

STATE OF ALABAMA,)	
)	
Petitioner,)	IN THE CIRCUIT COURT OF
)	
vs.)	
)	BALDWIN COUNTY, ALABAMA
WILLIAM F. WELCH, WALTER M.)	
LINDSEY, J. W. HADLEY, and)	
SAM'S PLACE, INC., an Alabama)	CASE NO. 5954.
Corporation, as to TRACT)	
NUMBER 39,)	
)	
Defendants.)	

FINAL JUDGMENT:

This cause coming on to be heard by the Court on this the 22nd day of September, 1964, now come the parties and their respective attorneys of record and it appearing to the Court from the stipulation of the parties made and entered into on this date and filed in this cause, that on the 30th 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, in accordance with the statutes in such cases made and provided, and that said Court did, on the 22nd day of January, 1964, enter an order of condemnation of the lands described in said application and which are hereinafter described, and that on the 31st day of January, 1964, the State of Alabama appealed from said order of condemnation to this Court and demanded a trial by jury; and it further appearing to the Court from the stipulation of the parties hereinabove referred to that the only issue in this proceeding is the damages and compensation, if any, to which the Defendant landowners are entitled and that an order of condemnation should be here entered condemning the lands hereinafter described for the uses and purposes set forth in the application, which is now on file in this Court.

And now comes a jury of twelve good and lawful men, to-wit, Sam Freeman and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowners are entitled having been submitted to them, did return a verdict in words and figures as follows:

"We the jury, assess the amount of damages and compensation to which the Defendants in this case are entitled at \$1,000.00.

/s/ Sam Freeman
As Foreman".

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

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

1. That the application of the State of Alabama for the condemnation of the lands hereinafter described be, and the same is hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part hereof as though fully set forth herein, be, and the same is hereby condemned for the use by the State of Alabama as a right of way for a public road of limited access as set forth in the application aforesaid, and the rights therein are hereby divested out of the landowners and into the State of Alabama, upon the payment by the State of Alabama of the sums hereinafter ordered and decreed to be paid.

2. That the damages and compensation to which the Defendant landowners in this case, William F. Welch, Walter M. Lindsey, J. W. Hadley and Sam's Place, Inc., an Alabama Corporation, are entitled is hereby fixed at the sum of \$1,000.00, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowners; and that upon the payment of said amount by the State of Alabama to said landowners the condemnation of the lands hereinabove described shall be, and become effective.

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

Dated this the 22nd day of September, 1964.

FILED

OCT 5 - 1964

W. F. Welch
Walter M. Lindsey
J. W. Hadley
Sam's Place, Inc.

722

Joseph P. Mullin
Circuit Judge.

State of Ala vs William Welch

JURY LIST - SEPTEMBER 21, 1964

1. Bishop, Aaron, Farmer, Fairhope
2. Bishop, Daniel C., Fisherman, Barnwell
3. Bloch, John, Farmer, Elberta
4. Britt, Cecil, Carpenter, Bay Minette
5. Brooks, Horace, D., Farmer, Summerdale
6. Bryars, Thomas Eugene, Brookley Field, Bay Minette
7. Childress, Lewis E., Farmer, Fairhope
8. Childress, Paul, Jr., Farmer, Loxley
9. Cox, Young Ausphera, Merchant, Stockton
10. Darby, William H., State Emp., Gulf Shores
11. Davis, Robert M., Merchant, Foley
12. Dubrock, George, Cabinet Maker, Fairhope
13. Dunn, J.R., Grand Hotel, Fairhope
14. Durant, Joe C., Farmer, Bay Minette
15. Freeman, Sam, Merchant, Robertsdale
16. Gerhard, Cassebaum, Farmer, Elberta
17. Gwaltney, John L., Farmer, Robertsdale
18. Harmes, Otto, Farmer, Summerdale
19. Head, Charlie, Jr., Farmer, Stapleton
20. Hoiles, Richard, Salesman, Summerdale
21. James, Robert D., Farmer, Foley
22. Joyner, J.H., Jr., Grand Hotel, Fairhope
23. Lee, Hubert, Florist, Robertsdale
24. Lyrene, Edward, Farmer, Silverhill
25. Mancini, Arthur, Farmer, Daphne
26. Mannich, Ingwald, Farmer, Mag. Spgs.
27. Mason, Dupree, Salesman, Fairhope
28. McDaniel, Edward, Farmer, Robertsdale
29. McGee, James, Brookley Field, Fairhope
30. McVay, A.R., School Supervisor, Bay Minette
31. Miller, R. Cecil, Implement Dealer, Foley
32. Moore, Louis Davis, Farmer, Summerdale
33. Morgan, J.T., Farmer, Robertsdale
34. O'Quinn, Ralph E., Civil Service, Lillian
35. Osborne, W.A., Civil Service, Foley
36. Rider, Charles, Woodsman, Bay Minette
37. Schnatz, Pete M., Civil Service, Lillian
38. Sims, James F., Farmer, Rabon
39. Wrenn, Walter P., Fleet, Bay Minette
40. Weatherford, Arthur C., Newport, Bay Minette
41. Weeks, Oscar G., Mechanic, Mag. Spgs.
42. White, Grady, Salesman, Foley
43. Carmichael, Arlee, Brookley Field, Daphne
44. Douglas, Oliver, Brookley Field, Daphne
45. Jones, George, Business Oper., Daphne
46. Lett, Charlie, Sr., Retired, Daphne
47. Thomas, Tom, Bacon-McMillan, Bay Minette
48. Thompson, Herman, Public Work-Mobile, Daphne
49. Yelding, Bailey, Sr., Carpenter & Bricklayer, Daphne

P. XXXXX XXXXX XXXXX XX

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SAM'S PLACE, INC.

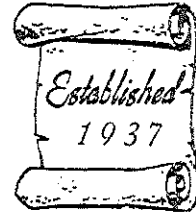
AUTOMOTIVE MACHINE SHOP

Engine Rebuilding - Crankshaft Regrinding - Wholesale & Retail Parts

Johnson Sea-Horse Motors - Sales & Service

P. O. BOX 60

ATMORE, ALA.



November 17, 1964

NO. 5954

Chason, Stone & Chason
P.O. Box 120
Bay Minette, Alabama


Attention: Mr. John Earle Chason

Dear Mr. Chason:

I, as Secretary and Treasurer, consent that the Probate Court turn the proceeds of the condemnation award of land belonging to Mr. William Welch to Mr. Walter Lindsey without the payment of any sum to Sam's Place, Inc. a Corporation of Alabama.

Yours truly,

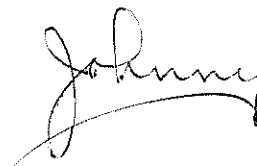
SAM'S PLACE, INC.


Tom Byrne
Sec. & Treas.

TB:lm

Dear Mrs. Duck,

We enclose this letter as your authority to act with regard to the above.



FILED

NOV 18

AMEL DUCK, CLERK
RECEIVED

Bay Minette, Ala.
October 9, 1964

To whom it May Concern:

This is to Certify that Frank Welch,
Defendant in the Case of J. W. Hadley vs
Frank Welch, Paid the Judgment against
him in said Cause, except for Court
Costs, which he did not pay.

Reuben T. McFarley
Attorney for J. W. Hadley
in said Case.

NO. 5954

FILED

NOV 18

ALICE L. DICK, CLERK
REGISTERED

EXHIBIT "A"

Baldwin

Baldwin

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

Commencing at the southwest corner of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T-1-N, R-4-E; thence northerly along the west line of Section 26 a distance of 1,315 feet, more or less, to approximate Station 41+60 on the centerline of the relocation of Alabama Highway No. 47 and the point of beginning; thence N 64° 25' E, along the centerline of said relocation, a distance of 1,837 feet, more or less, to the point of ending where the centerline of said relocation intersects the east property line at Station 51+97.

Said strip of land making the right of way 70 feet wide on the northwest side and 60 feet wide on the southeast side of the centerline of said relocation from the point of beginning to Station 51+00, 60 feet wide on the northwest side and 50 feet wide on the southeast side from

Station 51+00 to the point of ending, lying in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25, T-1-N, R-4-E and containing 3.06 acres,
more or less.

STATE OF ALABAMA,)	
Petitioner,)	IN THE CIRCUIT COURT OF
vs.)	
WILLIAM F. WELCH, WALTER M.)	BALDWIN COUNTY, ALABAMA
LINDSEY, J. W. HADLEY, and)	
SAM'S PLACE, INC., an Alabama)	
Corporation, as to TRACT)	CASE NUMBER 5954
NUMBER 39,)	
Respondents.)	

STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and William F. Welch, et al., ^(Appellees) parties to the above styled cause, through their respective attorneys of record, each acting with full authority as follows:

1. That the petitioner is authorized to institute and prosecute this proceeding to acquire the property or interest for order of condemnation filed in the Probate Court of Baldwin County, Alabama, on the 30th 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 31st day of January, 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 Respondents herein are the only parties known to either petitioner or respondents who have or assert any right, title or interest in or to the lands or interest therein sought to be acquired.
5. That the respondents have had due notice of this trial and all proceedings herein and expressly enter their appearance in this court.

6. That the only issue ^{to be submitted to the Jury} in this proceeding is the damages and compensation, if any, to which the respondents are entitled for the lands and interest in lands sought to be acquired by the petitioner for the uses and purposes stated.

7. That the time of taking in this proceeding is the date on which the application for order of condemnation was filed in the Probate Court, to-wit, the 30th day of 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, the 22nd day of January, 1964.

Joseph J. MacDonnell
Attorney for Petitioner.

By Thompson & White
LaDoris Thompson
Attorney for Respondents.

Wm Welch

Filed 9-22-64
Alice French
Clerk

STATE OF ALABAMA

IN THE CIRCUIT COURT OF

VS

BALDWIN COUNTY, ALABAMA

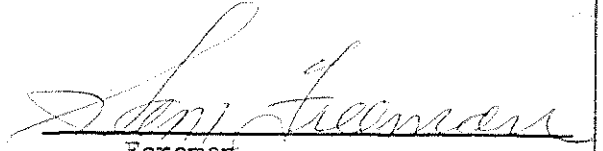
WILLIAM F. WELCH
TRACT No. 39

CASE NO.

77,5954

We, the Jury, assess the land-owners compensation and damages at

\$ 1000⁰⁰.


Foreman.