.

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

Done this 20th day of May, 1964.

L. D. Owen, Jr.
W. R. Stuart, Judge of Probate,
L.D. OWEN, JR.,

By: Ann Revalier
Chief Clerk

NOTICE TO SHERIFF:

STATE OF ALABAMA)
BALDWIN COUNTY)

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-20-64 M

Recorded _____ book _____ page _____

L. D. Owen, Jr.
Judge of Probate

You are hereby COMMANDED to notify: _____

JOHN BIGGS

JAKE KUELER

MICHAEL BALDWIN

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

RAY E. LOPEZ LUMBER COMPANY, ETAL . TRACT # 20, et al

and Baldwin County, a political subdivision of the State of Alabama, in which the State of Alabama sought to condemn a certain right of way or easement over certain lands in this County for the purposes of a public highway or road as stated in the application for condemnation in this cause, this Court rendered a decree condemning 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, 1964.

L. D. Owen, Jr.
~~XXXXXXXXXX~~ Judge of Probate.
L.D. OWEN, JR.

By: Ans. Chevalier
Chief Clerk

NOTICE TO SHERIFF:

5198

STATE OF ALABAMA)
BALDWIN COUNTY)

You are hereby COMMANDED to notify: _____

F. B. ELLISON

CARL ELLISON

JOHN BIGGS

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

CARL ANDERSON, ETAL, TRACT # 25, et al
and Baldwin County, a political subdivision of the State of Alabama,
in which the State of Alabama sought to condemn a certain right of
way or easement over certain lands in this County for the purposes
of a public highway or road as stated in the application for con-
demnation in this cause, this Court rendered a decree condemning the
right of way or easement over the lands therein sought, and appoint-
ed them to view said property sought to be condemned, hear evidence
and assess such damages and compensation as the owners and interest-
ed parties are entitled to recover for the taking of the same for
said public uses and purposes.

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

Done this 20th. day of May, 1963.

L. D. Owen Jr.
W. R. Stuart, Judge of Probate.
L. D. OWEN, JR.

By: Ann Chevalier
Chief Clerk

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-20-64 M

Recorded _____ book _____ page _____

L. D. Owen Jr.
Judge of Probate
as

5198

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner Jr., being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

State of Alabama vs
Colonel L. Anderson

COST STATEMENT

193 WORDS @ 05 cents — \$ 9.65
I hereby certify this is correct, due and unpaid (paid).

J. H. Faulkner Jr.
Editor.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication April 23, 1964 Vol. 73 No. 16

Date of 2nd publication " 30, 19" Vol. 75 No. 17

Date of 3rd publication May 7, 19" Vol. 75 No. 18

Date of 4th publication _____, 19____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 30 day of Apr, 1964

Dorothy Martin
Notary Public, Baldwin County.

J. H. Faulkner Jr.
Editor.

NOTICE TO SHERIFF:

STATE OF ALABAMA)
)
BALDWIN COUNTY)

You are hereby COMMANDED to notify: _____

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

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

Done this 20th. day of May, 1963.

L. D. Owen Jr.
~~XXXXXXXXXXXX~~, Judge of Probate.
L.D. OWEN, JR.

By: Ann Chevalier
Chief Clerk

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-20-64

Recorded _____ book _____ page _____
L. D. Owen Jr.
Judge of Probate
ac

Notice to Commissioners

Tract 20

679

Received 21 day of May 1964

And on _____ day of _____ 19____

I served a copy of the within Notice

on John Briggs 5-27-64

Jake Kule 5-27-64 - Lofley

~~By service on~~ Michael Baldwin 5-25-64 Robertsdale

TAYLOR WILKINS, Sheriff

By Jm Eastman D.S.

Sheriff claims 90 miles at

Ten Cents per mile Total \$ 9.00

TAYLOR WILKINS, Sheriff

BY JL
DEPUTY SHERIFF

STATE OF ALABAMA,

Petitioner,

vs.

EXA LOU BARNHILL, ET AL.,

Respondents.

I
I
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I

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following
notice upon O. M. NORTHCUTT

ROBERTSDALE, ALABAMA

You will take notice that on the 20th day of
APRIL, 19 64, an application 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 lands belonging to O. M. NORTHCUTT AND BERTHA NORTHCUTT, as to Tract Number 26

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 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
May, 19 64, at 10:00 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.

WITNESS my hand this 20th day of April,
19 64.

Received 21 day of April 1914
and on 23 day of Apr 1914
I served a copy of the within Notice
on Wm. Northcutt

By service on _____

TAYLOR WILKINS Sheriff
[Signature]
County of Rosinton

Sheriff claims 52 miles at
Ten Cents per mile Total \$ 5.20
TAYLOR WILKINS, Sheriff
BY Carole Chidren
DEPUTY SHERIFF

602

STATE OF ALABAMA,

Petitioner,

vs.

EXA LOU BARNHILL, et al.,

Respondents.

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IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following

notice upon COLON L. ANDERSON

Loxley, Alabama

You will take notice that on the 20th day of
APRIL, 19 64, an application 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 lands belonging to _____
CARL ANDERSON AND COLON L. ANDERSON, as to Tract Number 25

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 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
May, 19 64, at 10:00 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.

WITNESS my hand this 20 day of April,
19 64.

214

L. D. Owen, Jr.

W.-R.-Stuart, Judge of Probate

Received 21 day of April 1968
and on 23rd day of April 1968
served a copy of the within Notice
on Colonel J. Anderson

by service on _____

TAYLOR WILKINS, Sheriff
By Subert D. S.

Lofley

Sheriff claims 40 miles at
Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff
BY Fred Seibert
DEPUTY SHERIFF

STATE OF ALABAMA,

Petitioner,

vs.

EXA LOU BARNHILL, ET AL.,

Respondents.

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IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

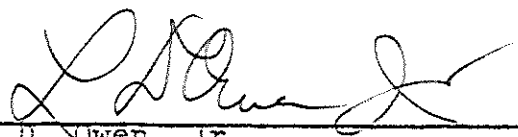
YOU ARE HEREBY COMMANDED to serve the following
notice upon CARL ANDERSON

LOXLEY, ALABAMA

You will take notice that on the 20th day of
APRIL, 19 64, an application 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 lands belonging to CARL ANDERSON, as to Tract Number 25

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 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
May, 19 64, at 10:00 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.

WITNESS my hand this 20th day of APRIL,
1964.


L. D. Owen, Jr.
W. R. Stuart, Judge of Probate

Received 24 day of April 1964
and on 23rd day of April 1964
I served a copy of the within Notice
on Carl Anderson

By service on _____

TAYLOR WILKINS, Sheriff
By Seibert D. S.
Lofting

Sheriff claims 40 miles
Ten Cents per mile Total 4.00
TAYLOR WILKINS, Sheriff
BY Fred Seibert
DEPUTY SHERIFF

EXHIBIT "A"

in Baldwin County, Alabama, and more particularly described as follows:

And as shown by the Right of Way Map of Project No. I-10-1 (11)44 as recorded in the Office of the Judge of Probate of Baldwin County.

Beginning at the NE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, T 5 S, R 4 E; thence westerly, along the North boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section a distance of 200 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 Project No. I-10-1 (11)44 at P.C. Sta. 870 + 77.67; thence southeasterly, parallel to the centerline of said Right Lane, along a curve to the right (concave southwesterly) having a radius of 22, 793.31 feet, a distance of 205 feet, more or less, to a point on the East boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the East property line; thence northerly, along said East property line a distance of 35 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, T 5 S, R 4 E, and containing 0.08 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)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.

Easement for Muck Disposal: Commencing at the NE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, T 5 S, R 4 E; thence southerly, along the East boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the East property line, a distance of 35 feet to the point of beginning; thence southerly, along said East 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 (11)44; thence northwesterly, 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 228 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. 870 + 77.67; thence N 80°-45'-12" W, parallel to the centerline of said Right Lane, a distance of 778 feet to a point; thence N 09°-14'-49" E a distance of 25 feet, more or less, to a point on the North boundary line of said $\frac{1}{4}$ of $\frac{1}{4}$ section, the North property line; thence easterly, along said North property line, a distance of 725 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right

Right
Lane at P.C. Sta. 870 + 77.67; thence southeasterly, parallel to the centerline of said Right Lane, along a curve to the right (concave southwesterly) having a radius of 22, 793.31 feet, a distance of 205 feet, more or less, to the point of beginning. 22, 793.31

Said strip of land lying in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, T 5 S, R 4 E, and containing 2.33 acres, more or less.

Notary Public in and for Baldwin County, Alabama, hereby certify that _____ (name) signed _____ on this day that, being informed of the contents of this conveyance, _____ known to me, acknowledged before _____ executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____ day of _____ 19____

STATE OF ALABAMA,
Petitioner,
vs.
COLON L. ANDERSON, ETAL
CONDEMNNEES

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IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO: 5198

COMMISSIONS:

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-20-64

Recorded _____ book _____ page _____

L. D. Owens
Judge of Probate

TO: BILL WINCO
JAKE KUELER, and
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

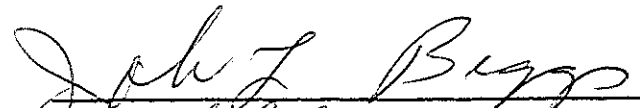

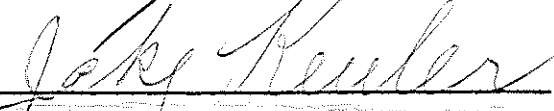
and assessed by you for the owners and parties interested in the tracts of land, and file a certificate along with your award that none of you have been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages, and that you knew nothing of the same prior to your appointment.

Given under my hand and seal of office this 20th. day of May, 1963.

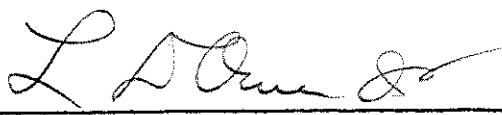

~~XXXXXXXXXX~~ Judge of Probate.
L.D. OWEN, JR.

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, said case being styled State of Alabama vs. Off. of Health, et al.
Edna Lee Barnhill et al.
et al., and Baldwin County, a political subdivision of the State of Alabama, and that we are not directly, nor indirectly, interested in the issues to be tried, and that we are not biased or prejudiced against either of said parties, and that we will render such compensation to the respondents as to us shall seem just and proper in the premises, so help us God.

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


~~XXXXXXXXXX~~ Judge of Probate.
L.D. OWEN, JR.

Received 21 day of May 1964

and on _____ day of _____ 19____

I served _____ of the within Notice

on Billy Wingo

John Buggs

By John Buggs

TAYLOR WILKINS, Sheriff

By _____ D. S.

STATE OF ALABAMA,	I	
Petitioner,	I	
vs.	I	IN THE PROBATE COURT OF
	I	
	I	BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ETAL	I	
	I	CASE NO: <u>5198</u>
RESPONDENT	I	
	I	
	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.

Given under my hand and seal of office this 20th day of May, 1964.

L.D. Owen, Jr.
~~XXXXXXXXXX~~, 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, said case being styled State of Alabama vs. EXA LOU BARNHILL, 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.

Joh L. Buggs
W.L. Wingo
Jak Kender

Sworn to and subscribed before me
this _____ day of _____, 1964.

L.D. Owen, Jr.
~~XXXXXXXXXX~~, Judge of Probate.
L.D. OWEN, JR.

STATE OF ALABAMA;

Petitioner,

vs.

COLON L. ANDERSON, ETAL

~~CONDEMNED~~
CONDEMNNEES

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IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5198

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-20-64 M

Recorded book page

COMMISSIONS:

L. D. Owen, Jr.
Judge of Probate

TO: F. B. ELLISON

CARL ELLISON

, and

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.

Given under my hand and seal of office this 20th. day of

May, 1963.

L.D. Owen, Jr.
~~W.R. Stuart~~ 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, said case being styled State of Alabama vs. John F. Biggs et al
Carl E. Ellison et al
John F. Biggs et al
et al., and Baldwin County, a political subdivision of the State of Alabama, and that we are not directly, nor indirectly, interested in the issues to be tried, and that we are not biased or prejudiced against either of said parties, and that we will render such compensation to the respondents as to us shall seem just and proper in the premises, so help us God.

John F. Biggs
Carl E. Ellison
J.B. Ellison

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

L.D. Owen, Jr.
~~W.R. Stuart~~ Judge of Probate.

L.D. OWEN, JR.

Petitioner,

VS.

COLON L.ANDERSON, ETAL

CONDEMNED

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO:

5198

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-20-64

Recorded 70 Index 0 Page 0

Judge of Probate

COMMISSIONS:

TO:

JOHN BIGGS

, and

JAKE KUELER

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.

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

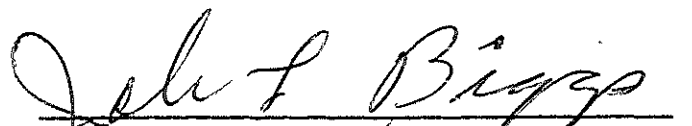

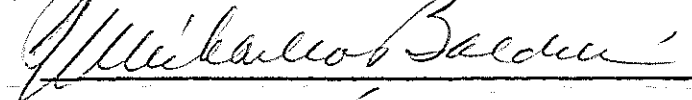
and assessed by you for the owners and parties interested in the tracts of land, and file a certificate along with your award that none of you have been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages, and that you knew nothing of the same prior to your appointment.

Given under my hand and seal of office this 20th. day of May, 1963.



~~XXXXXXXXXX~~, 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, 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
this 18th day of June, 1963.


~~XXXXXXXXXX~~, Judge of Probate.
L.D. OWEN, JR.,

STATE OF ALABAMA, I
 Petitioner, I
 vs. I IN THE PROBATE COURT OF
 COLON L. ANDERSON, ETAL I
 CONDEMNNEES I BALDWIN COUNTY, ALABAMA

CASE NO: 5198

STATE OF ALABAMA, BALDWIN COUNTY
 Filed 5-20-64 M

COMMISSIONS: Recorded book page
 L. D. Owen, Jr.
 Judge of Probate

TO: JAKE KEULER JOHN YE
 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.

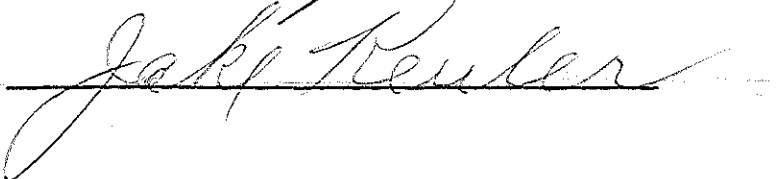
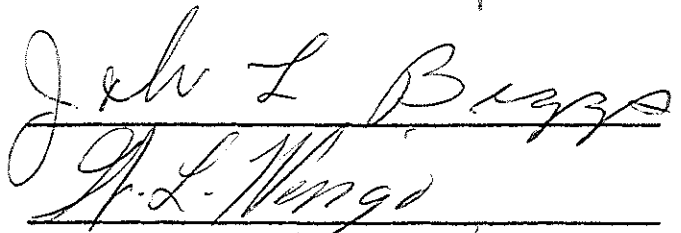
Given under my hand and seal of office this 20th. day of May, 1963.



~~W. R. Stuart~~, 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, ~~said case being styled State of Alabama vs.~~ Eva Lou Barnhill, et al et al., and Baldwin County, a political subdivision of the State of Alabama, and that we are not directly, nor indirectly, interested in the issues to be tried, and that we are not biased or prejudiced against either of said parties, and that we will render such compensation to the respondents as to us shall seem just and proper in the premises, so help us God.



Sworn to and subscribed before me
this 8 day of June, 1964



~~W. R. Stuart~~, Judge of Probate.
L.D. OWEN, JR.

NOTICE TO SHERIFF:

STATE OF ALABAMA)
)
BALDWIN COUNTY)

You are hereby COMMANDED to notify: _____

JAKE KEULER ✓

JOHN BIGGS

BILL WINGO ✓

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

C. O. NIMS (BALDWIN SAVINGS & LOAN) TRACT 16, et al
and Baldwin County, a political subdivision of the State of Alabama,
in which the State of Alabama sought to condemn a certain right of
way or easement over certain lands in this County for the purposes
of a public highway or road as stated in the application for con-
demnation in this cause, this Court rendered a decree condemning the
right of way or easement over the lands therein sought, and appoint-
ed them to view said property sought to be condemned, hear evidence
and assess such damages and compensation as the owners and interest-
ed parties are entitled to recover for the taking of the same for
said public uses and purposes.

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

Done this 20th day of May, 1966.

L. D. Owen Jr.

~~XXXXXXXXXXXX~~ Judge of Probate.
L.D. OWEN, JR.

By:

Ann Chevalier
Chief Clerk

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-20-64 M

Recorded _____ book _____ page _____

L. D. Owen Jr.
Judge of Probate
ae

Received 21 day of May 1964
and on _____ day of _____ 19____
I served a copy of the within Notice
on Jake Hunter 5-27-64
John Biggs 5-27-64
Bill Wingo 5-25-64

Notice To Commissioner

Tract 16

TAYLOR WILKINS, Sheriff
By Jm Eastman D. S.

Sheriff claims 90 miles at
Ten Cents per mile Total \$ 9.00
TAYLOR WILKINS, Sheriff
BY JL
DEPUTY SHERIFF

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
	I	
	I	
	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, 1963, at 10:00 A.M. o'clock, as set
 forth in the application of the State of Alabama to condemn the right
 of way or easement on ~~Parcels~~ Tract Number 20, et al.,
 Project I-10-1(11) ~~65-10280~~, as specified in said application for condemnation
 over the lands therein described for the uses and purposes of a
 public road or highway for the State of Alabama, and it appearing to
 the Court that notice of the filing of said application for condem-
 nation and of the day set for the hearing of the same has been given
 to the owners and interested parties by service of a notice upon them
 for more than ten (10) days prior to this date.

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


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

It is FURTHER ORDERED by the Court that JOHN RIGGS
JAKE KUELER and MICHAEL BALDWIN,
 who are resident citizens of Baldwin County, Alabama, possessing the
 qualifications of jurors and who are disinterested in these

proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed Commissioners to view said property and hear any evidence offered by interested parties and report to the Court within Twenty (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, ~~1965~~



L. D. Owen, Jr., 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	I	
	I	CASE NO. <u>5198</u>
	I	
	I	
	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, ~~1963~~, at 10:00 A.M. o'clock, as set
 forth in the application of the State of Alabama to condemn the right
 of way or easement on ~~Parcels~~ Tract Number 16
I-10-1(11)
~~Project I-10-1(11)~~, as specified in said application for condemnation
 over the lands therein described for the uses and purposes of a
 public road or highway for the State of Alabama, and it appearing to
 the Court that notice of the filing of said application for condem-
 nation and of the day set for the hearing of the same has been given
 to the owners and interested parties by service of a notice upon them
 for more than ten (10) days prior to this date.

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

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


It is FURTHER ORDERED by the Court that JAKE KEULER
JOHN BIGGS and BILL WINGO

who are resident citizens of Baldwin County, Alabama, possessing the
 qualifications of jurors and who are disinterested in these

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



~~W. D. Starn~~, Probate Judge.
L. D. Owen, Jr.

By: _____

STATE OF ALABAMA,	I	
Petitioner,	I	
vs.	I	IN THE PROBATE COURT OF
	I	BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET AL.,	I	
		CASE NO. <u>5198</u>
Respondents,	I	
	I	
	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, 1963⁴, 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 ~~XXXXXX~~ 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 condem-
 nation and of the day set for the hearing of the same has been given
 to the owners and interested parties by service of a notice upon them
 for more than ten (10) days prior to this date.

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

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

It is FURTHER ORDERED by the Court that Bill Wingo
Jake Kueler and John Biggs,
 who are resident citizens of Baldwin County, Alabama, possessing the
 qualifications of jurors and who are disinterested in these

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



L. D. Owen, Jr., 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 I CASE NO. 5198
 I
 I
 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, ~~1963~~, 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 ~~Parceux~~ Tract #25, et al.,
I-10-1(11)
 Project ~~I-10-1(28)~~, as specified in said application for condemnation
 over the lands therein described for the uses and purposes of a
 public road or highway for the State of Alabama, and it appearing to
 the Court that notice of the filing of said application for condem-
 nation and of the day set for the hearing of the same has been given
 to the owners and interested parties by service of a notice upon them
 for more than ten (10) days prior to this date.

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

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

It is FURTHER ORDERED by the Court that F. B. ELLISON
CARL ELLISON and JOHN BIGGS,
 who are resident citizens of Baldwin County, Alabama, possessing the
 qualifications of jurors and who are disinterested in these

proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed Commissioners to view said property and hear any evidence offered by interested parties and report to the Court within Twenty (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, ¹⁹⁶³~~xxxxxx~~



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

L.D. Owen, Jr.

By: _____

BAY MINETTE, ALA.,

1904

State of Ala. vs.
Vya Lou Greenhill et al

IN ACCOUNT WITH
ALICE J. DUCK
CLERK OF CIRCUIT COURT

FOR

1 copy of Motion for new trial \$3.20

STATE OF ALABAMA,)
)
 Petitioner,)
)
 vs.)
)
 EXA LOU BARNHILL, ROGER F.)
 BARNHILL, CHARLES W. BARNHILL,)
 THOMAS MASTIN BARNHILL, ALVA)
 GORDON BARNHILL, CENTRAL)
 BALDWIN BANK OF ROBERTSDALE,)
 ALABAMA, A corporation, and)
 TRACT NUMBER 17, Parcels 1 thru)
 3, inclusive; RAY E. LOPER)
 LUMBER 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 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.)
)

IN THE PROBATE COURT OF
 BALDWIN COUNTY, ALABAMA

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 hearing 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.

RICHMOND M. FLOWERS,
 Attorney General
 State of Alabama

STATE OF ALABAMA, BALDWIN COUNTY
 Filed 5-14-64

Recorded book page
L. D. Owen, Jr.
 Judge of Probate

By: Telfair J. Mashburn
 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.

Telfair J. Mashburn

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

Alice L. Miller

Notary Public, Baldwin County, Alabama.

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.

A handwritten signature in dark ink, appearing to read "L. D. Owen, Jr.", is written over a horizontal line.

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

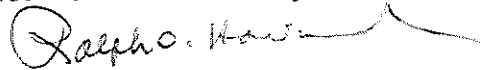
Your file on the above case will show the address of one Robert F. Goddard, a claimant in Tract No. 25 as to any award to be granted to Carl Anderson and Colon L. Anderson. Therefore, we request that you forward the enclosed letter to him, which contains a copy of the Petition and Claim of the United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

By 
Ralph O. Howard
Assistant United States Attorney

STATE OF ALABAMA,)	
)	
Petitioner,	)	IN THE CIRCUIT COURT OF
)	
vs.)	
	)	BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ROGER F.)	
BARNHILL, CHARLES W. BARNHILL,)	
THOMAS MASTIN BARNHILL, ALVA)	
GORDON BARNHILL, and CENTRAL	)	CASE NUMBER 6164.
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.

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

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.

John P. Moseburn
Attorney for Petitioner.

J. B. Blackburn
Attorney for Respondents.

FILED
SEP 25 1964
MAE J. DICK, CLERK
REGISTER

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
KENNETH COOPER

DIV. NO. _____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 6164

THE STATE OF ALABAMA

Baldwin County.

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

was plaintiff, and Eva Lou Barnhill, Roger E. Barnhill, Charles W. Barnhill, Thomas Mestlin Barnhill, Alva Gordon Barnhill, and Central Baldwin Bank of Robertsedale, a Corp. as to tract 17, Parcels 1 thru 3 inclusive, were ~~was~~ Defendant, as fully and completely as the same appears of record in said Court.

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

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

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

(Code 1940, Title 7, Sec. 767)

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.

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

Received 28 day of July

and on 28 day of July 1964

I served a copy of the within Notice of Appeal

on J. B. Blackburn

By service on _____

TAYLOR WILKINS, Sheriff

By R. A. Talbot D. S.

om'

#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 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.



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

1552

RECEIVED IN OFFICE
JUL 29 1964
M. S. BUTLER, Sheriff

EXECUTED BY SERVING A
COPY OF THE WITHIN
FRED S. BAILEY JR
As Agent for
Hercules powder
Co

This the 29 day of July 1964
M. S. BUTLER
Sheriff, Montgomery County
By J. J. Sanders
Deputy Sheriff

#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 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.

RECEIVED

JUL 29 1964

RECEIVED

Received 29 Day of July 1964
and on 29 Day of July 1964
I served a Copy of the within Muller
on Wernol R. Zimmerman
by service on _____

RAY D. EDWARDS
By C. Villa D. S.

287

all
2818
6/10

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.

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

Received 28 day of July 1964
and on 30th day of July 1964
I served a copy of the within Notice of Appeal
on C. O. Nims

By service on _____

TAYLOR WILKINS, Sheriff

By *Robert L. Lyle* D. S.

Sheriff claims 40 miles at 46.00
Ten Cents per mile Total \$
TAYLOR WILKINS, Sheriff
BY *Robert L. Lyle* DEPUTY 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 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.

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

Received 28 day of July 1964
and on 3 day of Aug 1964
I served a copy of the within Notice of Appeal
on Baldwin County Savings & Loan Assn.
By service on Robert M. Kipler

TAYLOR WILKINS, Sheriff

By *Robert M. Kipler*

R. M. Kipler

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY *CC* DEPUTY 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.

Received 28 day of July 1964
and on 28 day of July 1964
I served a copy of the within Notice of Appeal
on J. B. Blackburn
By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Felber D. S.

om

STATE OF ALABAMA,

Petitioner,

vs.

EXA LOU BARNHILL, ET AL.,

Respondents.

I

I

IN THE PROBATE COURT OF

I

BALDWIN COUNTY, ALABAMA

I

I

CASE NO: 5198

I

I

I

I

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following
notice upon FRED S. BALL, JR., Agent

Hercules Power Company, a corporation

First National Bank Building, Montgomery, Alabama.

You will take notice that on the 20th day of
April, 1964, an application 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 lands belonging to _____
RAY E. LOPER LUMBER COMPANY, as to Tract 20

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 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
May, 1964, at 10:00 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.

WITNESS my hand this 20th day of April,
1964.

760
RECEIVED IN OFFICE
APR 22 1964
M. S. BUTLER, Sheriff

EXECUTED BY SERVING A
COPY OF THE WITHIN
On Fred S. Ball
as agent for
Hercules Power
Co.

This the 22nd day of April 1964
M. S. BUTLER
Sheriff Montgomery County
By Thompson
Deputy Sheriff

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

STATE OF ALABAMA,)
)
 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 that JAKE 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 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 22nd day of May, 1964.



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

By: _____

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 25th day
of September, 1964 ~~Monday~~, 1964, in a cer-
tain cause in said Court wherein State of Alabama

Plaintiff, and Exa Lou Barnhill, Roger F. Barnhill, Charles
W. Barnhill, Thomas Mastin Barnhill, Alva Gordon Barnhill, and Central Baldwin Bank
of Robertsdale, a Corp., as to Tract 17, parcels 1 thru 3 inclusive,
Defendants, a judgement was rendered against said

Plaintiff

to reverse which Judgment, the said State of Alabama,

applied for and obtained from this office an APPEAL, returnable to the next
Term of our Supreme Court of the State of Alabama, to be held at Montgomery, on
the day of, 196next, and the necessary bond
having been given by the said Kenneth Cooper, Attorney for Plaintiff

with, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said Exa Lou Barnhill, Roger
F. Barnhill, Charles W. Barnhill, Thomas Mastin Barnhill, Alva Gordon Barnhill, and
Central Baldwin Bank of Robertsdale, a Corporation, as Tract 17, Parcels 1 thru 3,
inclusive or

J.B. Blackburn, attorney, to appear at the next Term of our
said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 31st
day of December, A. D., 1964.

Attest:

Alice J. Duck, Clerk.

CASE NO. 6164

CIRCUIT COURT
Baldwin County, Alabama

STATE OF ALABAMA

Vs. { Citation in Appeal

EXA LOU BARNHILL, ET AL

Issued 31st day of Dec., 1964

To be served on
Hon. J.B. Blackburn

Received 4 day of Jan 1965
d on 4 day of Jan 1966
served a copy of the within
J.B. Blackburn
y service on

TAYLOR WILKINS, Sheriff
By W.A. Tolbert D.S.

omi

STATE OF ALABAMA,)

Petitioner,)

vs.)

EXA LOU BARNHILL, ROGER F.)

BARNHILL, CHARLES W. BARNHILL,)

THOMAS MASTIN BARNHILL, ALVA)

GORDON BARNHILL, CENTRAL)

BALDWIN BANK OF ROBERTSDALE,)

ALABAMA, A Corporation, and)

TRACT NUMBER 17, Parcels 1 thru)

3, inclusive; RAY E. LOPER)

LUMBER 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 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.)

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

NO. 5198

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,	:	
	:	
Petitioner	:	IN THE PROBATE COURT OF
	:	
v.	:	BALDWIN COUNTY, ALABAMA
	:	
EXA LOU BARNHILL, et al;	:	
COLON L. ANDERSON, CARL ANDERSON,	:	
ROBERT F. GODDARD, UNITED STATES	:	CASE NO. 5198
OF AMERICA, and TRACT NUMBER 25;	:	
et al,	:	
	:	
Respondents	:	

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

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


1. 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, \$6,271.96, 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.

3. The amount of the indebtedness set out in paragraph 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.

4. There are no set-offs or counter-claims to said indebtedness.

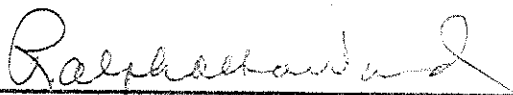
WHEREFORE, the United States of America files herewith its claim and asserts its lien upon the award made by the Commissioners appointed by this Court and any award made by the Circuit Court as to Tract No. 25, and the said Carl Anderson and Colon L. Anderson for the payment of the hereinabove described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


 Ralph O. Howard
 Assistant United States Attorney
 Southern District of Alabama

State of Alabama
v.
Eva Lou Barnhill, et al
#5198, Probate Court
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 5 day of August, 1964.


Ralph O. Howard
Assistant United States Attorney, SD of Ala.

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

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

FINANCE OFFICE
ST. LOUIS, MISSOURI

CERTIFIED STATEMENT OF ACCOUNT

Linton M. West, Regional Attorney
TO: Office of the General Counsel, USDA
Atlanta, Georgia

CASE NO.
01-02-02750

This is to certify that

NAME(S)

Carl R. Anderson

AND Colon L. Anderson

OF

ADDRESS

Selma County, Alabama

is (are) indebted to the United States of America as reflected by the following statement of account:

TRANSACTIONS HAVE BEEN RECORDED THROUGH

INTEREST HAS BEEN ACCRUED THROUGH

(Check appropriate block)

CHARGES

CREDITS

☐ STATUS BY
LOAN TYPE

☒ ADVANCES
AND PAYMENTS

☐ DETAIL STATUS OF
INTERESTAL PROPERTY

1-1-64

11-24-63

JULY 1, 1964

DATE	LOAN CODE					LOAN ADVANCES AND OTHER CHARGES	REPAYMENTS		UNPAID BALANCE		DAILY INTEREST ACCRUAL
	KIND	FUND	INTEREST RATE	LOAN NO.	BILLING CODE		INTEREST	PRINCIPAL	INTEREST	PRINCIPAL	
10-10-55	7	G	3 1/2	0		9000.00					
Total	7	G	3 1/2	0		9000.00	2363.03	2918.93	130.08	6031.07	.3831
10-10-55	7	F	0	0		12.49					
1-01-56						90.00					
1-01-57						83.33					
1-01-58						87.69					
1-01-59						84.86					
1-01-60						83.32					
1-01-61						82.52					
1-01-62						76.23					
1-01-63						40.43					
1-01-64						57.51					
Total	7	F	0	0		746.35	-0-	689.34	-0-	60.81	-0-
Grand Total						9746.35	2363.03	3604.47	130.08	6141.88	.3831

cc: State Director
Montgomery, Alabama

(Signature of approving official)

DATE OF CERTIFICATION

Audit Clerk

(Title)

State of Ala. Barnhill

JURY LIST - SEPTEMBER 21, 1964

1. Bishop, Aaron, Farmer, Fairhope
2. Bishop, Daniel C., Fisherman, Barnwell
3. Bloch, John, Farmer, Elberta
4. Britt, Cecil, Carpenter, Bay Minette
5. Brooks, Horace D., Farmer, Summerdale
6. Bryars, Thomas Eugene, Brookley Field, Bay Minette
7. Childress, Lewis E., Farmer, Fairhope
8. Childress, Paul, Jr., Farmer, Loxley
9. Cox, Young Ausphera, Merchant, Seockton
10. Dancy, William H., State Emp., Gulf Shores
11. Davis, Robert M., Merchant, Foley
12. Dubrock, George, Cabinet Maker, Fairhope
13. Dunn, J.R., Grand Hotel, Fairhope
14. Durant, Joe C., Farmer, Bay Minette
15. Freeman, Sam, Merchant, Robertsdale
16. Gerard, Cassebaum, Farmer, Elberta
17. Gwaltney, John L., Farmer, Robertsdale
18. Harmes, Otto, Farmer, Summerdale
19. Head, Charlie, Jr., Farmer, Stapleton
20. Hoiles, Richard, Salesman, Summerdale
21. James, Robert D., Farmer, Foley
22. Joyner, J.H., Jr., Grand Hotel, Fairhope
23. Lee, Hubert, Florist, Robertsdale
24. Lyrene, Edward, Farmer, Silverhill
25. Mancil, Arthur, Farmer, Daphne
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
32. Moore, Louis Davis, Farmer, Summerdale
33. Morgan, J.T., Farmer, Robertsdale
34. O'Quinn, Ralph E., Civil Service, Lillian
35. Osborne, W.A., Civil Service, Foley
36. Pender, Charles, Woodman, Bay Minette
37. Schmetz, Pete M., Civil Service, Lillian
38. Sims, James E., Farmer, Rabon
39. Wrenn, Walter P., Fleet, Bay Minette
40. Weatherford, Arthur C., Newport, Bay Minette
41. Weeks, Oscar G., Mechanic, Mag. Spgs.
42. White, Grady, Salesman, Foley
43. Carmichael, Arlee, Brookley Field, Daphne
44. Douglas, Oliver, Brookley Field, Daphne
45. Jones, George, Business Oper., Daphne
46. 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

P XXXXX XXXXX XXXXX X

D XXXXX XXXXX XXXXX X

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16

STATE OF ALABAMA,)
Petitioner,) IN THE CIRCUIT COURT OF
vs.) BALDWIN COUNTY, ALABAMA
XXXXXXXXXXXXXXXXXXXXXXXXXXXX)
XXXXXXXXXXXXXXXXXXXXXXXXXXXX) CASE NUMBER 6164
XXXXXXXXXXXXXXXXXXXXXXXXXXXX)
XXXXXXXXXXXXXXXXXXXXXXXXXXXX)
EXA LOU BARNHILL, ET AL.)
Respondents.)

We, the Jury, assess the land-owners compensation and
damages at \$ 177,800.00 .

ReC. 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.

FILED

JAN 12 1965

ALB. L. BARNHILL, CLERK

[Signature]
 ATTORNEY FOR APPLICANT

300-H

STATE OF ALABAMA,

Plaintiff,

vs.

EXA LOU BARNHILL, ROGER
F. BARNHILL, CHARLES W.
BARNHILL, THOMAS MASTIN
BARNHILL, ALVA GORDON
BARNHILL, AND CENTRAL
BALDWIN BANK OF ROBERTS-
DALE, A Corporation, as
to Tract 17, Parcels 1
thru 3, inclusive,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6164

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.

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

SECURITY FOR COSTS

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

Kenneth Cooper
Attorney For Plaintiff

Taken and approved on this

30 day of December, 1964.

Alice I. Duck
Clerk, Circuit Court
Baldwin County, Alabama

FILED

DEC 30 1964

ALICE I. DUCK CLERK
REGISTER

STATE OF ALABAMA,)	
Petitioner,	)	IN THE CIRCUIT COURT OF
VS.	)	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 grounds 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.

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.

FILED

JAN 5 1965

ALICE J. DUNN, CLERK
REGISTER

J. B. Blackburn
Attorney for Defendants

300-B

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
EXA LOU BARNHILL, ROGER	)	CASE NO. 6164
F. BARNHILL, CHARLES W.)	
BARNHILL, THOMAS MASTIN)	
BARNHILL, ALVA GORDON)	
BARNHILL, AND CENTRAL)	
BALDWIN BANK OF ROBERTS-)	
DALE, a Corporation, as)	
to Tract 17, Parcels 1)	
thru 3, inclusive,)	
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

above-named Court.

Kenneth Cooper
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.

Joseph J. Mullin
Special Judge

FILED

APR 20 1966

MADE J. DICK, CLERK

200-J

Original

STATE OF ALABAMA,)
Petitioner,) IN THE PROBATE COURT OF
vs.)
BALDWIN COUNTY, ALABAMA
EXA LOU BARNHILL, ET AL.,)
Respondents.) CASE NO: 5198

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice
upon CHARLES W. 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 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 27th day of
May, 1964, at 10:00 A. M. 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 14 day of May, 1964.

Sheriff claims 40 miles at
Ten Cents per mile Total \$ 4.00
TAYLOR WILKINS, Sheriff
BY Garner
DEPUTY SHERIFF
STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-14-64
Recorded L. D. Owen, Jr. book ac page ac
Judge of Probate

L. D. Owen, Jr.
By D. Owen, Jr. Judge of Probate. 6x
Received 14 day of May 1964
and on 14 day of May 1964
I served a copy of the within
on Charles W. Barnhill
By service on _____

Original

STATE OF ALABAMA,)
Petitioner,) IN THE PROBATE COURT OF
vs.)
EXA LOU BARNHILL, ET AL.,) BALDWIN COUNTY, ALABAMA
Respondents.) CASE NO: 5198
)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice
upon ALVA GORDON BARNHILL

LOXLEY, ALABAMA

You will take notice that on the 14th day of MAY
1964, Amended 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 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 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 14th day of May, 1964.

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00
TAYLOR WILKINS, Sheriff

BY L. D. Owen, Jr.
DEPUTY SHERIFF
STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-14-64 M

Recorded L. D. Owen, Jr. book page
Judge of Probate

L. D. Owen, Jr.

By Owen Chevalier
L. D. Owen, Jr., Chief Clerk of Probate.

Received May 14 1964
and on 14 day of May 1964

I served a copy of the within notice
on Alva Gordon Barnhill

By service on

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 NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E; thence northerly along the West boundary of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ 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 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 5869.58 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 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 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 centerline 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 747+95.30; 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 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° 47' 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; 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 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 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 $\frac{1}{2}$ of the NE $\frac{1}{4}$ 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 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.

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 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 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-S, R-4-E, and containing 0.23 acres, more or less.

Parcel 2: Beginning at the Southwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of SE $\frac{1}{4}$; 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, 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" E a distance of 80 feet to a point; thence S 00° 59' 17" 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) 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 SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4, T-5-S, R-4-E; thence northerly, along the West boundary line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 97 feet, more or less, to a point on the North boundary line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 E 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 SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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

FEB 23 1967

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.

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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 landowners 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,

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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 Henry v. Jackson, 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.

4.

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 Henry v. Jackson, supra, 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

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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 State v. Sharp, 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, supra, disposes of appellee's contention 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, supra, 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

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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

7.

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 1 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.

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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

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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 compensation 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

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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;

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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 Boohaker v. Trott, supra.

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

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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 Blount County v. Campbell, 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

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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

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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

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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.

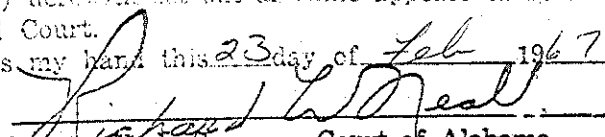
The judgment of the trial court is affirmed.

AFFIRMED.

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

I, Richard W. Neal, Deputy Clerk of the Supreme Court of Alabama, 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.

Witness my hand this 23 day of Feb, 1967


Deputy Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19.66-67

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

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

~~of said Court be in all things affirmed, and that it was further considered, ordered, and adjudged that the appellant and appellees' motions be denied.~~

IT WAS FURTHER CONSIDERED, ORDERED AND ADJUDGED that the judgment
of the Circuit Court be in all things affirmed.

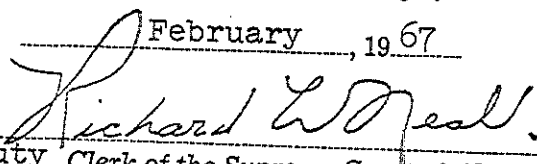
IT WAS FURTHER ORDERED AND ADJUDGED that the appellant, The State
of Alabama, pay

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

Richard W. Neal Deputy
Witness/~~J. R. Thomas~~, Clerk of the Supreme

Court of Alabama, at the Judicial Department

Building, this the 23 day of
February, 1967


Deputy Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 66-67

1st Div., No. 276

State of Alabama

Appellant,

vs.

Exa Lou Barnhill, et al.,

Appellee.s

From Baldwin Circuit Court.

No. 6164

CERTIFICATE OF
AFFIRMANCE

The State of Alabama,

Baldwin County.

} Filed

this 24 day of Feb 19 67

Alice J. Duck
Clerk