

STATE OF ALABAMA, )  
 Appellant, ) IN THE PROBATE COURT OF  
 vs. )  
 BALDWIN COUNTY, ALABAMA  
 WAYNE HUGGINS and GERALDINE W. )  
 HUGGINS and TRACT NUMBER 9; )  
 ALEX S. BERTOLLA, ANGELO F. ) CASE NUMBER 5256.  
 BERTOLLA, JOHN P. BERTOLLA and )  
 RUDOLPH F. BERTOLLA, individu- )  
 ally and doing business as A. )  
 BERTOLLA AND SONS and TRACT )  
 NUMBER 10; and B. R. WILLIAMSON )  
 and TRACT NUMBER 13, )  
 Appellees. )

6191

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 27th day of August, 1964, insofar as said order of condemnation relates to the Tracts of land and the owners and parties interested therein as follows:

TRACT NUMBER 9: Wayne Huggins and Geraldine W. Huggins are the owners of said Tract.

TRACT NUMBER 10: Alex S. Bertolla, Angelo F. Bertolla, John P. Bertolla and Rudolph F. Bertolla, individually, and doing business as A. Bertolla and Sons, are the owners of said Tract.

TRACT NUMBER 13: B. R. Williamson is the owner of said Tract.

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

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


DONE this 27th day of August, 1964.

RICHMOND M. FLOWERS,  
 Attorney General, State of Alabama


By: *Telfair R. Marshall*  
 Duly appointed Special Assistant  
 Attorney General for State of  
 Alabama.

STATE OF ALABAMA, BALDWIN COUNTY  
 Filed 8-27-64 M  
 Recorded L. D. Owen, Jr. book page  
 Judge of Probate

Appellant hereby demands a trial  
of this cause by Jury.

  
Duly appointed Special Assistant  
Attorney General for State of Alabama.

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

  
Duly appointed Special Assistant Attorney  
General for State of Alabama.

-----

TO: WAYNE HUGGINS, GERALDINE W. HUGGINS, J. B. BLACKBURN, as  
Attorney of Record for ALEX S. BERTOLLA, ANGELO F. BERTOLLA,  
JOHN P. BERTOLLA and RUDOLPH F. BERTOLLA, individually and  
doing business as A. BERTOLLA AND SONS, and B. R. WILLIAMSON

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 27th day of August, 1964.

WITNESS my hand this 27th day of August, 1964.

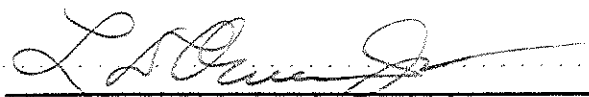
  
Judge of Probate Court of Baldwin  
County, Alabama.

EXHIBIT "A"  
TRACT NUMBER 9

Commencing at the SW corner of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 34, T 4 S, R 3 E, thence northerly along the West boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the West property line, a distance of 240 feet to the point of beginning at Sta. 516 + 77 on the centerline of Project No. I-10-1 (11)44; thence northerly, along said West property line, a distance of 235 feet, more or less, to a point that is 235 feet northerly of and at right angles to the centerline of said project; thence S 89°-43'-31" E, parallel to the centerline of said project, a distance of 1308 feet, more or less, to a point on the East boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the East property line; thence southerly along said East property line (crossing the centerline of said project at Sta. 529 + 85) a distance of 410 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of said project; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 1308 feet, more or less, to a point on said West property line; thence northerly along said West property line a distance of 175 feet, more or less, to the point of beginning.

Said strip of land lying in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 34, T 4 S, R 3 E, and containing 12.33 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, on the West boundary of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 34, T 4 S, R 3 E, which is 235 feet northerly of and at right angles to the centerline of Project No. I-10-1 (11)44; thence S 89°-43'-31" E, parallel to the centerline of said project, a distance of 1308 feet, more or less, to a point on the East boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section) 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.

EXHIBIT "A"  
TRACT NUMBER 10

Parcel No. 1: Commencing at the SW corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence northerly along the West boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the West property line, a distance of 230 feet to the point of beginning at Sta. 530 + 25 on the centerline of Project No. I-10-1 (Q1) 44; thence northerly along said West property line a distance of 235 feet to a point that is 235 feet northerly of and at right angles to the centerline of said project; thence S 89°-43'-31" E, parallel to the centerline of said project, a distance of 50 feet, more or less, to a point on the centerline of said road; thence southerly, along the centerline of said road a distance of 60 feet, more or less, to a point that is 175 feet northerly of and at right angles to the centerline of said project; thence S 89°-43'-31" E, parallel to the centerline of said project, a distance of 60 feet, more or less, to a point; thence S 89°-43'-31" E a distance of 50 feet, more or less, to a point that is 150 feet northerly of and at right angles to the centerline of said project; thence S 89°-43'-31" E, parallel to the centerline of said project, a distance of 2332.5 feet, more or less, to a point; thence N 60°-16'-29" E a distance of 16 feet, more or less, to a point that is 164 feet northerly of and at right angles to the centerline of said project; thence S 89°-43'-31" E a distance of 1132.85 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 at P.T. Sta. 581 + 92.35; thence easterly, parallel to the centerline of said left lane, along a curve to the right (concave southerly) having a radius of 8718.37 feet, a distance of 1535 feet, more or less, to a point on the East boundary of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, the East property line at this point; thence southerly, along said East property line (crossing the centerline of said Left Lane at Sta. 597 + 28.4) a distance of 205 feet, more or less, to a point on the North boundary of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 36, the North property line at this point; thence easterly, along said North property line (crossing the centerline of said Left Lane at Sta. 601 + 06.5) a distance of 960 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. Sta. 606 + 67.22; thence S 73°-13'-37" E, parallel to the centerline of said left lane, a distance of 385 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 36, the East property line at this point; thence southerly along said East property line (crossing the centerline of said left lane at Sta. 610 + 89) a distance of 470 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of the Right lane of said project; thence westerly, parallel to the centerline of said Right lane, along a curve to the left (concave southerly) having a radius of 11,334.13 feet, a distance of 3740 feet, more or less, to a point that is 164 feet

southerly of and at right angles to the centerline of said project at Sta. 573 + 70.79; thence N  $89^{\circ}43'31''$  W, parallel to the centerline of said project, a distance of 370.8 feet, more or less, to a point; thence N  $59^{\circ}43'31''$  E a distance of 28 feet, more or less, to a point that is 150 feet southerly of and at right angles to the centerline of said project at Sta. 569 + 75.8; thence N  $89^{\circ}43'31''$  W, parallel to the centerline of said project, a distance of 3832.5 feet, more or less, to a point; thence S  $60^{\circ}16'29''$  W a distance of 50 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of said project at Sta. 531 + 00; thence N  $89^{\circ}43'31''$  W, parallel to the centerline of said project, a distance of 115 feet, more or less, to a point on the West boundary of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said section 35, the West property line; thence northerly along said West property line a distance of 175 feet, more or less, to the point of beginning.

Said strip of land lying in the S  $\frac{1}{2}$  of Section 35 (and in the SW  $\frac{1}{4}$  of Section 36), T 4 S, R 3 E, and containing 68.40 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 on the West boundary line of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, which is 235 feet northerly of and at right angles to the centerline of Project No. I-10-1 (11) 44; thence  $89^{\circ}43'31''$  E, parallel to the centerline of said project, a distance of 50 feet, more or less, to a point on the centerline of a road; thence southerly, along the centerline of said road, a distance of 60 feet, more or less, to a point that is 175 feet northerly of and at right angles to the centerline of said project) 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. 2: Commencing at the NE corner of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, T 4 S, R 3 E; thence westerly, along the North boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the North property line, a distance of 40 feet, to a point; thence southerly, perpendicular to said North property line, a distance of 30 feet; thence easterly, parallel to said North property line, a distance of 40 feet 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 30 feet to the point of beginning.

Said strip of land lying in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, and containing 0.03 acres, more or less.

Basement for Drainage: Commencing at the SW corner of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence northerly along the West boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, a distance of 360 feet, more or less, to a point on the North Right of Way line of Project I-10-1 (11) 44; thence easterly along the said Right of Way line a distance of 852 feet, more or less, to a point that is 125 feet northerly of and perpendicular to the centerline Sta. 578 + 78.96, the point of beginning; thence easterly and parallel to said North Right of Way line a distance of 57.74 feet, more or less, to a point; thence N  $29^{\circ}43'31''$  W a distance of 150 feet to a point; thence westerly and parallel to said North Right of Way line, a distance of 57.74 feet, more or less, to a point; thence S  $29^{\circ}43'31''$  E a distance of 150 feet to the point of beginning.

Said strip of land lying in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 0.17 acres, more or less.

Basement for Drainage: The herein described property, a strip of land 50 feet in width and 175 feet in length, to be used for the purpose of a drainage ditch, extending 175 feet northerly of and at right angles to the North boundary line of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 585 + 75 to Sta. 586 + 25 on the Left Lane of said project.

Said strip of land lying in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, and containing 0.20 acres, more or less.

Basement for Muck Disposal: The herein described property, a strip of land 200 feet in width and 500 feet in length, to be used for the purpose of a Muck Disposal Area, extending 200 feet northerly of and at right angles to the North boundary line of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 549 + 00 to Sta. 554 + 00.

Said strip of land lying in the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 2.30 acres, more or less.

Basement for Muck Disposal: The herein described property, two strips of land, each 150 feet in width and 500 feet in length, to be used for the purpose of Muck Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to the South boundary line) of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 558 + 00 to Sta. 563 + 00.

Said strips of land lying in the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less.

Basement for Muck Disposal: The herein described property, two strips of land, each 150 feet in width and 500 feet in length, to be used for the purpose of Muck Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to the South boundary line) of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 570 + 00 to Sta. 575 + 00.

Said strips of land lying in the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less.

Commencing at the NW corner of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 6, 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 100 feet to the point of beginning at Sta. 638 + 78 on the centerline of the Right Lane of Project No. I-10-1 (II) 44; thence southerly along said West property line a distance of 162 feet, more or less, to a point; thence N  $80^{\circ}09'52''$  E a distance of 50 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  $69^{\circ}50'08''$  E, parallel to the centerline of said Right Lane, a distance of 370 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. Sta. 643 + 53.02; thence southeasterly, parallel to the centerline of said Right Lane, along a curve to the left (concave northeasterly) having a radius of 11,584.15 feet, a distance of 940 feet, more or less, to a point on the East boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the East property line; thence northerly along said East property line a distance of 677 feet, more or less, to a point on the North boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the North property line; thence westerly along said North property line a distance of 1290 feet, more or less, to a point on said West property line; thence southerly along said West property line 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 6, T 5 S, R 4 E, and containing 13.90 acres, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing future or potential common law or statutory rights of access between the Right of Way of the public way identified as Project No. I-10-1 (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.

STATE OF ALABAMA,

Petitioner,

vs.

RAYMOND DYSON, ETAL

I  
I  
I  
I  
I  
I  
I  
I  
I  
I

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5256

COMMISSIONS:

TO: JIM STAPLETON

FRED CHIFFIN

, and

LEON GIBSON

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 21st. day of July, 1963.

21st.

July

W. R. Stuart, Judge of Probate.

XXXXXXXXXXXX  
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. Raymond Dyson, 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.

an award \$8000.00  
Damages on case  
500

Leon Gibson  
James D. Stapleton  
Ed. Griffin

Sworn to and subscribed before me  
this 21 day of July, 1963.

W. R. Stuart, Judge of Probate.

XXXXXXXXXXXX  
L.D. OWEN, JR.

STATE OF ALABAMA,

Petitioner,

vs.

RAYMOND DYSON, ET AL

I  
I  
I  
I  
I  
I  
I

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5256

REPORT OF COMMISSIONERS:

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

Come the undersigned, JIM STAPLETON,

FRED GRIFFIN AND LEON GIBSON,

the Commissioners duly appointed to assess the damages to Parcels Numbers TRACTS #8, 9, 10, 11, 12, 13 of Project No. I-69-1(28), to which the owner and other parties interested in the parcels of land set forth and described in the original application for condemnation of lands filed in this cause, are entitled for the condemnation of such lands, and having been duly sworn as jurors are sworn, and having viewed the lands described in said application for condemnation, and having set a time and place for the hearing of the evidence to be offered by any party touching the amount of damages the owners of the lands and other parties interested 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 interested therein are entitled to receive as damages and compensation for the condemnation of their property, the following amount:

Project No. I- <del>69-1(28)</del> <sup>1-10 1(11)</sup> Parcel No. <u>8</u>	\$ <u>8000.00</u>
Project No. I- <del>69-1(28)</del> <sup>1-10 1(11)</sup> Parcel No. <u>9</u>	\$ <u>40,000.00</u>
Project No. I- <del>69-1(28)</del> <sup>1-10 1(11)</sup> Parcel No. <u>10</u>	\$ <u>75,000.00</u>
Project No. I- <del>69-1(28)</del> <sup>1-10 1(11)</sup> Parcel No. <u>13</u>	\$ <u>5600.00</u>
Project No. I- <del>69-1(28)</del> <sup>1-10 1(11)</sup> Parcel No. _____	\$ _____
Project No. I- <del>69-1(28)</del> <sup>1-10 1(11)</sup> Parcel No. _____	\$ _____
Project No. I- <del>69-1(28)</del> <sup>1-10 1(11)</sup> Parcel No. _____	\$ _____
Project No. I- <del>69-1(28)</del> <sup>1-10 1(11)</sup> 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.

Leon. Gibson  
Commissioner.

Ed. Giffin  
Commissioner.

James D. Stapleton  
Commissioner.

Sworn to and subscribed before me

this 10 day of August, 1964.

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

L. D. Owen, Jr.

STATE OF ALABAMA, )  
 Petitioner, ) IN THE PROBATE COURT OF  
 vs. )  
 BALDWIN COUNTY, ALABAMA  
 )  
 RAYMOND DYSON, ET AL., ) CASE NO: 5256  
 Respondents. )

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice  
 upon ANGELO F. BERTOLLA

LOXLEY, ALABAMA

You will take notice that on the 30th day of June  
 1964, an application or petition was filed in this Court by the State  
 of Alabama, a copy of which ~~description~~ <sup>description</sup> is attached hereto, setting forth  
 its desire to condemn for certain purposes therein stated, certain  
 lands belonging to ALEX S. BERTOLLA, ET AL., as to Tract Number 10

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 20th day of  
July, 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 30th day of June, 1964.



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

STATE OF ALABAMA, BALDWIN COUNTY  
 Filed 6-30-64 3:15 P.M.  
 Recorded L. D. Owen, Jr.  
 Judge of Probate

STATE OF ALABAMA,	)	
Petitioner,	)	IN THE PROBATE COURT OF
vs.	)	
RAYMOND DYSON, ET AL.,	)	BALDWIN COUNTY, ALABAMA
Respondents.	)	CASE NO: <u>5256</u>
	)	

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice  
upon JOHN P. BERTOLLA  
LOXLEY, ALABAMA

You will take notice that on the 30th day of June  
1964, an application or petition was filed in this Court by the State  
of Alabama, a copy of which ~~description~~ <sup>description</sup> is attached hereto, setting forth  
its desire to condemn for certain purposes therein stated, certain  
lands belonging to Alex S. Bertolla, et al., as to Tract Number 10

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 20th day of  
July, 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 30th day of June, 1964.

L. D. Owen, Jr.

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

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 6-30-64 3:15 p.m.  
Recorded L. D. Owen, Jr.  
Judge of Probate

STATE OF ALABAMA, )  
 )  
 Petitioner, ) IN THE PROBATE COURT OF  
 )  
 vs. )  
 )  
 RAYMOND DYSON, ET AL., ) BALDWIN COUNTY, ALABAMA  
 )  
 Respondents. ) CASE NO: 5256  
 )

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice  
 upon RUDOLPH F. BERTOLLA

LOXLEY, ALABAMA

You will take notice that on the 30th day of June  
 1964, an application or petition was filed in this Court by the State  
 of Alabama, a copy of which ~~description~~ <sup>description</sup> is attached hereto, setting forth  
 its desire to condemn for certain purposes therein stated, certain  
 lands belonging to Alex S. Bertolla, et al., as to Tract Number 10

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 20th day of  
July, 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 30th day of June, 1964.

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

STATE OF ALABAMA, BALDWIN COUNTY  
 Filed 6-30-64 3:15 PM  
 Recorded L. D. Owen, Jr. book \_\_\_\_\_ page \_\_\_\_\_  
 Judge of Probate

1193  
STATE OF ALABAMA,

Petitioner,

vs.

RAYMOND DYSON, ET AL.,

Respondents.

)

)

)

)

)

)

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5256

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice  
upon B. R. WILLIAMSON  
LOXLEY, ALABAMA

You will take notice that on the 30th day of June  
1964, an application or petition was filed in this Court by the State  
of Alabama, a copy of which ~~petition~~ <sup>description</sup> is attached hereto, setting forth  
its desire to condemn for certain purposes therein stated, certain  
lands belonging to B. R. WILLIAMSON, as to Tract Number 13

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 20th day of  
July, 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 30th day of June, 1964.

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

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 6-30-64 3:15 PM  
Recorded L. D. Owen, Jr. book \_\_\_\_\_ page \_\_\_\_\_  
Judge of Probate

STATE OF ALABAMA,

Petitioner,

vs.

RAYMOND DYSON, ET AL.,

Respondents

I

I

I

I

I

I

I

I

I

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 5256

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

This cause having heretofore been set for hearing on the  
20th day of July, 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 ~~Tracts~~ <sup>Tracts Numbered</sup> 8, 9, 10 and 13  
1-10-1(11)  
Project 1-65-1(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 Jim Stapleton,  
Fred Griffin, Leon Gibson,  
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 July, 1964, xk963.



~~H. R. Stuart~~, Probate Judge.  
L. D. Owen, Jr.

By: \_\_\_\_\_

STATE OF ALABAMA,	)	
	)	
Petitioner,	)	IN THE PROBATE COURT OF
vs.	)	
RAYMOND DYSON and TRACT NUMBER 8;	)	
WAYNE HUGGINS and GERALDINE W.	)	BALDWIN COUNTY, ALABAMA
HUGGINS and TRACT NUMBER 9; ALEX	)	
S. BERTOLLA, ANGELO F. BERTOLLA,	)	
JOHN P. BERTOLLA and RUDOLPH F.	)	CASE NO. <u>5256</u>
BERTOLLA, individually, and doing	)	
business as A. BERTOLLA AND SONS,	)	
and TRACT NUMBER 10; and B. R.	)	STATE OF ALABAMA, BALDWIN COUNTY
WILLIAMSON and TRACT NUMBER 13;	)	Filed <u>6-30-64</u> <u>3:15p</u>
and BALDWIN COUNTY, a Political	)	Recorded <u>        </u> book <u>        </u> page <u>        </u>
Subdivision of the State of Alabama,	)	<u>L. D. Owen, Jr.</u>
	)	Judge of Probate
Respondents.	)	

N O T I C E

TO: RAYMOND DYSON  
PENSACOLA, FLORIDA  
and to any unknown party or parties who might claim any right,  
title or interest in or any lien or encumbrance upon the  
property sought to be condemned:

YOU WILL TAKE NOTICE, that on this date a petition was  
filed in this Court by the State of Alabama, setting forth its de-  
sire to condemn, for the purposes of a public road or highway, a  
right of way over property and lands described as TRACT NUMBER 8,  
and as set out in the right of way map on Project Number I-10-1(11),  
on file in the State Highway Department and in the Office of the  
Judge of Probate of Baldwin County, Alabama, and as further describ-  
ed in the application for condemnation filed in the Court on this  
date.

In and by said petition, the said Petitioner prays that  
this Court will make and enter an order appointing a day for the  
hearing of said petition and for such other and further orders and  
procedures as may be necessary.

YOU WILL FURTHER TAKE NOTICE, that the Court has appoint-  
ed the 20th day of July, 1964, at 10:00 o'clock A. M., to hear the  
said petition, at which time you may appear and contest the same, if  
you think proper.

WITNESS My hand this 30th day of June, 1964.

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

TELFORD J. MASHBURN  
Assistant Attorney General

STATE OF ALABAMA, )  
 )  
Petitioner, ) IN THE PROBATE COURT OF  
 )  
vs. )  
 ) BALDWIN COUNTY, ALABAMA  
 )  
RAYMOND DYSON, et al., )  
 ) CASE NO: 5256  
Respondents. )  
 )

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice  
upon WAYNE HUGGINS

LOXLEY, ALABAMA

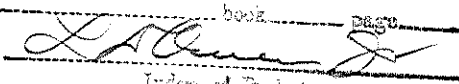
You will take notice that on the 30th day of June  
1964, an application or petition was filed in this Court by the State  
of Alabama, a copy of which <sup>description</sup> ~~petition~~ is attached hereto, setting forth  
its desire to condemn for certain purposes therein stated, certain  
lands belonging to Wayne Huggins, et al., as to Tract Number 9

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 20th day of  
July, 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 30th day of June, 1964.



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

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 6-30-64 3:15 P.M.  
Recorded                      book                      page                       
  
Judge of Probate

STATE OF ALABAMA, )  
Petitioner, ) IN THE PROBATE COURT OF  
vs. )  
RAYMOND DYSON, ET AL., ) BALDWIN COUNTY, ALABAMA  
Respondents. ) CASE NO: 5256

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice  
upon GERALDINE W. HUGGINS  
LOXLEY, ALABAMA

You will take notice that on the 30th day of June  
1964, an application or petition was filed in this Court by the State  
of Alabama, a copy of which ~~petition~~<sup>description</sup> is attached hereto, setting forth  
its desire to condemn for certain purposes therein stated, certain  
lands belonging to Wayne Huggins, et al., as to Tract Number 9

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 20th day of  
July, 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 30th day of June, 1964.



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

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 6-30-64 3:15 P.M.  
Recorded L. D. Owen, Jr.  
Judge of Probate

STATE OF ALABAMA,	)	
Petitioner,	)	IN THE PROBATE COURT OF
vs.	)	
RAYMOND DYSON, ET AL.,	)	BALDWIN COUNTY, ALABAMA
Respondents.	)	CASE NO: <u>5256</u>
	)	

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice  
upon ALEX S. BERTOLLA  
LOXLEY, ALABAMA

You will take notice that on the 30th day of June  
1964, an application or petition was filed in this Court by the State  
of Alabama, a copy of which ~~description~~ <sup>description</sup> is attached hereto, setting forth  
its desire to condemn for certain purposes therein stated, certain  
lands belonging to ALEX S. BERTOLLA, ET AL., as to Tract Number  
10

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 20th day of  
July, 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 30th day of June, 1964.

L. D. Owen, Jr.

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

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 6-30-64 3:15 PM  
Recorded L. D. Owen, Jr.  
Judge of Probate

1193

STATE OF ALABAMA     )  
                              (  
BALDWIN COUNTY        )

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to serve the foregoing Notice of Appeal upon B. R. WILLIAMSON, and make due return to this Court of such service.

DATED this 27th day of August, 1964.



Judge of Probate, Baldwin County, Ala.

Received 1 day of Sept 1964  
and on 3 day of Sept 1964  
I served a copy of the within Appeal  
on B. R. Williamson

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By W. O. Garner D. S.

6 mi East Layley

Sheriff claims 52 miles at  
Ten Cents per mile Total \$ 5.00  
TAYLOR WILKINS, Sheriff  
BY Garner  
DEPUTY SHERIFF

STATE OF ALABAMA     )  
                              (  
BALDWIN COUNTY        )

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to serve the foregoing Notice of Appeal upon J. B. BLACKBURN, Attorney at Law, Bay Minette, Alabama, and make due return to this Court of such service.

DATED this 27th day of August, 1964.

*L. S. Clark*

Judge of Probate, Baldwin County, Ala.

Received 1 day of Sept 1964  
and on 2 day of Sept 1964  
I served a copy of the within Appeal  
on J. B. Blackburn  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. A. Zebal D. S.  
*on*

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to serve the foregoing Notice of Appeal upon GERALDINE W. HUGGINS, Route 1, Loxley, Alabama, and make due return to this Court of such service.

DATED this 27th day of August, 1964.

*L. S. Quinn Jr.*  
Judge of Probate, Baldwin County, Ala.

Received 1 day of Sept 1964  
and on 16 day of Sept 1964  
I served a copy of the within Notice of Appeal  
on Geraldine W. Huggins

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. C. Barnes S.

Saxbury

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



STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to serve the foregoing Notice of Appeal upon WAYNE HUGGINS, Route 1, Loxley, Alabama, and make due return to this Court of such service.

DATED this 27th day of August, 1964.

*L. S. Gentry*

Judge of Probate, Baldwin County, Ala.

Received \_\_\_\_\_ day of \_\_\_\_\_

and on \_\_\_\_\_ day of \_\_\_\_\_

I served a copy of the within \_\_\_\_\_

on \_\_\_\_\_

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By *W. A. Garner* S.

*Loxley*

Sheriff claims \_\_\_\_\_ miles at \_\_\_\_\_

Ten Cents per mile Total \$ *4.00*

TAYLOR WILKINS, Sheriff

BY *Garner*  
DEPUTY SHERIFF

We the Jury find for  
the Defendant and fix  
his compensation and  
damages at the sum of  
\$ 3600.00

Wm. N. Steels  
Foreman.

No 6190

State of Alabama

vs

B. F. Williamson

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 20th day of July, 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 Respondents at least ten (10) days before the hearing of this application.

DATED this 30th day of June, 1964.



---

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

ACKNOWLEDGMENT

Easement for Drainage: Commencing at the NW corner of the S  $\frac{1}{2}$  of the NW  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 34, T 4 S, R 3 E; thence easterly, along the North boundary line of said  $\frac{1}{2}$  of  $\frac{1}{2}$  of  $\frac{1}{2}$  section, the North property line, a distance of 815 feet to the point of beginning; thence S  $01^{\circ}54'29''$  W a distance of 70 feet to a point; thence N  $89^{\circ}39'00''$  W a distance of 763 feet, more or less, to a point that is 50 feet easterly of and at right angles to the West boundary line of said  $\frac{1}{2}$  of  $\frac{1}{2}$  of  $\frac{1}{2}$  section, the West property line; thence southerly, parallel to said West property line a distance of 130 feet, to a point on the North boundary line of the Right of Way for Project No. 10-1; thence westerly, along said North right of way line, a distance of 35 feet to a point that is 15 feet easterly of and at right angles to said West boundary line; thence southerly, parallel to said West boundary line, a distance of 170 feet, more or less, to a point on said North property line; thence easterly, along said North property line, a distance of 800 feet to the point of beginning.

Said strip of land lying in the S  $\frac{1}{2}$  of the NW  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 34, T 4 S, R 3 E, and containing 1.12 acres, more or less.

NOTARY PUBLIC

My Commission Expires

ACKNOWLEDGMENT FOR CORPORATION

STATE OF ALABAMA

in and for  
whose

personally that

EXHIBIT "A"  
TRACT NUMBER 10  
A. BERTOLLA & SONS

Parcel No. 1: Commencing at the SW corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence northerly along the West boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the West property line, a distance of 230 feet to the point of beginning at Sta. 539 + 85 on the centerline of Project No. I-10-1 (11) ~~thence~~ northerly along said West property line a distance of 235 feet to a point that is 235 feet northerly of and at right angles to the centerline of said project; thence S  $89^{\circ}-43'-31''$  E, parallel to the centerline of said project, a distance of 50 feet, more or less, to a point on the centerline of a road; thence southerly, along the centerline of said road a distance of 60 feet, more or less, to a point that is 175 feet northerly of and at right angles to the centerline of said project; thence S  $89^{\circ}-43'-31''$  E, parallel to the centerline of said project, a distance of 60 feet, more or less, to a point; thence S  $59^{\circ}-43'-31''$  E a distance of 50 feet, more or less, to a point that is 150 feet northerly of and at right angles to the centerline of said project; thence S  $89^{\circ}-43'-31''$  E, parallel to the centerline of said project, a distance of 3832.5 feet, more or less, to a point; thence N  $60^{\circ}-15'-29''$  E a distance of 28 feet, more or less, to a point that is 164 feet northerly of and at right angles to the centerline of said project; thence S  $89^{\circ}-43'-31''$  E a distance of 1192.85 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 at P.C. Sta. 581 + 92.35; thence easterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southerly) having a radius of 8719.37 feet, a distance of 1535 feet, more or less, to a point on the East boundary of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, the East property line at this point; thence southerly, along said East property line (crossing the centerline of said Left Lane at Sta. 597 + 28.4) a distance of 205 feet, more or less, to a point on the North boundary of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 36, the North property line at this point; thence easterly, along said North property line (crossing the centerline of said Left Lane at Sta. 601 + 06.5) a distance of 960 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.I. Sta. 606 + 67.22; thence S  $73^{\circ}-13'-31''$  E, parallel to the centerline of said Left Lane, a distance of 385 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 36, the East property line at this point; thence southerly along said East property line (crossing the centerline of said Left Lane at Sta. 610 + 89) a distance of 490 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 westerly, parallel to the centerline of said Right Lane, along a curve to the left (concave southerly) having a radius of 11,334.15 feet, a distance of 3740 feet, more or less, to a point that is 164 feet

southerly of and at right angles to the centerline of said project at Sta. 573 + 70.79; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 370.8 feet, more or less, to a point; thence N 59°-43'-31" E a distance of 28 feet, more or less, to a point that is 150 feet southerly of and at right angles to the centerline of said project at Sta. 569 + 75.8; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 3832.5 feet, more or less, to a point; thence S 60°-16'-29" W a distance of 50 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of said project at Sta. 531 + 00; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 115 feet, more or less, to a point on the West boundary of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said section 35, the West property line; thence northerly along said West property line a distance of 175 feet, more or less, to the point of beginning.

Said strip of land lying in the S  $\frac{1}{2}$  of Section 35 (and in the SW  $\frac{1}{4}$  of Section 36), T 4 S, R 3 E, and containing 68.40 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 on the West boundary line of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, which is 235 feet northerly of and at right angles to the centerline of Project No. I-10-1 (11) 44; thence 89°-43'-31" E, parallel to the centerline of said project, a distance of 50 feet, more or less, to a point on the centerline of a road; thence southerly, along the centerline of said road, a distance of 60 feet, more or less, to a point that is 175 feet northerly of and at right angles to the centerline of said project) 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. 2: Commencing at the NE corner of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, T 4 S, R 3 E; thence westerly, along the North boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the North property line, a distance of 40 feet, to a point; thence southerly, perpendicular to said North property line, a distance of 30 feet; thence easterly, parallel to said North property line, a distance of 40 feet 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 30 feet to the point of beginning.

Said strip of land lying in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, and containing 0.03 acres, more or less. +

Basement for Drainage: Commencing at the SW corner of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence northerly along the West boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, a distance of 360 feet, more or less, to a point on the North Right of Way line of Project I-10-1 (11) 44; thence easterly along the said Right of Way line a distance of 852 feet, more or less, to a point that is 125 feet northerly of and perpendicular to the centerline Sta. 578 + 78.96, the point of beginning; thence easterly and parallel to said North Right of Way line a distance of 57.74 feet, more or less, to a point; thence N 29°-43'-31" W a distance of 150 feet to a point; thence westerly and parallel to said North Right of Way line, a distance of 57.74 feet, more or less, to a point; thence S 29°-43'-31" E a distance of 150 feet to the point of beginning.

Said strip of land lying in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 0.17 acres, more or less. +



Easement for Drainage: The herein described property, a strip of land 30 feet in width and 175 feet in length, to be used for the purpose of a drainage ditch, extending 175 feet northerly of and at right angles to the North boundary line of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 585 + 75 to Sta. 586 + 25 on the Left Lane of said project.

Said strip of land lying in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, and containing 0.20 acres, more or less. +

Easement for Muck Disposal: The herein described property, a strip of land 200 feet in width and 500 feet in length, to be used for the purpose of a Muck Disposal Area, extending 200 feet northerly of and at right angles to the North boundary line of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 549 + 00 to Sta. 554 + 00.

Said strip of land lying in the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 2.30 acres, more or less. +

Easement for Muck Disposal: The herein described property, two strips of land, each 150 feet in width and 500 feet in length, to be used for the purpose of Muck Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to the South boundary line) of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 558 + 00 to Sta. 563 + 00.

Said strips of land lying in the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less. +

Easement for Muck Disposal: The herein described property, two strips of land, each 150 feet in width and 500 feet in length, to be used for the purpose of Muck Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to the South boundary line) of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 570 + 00 to Sta. 575 + 00.

Said strips of land lying in the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less. +

EXHIBIT "A"  
TRACT NUMBER 13  
B. R. WILLIAMSON

Commencing at the NW corner of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 6, 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 100 feet to the point of beginning at Sta. 638 + 78 on the centerline of the Right Lane of Project No. I-10-1 (Q) 44; thence southerly along said West property line a distance of 162 feet, more or less, to a point; thence N 80°-09'-52" E a distance of 50 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 69°-50'-08" E, or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane, a distance of 370 feet, more or less, to a point that is 125 feet southwesterly of and at right angles easterly, parallel to the centerline of said Right Lane, along a curve to the left (concave northeasterly) having a radius of 11,584.15 feet, a distance of 940 feet, more or less, to a point on the East boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the East property line; thence northerly along said East property line a distance of 677 feet, more or less, to a point on the North boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the North property line; thence westerly along said North property line a distance of 1290 feet, more or less, to a point on said West property line; thence southerly along said West property line 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 6, T 5 S, R 4 E, and containing 13.90 acres, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing future or potential common law or statutory rights of access between the Right of Way of the public way identified as Project No. I-10-1 (Q) 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.



STATE OF ALABAMA,	)	
Petitioner,	)	
vs.	)	IN THE PROBATE COURT OF
RAYMOND DYSON and TRACT NUMBER 8;	)	
WAYNE HUGGINS and GERALDINE W.	)	
HUGGINS and TRACT NUMBER 9; ALEX	)	BALDWIN COUNTY, ALABAMA
S. BERTOLLA, ANGELO F. BERTOLLA,	)	
JOHN P. BERTOLLA and RUDOLPH F.	)	
BERTOLLA, individually; and doing	)	
business as A. BERTOLLA AND SONS,	)	CASE NUMBER <u>5256</u>
and TRACT NUMBER 10; and B. R.	)	
WILLIAMSON and TRACT NUMBER 13;	)	STATE OF ALABAMA, BALDWIN COUNTY
and BALDWIN COUNTY, a Political	)	Filed <u>6-30-64</u> <u>3:15 p.m.</u>
Subdivision of the State of	)	Recorded _____
Alabama,	)	book _____ page _____
Respondents.	)	<u>L. D. Owen, Jr.</u> 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 of condemnation of a right of way over the lands hereinafter described for a limited access 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 of 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 purpose of constructing a Public road, or highway;

2. That said public highway has been designated by the State Highway Director as part of the State Highway System and is known as Project Number I-10-1(11), Baldwin County, Alabama;

3. That said public highway or project, begins with the Escambia County, Florida Line and runs to Alabama State Highway Number 59, at Loxley, Alabama;

4. That the right of way over the property and lands hereinafter described as TRACTS NUMBERED 8, 9, 10, Parcels 1 & 2; and 13; and as set out in the right of way Map on Project Number 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, and which is by reference made a part hereof as though fully set out herein, have 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 Limited Access Public Highway, Project Number I-10-1(11); that said Tracts of Land and said Rights-of-Way, which Petitioner seeks to condemn, are located wholly within Baldwin County, Alabama, and are more particularly described in Exhibit "A" attached hereto, and by reference made a part hereof as though fully set out herein;

6. That the Rights-of-Way, or Easements, 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, and is, by reference, made a part hereof as though fully set out herein;

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 those claiming an interest therein, and according to Petitioners information, knowledge and belief, the said lands are owned and an interest in said lands is 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 hence is made a respondent herein;

9. (a) That RAYMOND DYSON, who is over the age of twenty-one years and of sound mind, and who is a non-resident of the State of Alabama, residing in Pensacola, Escambia County, Florida, is the owner of TRACT NUMBER 8;

(b) That WAYNE HUGGINS AND GERALDINE W. HUGGINS, who are both over the age of twenty-one years and of sound mind and residents of Baldwin County, Alabama, are the owners of TRACT NUMBER 9;

(c) That ALEX S. BERTOLLA, ANGELO F. BERTOLLA, JOHN P. BERTOLLA and RUDOLPH F. BERTOLLA ARE each over the age of twenty-

one years, are of sound mind and residents of Baldwin County, Alabama, are the owners of TRACT NUMBER 10;

(d) That B. R. WILLIAMSON, who is over the age of twenty-one years, is of sound mind and a resident of Baldwin County, Alabama, is the owner of TRACT NUMBER 13;

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 easements 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, this 30th day of June, 1964.

Alice L. Miller  
Notary Public, Baldwin County, Alabama.

I hereby acknowledge myself security for cost in these proceedings.

RICHMOND M. FLOWERS,  
Attorney General  
State of Alabama

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

Taken and approved this 30th  
day of June, 1964.



Probate Judge, Baldwin County, Alabama.

Service is hereby accepted of a copy of the foregoing  
affidavit by Raymond Dyson this 20th day of  
July, 1964

Malone P. Stone, Jr.  
As Attorney for Raymond Dyson

STATE OF ALABAMA,  
Petitioner,  
Vs.

B. R. WILLIAMSON and  
Tract No. 13,  
Respondent.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
) CASE NUMBER 6190  
)  
)  
)

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 17th 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 30th day of June, 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,  
Ira N. Steele 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 them, did return a verdict in words and figures as follows:

"We, the Jury, find for the Defendant and fix his compensation and damages at the sum of \$3,600.00."

Ira N. Steele  
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, B. R. Williamson is entitled is hereby fixed at the sum of \$3,600.00, 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 17th day of March, 1965.

FILED

426-D

Joseph J. Mullikin  
Circuit Judge

ALICE L. DICK, CLERK  
REGISTER

STATE OF ALABAMA, )  
 )  
Plaintiff, ) IN THE CIRCUIT COURT OF  
VS. )  
 ) BALDWIN COUNTY, ALABAMA  
A. BERTOLLA & SONS, ET AL., ) AT LAW NO. 6191  
 )  
Defendants. )

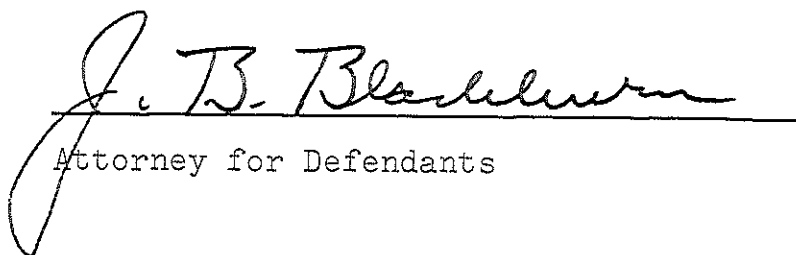
ANSWER TO MOTION TO STRIKE

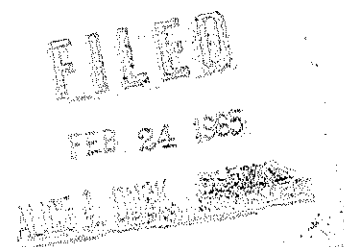
Now come the defendants, by their attorney, and for answer to the motion to strike heretofore filed in this cause and dated February 23, 1965, say:

1. They deny each and all of the allegations of the motion and of the affidavit attached to and made a part thereof.

2. For further answer to the said motion to strike, the defendants allege that they desire to take the testimony of the witnesses, George A. Haas, J. Ed Moreno and E. Allen Sullivan, Jr., for the purpose of discovery or for use as evidence in this action, or for both purposes.

Dated this 24th day of February, 1965.

  
Attorney for Defendants



STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW NO. 6191
A. BERTOLLA & SONS, ET AL.,	)	
Defendants.	)	

ORDER:

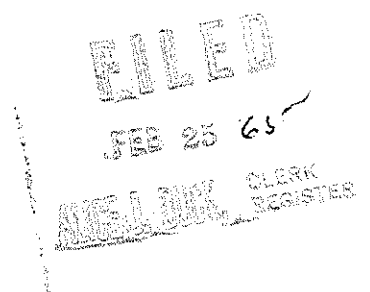
This day came the parties hereto, by their attorneys, and submitted to the Court the Plaintiff's-(Petitioner's) Motion To Strike defendant's "Notice of Taking of Depositions Upon Oral Examination" of George A. Haas, J. Ed. Moreno and E. Allen Sullivan, Jr. at the time and place set out in Defendants' said Notice served upon Kenneth Cooper, Esquire, Special Assistant Attorney General, and an attorney of record for the Petitioner-Plaintiff herein, on February 18, 1965.

And the Court having heard arguments of both counsel on said motion, and considered and understood the same, it is of the opinion that the same is well taken and should be granted.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that said Motion be and the same is hereby granted.

This the 24th day of February, 1965.

J. Edgar Mass. Gurn  
Circuit Judge





STATE OF ALABAMA,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
A. BERTOLLA & SONS, ET AL.,	)	AT LAW NO. 6191
Defendants.	)	

STIPULATION

In this cause it is stipulated by and between the plaintiff and the defendants, acting by and through their respective attorneys, as follows:

1. This matter is heard at this time (February 24, 1965) at the request of the plaintiff and the defendants so that it may be determined if the depositions of George A. Haas, J. Ed Moreno and E. Allen Sullivan, Jr., shall or shall not be taken by the defendants pursuant to the notice heretofore given by the defendants to the plaintiff in this cause.

2. The parties consent and agree that this hearing be heard at this time, and further agree that no further notice to either the plaintiff or the defendants is necessary.

Dated this 24th day of February, 1965.

RICHMOND M. FLOWERS,  
Attorney General, State of Alabama

By

Kenneth Cooper  
Kenneth Cooper, Bay Minette, Alabama  
Duly appointed Special Assistant

Bert S. Nettles  
Bert S. Nettles  
804 First National Bank Annex  
Mobile, Alabama  
Special Counsel

J. B. Blackburn  
J. B. Blackburn  
Attorney for Defendants

STATE OF ALABAMA,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
VS.	:	
	:	AT LAW
A. BERTOLLA & SONS, et al,	:	
Defendants.	:	NO: _____

AMENDMENT

Comes now the Plaintiff State of Alabama and amends its petition and application for condemnation filed herein so that the description of the property and the rights sought to be condemned shall read as follows:

Parcel No. 1: Commencing at the SW corner of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence northerly along the West boundary of said $\frac{1}{4}$  of  $\frac{1}{4}$  section, the West property line, a distance of 230 feet to the point of beginning at Sta. 529  $\angle$  85 on the centerline of Project No. I-10-1 (11) 44; thence northerly along said West property line a distance of 235 feet to a point that is 235 feet northerly of and at right angles to the centerline of said project; thence S 89 $^{\circ}$ -43'-31" E, parallel to the centerline of said project, a distance of 50 feet, more or less, to a point on the centerline of a road; thence southerly, along the centerline of said road a distance of 60 feet, more or less, to a point that is 175 feet northerly of and at right angles to the centerline of said project; thence S 89 $^{\circ}$ -43'-31" E, parallel to the centerline of said project, a distance of 60 feet more or less, to a point; thence S 59 $^{\circ}$ -43'-31" E a distance of 50 feet, more or less, to a point that is 150 feet northerly of and at right angles to the centerline of said project; thence S 89 $^{\circ}$ -43'-31" E, parallel to the centerline of said project, a distance of 3832.5 feet, more or less, to a point; thence N 60 $^{\circ}$ -16'-29" E a distance of 28 feet, more or less, to a point that is 164 feet northerly of and at right angles to the centerline of said project; thence S 89 $^{\circ}$ -43'-31" E a distance of 1192.85 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 at P. C. Sta. 581  $\angle$  92.85; thence easterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southerly) having a radius of 8719.37 feet, a distance of 1535 feet, more or less, to a point on the East boundary of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, the East property line at this point; thence southerly, along said East property line (crossing the centerline of said Left Lane at Sta. 597  $\angle$  28.4) a distance of 205 feet, more or less, to a point on the North boundary of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 36, the North property line at this point; thence easterly, along said North property line (crossing the centerline of said Left Lane at Sta. 601  $\angle$  06.5) a distance of 960 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. Sta. 606  $\angle$  67.22; thence S 73 $^{\circ}$ -13'-31" E, parallel

to the centerline of said Left Lane, a distance of 385 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 36, the East property line at this point; thence southerly along said East property line (crossing the centerline of said Left Lane at Sta. 610 / 89) a distance of 490 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 westerly, parallel to the centerline of said Right Lane, along a curve to the left (concave southerly) having a radius of 11,334.15 feet, a distance of 3740 feet, more or less, to a point that is 164 feet southerly of and at right angles to the centerline of said project at Sta. 573 / 70.79; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 370.8 feet, more or less, to a point; thence N 59°-43'-31" E a distance of 28 feet, more or less, to a point that is 150 feet southerly of and at right angles to the centerline of said project at Sta. 569 / 75.8; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 3832.5 feet, more or less, to a point; thence S 60°-16'-29" W a distance of 50 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of said project at Sta. 531 / 00; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 115 feet, more or less, to a point on the West boundary of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said section 35; the West property line; thence northerly along said West property line a distance of 175 feet, more or less, to the point of beginning.

Said strip of land lying in the S $\frac{1}{2}$  of Section 35 (and in the SW $\frac{1}{4}$  of Section 36), T 4 S, R 3 E, and containing 68.40 acres, more or less, and being in Baldwin County, Alabama.

This taking includes relinquishment by the defendant property owners to the condemnor State of Alabama of 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 defendant property owners' 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 and right of way sought to be taken or condemned in said Parcel 1 herein, or are connected thereto by other parcels owned by defendant property owners; provided, however, that there is expressly omitted from this taking and left to defendant property owners along a line described as commencing at a point on the West boundary line of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, which is 235 feet northerly of and at right angles to the centerline of Project No. I-10-1 (11) 44; thence 89°-43'-31" E parallel to the centerline of said project, a distance of 50 feet, more or less, to a point on the centerline of a road; thence southerly, along the centerline of said road, a distance of 60 feet, more or less, to a point that is 175 feet northerly of and at right angles to the centerline of said project, the right of ingress to and egress from the remaining property of the defendants lying north of said right of way (abutting and adjoining a service road or roads to be constructed at or near the line as above described) to and from said service road or roads, with said service road or roads being accessible to the controlled access facility only at such points as may be established

by public authority.

Parcel No. 2: Commencing at the NE corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E; thence westerly, along the North boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the North property line, a distance of 40 feet, to a point; thence southerly, perpendicular to said North property line, a distance of 30 feet; thence easterly, parallel to said North property line, a distance of 40 feet 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 30 feet to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$  or the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, and containing 0.03 acres, more or less, and being in Baldwin County, Alabama.

Easement for Drainage: Commencing at the SW corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence Northerly along the West boundary line of said  $\frac{1}{4}$  or  $\frac{1}{4}$  section, a distance of 360 feet, more or less, to a point on the North Right of Way line of Project I-10-1 (11) 44; thence easterly along the said Right of Way line a distance of 852 feet, more or less, to a point that is 125 feet northerly of and perpendicular to the centerline Sta. 578  $\angle$  78.96, the point of beginning; thence easterly and parallel to said North Right of Way line a distance of 57.74 feet, more or less, to a point; thence N 29 $^{\circ}$ -43' -31" W a distance of 150 feet to a point; thence westerly and parallel to said North Right of Way line, a distance of 57.74 feet, more or less, to a point; thence S 29 $^{\circ}$ -43' -31" E a distance of 150 feet to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 0.17 acres, more or less, and being in Baldwin County, Alabama.

Easement for Drainage: The herein described property, a strip of land 50 feet in width and 175 feet in length, to be used for the purpose of a drainage ditch, extending 175 feet northerly of and at right angles to the North boundary line of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 585  $\angle$  75 to Sta. 586  $\angle$  25 on the Left Lane of said project.

Said strip of land lying in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, and containing 0.20 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Easement for Muck Disposal: The herein described property, a strip of land 200 feet in width and 500 feet in length, to be used for the purpose of a Muck Disposal Area, extending 200 feet northerly of and at right angles to the North boundary line of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 549  $\angle$  00 to Sta. 651  $\angle$  00.

Said strip of land lying in the E $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Section 35 T 4 S, R 3 E, and containing 2.30 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Easement for Muck Disposal: The herein described property, two strips of land, each 150 feet in width and 500 feet in length, to be used for the purpose of Muck Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to the South boundary line) of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 558  $\angle$  00 to Sta. 563  $\angle$  00.

Said strips of land lying in the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Easement for Muck Disposal: The herein described property, two strips of land, each 150 feet in width and 500 feet in length, to be used for the purpose of Muck Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to the South boundary line) of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 570 + 00 to Sta. 575 + 00.

Said strips of land lying in the SE  $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less, and being in Baldwin County, Alabama.

Said temporary construction easements for muck disposal will be permanently vacated and abandoned upon completion of said highway construction project, or January 1, 1967, whichever first occurs.

This the 18 day of March, 1965.

RICHMOND FLOWERS,  
ATTORNEY GENERAL, STATE OF ALABAMA

BY

Kenneth Cooper  
Bar L. Nettles

Service is hereby accepted on behalf of the defendants on the 18th day of March, 1965.

J. B. Blackburn  
Attorney for the Defendants

Filed 3-18-65  
Deirdre J. Nettles  
Clerk

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Petitioner,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	CASE NUMBER 6191
ALEX S. BERTOLLA, ANGELO	)	
F. BERTOLA, JOHN P. BERTOLLA,	)	
and RUDOLPH F. BERTOLLA,	)	
Individually, and d/b/a	)	
A. BERTOLLA & SONS, and	)	
Tract No. 10,	)	
Respondents.	)	

STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and Alex S. Bertolla, Angelo F. Bertolla, John P. Bertolla, and Rudolph F. Bertolla, (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 30th day of June, 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 27th day of August, 1964, in this Court and trial by jury on the issue of valuation has been properly demanded.

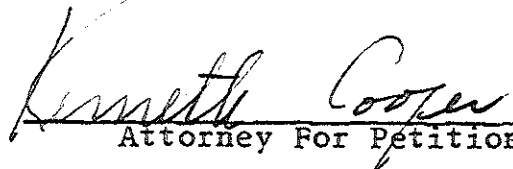
3. That the application or petition for order of condemnation correctly sets out the uses and purposes for which the property and rights herein sought is to be devoted, used or applied and the petitioner has the right to obtain said property in this proceeding for the purposes stated.

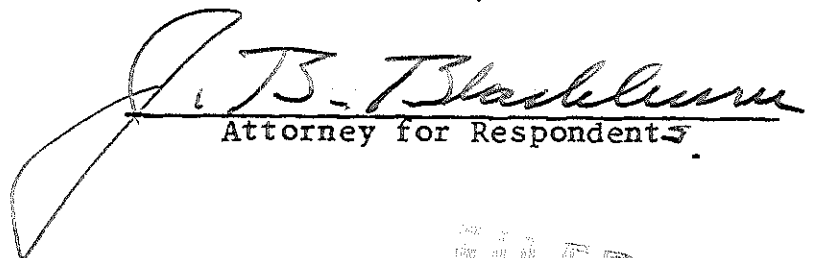
4. That the respondent herein is the only party known to either petitioner or respondent who has or asserts any right, title or interest in or to the lands or interest therein sought to be acquired.

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, 30 June, 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, 27 August, 1964.

  
Attorney For Petitioner

  
Attorney for Respondents

FILED  
DEC 22 1964  
ALICE J. HALL, CLERK  
REGISTER

STATE OF ALABAMA X : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
vs. :  
A. BERTOLLA & SONS, ET AL., : AT LAW  
Defendants. : CASE NUMBER: 6191

MOTION TO STRIKE

Comes now the State of Alabama, the Petitioner-Plaintiff herein, and moves this Honorable Court to strike Defendants' "Notice of Taking of Depositions Upon Oral Examination" of George A. Haas, J. Ed. Moreno and E. Allen Sullivan, Jr. at the time and place set out in Defendants' said motion served upon Kenneth Cooper, Esquire, Special Assistant Attorney General, and an attorney of Record for the Petitioner-Plaintiff herein, on February 18, 1965.

This motion is based upon the records and files herein and upon the annexed affidavit of Bert S. Nettles, one of the attorneys for the Petitioner-Plaintiff, and upon the following separate and several grounds, separately and severally:

1. No party may invoke the discovery statutes against the State of Alabama.
2. Neither the State of Alabama nor any other party may invoke the discovery statutes against an adverse party's expert valuation witnesses in a civil suit wherein the State of Alabama is a party.
3. No party may invoke the discovery statutes against an adverse party in a civil suit wherein the State of Alabama is a party.
4. No party may invoke the discovery statutes to obtain the work product of an adverse party's expert witness.
5. In an eminent domain or condemnation proceeding, no party may invoke the discovery statutes to obtain the work



product of an adverse party's expert valuation witness.

DATED this 23 day of February, 1965.

RICHMOND M. FLOWERS,  
Attorney General, State of Alabama

BY

Kenneth Cooper

Kenneth Cooper, Bay Minette, Alabama  
Duly appointed Special Assistant

Bert S. Nettles

Bert S. Nettles  
804 First National Bank Annex  
Mobile, Alabama  
Special Counsel

OF COUNSEL:

JOHNSTON, JOHNSTON & NETTLES  
804 First National Bank Annex  
Mobile, Alabama

CERTIFICATE OF SERVICE

I, Bert S. Nettles, one of the Solicitors for the Petitioner-Plaintiff State of Alabama, hereby certify that I have this day served a copy of the above Motion and Affidavit annexed thereto upon J. B. Blackburn, Esquire, by personally placing same in his hands.

This the 23 day of February, 1965.

Bert S. Nettles

BERT S. NETTLES

FILED

FEB 24 1965

ALICE L. DICK, CLERK  
REGISTER

-2-

STATE OF ALABAMA, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
vs. :  
A. BERTOLLA & SONS, ET AL, : AT LAW  
Defendants. : CASE NUMBER:

STATE OF ALABAMA X  
COUNTY OF MOBILE X

AFFIDAVIT ON MOTION TO DISALLOW THE TAKING OF DEPOSITIONS

Personally appeared before me this 22nd day of February, 1965,  
Bert S. Nettles, who, being first duly sworn by me, did say  
as follows:

I, Bert S. Nettles, am one of the attorneys appearing  
in the above-styled action on behalf of the Petitioner-Plaintiff,  
the State of Alabama; that George A. Haas, J. Ed. Moreno and  
E. Allen Sullivan, Jr., have on occasion been employed by  
the State of Alabama as expert appraisal witnesses relative  
to the valuation of certain tracts of real property which  
were and are the subject of eminent domain proceedings and  
condemnation suits brought by the State of Alabama in Baldwin  
County, Alabama; that I am informed and believe and upon  
such information and belief state, that Defendants' desire to  
take said depositions in order to obtain the work product  
of the aforementioned expert appraisal witnesses' opinion as  
to the valuation of the property that is the subject of the  
eminent domain or condemnation proceedings filed herein.

Bert S. Nettles

Subscribed and sworn to before  
me this 22nd day of February, 1965.

Mary Delsam Price  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED

FEB 24 1965

ALICE J. DUCK, CLERK  
REGISTER

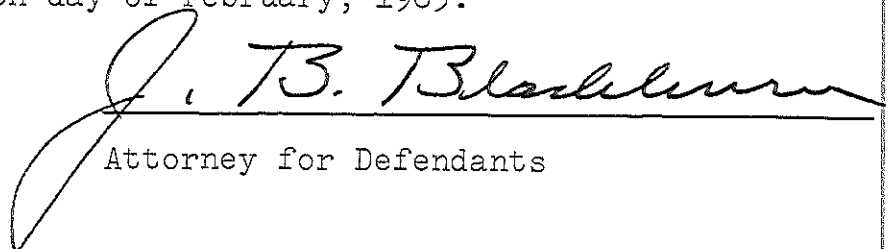
STATE OF ALABAMA,	)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
VS.	)	
	)	AT LAW
A. BERTOLLA & SONS, ET AL.,	)	NO. _____
Defendants.	)	

NOTICE OF TAKING OF DEPOSITIONS UPON ORAL EXAMINATION  
 TO KENNETH COOPER, ESQUIRE, SPECIAL ASSISTANT ATTORNEY GENERAL,  
 BAY MINETTE, ALABAMA, ATTORNEY FOR PLAINTIFF, STATE OF ALABAMA:

Please take notice that at 1:30 o'clock P. M., on the 24th day of February, 1965, the defendants in this action desire to and will take the depositions of George A. Haas, J. Ed Moreno and E. Allen Sullivan, Jr., in the conference room in the Circuit Judge's office at the courthouse in Bay Minette, Alabama, such depositions being upon oral examination and being taken pursuant to the provisions of Title 7, Section 474(1)-474(18) of the Code of Alabama, before Louise J. Dusenbury, Court Reporter of the Twenty-eighth Judicial Circuit and an officer authorized to administer oaths by the laws of the State of Alabama, Baldwin County.

The said oral examination will continue from day to day until completed.

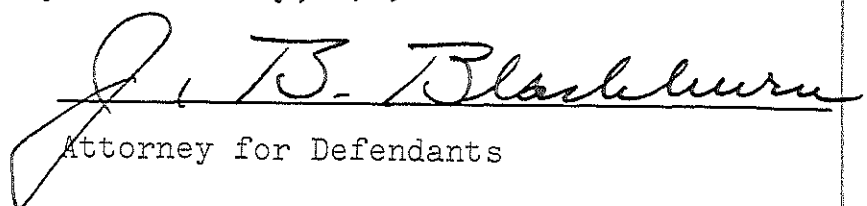
Dated this 17th day of February, 1965.

  
 Attorney for Defendants

STATE OF ALABAMA )  
 \*  
 BALDWIN COUNTY )

I, J. B. Blackburn, attorney of record for the defendants in the above entitled cause, do hereby certify that I did on this date deliver a copy of the foregoing notice to Kenneth Cooper, Esquire, Special Assistant Attorney General, attorney of record for the plaintiff, State of Alabama.

Dated this 18th day of February, 1965.

  
 Attorney for Defendants

FILED

FEB 18 1965

ALICE A. DUCK, CLERK  
 REGISTER

# HARRY D'OLIVE

## PROBATE JUDGE

997

Bay Minette, Ala., 2-2-, 1967

Received of

*Alise Duck*

FROM	TO	Deed Tax		Mortgage Tax		Mineral Documentary Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
<i>Final Judgment:</i>								<i>700</i>		<i>700</i>	
<i>State of Ala.</i>											
<i>A. Bertella &amp; Sons et al</i>											

FOR RECORD

*Harry D'olive* TOTAL \$ 7.00  
JUDGE OF PROBATE.