

STATE OF ALABAMA,	I	
Petitioner,	I	
vs.	I	IN THE PROBATE COURT OF
	I	BALDWIN COUNTY, ALABAMA
W. P. BROWN & SONS LUMBER COMPANY, a corporation, et al.,	I	
Respondents.	I	CASE NO. <u>5082</u>
	I	<u>5949</u>
	I	
	I	

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

This cause having heretofore been set for hearing on the 5th day of November, 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 ~~Rxxxxix~~ Tract 6, Parcels 1 thru 5, and Tract 34 Project I-65-1(28), as specified in said application for condemnation over the lands therein described for the uses and purposes of a public road or highway for the State of Alabama, and it appearing to the Court that notice of the filing of said application for condemnation and of the day set for the hearing of the same has been given to the owners and interested parties by service of a notice upon them for more than ten (10) days prior to this date.

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

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

It is FURTHER ORDERED by the Court that WALTER M. LINDSEY
H. B. MCGILL and, O. W. LYLES,
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 5th day of November, 1963.

W. R. Stuart
W. R. Stuart, Probate Judge.
By: Harry M. Doline Chief Clerk
By: _____

BOOK 035
PAGE 214

STATE OF ALABAMA,

Petitioner,

vs.

W. P. BROWN & SONS LUMBER COMPANY, I
A Corporation, for Tract No. 6,
Parcels 1 thru 5; W. E. ETHERIDGE, I
JR., EUNICE ETHERIDGE and LEON
ESNEUL, for Tract 34, I

Respondents. I

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 1138

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

YOU ARE HEREBY COMMANDED to serve the following notice upon W. P. Brown & Sons Lumber Company, a Foreign Corporation, and Ray E. Loper, Bay Minette, Alabama, as its duly authorized agent; W. E. Etheridge, Jr., and Eunice Etheridge, Route I, Perdido, Alabama; and Leon Esneul, Atmore, Alabama.

You will take notice that on the 17th day of October, 1963, an application or petition was filed in this Court by the State of Alabama, a copy of which petition is attached hereto, setting forth its desire to condemn for certain purposes therein stated, certain lands belonging to W. P. Brown & Sons Lumber Company, A Corporation, W. E. Etheridge, Jr., Eunice Etheridge and Leon Esneul, a description of said lands being specifically set forth in said application or petition filed in this Court and said application or petition prays that this Court will make and enter an order appointing a day for hearing of said application and for such other and further orders and procedures as may be necessary. You will take further notice that the Court has appointed the 5th day of November, 1963, 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 17th day of October, 1963.

W. R. Stuart, Judge of Probate.
By: Harry W. Davis Chief Clerk

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
Petitioner,)	BALDWIN COUNTY, ALABAMA
Vs.)	CASE NUMBER 5949
W. P. BROWN & SONS)	
LUMBER COMPANY, and)	
Tract No. 6,)	
Respondent.)	

STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and W. P. Brown & Sons Lumber Company, (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 presecute this proceeding to acquire the property or interest for order of condemnation filed in the Probate Court of Baldwin County, Alabama, on the 17th day of October, 1963, 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 21st day of February, 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.


BK-47- P. 660-A

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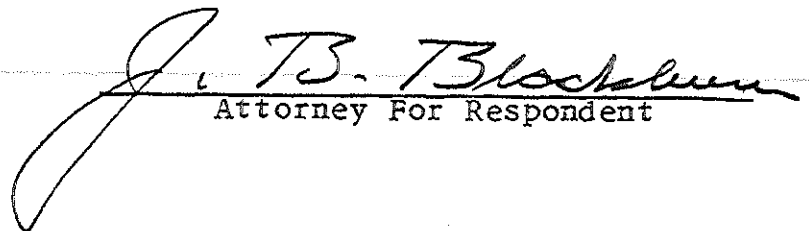
5. That the respondent has had due notice of this trial and all proceedings herein and expressly enters his appearance in this court.

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, 17 October, 1963, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, 21 February, 1964.


Attorney For Petitioner

Filed
3-12-64
Miss J. M. G. G. G.
Clerk


Attorney For Respondent

660-B

EXHIBIT "A"

Baldwin

Baldwin

and as shown on the right of way map of Project No. I-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County:

PARTIAL NO. 1: Commencing at the southwest corner of NW $\frac{1}{4}$ of Section 7, T-1-S, R-4-E; thence northerly along the west line of said NW $\frac{1}{4}$, the west property line, a distance of 495 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of Project No. I-65-1(28) and the point of beginning; thence continuing northerly along said west property line (crossing the centerline of said Project at approximate Station 1017+85) a distance of 340 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project; thence northeasterly along a curve to the right (concave northeasterly) having a radius of 22,768.51 feet, parallel to the centerline of said Project, a distance of 875 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project at Station 1027+00; thence northeasterly along a straight line a distance of 275 feet, more or less, to a point that is 275 feet, more or less, to a point that is 275 feet northwesterly of and at right angles to the centerline of said Project at Station 1029+50; thence northeasterly along a straight line a distance of 275 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project at Station 1032+00; thence northeasterly along a curve to the left (concave northeasterly) having a radius of 22,768.51 feet, parallel to the centerline of said Project, a distance of 1,855 feet, more or less, to the east line of NW $\frac{1}{4}$ of Section 7, T-1-S, R-4-E, the east property line; thence southerly along said east property line (crossing the centerline of said Project at approximate Station 1049+45) a distance of 370 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project; thence southeasterly along a curve to the right (concave northeasterly) having a radius of 25,068.51 feet, parallel to the centerline of said Project, a distance of 3,160 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T-1-S, R-4-E and containing 22.46 acres, more or less.

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As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantees 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-65-1(28), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

PARCEL NO. 2: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point, on the west line of Section 7, T-1-S, R-4-E, the west property line, that is 150 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28); thence northerly along the said west property line a distance of 120 feet, more or less, to a point that is 250 feet northwesterly of and at right angles to the centerline of said Project; thence northeasterly along a curve to the left (concave northeasterly) having a radius of 22,668.51 feet, parallel to the centerline of said Project, a distance of 530 feet, more or less, to a point that is 250 feet northwesterly of and at right angles to the centerline of said Project at Station 1025+00; thence turn an angle of 90° 00' to the right and run a distance of 100 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 22,768.51 feet, parallel to the centerline of said Project, a distance of 655 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T-1-S, R-4-E and containing 1.39 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein shall cease and terminate.

PARCEL NO. 3: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 275 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28) at Station 1029+00; thence northeasterly along a straight line a distance of 250 feet, more or less, to a point that is 250 feet northwesterly of and at right angles to the centerline of said Project at Station 1032+00; thence northeasterly along a curve to the right (concave northeasterly) having a radius of 22,668.51 feet, parallel to the centerline of said Project, a distance of 1,840 feet, more or less, to the north line of Section 7, T-1-S, R-4-E, the north property line; thence easterly along the said north property line a distance of 60 feet, more or less, to the northeast corner of the NW $\frac{1}{4}$ of Section 7, T-1-S, R-4-E; thence southerly along the east line of said NW $\frac{1}{4}$, the east property line, a distance of 60 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 22,768.51 feet, parallel to the centerline of said Project, a distance of 1,855 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project at Station 1032+00; thence southwesterly along a straight line a distance of 275 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T-1-S, R-4-E and containing 6.55 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein shall cease and terminate.

PARTIAL NO. 4: A temporary easement to a strip of land necessary for the disposal of silt and being more fully described as follows: Beginning at a point that is 150 feet southeasterly of and at right angles to the centerline of Project No. I-65-1(28) at Station 1019+00; thence northeasterly along a curve to the left (concave northeasterly) having a radius of 25,068.31 feet, parallel to the centerline of said Project, a distance of 505 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project at Station 1024+00; thence turn an angle of 90° 00' to the right and run a distance of 100 feet; thence southeasterly along a curve to the right (concave northeasterly) having a radius of 25,168.31 feet, parallel to the centerline of said Project, a distance of 510 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said Project at Station 1019+00; thence turn an angle of 90° 00' to the right and run a distance of 100 feet, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T-1-S, R-4-E and containing 1.16 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein shall cease and terminate.

PARTIAL NO. 5: A temporary easement to a strip of land necessary for the disposal of silt and being more fully described as follows: Beginning at a point that is 150 feet southeasterly of and at right angles to the centerline of Project No. I-65-1(28) at Station 1028+50; thence northeasterly along a curve to the left (concave northeasterly) having a radius of 25,068.31 feet, parallel to the centerline of said Project, a distance of 2,000 feet, more or less, to the east line of the NW $\frac{1}{4}$ of Section 7, T-1-S, R-4-E, the east property line; thence southerly along said east property line a distance of 125 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said Project; thence southeasterly along a curve to the right (concave northeasterly) having a radius of 25,168.31 feet, parallel to the centerline of said Project, a distance of 1,940 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said Project at Station 1028+50; thence turn an angle of 90° 00' to the right and run a distance of 100 feet to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T-1-S, R-4-E and containing 4.52 acres, more or less.

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Baldwin

Baldwin

and as shown on the right-of-way map of Project No. I-65-1(28) as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the northeast corner of Section 27, T-1-N, R-4-E; thence S 1° 25' E along the east line of said Section a distance of 1,797 feet; thence turn an angle of 90° 00' to the left and run a distance of 200 feet to the point of beginning; thence southwesterly along a straight line (which if extended would intersect a point that is 400 feet southeasterly of and at right angles to the centerline of said Project at Station 1266+00) a distance of 165 feet, more or less, to the south property line; thence westerly along said south property line a distance of 229 feet, more or less, to the southwest corner of said property; thence N 0° 38' W along the west property line (crossing the centerline of said Project at Station 1267+79) a distance of 300 feet, more or less, to the present south right-of-way line of Alabama Highway No. 47, the north property line; thence easterly along said north property line (crossing the centerline of said Project at approximate Station 1269+94) a distance of 311 feet, more or less, to the northeast corner of said property; thence southerly along the east property line a distance of 135 feet, more or less, to a point on a line which extends from a point that is 150 feet southeasterly of and at right angles to the centerline of said Project at Station 1274+00 to a point that is 200 feet southeasterly of and at right angles to the centerline of said Project at Station 1270+00; thence southwesterly along said line a distance of 20 feet, more or less, to the said point that is 200 feet southeasterly of and at right angles to the centerline of said Project at Station 1270+00 and the point of beginning.

Said strip of land lying in the S $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T-1-N, R-4-E and containing 1.82 acres, more or less.

see 035 m 242

STATE OF ALABAMA,

Petitioner,

VS.

W. P. BROWN & SONS LUMBER COMPANY,
A Corporation, for Tract No. 6,
Parcels 1 thru 5; W. E. ETHERIDGE,
JR., EUNICE ETHERIDGE and LEON
ESNEUL, for Tract 34,

Respondents.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. 5082

APPEAL

Now comes W. P. Brown & Sons Lumber Company, a Corporation,
one of the defendants in the above entitled cause and does hereby
appeal to the Circuit Court of Baldwin County, Alabama, from the
order of condemnation entered in this cause on the 22nd day of
January, 1964, insofar as it relates to the property belonging to
this defendant and involved in this proceeding (Tract 6, Parcels 1
through 5 and Tract 34).

Dated this 21st day of February, 1964.

W. P. BROWN & SONS LUMBER COMPANY,
a Corporation, (SEAL)

By J. B. Blackburn
As its Attorney

This defendant hereby demands a trial by jury.

J. B. Blackburn
Attorney for W. P. Brown & Sons
Lumber Company, a Corporation.

I hereby acknowledge myself as security for the costs
of this appeal.

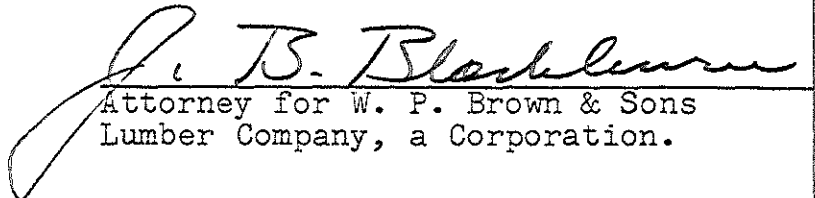
J. B. Blackburn
Attorney for W. P. Brown & Sons
Lumber Company, a Corporation.

Filed, and security for costs approved on this 21st day
of February, 1964.

L. L. Cum Jr
Judge of Probate

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I hereby certify that I delivered a copy of the foregoing appeal to the office of Telfair J. Mashburn, Special Assistant Attorney General in Bay Minette, Alabama, on this the 21st day of February, 1964.


Attorney for W. P. Brown & Sons
Lumber Company, a Corporation.

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STATE OF ALABAMA, I
 Petitioner, I
 vs. I IN THE PROBATE COURT OF
 W. P. BROWN & SONS LUMBER COMPANY, I BALDWIN COUNTY, ALABAMA
 A Corporation, for TRACT NUMBER 6, I
 Parcels 1 thru 5; W. E. ETHERIDGE, I
 JR., EUNICE ETHERIDGE and LEON I CASE NUMBER 5082.
 ESNEUL, for Tract 34, I
 Respondents. I

CROSS APPEAL:

Now comes the State of Alabama, Petitioner in the above styled cause, and does hereby file its cross-appeal to the Circuit Court of Baldwin County, Alabama, from the order of condemnation entered in this cause on the 22nd day of January, 1964, insofar as it relates to the property belonging to W. P. Brown & Sons Lumber Company, a corporation, being Tract Number 6, Parcels 1 thru 5, both inclusive, involved in this proceeding.

Done this 21st day of February, 1964

RICHMOND M. FLOWERS,
 Attorney General
 State of Alabama

By: Julius A. Masliburn
 Duly Appointed Special Assistant
 Attorney General for State of Alabama

Petitioner hereby demands a
 trial of this cause by Jury.

Julius A. Masliburn
 Duly Appointed Special Assistant
 Attorney General for State of Alabama.

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

Julius A. Masliburn
 Duly Appointed Special Assistant
 Attorney General for State of Alabama.

Filed, and security for costs approved on this 21st day of February, 1964.

L. D. Owen, Jr.
 Probate Judge.

STATE OF ALABAMA, BALDWIN COUNTY
 FILED 2-21-64
 Recorded
 L. D. Owen, Jr.
 Judge of Probate

STATE OF ALABAMA

BALDWIN COUNTY

I hereby certify that I delivered a copy of the foregoing cross-appeal to the office of J. B. Blackburn, Attorney of Record for W. P. Brown & Sons Lumber Company, a corporation, on this the 21st day of February, 1964.

John A. Maslowski
Duly appointed Special Assistant
Attorney General for State of Alabama.

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5949

STATE OF ALABAMA, I
Petitioner, I
vs. I IN THE PROBATE COURT OF
W. P. BROWN & SONS LUMBER COMPANY, I BALDWIN COUNTY, ALABAMA
A Corporation, for Tract No. 6,
Parcels 1 thru 5; W. E. ETHERIDGE Jr.
EUNICE ETHERIDGE and LEON ESNEUL, I
for Tract 34, BALDWIN COUNTY, a I
Political Subdivision of the State
of Alabama, Respondents I
I
I

CASE NO: 5082

APPLICATION FOR CONDEMNATION

TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE, 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 public road or highway, and as a basis for the relief sought, shows unto the Court as follows:

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1. Petitioner is authorized under the Constitution of Alabama 1901, and under the provisions of Title 19, Section 1, Code of Alabama, 1940, as amended, to institute and prosecute these proceedings in its own name for the purposes of a public road or highway.
2. That said public highway has been designated by the State Highway Director as a part of the State Highway System and also known as Project No. I-65-1 (28), Baldwin County, Alabama.
3. That said public highway begins with Escambia County, Alabama Line and runs to Alabama State Highway No. 59.
4. The right of way over the property and lands hereinafter described as ~~Parcels Numbered~~ Tract 6, Parcels numbered 1 through 5; and Tract 34 and as set out in the right of way map on Project No. I-65-1(28) on file in the State Highway Department and in the Office of the Judge of Probate of Baldwin County, Alabama, has been deemed necessary by the State Highway Director in order to facilitate the flow of traffic and promote public safety.
5. That said tract(s) of land is necessary for use by Petitioner as a right of way for such public highway and in which Petitioner seeks to condemn as easement(s) or right of way(s) are

located wholly within Baldwin County, Alabama, and are (is) described in Exhibit "A" attached hereto.

6. That the right of way or easement which Petitioner seeks to condemn for highway purposes is set out and described in the right of way map on Project I-65-1(28), which is on file in the State Highway Department and in the Office of the Judge of Probate of Baldwin County, Alabama.

7. That a diligent search has been made of the records of Baldwin County, Alabama, and diligent inquiry made to ascertain the names and addresses of the parties owning said tract(s) of land and according to the best of Petitioner's information, knowledge and belief, the said lands are owned and interest in said lands are claimed by the parties 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 tract by reason of taxes and easements due and chargeable, and is hence made a Respondent herein.

9. (a) That W. P. Brown & Sons Lumber Company, a Foreign Corporation, is the owner of Tract 6, Parcels 1 through 5, and Ray E. Loper, who resides in Bay Minette, Alabama, is its duly authorized agent. (b). That W. E. Etheridge, Jr., and Eunice Etheridge are the owners of Tract 34, both over the age of 21 years and residents of Baldwin County, Alabama; that Leon Esneul, is the owner of a mortgage dated 10/6/61, recorded in Mortgage Book 376, page 14, Baldwin County, Alabama Records, covering said Tract 34, & that said Leon Esneul is over the age of 21 years and is a resident of Atmore, Escambia County, Alabama.

WHEREFORE, the premises considered, your Petitioner respectfully prays:

1. That an order be made appointing a day for the hearing of this application and that notice of the filing thereof and of the day set for the hearing thereof be given to the Respondents.

2. That this Court will appoint Commissioners to ascertain and report the compensation and damages occasioned by such taking.

3. That upon a final hearing of this petition an order and decree be made by this Court condemning the easement for the right of way as set out in the right of way map on Project No. I-65-1(28), over the lands as set out in Exhibit "A" of this

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FILED
OCT 17 1963
RECORDED
W. P. Brown & Sons
Lumber Company
Judge of Probate

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, J. Connor Owens, Jr., 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 condem-
nation are true and correct.

Telfair J. Mashburn

Sworn to and subscribed before me on this
the 17th day of October, 1963.

J. Connor Owens, Jr.
Notary Public, Baldwin County, Alabama

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ORDER OF PROBATE COURT

The foregoing application for condemnation having been presented to the Probate Court of Baldwin County, Alabama, and considered by the Court,

IT IS ORDERED that the same be and is hereby set for hearing on the 5th day of November, 1963 at 10:00 A.M. o'clock.

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

Dated this 17th day of October, 1963.

W. R. Stuart
By: W. R. Stuart, Probate Judge
Chief Clerk

By: Amy M. D'Oliver

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STATE OF ALABAMA;

Petitioner,

vs.

W. P. BROWN & SONS LUMBER COMPANY,
a corporation, et al.

Respondents.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO: 5082

COMMISSIONS:

TO: WALTER M. LINDSEY

H. B. MCGILL

, and

O. W. LYLES

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 5th day of November, 1963.

W. R. Stuart
W. R. Stuart, Judge of Probate.
By: Nancy M. D'Almeida Chief Clerk

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. W. P. Brown & Sons Lumber Company, a corporation, 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.

O. W. Lytle
Robert L. Lytle
H. B. Mc Gill

Sworn to and subscribed before me
this 5th day of November, 1963.

W. R. Stuart, Judge of Probate.

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STATE OF ALABAMA,	I	
Petitioner,	I	
vs.	I	IN THE PROBATE COURT OF
W. P. BROWN & SONS LUMBER COMPANY,	I	
a corporation, et al.,	I	BALDWIN COUNTY, ALABAMA
Respondents.	I	
	I	CASE NO: <u>5082</u>
	I	
	I	

REPORT OF COMMISSIONERS:

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

Come the undersigned, Walter M. Lindsey, H. B. McGill
and O. W. Lyles,
the Commissioners duly appointed to assess the damages to ~~parcels~~ Tract
Numbers: 6, ~~Parcels 1 thru 5~~, property of W. P. Brown & Sons Lumber Co.
of Project No. I-65-1(28), to which the owner and other parties in-
terested in the parcels of land set forth and described in the
original application for condemnation of lands filed in this cause,
are entitled for the condemnation of such lands, and having been duly
sworn as jurors are sworn, and having viewed the lands described in
said application for condemnation, and having set a time and place
for the hearing of the evidence to be offered by any party touching
the amount of damages the owners of the lands and other parties in-
terested therein will sustain and the amount of compensation they are
entitled to receive, and having received all legal evidence offered,
do hereby state that the amount of damages and compensation has been
ascertained and assessed by the undersigned, according to law and
that the said owners of said Parcels of land and other parties in
interested therein are entitled to receive as damages and compen-
sation for the condemnation of their property, the following amount:

Project No. I-65-1(28),	Tract Parcel No. <u>6</u>	\$ <u>3000⁰⁰</u>
Project No. I-65-1(28),	Parcel No. _____	\$ _____
Project No. I-65-1(28),	Parcel No. _____	\$ _____
Project No. I-65-1(28),	Parcel No. _____	\$ _____
Project No. I-65-1(28),	Parcel No. _____	\$ _____
Project No. I-65-1(28),	Parcel No. _____	\$ _____
Project No. I-65-1(28),	Parcel No. _____	\$ _____
Project No. I-65-1(28),	Parcel No. _____	\$ _____

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

H. B. Martin
Commissioner.

John M. Lindsay
Commissioner.

O. W. Lytle
Commissioner.

Sworn to and subscribed before me

this 20th day of DECEMBER, 1963.

W. R. Stuart
W. R. Stuart, Judge of Probate.

By: Harry M. Rouse Chief Clerk

BOOK 035
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STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
Petitioner,)	BALDWIN COUNTY, ALABAMA
Vs.)	CASE NUMBER 6198
W.P. BROWN & SONS LUMBER)	
COMPANY, INC., and Tract)	
No. 6,)	
Respondent.)	

FINAL JUDGEMENT

This cause coming on to be heard by the Court on this the 12th 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 17th day of October, 1963, 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 21st day of February, 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, Clarence Bishop and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowner is entitled

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

"We the jury find for the defendant and assess its compensation and damages as follows:

1. Case No. 5949, as to lands in Section 7, Township 1 South, Range 4 East, Baldwin County, Alabama (described or referred to by the plaintiff as Tract 6), at \$5,250.00."

Clarence Bishop
Foreman

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

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

1. That the application of the State of Alabama for the condemnation of the lands, 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 landowners and into the State of Alabama, upon the payment by the State of Alabama of the sums hereinafter ordered and decreed to be paid.

2. That the damages and compensation to which the Defendant landowner in this case, W. P. Brown & Sons Lumber Company, Inc., and Tract No. 6, is hereby entitled is hereby fixed at the sum of \$5,250.00, 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 land hereinabove described shall be, and become effective.

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

DATED this 12th day of March, 1965.

FILED

MAR 12 1965

AUGIE I. DICK, CLERK
REGISTER

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Joseph J. Muller
Circuit Judge

Exhibit "A"

STATE OF ALABAMA,	Ø	IN THE CIRCUIT COURT OF
Plaintiff,	Ø	BALDWIN COUNTY, ALABAMA
Vs.	Ø	AT LAW
W. P. BROWN & SONS	Ø	NO. <u>5949</u>
LUMBER COMPANY, INC.,	Ø	
and Tract No. 6,	Ø	
Defendants.	Ø	

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:

Parcel No. 1: Commencing at the southwest corner of NW $\frac{1}{4}$ of Section 7, T1S, R4E, thence northerly along the west line of said NW $\frac{1}{4}$, the west property line, a distance of 495 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of Project No. I-65-1(28) and the point of beginning; thence continuing northerly along said west property line (crossing the centerline of said Project at approximate Station 1017+85) a distance of 340 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project; thence northeasterly along a curve to the right (concave northwesterly) having a radius of 22,768.31 feet, parallel to the centerline of said Project, a distance of 835 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project at Station 1027+00; thence northeasterly along a straight line a distance of 275 feet, more or less, to a point that is 275 feet northwesterly of and at right angles to the centerline of said Project at Station 1029+50; thence northeasterly along a straight line a distance of 275 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project at Station 1032+00; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 22,768.31 feet, parallel to the centerline of said Project, a distance of 1,855 feet, more or less, to the east line of NW $\frac{1}{4}$ of Section 7, T1S, R4E, the east property line; thence southerly along said east property line (crossing the centerline of said Project at approximate Station 1049+43) a distance of 370 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 23,068.31 feet, parallel to the centerline of said Project, a distance of 3,160 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T1S, R4E, and containing 22.46 acres, more or less.

This condemnation for above Parcel No. 1 is made for the purpose of a controlled access facility, and any and all rights of ingress and egress or other abutter's rights relative to the right of way sought to be condemned as above described, are hereby expressly taken and included in Plaintiff's said application of condemnation so that the above described right of way shall be a controlled access facility.

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Parcel No. 2: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point, on the west line of Section 7, T1S, R4E, the west property line, that is 150 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28); thence northerly along the said west property line a distance of 120 feet, more or less, to a point that is 250 feet northwesterly of and at right angles to the centerline of said Project; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 22,668.31 feet, parallel to the centerline of said Project, a distance of 580 feet, more or less, to a point that is 250 feet northwesterly of and at right angles to the centerline of said Project at Station 1025+00; thence turn an angle of 90° 00' to the right and run a distance of 100 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 22,768.31 feet, parallel to the centerline of said Project, a distance of 635 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T1S, R4E, and containing 1.39 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein shall cease and terminate.

Parcel No. 3: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 275 feet northwesterly of and at right angles to the centerline of Project No. I-65-1(28) at Station 1029+50; thence northeasterly along a straight line a distance of 250 feet, more or less, to a point that is 250 feet northwesterly of and at right angles to the centerline of said Project at Station 1032+00; thence northeasterly along a curve to the right (concave northwesterly) having a radius of 22,668.31 feet, parallel to the centerline of said Project, a distance of 1,840 feet, more or less, to the north line of Section 7, T1S, R4E, the north property line; thence easterly along the said north property line a distance of 60 feet, more or less, to the northeast corner of the NW $\frac{1}{4}$ of Section 7, T1S, R4E, thence southerly along the east line of said NW $\frac{1}{4}$, the east property line, a distance of 80 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 22,768.31 feet, parallel to the centerline of said Project, a distance of 1,855 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said Project at Station 1032+00; thence southwesterly along a straight line a distance of 275 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T1S, R4E, and containing 4.55 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein shall cease and terminate.

Parcel No. 4: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 150 feet southwesterly of and at right angles to the centerline of Project No. I-65-1 (28) at Station 1019+00; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 23,068.31 feet, parallel to the centerline of said Project, a distance of 505 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said Project at Station 1024+00; thence turn an angle of 90°00' to the right and run a distance of 100 feet; thence southwesterly along a curve to the right (concave northwesterly)

having a radius of 23,168.31 feet, parallel to the centerline of said Project, a distance of 510 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said Project at Station 1019+00; thence turn an angle of 90°00' to the right and run a distance of 100 feet, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T1S, R4E and containing 1.16 acres, more or less.

It being understood and agreed that upon completion of said Project all rights granted herein shall cease and terminate.

~~Parcel No. 5: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 150 feet southeasterly of and at right angles to the centerline of Project No. I-65-1(28) at Station 1028+50; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 23,068.31 feet, parallel to the centerline of said Project, a distance of 2,000 feet, more or less, to the east line of the NW $\frac{1}{4}$ of Section 7, T1S, R4E, the east property line; thence southerly along said east property line a distance of 125 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said Project; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 23,168.31 feet, parallel to the centerline of said Project, a distance of 1,940 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said Project at Station 1028+50; thence turn an angle of 90°00' to the right and run a distance of 100 feet to the point of beginning.~~

Said strip of land lying in the NW $\frac{1}{4}$ of Section 7, T1S, R4E and containing 4.52 acres, more or less.

This the 12 day of March, 1965.

RICHMOND FLOWERS
ATTORNEY GENERAL

By: Kenneth Cogan
Special Assistant Attorney General

FILED

MAR 12 1965

ALICE M. DUCK, CLERK
REGISTER

660-S.

STATE OF ALABAMA, I
 Petitioner, I
 vs. I IN THE PROBATE COURT OF
 W. P. BROWN & SONS LUMBER COMPANY, I
 a Corporation, et al., I BALDWIN COUNTY, ALABAMA
 Respondents. I CASE NO. 5082
 I
 I
 I
 I

FINAL ORDER OF CONDEMNATION:

On the 20th day of December, 1963, came H. B. McGill
Walter M. Lindsey and O. W. Lyles,
 Commissioners heretofore appointed by this Court to assess and as-
 certain the damages and compensation to which the owners and other
 parties interested in the tracts of land set forth in the application
 for condemnation of lands heretofore filed in this cause are entitled
 and filed their report in writing and under oath, setting forth that
 they awarded compensation and damages to the said owners and other
 parties interested in ~~Tract~~ ^{Tract} ~~Parcel~~ No. 6, Parcels 1 thru 5, _____,
 _____, _____, _____, and _____, Project
 No. I-65-1(28), in the amount of \$ 3,000.00, for Parcel No. _____;
 \$ _____, for Parcel No. _____, \$ _____, for Parcel No.
 _____, \$ _____, for Parcel No. _____, \$ _____,
 for Parcel No. _____, \$ _____, for Parcel No. _____,
 \$ _____, for Parcel No. _____; and \$ _____, for Parcel
 No. _____ property of W. P. Brown & Sons Lumber Company.

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

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

It is FURTHER ORDERED by the Court that said Petitioner

pay all costs of the proceeding.

Done this 22nd day of JANUARY, 1967.

L. Stuart Jr.

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

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