

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Petitioner,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	CASE NUMBER 6164
RAY E. LOPER, Tract 20,	)	
Respondent.	)	

6165

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 16th day of March, 1965, 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, and that the necessary action to properly effect the appeal from the Probate Court of Baldwin County, Alabama in accordance with all the statutes and laws in such cases made and provided, to the Circuit Court of Baldwin County, Alabama, were made, and that said Court did enter an order of condemnation of the lands described in said application and which are hereinafter described, and that on the 27th day of August, 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 landowner is 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, Albert J. McKenzie and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowner is entitled

having been submitted to the, did return a verdict in words and figures as follows:

"We, the Jury, find for the Defendant and assess the damages and compensation at \$3,454.50."

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

2. That the damages and compensation to which the Defendant landowner in this case, Ray E. Loper, is entitled is hereby fixed at the sum of \$3,454.50, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowner; and that upon the payment of said amount by the State of Alabama to said landowner 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 15th day of March, 1965.

FILED

MAR 15 1965

ALICE L. DUCK, CLERK  
REGISTER

Joseph J. Mullins  
Circuit Judge  
275-D

Exhibit "A"

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW
RAY E. LOPER, Tract 20,	)	CASE NUMBER 6164
Defendant.	)	

Comes now the Plaintiff, State of Alabama, and amends its petition and application for condemnation so that the description of the property and the rights sought to be condemned in the above-styled cause shall read as follows:

Commencing at the SW corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 4, T5S, R4E; 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. I-10-1(11)44; thence northerly, along said West property line a distance of 128 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 left, (concave northeasterly), having a radius of 3694.71 feet, a distance of 57 feet, more or less, to a point that is 125 feet northeasterly of and at right angles to the centerline of Left Lane at P.T. Sta. 765+40.46; thence S84°-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 S45°-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 S84°-37'-50"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, T5S, R4E, and containing 23.03 acres, more or less, and being in Baldwin County, Alabama.

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(11) 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, T5S, R4E, 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 S45°-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 885 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.

Easement 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(11)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, T5S, R4E, 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, T5S, R4E, and containing 1.98 acres, more or less, being in Baldwin County, Alabama.

This the 16 day of March, 1965.

RICHMOND FLOWERS  
ATTORNEY GENERAL

By: Kenneth Cope  
Special Assistant Attorney General

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Petitioner,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	CASE NUMBER 6164 <sup>5</sup>
RAY E. LOPER, Tract 20	)	
Respondent.	)	

STIPULATION

It is hereby stipulated by and between the Petitioner (appellant), and Ray E. Loper, (appellee) 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 23rd day of July, 1964, in this Court and trial by jury on the issue of valuation has been properly demanded.

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

4. That the respondent herein is the only party known to either petitioner or respondent who has or asserts any right, title or interest in or to the lands or interest therein sought to be acquired.

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5. That the respondent has had due notice of this trial and all proceedings herein and expressly enters his appearance in this court.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the respondent is 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, 20 April, 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, 23 July, 1964.

Kenneth Cooper  
Attorney For Petitioner

J. B. Blackburn  
Attorney For Respondent

Filed 3-16-65  
Alice J. Duck

BK. 275-B

5. That the respondent has had due notice of this trial and all proceedings herein and expressly enters his appearance in this court.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the respondent is 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, 20 April, 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, 23 July, 1964.

Kenneth Cooper  
Attorney For Petitioner

J. B. Blackburn  
Attorney For Respondent

Filed 3-16-65  
Alice J. Duck

BK. 275-B

State of Alaska  
Jury List  
Page 6

JURY LIST - SPRING SESSION - MARCH 15, 1965

- 1. Jones, Chester, Western Auto, Robertsdale
- 2. Stallworth, T. W., Painter, Summerdale
- 3. Steele, Ira, Mail Clerk, Fairhope
- 4. Howard, Oscar, Merchant, Bay Minette
- 5. Wolff, George, Timberman, Pensacola
- 6. Davison, John L., Insurance Salesman, Robertsdale
- 7. Dickman, Joe, P.O. Employee, Bay Minette
- 8. Lunsford, Albert A., Teacher, Foley
- 9. McClain, Cecil E., Elec. Co., Robertsdale
- 10. Mund, Thos. C., Fisherman, Gulf Shores
- 11. Baldwin, W. W., Farmer, Robertsdale
- 12. Bateman, Martin K., Bell Telephone, Bay Minette
- 13. Epperson, Edwin, Civil Service, Foley
- 14. Coleman, John E., Brookley Field, Bay Minette
- 15. McKenzie, Albert J., Shipyard Worker, Robertsdale
- 16. Chandler, Jack, Newport, Bay Minette
- 17. Childre, L. J., Jr., Manufacturer, Foley
- 18. Cooper, Gilbert, Farmer, Rosinon
- 19. Curran, Roy E., Civil Service, Hillman
- 20. Callaway, John, Fisherman, Foley
- 21. Langham, Tommy M., Merchant, Bay Minette
- 22. Baumann, Fred, Civil Service, Elberta
- 23. Bishop, Clarence, Farmer, Fairhope
- 24. Bryars, Rudolph H., Brookley Field, Bay Minette
- 25. Norrell, Lamar, Clerk, Foley
- 26. Pacey, Paul G., Farmer, Fairhope
- 27. Singleton, Art, Public, Robinson
- 28. Strickland, Marvin, Laborer, Bay Minette
- 29. Jordan, Green, Merchant, Bay Minette
- 30. Agerton, J. W., Chestnut, Bay Minette
- 31. Wylin, E. Mack, International Paper, Bay Minette
- 32. Moorer, Urie S., Laborer, Bay Minette
- 33. Good, Joe, Farmer, Elberta
- 34. Walters, W. D., Farmer, Robertsdale
- 35. Cox, Percy B., Farmer, Stockton
- 36. Bauer, Randel, Telephone Oper., Daphne
- 37. Jacobs, Adolph B., Montrose
- 38. Jerkins, Albert E., Farmer, Stapleton
- 39. Vairie, William, Daphne Potter, Daphne
- 40. Beverly, John, Salesman, Robertsdale
- 41. Washington, Wilmer, Brookley Field, Daphne
- 42. Noonan, Edward D., Jr., Newport, Bay Minette
- 43. Pail, William H. C. P. A., Bay Minette
- 44. Brecken, Aubrey, Boat Keeper, Foley

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State of Ill.  
vs  
Loper

We, the jury, find for the  
Defendant and assess the damages  
and compensation at \$ 3,454.50

Albert J. McKenry  
Foreman