

THE STATE OF ALABAMA }
Baldwin County - Circuit Court }

6558

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 15th day
of September, 1965 Monday in 1965, in a cer-
tain cause in said Court wherein Jordan Cooper, Petitioner,
~~Plaintiff~~, and W.B. Cooper and Brooks Cooper,
Defendants, a judgment was rendered against said
W.B. Cooper and Brooks Cooper,
to reverse which Judgment, the said W.B. Cooper and Brooks Cooper
applied for and obtained from this office an APPEAL, returnable to the next
Term of our Supreme Court of the State of Alabama, to be held at Montgomery, on
the day of , 196 next, and the necessary bond
having been given by the said Kenneth Cooper, Attorney for Defendants
with , sureties,

Now, You Are Hereby Commanded, without delay, to cite the said Jordan Cooper,
Petitioner, or Chason, Stone & Chason
, attorney, to appear at the next Term of our
said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 14th
day of October, A. D., 1965.

Attest:

Alice J. Duck Clerk.

CASE NO. 6558

CIRCUIT COURT
Baldwin County, Alabama

JORDAN COOPER,
Petitioner

Vs. } Citation in Appeal

W.B. COOPER and BROOKS COOPER,
Defendants

Issued 14th day of Oct., 1965.

serve: Norborne C. Stone, Atty.

Received 15 day of Oct 1965

and on 18 day of Oct 1965

served a copy of the within Citation

on Norborne Stone

By service on Norborne Stone

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

JORDAN COOPER,	*	IN THE CIRCUIT COURT OF
)	
Petitioner,	*	
	)	BALDWIN COUNTY, ALABAMA
Vs.	*	
)	
W. B. COOPER and	*	AT LAW
BROOKS COOPER,)	
	*	
Defendants.	)	CASE NO. 6558

NOTICE OF APPEAL AND SECURITY FOR COSTS

Comes now the Defendants, W. B. Cooper and Brooks Cooper, by their attorney, and appeal to the Supreme Court of Alabama from the decree of the Judgment of Condemnation On Verdict rendered in this cause in and by the Circuit Court of Baldwin County, Alabama, At Law, on, to-wit, the 15th day of September, 1965.

FILED

OCT 12 1965

ALICE J. DUCK, CLERK
REGISTER

Kenneth Cooper
Attorney For Defendants

I, the undersigned, do hereby acknowledge myself as security for all costs of the foregoing appeal to the Supreme Court of Alabama.

Kenneth Cooper
Attorney For Defendants

approved
10-12-65
Alice J. Duck
clerk

FILED
JUL 20 1965
JUL 1 1965
CLERK
REGISTER

JORDAN COOPER,

Petitioner-Appellant,

VS.

W. B. COOPER, & Brooks Cooper,

Defendant-Appellee.

)
)
) IN THE CIRCUIT COURT
)
) OF BALDWIN COUNTY, ALABAMA.
)
)
)
)
)
)
)

July 20, 1965

APPEARANCE:

For Petitioner-Appellant:

Hon. Norborne C. Stone,
Bay Minette, Alabama

For Defendant-Appellee:

Hon. Kenneth Cooper,
Bay Minette, Alabama

THE COURT: I am going to continue this case and let
a jury decide the title to the land.

MR. STONE: We object and except to the Court continuing
this case; this case having been set down for trial by the
Court for today, it is an abuse of the discretion of the
Court to now continue it. We have a witness, who is familiar
with the property from Grand Rapids, Michigan, who came here
at the request of the Petitioner-Appellant, as a witness
and we would be put to a distinct disadvantage if we were to take
his testimony under Act 375, in that we would in all likelihood
not be able to get him back here in September, and would have
to have him testify on paper, or through deposition, which is
not as effective as having him here in person; that this cause
was set down for today on motion of the Defendant - - was
continued until today on motion of the Defendants, W. B.
Cooper and Brooks Cooper; there has been no motion for a
continuance of this cause and the court has abused its discretion
in continuing the case.

THE COURT: Let the Record show that the Defendant-Appellee has continually during the course of this proceeding requested trial by jury as to certain facts in this case; that the Court has become convinced that the parties are entitled to ascertainment by a jury of 12 men of certain questions of fact in connection with this case, and the Court has continued the cause on its own motion.

MR. STONE: I would like to further state that under the ruling of this Court we will be required, unless a special jury is empanelled before September to try a question before a jury to be empanelled in September, which the court has said it will certify to the jury - whether it be a question of law or fact, the petitioner-appellant does not know at this time, but that under the practice in this Circuit we have never felt that it was fair to try the same proceeding at the same term of court before the same jury panel, because of the fact that our jury generally sits in the Court room - this will have the effect of keeping the Petitioner-Appellant away from his land over what he considers to be the most convenient route, until perhaps March of 1966, and that as a result he will be seriously, if not irreparably damaged in losing the use of this land from September to March.

CERTIFICATE:

I hereby certify that the foregoing is a true and correct copy of the proceedings had this day in the captioned case.

This 20th day of July, 1965.

Lance D. [Signature]
Court Reporter

DIV. NO. _____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 6558

THE STATE OF ALABAMA

Baldwin County.

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

Petitioner
was ~~plaintiff~~ and W.E. Cooper and Brooks Cooper,

~~were~~ Defendants, as fully and completely as the same appears of record in said Court.

And I further certify that the said ~~W.E. Cooper and Brooks Cooper,~~ did on the 12th day of October, 1965, pray for and obtain an appeal from the judgment of said Court to the Supreme Court of Alabama to reverse said judgment of said Court upon entering into bond with Kenneth Cooper as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of 14th Baldwin County is hereto affixed, this the 14th day of October, 1965

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

(Code 1940, Title 7, Sec. 767)

KENNETH COOPER
ATTORNEY AT LAW
109 EAST 1ST STREET
BAY MINETTE, ALABAMA
TELEPHONE 937-7412

17 January, 1966

Mrs. Alice J. Duck
Clerk of Circuit Court
Bay Mnette, Alabama

Re: Jordan Cooper vs.
W. B. Cooper and
Brooks Cooper,
Circuit Court Case No. 6558

Dear Mrs. Duck:

Please be advised that W. B. Cooper and Brooks Cooper, Appellants in above-styled cause to the Supreme Court of Alabama, wish to dismiss, and withdraw the appeal heretofore taken by them in the above-styled cause to the Supreme Court. This is because the parties to the cause have settled the matter among themselves.

You are requested to so notify the Supreme Court, and obtain the court costs there. When that is received you may add your court costs involved in this appeal, and after adding the two together, take that amount from the \$400.00 held by you that was paid into the court by Appellee, Jordan Cooper, and remit to me your check for the balance.

Sincerely,


Kenneth Cooper

KC/gw

cc: Hon Norborne C. Stone
Bay Minette, Alabama

FILED

1-18 1966

Alice J. Duck, Clerk
REGISTERED

JURY LIST - SEPTEMBER 13, 1965

1. Cleverdon, Paul L., Farmer, Summerdale
2. Clark, J.W., Jr., Merchant, Robertsdale
3. Boone, W.A., Farmer, Little River
4. Bankester, Artie, Retired, Robertsdale
5. Armstrong, Charles, Ins. Salesman, Robertsdale
6. Fullbright, Lex J., Army-Retired, Gulf Shores
7. Frank, Lawrence J., Farmer, Elberta
8. Gideon, Elijah M., Laborer, Bay Minette
9. Black, Rufus M., Farmer, Loxley
10. Bauer, Hilbert, Farmer, Summerdale
11. Good, John, Jr., Farmer, Elberta
12. Gottler, Joe, Farmer, Elberta
13. Guthrie, Hershey H., Farmer, Foley
14. Hatchcock, Roy, Laborer, Summerdale
15. Hobbs, Tom, Farmer, Rosinton
16. Hinkelman, Howard, Civil Service, Elberta
17. Herron, John L., Chemstrand, Bay Minette
18. Kaechele, John F., Mechanic, Elberta
19. Ingram, Charles C., Linesman, Foley
20. Horne, Thomas B., Fleet, Crossroad
21. Chestang, J.D., Paper Mill, Bay Minette
22. Keenan, Ruben A., Oil Dealer, Robertsdale
23. Lyles, O.C., Real Estate, Bay Minette
24. Hastings, Donald E., Farmer, Rosinton
25. Erdmann, Rudolph C., Plumber, Mag. Spgs.
26. Capps, James C., Merchant, Bay Minette
27. Calloway, Lawrence E., Fisherman, Gulf Shores
28. Byrd, Claude, Newport, Bay Minette
29. Burns, Guy, Farmer, Summerdale
30. Brantley, E.R., Contractor, Bay Minette
31. Ebentheuer, Henry A., Trk. Driver, Elberta
32. Dyer, Ted, Mechanic, Fairhope
33. Dvork, Joseph, Jr., Salesman, Belforest
34. Day, Gladden, Salesman, Bay Minette
35. Crotwell, Alfred, Carpenter, Gulf Shores
36. Conway, Wm. Brookley Field, Bay Minette
37. Armstead, George, Emp. Fairhope Hardware, Daphne
38. Evans, Clovice, Newport Industry, Bay Minette
39. Hudson, Homer, Standard Furniture Co., Bay Minette
40. Benton, George H., Fisherman, Gulf Shores
41. Lindsey, Walter M., Abstractor, Bay Minette
42. Glisson, Courtney, Jr., Farmer, Foley

P XXXX XXXXX XXXXE

D XXXXX XXXXX XXXXV

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 65-66

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

Whereas, the Record and Proceedings of the Circuit Court of said county, in a certain cause lately pending in said Court between W. B. Cooper and Brooks Cooper, Appellant, and Jordan Cooper, Appellee,

wherein by said Court, it was considered adversely to said appellant, were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant.

Now, it is hereby certified, That it was thereupon considered, ordered and adjudged by our Supreme Court on the 31 day of January, 1966,

for want of prosecution, that the said appeal be and stand dismissed; and that it was further considered, ordered and adjudged that the appellant, S. W. B. Cooper and Brooks Cooper, pay

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

Richard W. Neal, Deputy
Witness, ~~Richard Thomas~~ Clerk of the Supreme
Court of Alabama, at the Judicial Building,
this the 31 day of January, 1966
Richard W. Neal
Deputy Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 65-66

1 Div., No. 329

W. B. Cooper and

Brooks Cooper

Appellant,

v.

Jordan Cooper

Appellee.

From Baldwin Circuit Court.
6558

CERTIFICATE OF DISMISSAL

The State of Alabama,

FILED

County.

} Filed

this FEB 1 of 1966 19

ALICE J. DUCK
CLERK
REGISTER

FILED

JUN 21 1964

CLERK
REGISTER

BOOK 040 PAGE 209

JORDAN COOPER,

Petitioner,

vs.

W. B. COOPER and BROOKS
COOPER,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

70-6558

PETITION FOR CONDEMNATION OF A RIGHT-OF-WAY

TO THE HONORABLE PROBATE COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE L. D. OWEN, JR., JUDGE THEREOF:

Comes your Petitioner, by his attorneys, and respectfully
represents and shows unto Your Honor and unto this Honorable
Court as follows:

1. The Petitioner is over the age of twenty-one years
and is a resident citizen of Baldwin County, Alabama, residing in
the Rosinton Community. The Defendants are each over the age of
twenty-one years and are resident citizens of Baldwin County,
Alabama, residing in the Rosinton Community.

2. That your Complainant is the owner of the Northwest
quarter of the Northwest quarter of Section 28 and the Northeast
quarter of the Northeast quarter of Section 29, all in Township
5 South, Range 4 East in Baldwin County, Alabama, having acquired
said property from Jay P. Altmayer and wife on April 9, 1964.
That the Respondent W. B. Cooper is the owner of the Southwest
quarter of the Southwest quarter of Section 21, Township 5 South,
Range 4 East in Baldwin County, Alabama, and the Respondent
Brooks Cooper is the owner of the East Half of the Southeast
quarter of the Southeast quarter of Section 20 in Township 5
South, Range 4 East in Baldwin County, Alabama. That the property
of your Petitioner in Section 28 is coterminus and adjacent to
the property of the Defendant W. B. Cooper in Section 21 and is
coterminus and adjacent to the property of the Defendant Brooks

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-31-64 M

Recorded L. D. Owen Jr. book page

Judge of Probate

308

Cooper in Section 20.

3. That no part of any of the land described in the foregoing paragraph is within the corporate limits of a municipality and no part of your Petitioner's land is adjacent or contiguous to any public road or highway. There is a public road located on the section line dividing Sections 20 and 21 in Township 5 South, Range 4 East which crosses the Northwest corner of the land of the Defendant W. B. Cooper hereinabove described and then runs in a westerly direction along the North line of the property of the Defendant Brooks Cooper. That this public road is the public road nearest and most convenient to the tract of land owned by the Petitioner.

4. That the Petitioner has no way of ingress or egress to and from his land; and the most convenient right-of-way to and from a public road to the land of your Petitioner would be a strip of land described as the westernmost fifteen feet of the Southwest quarter of the Southwest quarter of said Section 21 and the easternmost fifteen feet of the Southeast quarter of the Southeast quarter of said Section 20, which fifteen foot strip lies immediately east and west of a fence which purports to be located on the Section line dividing said Sections 20 and 21, and which thence purports to divide the land of the Defendants hereinabove described.

5. Petitioner does hereby offer to pay compensation to each of said Defendants for the value of the lands sought to be taken and damages to the land through which said right-of-way is established.

6. That the right-of-way to be condemned does not go through any person's yard, garden, orchard, stable lot, stable, gin house or curtilage; and the lands sought to be taken are for the use and purpose of a right-of-way.

WHEREFORE, the premises considered, your Petitioner respectfully prays that on the filing of this application that this Honorable Court will make and enter an order appointing a date

BOOK 140 PAGE 211

for the hearing hereof and will issue notice to the Defendants of the filing of this application and of the day set for the hearing hereof and cause the same to be served upon them, together with a copy of this petition, by the Sheriff of Baldwin County, Alabama, at least ten days before the date appointed for the hearing. Petitioner further prays that upon a hearing of this application that the same be granted and that commissioners be appointed in accordance with the statutes in such cases made and provided to assess the damages, if any, to which the Defendants are entitled and that this Honorable Court will, upon the filing of the report of said commissioners enter an order of condemnation of the property hereinabove described and across which the right-of-way is sought to be condemned upon the payment of the damages and compensation, if any, so assessed and reported. And the Petitioner prays for such other, further and different relief as in the premises will be meet and proper.

Respectfully submitted,

CHASON, STONE & CHASON

By:

W. C. Chason, Jr.
Attorneys for Petitioner

Received 31 day of Aug 1964
and on 31 day of Aug 1964
I served a copy of the within Notice
on W. B. Casper
Brooks Casper
By service on _____

TAYLOR WILKINS, Sheriff

By W. O. Garner D. S.

Provington

Sheriff Claims

104 miles 40

Ten Cents per mile Total \$ 10.40
TAYLOR WILKINS, Sheriff

BY

D. O. Garner
DEPUTY SHERIFF

I, Norborne C. Stone, Jr., do hereby acknowledge myself as security for costs of this proceeding.

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Norborne C. Stone, Jr.

JORDAN COOPER,	¶	
	¶	IN THE PROBATE COURT OF
Petitioner	¶	
	¶	BALDWIN COUNTY, ALABAMA
vs.	¶	
	¶	
W. B. COOPER and BROOX	¶	
COOPER,	¶	
	¶	
Condemnees.	¶	

MOTION:

Comes now the Petitioner in the above styled cause, by his attorney, and moves this Honorable Court to set the above matter down for hearing and as grounds therefor says that the matter is now at issue.

Respectfully submitted,
CHASON, STONE & CHASON

By: 
Attorneys for Petitioner

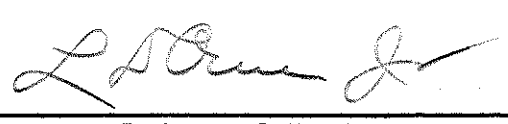
ORDER

The above and foregoing motion having been this day filed and called to the attention of the Court and the Court having considered the same, is of the opinion that said cause should be set down for hearing; it is, therefore

ORDERED and DECREED by the Probate Court of Baldwin County, Alabama, that the above cause be, and the same is hereby, set down for hearing on the 21st day of December, 1964, at 10:00 A. M.

It is further ORDERED that a copy of this motion and order be sent by the Clerk of this Court to Hon. Kenneth Cooper, Attorney for the Condemnees.

Done this 21st day of December, 1964.


Judge of Probate

JORDAN COOPER,	¶	
	¶	IN THE PROBATE COURT OF
Petitioner,	¶	
vs.	¶	BALDWIN COUNTY, ALABAMA
	¶	
W. B. COOPER and BROOKS	¶	
COOPER,	¶	
	¶	
Defendants.	¶	

Comes now the Petitioner in the above styled cause and amends his petition heretofore filed in this cause by adding there-
to paragraphs "3a" and "3b" as follows:

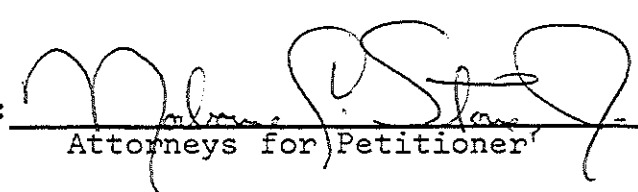
3a. That the lands belonging to the Defendant W. B. Cooper over which the right-of-way herein sought to be condemned is located are described as follows:

The West 15 feet of the Southwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 4 East.

3b. That the lands belonging to the Defendant Brooks Cooper over which the right-of-way herein sought to be condemned is located are described as follows:

The East 15 feet of the Southeast Quarter of the Southeast Quarter of Section 20, Township 5 South, Range 4 East.

Respectfully submitted,
CHASON, STONE & CHASON

By: 
Attorneys for Petitioner

JORDAN COOPER,

Petitioner,

vs.

W. B. COOPER and
BROOKS COOPER,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

BOOK 040 PAGE 217

D E C R E E

ORDER OF PROBATE COURT DENYING

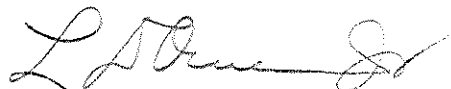
PETITION FOR CONDEMNATION

This being the day appointed to hear the petition of Jordan Cooper, Petitioner, heretofore filed in this Court on the 31st day of August, 1964, praying that the Court condemn certain lands described in said petition for the purpose set forth therein, the Petitioner, Jordan Cooper, being present in Court, together with his counsel, Hon Norborne Stone, and the defendants, W. B. Cooper and Brooks Cooper, together with their counsel, Hon Kenneth Cooper, being present in court, and it appearing to the Court that all interested parties have had due and legal notice of the filing of said petition and of the day set to hear the same, the court now proceeds to hear said petition, together with all the evidence touching same, testimony of Nolan P. Cooper, Jr., having been duly and legally heard by the Court with all interested parties, or their counsel, prior to this date. It appears to the Court, upon the evidence of all witnesses for the plaintiff, Jordan Cooper, and the Defendants, W. B. Cooper and Brooks Cooper, taken orally before the Court, that the allegations of the petition have not been proven to the satisfaction of the Court; that upon the evidence adduced the Court does not have authority to condemn the land sought to be condemned in the petition. It is therefore

ORDERED, ADJUDGED and DECREED by the Court that the petition filed in this cause be, and it is DENIED. And it is further

ORDERED, ADJUDGED and DECREED by the Court that the costs of this proceeding be taxed against the Petitioner, Jordan Cooper, for which let execution issue.

Done this 18 day of January, 1965.



Judge of Probate
Baldwin County, Alabama

JORDAN COOPER,)	
Petitioner,	)	IN THE PROBATE COURT OF
vs.)	
W. B. COOPER and	)	BALDWIN COUNTY, ALABAMA
BROCKS COOPER,)	
Defendants.)	

1. Comes now the Defendants, by their attorney, and for answer to the complaint, as amended, saith not guilty.

2. General issue.

3. Defendants deny Petitioner owns the lands to which he seeks a right of way, and demands a jury trial.

Kenneth L. Cooper
Attorney for Defendants

STATE OF ALABAMA, BALDWIN COUNTY
Filed 1-12-65
Recorded by page
L. D. Owen, Jr.
Judge of Probate
as

JORDAN COOPER,)	
)	
Petitioner,	)	IN THE PROBATE COURT OF
)	
Vs.	)	BALDWIN COUNTY, ALABAMA
)	
W. B. COOPER and)	
BROOKS COOPER,)	
)	
Defendants.)	

Comes now the defendants in above styled cause, and respectfully request, that upon the trial of this cause in the Circuit Court of Baldwin County, Alabama, they each be given a trial by jury.

Kenneth Cooper
Attorney For Defendants

Attorney of Record

For Plaintiff:

Hon Norborne Stone

Bay Minette, Alabama

STATE OF ALABAMA, BALDWIN COUNTY
Filed Feb 11th 1965
Recorded *Harry D Olive*
Judge of Probate

STATE OF ALABAMA

BALDWIN COUNTY

WHEREAS GERALD C. COGGIN and JAY P. ALTMAYER are the owner in fee simple of the Northwest Quarter of the Northwest Quarter of Section 28, Township 5 South, Range 4 East, in Baldwin County, Alabama; and

WHEREAS W. B. COOPER is the owner in fee simple of the Southwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 4 East, in Baldwin County, Alabama; and

WHEREAS no part of the Northwest Quarter of the Northwest Quarter of said Section 28 is adjacent or contiguous to any existing public road or public highway; and

WHEREAS the said Gerald C. Coggin and Jay P. Altmayer are desirous of acquiring a right-of-way fifteen (15) feet wide over and across the Southwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 4 East, as a means of access to and from the said Northwest Quarter of the Northwest Quarter of Section 28, Township 5 South, Range 4 East and a public road or highway located on the West section line of said Section 21, Township 5 South, Range 4 East; and

WHEREAS the said W. B. Cooper has agreed, in consideration of the sum of Four Hundred Dollars (\$400.00) this day cash in hand paid, the receipt of which is hereby acknowledged, and in further consideration of the agreement by the said Gerald C. Coggin and Jay P. Altmayer to abide by the terms and conditions hereinafter more particularly set forth, to grant to the said Gerald C. Coggin and Jay P. Altmayer, their heirs and assigns, a perpetual easement over and across the said Southwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 4 East, as hereinafter more particularly defined;

NOW THEREFORE, in consideration of the payment of said sum of Four Hundred Dollars (\$400.00) and in further consideration of the mutual covenants and agreements herein contained, the acceptance of which are evidenced by the signatures of the said Gerald C. Coggin and Jay P. Altmayer, affixed hereto, the said W. B. Cooper and Evelyn Cooper, his wife, do hereby GRANT, BARGAIN, SELL and CONVEY, subject to the terms and conditions hereinafter set forth, unto the said Gerald C. Coggin and Jay P. Altmayer, their heirs and assigns, a perpetual right-of-way or easement over and across the Southwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 4 East and more particularly described as follows:

Beginning at the Southwest Corner of the Section 21, Township 5 South, Range 4 East, run thence North along the West line of said Section 21, 1320 feet, more or less, to the Northwest Corner of the Southwest Quarter of the Southwest Quarter of said Section 21; run thence East 15 feet to a point; run thence South and parallel to the West line of said Section 21, 1320 feet, more or less, to a point in the South line of said Section 21; run thence West 15 feet to the point and place of beginning, meaning and intending to describe a strip of land 15 feet wide and located on the extreme West edge of the Southwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 4 East.

The rights and easement hereby conveyed and created are subject to the following terms and conditions:

1. The said Gerald C. Coggin and Jay P. Altmayer, their heirs and assigns, agree to build and maintain in a substantial manner a gate at each end of said 15 foot strip; and should either of said gates be in need of repair the undersigned W. B. Cooper, his heirs and assigns, agree that Gerald C. Coggin and Jay P. Altmayer, their heirs and assigns, shall have a period of ninety (90) days in which to make such repairs after notice to them, in writing.
2. The said Gerald C. Coggin and Jay P. Altmayer, their heirs and assigns, do hereby further agree that they will, within 90 days after receipt of a written notice from W. B. Cooper, his heirs and assigns, that he or they desire the same to be done, erect a substantial cattle fence along the East line of said 15 foot strip which said fence shall be of not less than four feet in height, have not less than four strands of barbed wire and the post of which shall not be set at more than twelve foot intervals.
3. It is expressly understood and agreed between the parties hereto, their heirs and assigns, that the conditions attaching to the easement and right of way herein granted and more particularly set forth in paragraphs "1" and "2", above, are, and shall be construed as, conditions subsequent and on the failure of the said Gerald C. Coggin and Jay P. Altmayer their heirs and assigns, to comply with said conditions or any terms thereof, then the rights herein granted shall immediately lapse and expire and shall revert to the then owners of the Southwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 4 East.

TO HAVE AND TO HOLD unto the said Gerald C. Coggin and Jay P. Altmayer, their heirs and assigns, FOREVER.

IN WITNESS WHEREOF, W. B. Cooper, and Evelyn Cooper, his wife, Gerald C. Coggin and Jay P. Altmayer, have hereunto set their hands and affixed their seals on this the 30 day of September, 1957.

W. B. Cooper (SEAL)
Evelyn Cooper (SEAL)
Gerald Coggin (SEAL)
Jay P. Altmayer (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, Grady P. Gibson Jr., a Notary Public, in and for said County in said State, hereby certify that W. B. Cooper and Evelyn Cooper, his wife, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day, that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 7 day of ^{October}~~Sept~~ember, 1957.

Grady P. Gibson Jr.
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA

MOBILE COUNTY

I, Grace P. Pritchard, a Notary Public, in and for said County in said State, hereby certify that Gerald C. Coggin, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 30th day of September, 1957.

Grace P. Pritchard
Notary Public, Mobile County, Alabama

MY COMMISSION EXPIRES DEC. 31, 1958

STATE OF ALABAMA

MOBILE COUNTY

I, Grace P. Pritchard, a Notary Public, in and for said County in said State, hereby certify that Jay P. Alt-mayer, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 30th day of September, 1957.

Grace P. Pritchard
Notary Public, Mobile County, Alabama

MY COMMISSION EXPIRES DEC. 31, 1958

1203
JORDAN COOPER,

Petitioner,

vs.

W. B. COOPER and BROOKS
COOPER,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

ORDER SETTING DAY TO HEAR PETITION

This day came Jordan Cooper and filed in this Court his Petition, in writing, under the provisions of Title 19, Section 56 of the Code of Alabama, of 1940 alleging, among other things, that he is the owner of certain lands lying and being in Baldwin County, Alabama, which lands are specifically described in said Petition, and that he has no way of ingress of egress to and from his said lands and a public road nearest or most convenient thereto, and that the most convenient right-of-way to and from a public road is across certain lands belonging to W. B. Cooper and Brooks Cooper, the Defendants in this cause, which said lands are particularly described in said Petition; and praying that this Court condemn a right-of-way as described in said Petition as a means of ingress and egress to and from the lands of the Petitioner and a public road; and the court having considered all of the above it, is, therefore,

ORDERED and DECREED by the Probate Court of Baldwin County, Alabama, that the 11th day of September, 1964, at 9:00 A. M. be, and the same is hereby, appointed as the day and time for the hearing of said Petition; it is further ordered and decreed by the Court that notice of the Petition and of the day and time set for the hearing of the same be given to W. B. Cooper and Brooks Cooper by service upon them by the Sheriff of Baldwin County, Alabama, at least ten days before the day hereinabove appointed for the hearing of a copy of this order, to which there shall be attached a copy of the Petition.

Done this 31 day of August, 1964.

320

STATE OF ALABAMA, BALDWIN COUNTY

L. J. Allen
Judge of Probate

Recorded 1 By Chas. E. Davis page 1
Chief Clerk

JORDAN COOPER,

Petitioner,

Vs.

W. B. COOPER and BROOKS
COOPER,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

DEMURRER

Comes now the defendants in above styled cause, and demurs to the complaint heretofore filed in this cause, and to each and every count thereof, separately and severally, as follows:

1. The Complaint does not state the interest or easement therein to be acquired;
2. The Complaint does not separate in separate paragraphs the separate tracts sought to be taken;
3. The Complaint does not state the residences of the owners of the separate parcels.

4. *The application is not accompanied with security for costs.*

Kenneth Cooper
Attorney For Defendants

STATE OF ALABAMA, BALDWIN COUNTY

Filed 9-11-65 M

Recorded LD. Owen Jr. book page


Judge of Probate

ac

JORDAN COOPER,)	
)	
Petitioner,)	
	)	IN THE PROBATE COURT OF
vs.)	
)	
W. B. COOPER and	)	BALDWIN COUNTY, ALABAMA
BROOKS COOPER,)	
)	
Defendants.)	

This cause coming on to be heard, is submitted for decision upon the Petition For Condemnation Of A Right-Of-Way filed by Petitioner, Jordan Cooper, which was filed in this office on 8-31-64, and the demurrer thereto filed by the Defendants, W. B. Cooper and Brooks Cooper, and upon consideration of the same the Court is of the opinion that the said demurrer should be sustained. It is therefore

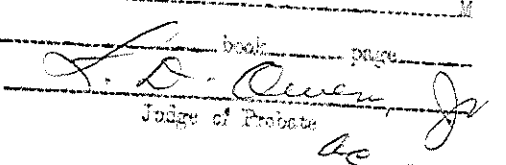
ORDERED, ADJUDGED and DECREED by the Court that the demurrer filed by the Defendants is sustained, and the Petitioner is given twenty (20) days in which to amend the petition in this cause.



Judge of Probate

Attorney of Record for Petitioner:

Hon Norborne Stone
Attorney At Law
Bay Minette, Alabama

STATE OF ALABAMA, BALDWIN COUNTY
Filed 11-3-64 M
Recorded 11-3-64 book page


Judge of Probate

JORDAN COOPER,

Petitioner - Appellant

vs.

W. B. COOPER and
BROOKS COOPER,

Defendants - Appellees

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

MOTION

Comes now the Petitioner-Appellant in the above styled cause, by his attorneys, and respectfully represents and shows unto this Honorable Court as follows:

1. That he did, on the 27th day of January, 1965, file in the Probate Court of Baldwin County, Alabama, Notice of Appeal to this Honorable Court from the Decree of the Probate Court of Baldwin County, Alabama, entered on the 18th day of January, 1965, in the proceeding had in that Court wherein the parties hereto were involved.

2. That through some mistake, error or oversight on the part of the Probate Court of Baldwin County, Alabama, the papers and proceedings were not forwarded to the Clerk of the Circuit Court of Baldwin County, Alabama, until, to-wit, the 13th day of June, 1965.

3. That this proceeding involves the right of the Petitioner-Appellant to acquire by condemnation an easement or right-of-way from properties owned by him in Baldwin County, Alabama, to and from the public highway nearest and most convenient thereto all as shown by the records now on file in this court.

4. That your Petitioner-Appellant will be irreparably damaged if he is not allowed or permitted to enter upon his lands for the purpose of planting a soybean crop for the year 1965 and cultivating and harvesting the same. That he has no other way or right-of-way by which he can reach his properties except over the way or right-of-way sought to be condemned in this proceeding.

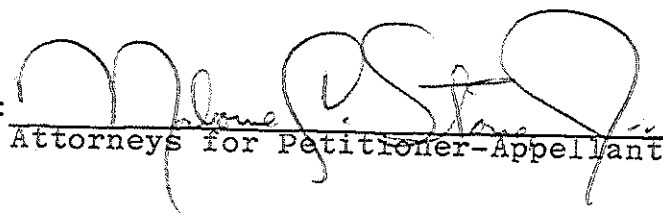
WHEREFORE, the premises considered, your Petitioner-

Appellant respectfully moves this Honorable Court to enter an order or decree fixing a bond to be executed by your Petitioner-Appellant to be approved by the Clerk of this Court in an amount to be fixed by this Court conditioned to pay the Defendants-Appellees any and all damage which they might sustain by your Petitioner-Appellant being allowed to enter upon said lands over the right-of-way sought to be condemned in this proceeding before a final determination of the rights of the parties hereto if the Petitioner-Appellant should fail in his suit; and that this Honorable Court will enter an order or decree allowing your Petitioner-Appellant to enter upon said lands prior to a final disposition of this cause and a trial by a jury of the issues herein involved.

Respectfully submitted,

CHASON, STONE & CHASON

By:


Attorneys for Petitioner-Appellant

ORDER

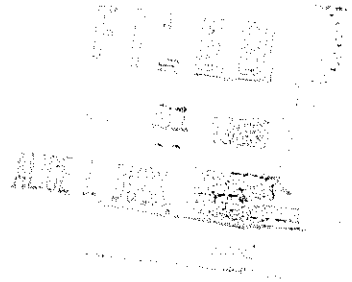
The above and foregoing motion having been filed with and brought to the attention of the Court and the Court having considered the same is of the opinion that the same should be set down for hearing; it is, therefore

ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, that the above and foregoing motion be, and the same is hereby, set down for hearing on the 2nd day of July 1965, at 10:00 A. M.

It is further ORDERED and DECREED by the Court that notice of the filing of said motion and of the date set for hearing of the same be given to the Defendants-Appellees by service of a copy of said motion and this order upon Honorable Kenneth Cooper, the Attorney of Record for the Defendants-Appellees.

Done this 22^d day of June, 1965.

Delbert G. Madole
Circuit Judge



NO 6558

Jordan Cooper

V²

W. B. Cooper

Brooks Cooper

Received 21 day of June 1965
d on 22 day of June 1965
erved a copy of the within Pittman
Kenneth Cooper

service on _____

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

om

Sp. M. Record on
Horn R. Cooper

JORDAN COOPER,	*	
)	
Petitioner - Appellant	*	IN THE CIRCUIT COURT OF
)	
vs.	*	
)	
W. B. COOPER and	*	BALDWIN COUNTY, ALABAMA
BROOKS COOPER,)	
	*	
Defendants - Appellees)		

MOTION

Come now Defendants - Appellees in above styled cause, by their attorney and represents unto this Honorable Court as follows:

ONE: That on the 21st day of June, 1965, the Petitioner -Appellant filed a MOTION in this cause seeking certain relief previously denied to him in the Probate Court of Baldwin County, Alabama;

TWO: That a copy of said MOTION was served upon Kenneth Cooper, attorney for your Defendants - Appellees, on the 22nd day of June, 1965.

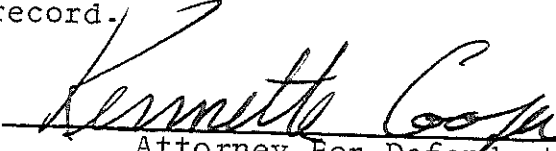
THREE: That Your Honor set the above said MOTION down for hearing at 10:00 A.M. July 2nd, 1965.

FOUR: That under the Rules of Practice In The Circuit and Inferior Courts of Common Law Jurisdiction, the rules under which this Honorable Court operates, Your Petitioners are granted thirty (30) days in which to file appropriate pleading after service is perfected upon them; but that the setting by your Honor of this cause for hearing on 2 July, 1965, does not give your Defendants - Appellees the time granted by the rules of this Honorable Court, which said time is necessary in order to prepare the proper answer or pleading to the above-said MOTION filed by the Petitioner - Appellant on 21 June, 1965.

FIVE: That your Defendants - Appellees' attorney of record will be away on military duty between the dates of 24 July and 9 August, 1965.

THE PREMISES CONSIDERED, Your Defendants-Appellees respectfully request that your Honor:

A. Grant a continuance of the time set for hearing of Petitioner-Appellant's MOTION heretofore filed in this cause until at least thirty (30) days from the date of service of process upon your Defendants-Appellees' attorney of record.


Attorney For Defendants-Appellees

ORDER

The above and foregoing motion having been filed and brought to the attention of the Court, and the Court having considered the same, the Court is of the opinion that the motion should be granted; it is therefore

ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, that the MOTION heretofore filed in this cause by the Petitioner-Appellant on 21 June, 1965, which was set down for hearing on 2 July, 1965, shall not be heard on said date, but shall be set down for hearing at 9:00 A. M. July 23, 1965.

It is further ORDERED and DECREED that a copy of this ORDER be forthwith furnished Hon Norborne C. Stone, the attorney of record for the Petitioner-Appellant.

Done this 24 day of June, 1965.

Frederic J. Mosalburn
Circuit Judge

FILED

JUN 24 1965

ALICE J. DICK, CLERK
REGISTER

Come now your Defendants - Appellees, W. B. Cooper and Brooks
 Cooper, by their attorney, and demur to the MOTION heretofore filed
 in this cause by the Petitioner - Appellant, Jordan Cooper, on the
 21st day of June, 1965, and separately and severally to each para-
 graph thereof, and for grounds of demurrer, assign, separately and
 severally, the following, to-wit:
 1. No sufficient facts are shown to entitle the Petitioner-App-
 ellant to a hearing in this cause at this time.
 2. No sufficient facts are shown to indicate the nature of
 the Decree of the Probate Court of Baldwin County, Alabama, from
 which the appeal has been taken.
 3. No sufficient facts are alleged to show that this Honorable
 Court can proceed in this matter without the intervention of a jury.
 4. No sufficient facts are alleged to show that this trial is
 to be held by Your Honor without a jury.
 5. No sufficient facts are alleged to show that Petitioner-App-
 ellant is entitled to a hearing in this cause.
 6. No facts are alleged to show whether the appeal sought to
 be taken by the Petitioner-Appellant is from a Decree of the Probate
 Court of Baldwin County, Alabama, denying the application to condemn
 sought by the Petitioner-Appellant or whether it is from a Decree
 of the Probate Court of Baldwin County, Alabama, from an order of
 condemnation in said Court.
 7. For aught that appears, the Petitioner-Appellant has no
 right to a hearing by this Honorable Court at this time.
 8. For aught that appears the Petitioner-Appellant cannot
 proceed to a hearing in this cause at this time without a jury.
 9. For aught that appears the Petitioner-Appellant cannot pro-
 ceed to a hearing in this cause at this time because of the written

DEMURRER TO MOTION

JORDAN COOPER,
 Petitioner - Appellant
 Vs.
 W. B. COOPER and
 BROOKS COOPER,
 Defendants - Appellees
 IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 #6558

demand by the Defendants-Appellees for a trial by jury in this cause.

10. For aught that appears, the Petitioner-Appellant cannot proceed to a hearing in this cause at this time because of the Constitutional right of the Defendants-Appellees to a trial by jury in this cause.

11. For aught that appears, the Petitioner-Appellant cannot proceed to a hearing in this cause at this time because of the Statutory rights of the Defendants-Appellees to a trial by jury in this cause.

12. For aught that appears, the allegation by Petitioner-Appellant that he owns properties in Baldwin County, Alabama, for which he desires an easement or right-of-way to reach, is but a mere conclusion of the Petitioner-Appellant, with no facts alleged in support thereof.

13. For aught that appears, the allegation in paragraph 4 of the MOTION that Petitioner-Appellant will be irreparably damaged is a mere conclusion of the Petitioner-Appellant, with no facts alleged in support thereof.

14. Said MOTION states no cause upon which the Court can proceed in this cause at this time.

15. Said MOTION does not show on its fact whether it is At Law or In Equity.

16. Said MOTION fails to allege that there were any damages awarded in this cause when heard in the Probate Court of Baldwin County, Alabama.

17. Said MOTION states no authority showing that Petitioner-Appellant is entitled to a hearing in this cause without a trial by jury.


18. Said MOTION fails to state any authority for Petitioner-Appellant to execute a bond to pay for the damages to Defendants-Appellees should he be awarded a right-of-way over the real property of the Defendants-Appellees.

19. For aught that appears, this Honorable Court is without authority to proceed in this cause without a trial by jury.


20. For aught that appears, this Honorable Court is without authority to enter an order or decree allowing the Petitioner-Appellant to enter upon the lands of your Defendants-Appellees prior to a final deposition of this cause before a trial by jury of the issues herein involved.

21. For aught that appears, Petitioner-Appellant fails to describe any real property owned by him, to which he seeks to reach over the lands of your Defendants-Appellees.

22. For aught that appears, no facts are alleged in the MOTION entitling Petitioner-Appellant an immediate trial.


Attorney For Defendants-Appellants

I certify that I have served a copy of the foregoing DEMURRER TO MOTION upon Hon Norborne C. Stone by delivering a copy thereof to his office and leaving it there this 16th day of July, 1965.


Kenneth Cooper

FILED

JUL 16 1965

ALICE J. DUCK, CLERK
REGISTER

JORDAN COOPER,	)	IN THE CIRCUIT COURT OF
Petitioner - Appellant	*	
	)	BALDWIN COUNTY, ALABAMA
Vs.	*	
)	
W. B. COOPER, and	*	
BROOKS COOPER,)	
	*	
Defendants - Appellees	)	# 6558

MOTION TO STRIKE ORDER

Come now your Defendants - Appellees, W. B. Cooper and Brooks Cooper, by their attorney, and make this their Motion To Strike the ORDER of this Honorable Court made and entered in this cause on 21 June, 1965, whereby Your Honor set this cause down for hearing on July 12nd, 1965, which date was later changed to set the cause for hearing on the merits of this cause on the 20th day of July, 1965, and as grounds for this Motion to Strike the said ORDER of your Honor assign the following reasons, separately and severally, to-wit:

1. The MOTION for the hearing, upon which the ORDER is based, does not state a legal basis for Your Honor to hear said cause at this time.

2. The MOTION for the hearing, upon which the ORDER is based, is premature.

3. The MOTION for the hearing, upon which the ORDER is based, does not state a legal justification for Your Honor to hear said cause upon its merits.

4. The MOTION for the hearing upon which the ORDER is based, does not state a legal justification for the requested hearing at this time.

5. The MOTION for the hearing upon which the ORDER is based, does not show the nature of the Decree of the Probate Court of Baldwin County, Alabama, appealed from.

6. The MOTION for the hearing upon which the ORDER is based, does not show on its face whether the DECREE of the Probate Court of Baldwin County, Alabama, appealed from, is one that can be tried by this Honorable Court without a jury trial.

7. The MOTION for the hearing upon which the ORDER is based, does not show whether the DECREE of the Probate Court of Baldwin County, Alabama appealed from is one from which the said Probate

Court ordered condemnation and assessed the damages or whether it is an appeal from an order of the said Probate Court refusing to grant the application for condemnation of the right-of-way sought to be condemned in this cause.


8. The MOTION for the hearing, upon which the ORDER is based, does not state a legal cause of action at this time.

9. The MOTION for the hearing, upon which the ORDER is based, does not show whether it is filed on the Law side or Equity side of this Honorable Court.

10. The MOTION for hearing upon which the ORDER is based, ignores the constitutional right of Defendants - Appellees, to a trial by jury in this cause.

11. The MOTION for hearing, upon which the ORDER is based, ignores the statutory right of Defendants - Appellees, to a trial by Jury in this cause.

12. The MOTION for hearing, upon which the ORDER is based, ignores the written demand by the Defendants - Appellees heretofore filed in this cause for a trial by jury in this cause.


Attorney For Defendants/Appellees

I certify that I have served a copy of the foregoing MOTION TO STRIKE ORDER upon Hon Norborne C. Stone by delivering a copy thereof to his office and leaving it there this 16th day of July, 1965.


Kenneth Cooper

FILED

JUL 16 1965

ALICE J. DUCK, CLERK
REGISTER

JORDAN COOPER,)	(
)	(
Petitioner,	)	(	IN THE PROBATE COURT OF
)	(
vs.)	(
	)	(	BALDWIN COUNTY, ALABAMA
W. B. COOPER and BROOKS)	(
COOPER,)	(
)	(
Defendants,)	(
)	(

ONE

The Defendants-Appellees, W. B. Cooper and Brooks Cooper, for answer to the complaint, or petition, by the Petitioner-Appellant, Jordan Cooper, separately and severally, saith that the matters and things alleged in said complaint or petition are all untrue.

TWO

The Defendants-Appellees, W. B. Cooper and Brooks Cooper, for answer to the complaint, or petition, by the Petitioner-Appellant, Jordan Cooper, separately and severally, saith that the ownership of the lands to which Petitioner-Appellant seeks a right-of-way to reach is not the property of the said Petitioner-Appellant, Jordan Cooper.

THREE

The Defendants-Appellees, W. B. Cooper and Brooks Cooper, for answer to the complaint, or petition by the Petitioner-Appellant, Jordan Cooper, separately and severally, saith that the Petitioner-Appellant, Jordan Cooper, is not entitled to a right-of-way over the lands he seeks to obtain in this proceeding from your Defendants-Appellees, W. B. Cooper and Brooks Cooper, because he does not have a right of possession to the lands sought to be reached by the right-of-way to be obtained through this proceeding.

FOUR

The Defendants-Appellees, W. B. Cooper and Brooks Cooper, for answer to the complaint or petition filed in this cause, allege that they each have a statutory right to a trial by jury in this cause.

FIVE

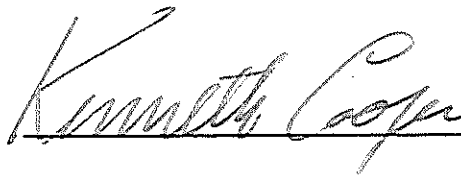
The Defendants-Appellees, W. B. Cooper and Brooks Cooper, for answer to the complaint or petition filed in this cause, saith that they each have a constitutional right to a trial by jury in this cause.

SIX

The Defendants-Appellees, W. B. Cooper and Brooks Cooper, for answer to the complaint or petition filed in this cause, saith that they each have filed a written demand for a trial by jury in this cause.

SEVEN

The Defendants-Appelleess, W. B. Cooper and Brooks Cooper, for answer to the MOTION filed by the Petitioner-Appellant in this cause, saith that there is no lawful authority for this Honorable Court to permit said Petitioner-Appellant to be given authority to cross the lands of your Defendants-Appellees, if he is to be permitted to cross it, until a jury has assessed the damages to be paid to your Defendants-Appellees for the use thereof.



Attorney For Defendants-Appellees

FILED

JUL 19 1965

ALICE J. DUCK, CLERK
REGISTER

JORDAN COOPER,
Petitioner-Appellant

vs.

W. B. COOPER and
BROOKS COOPER,
Defendants-Appellees

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CASE #6556

ANSWER

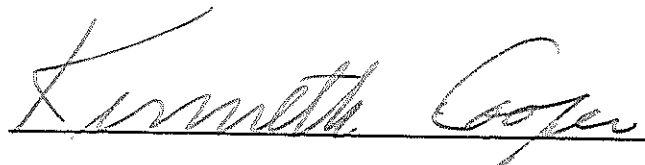
1. Come now the Defendants-Appellees, by their Attorney,
and for answer to the complaint, as amended, saith not guilty.

2. General issue.

FILED

JUL 20 1965

ALICE L. DUCK, CLERK
REGISTER


Attorney for Defendants-Appellees

petitioner's copy 1
JORDAN COOPER,

Petitioner,

vs.

W. B. COOPER AND
BROOKS COOPER,

Defendants.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

JUDGMENT OF CONDEMNATION ON VERDICT

This cause coming on to be heard for trial before this court on the 14th day of September 1965, and the parties and their respective attorneys of record being present in court and the issues having been made up as shown by the pleadings on file in this cause, and a jury of twelve persons having been duly and regularly impaneled and sworn to try said action and the issues presented to them, and the jury having heard the witnesses on behalf of the Plaintiff and on behalf of the Defendant and considered the documentary evidence introduced on the trial of this cause after which, and the arguments of counsel and the instructions of the court the jury returned a verdict in words and figures as follows:

"We, the jury, find in favor of the Petitioner, Jordan Cooper, and assess the damages to which the Defendants are entitled at \$400.00.

Signed: Alfred Crotwell
As Foreman"

And the court having considered all of the above is of the opinion that a judgment of condemnation should be entered in this cause as prayed for in the petition upon the payment of the damages assessed by the jury; and it further appearing to the court that the damages so assessed have been paid by the Petitioner to the Clerk of this Court; it is, therefore

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

1. That the following described real property belonging to the Defendant, Brooks Cooper, be, and the same is hereby, condemned for the use of the Petitioner as a way of ingress or egress to and from property belonging to the Petitioner as more fully set forth in the Petition heretofore filed in this cause, viz:

The East 15 feet of the Southeast Quarter of the Southeast Quarter of Section 20, Township 5 South, Range 4 East in Baldwin County, Alabama.

2. That the following described real property belonging to the Defendant, W. B. Cooper, be, and the same is hereby, condemned for the use of the Petitioner as a way of ingress or egress to and from property belonging to the Petitioner as more fully set forth in the Petition heretofore filed in this case, viz:

The West 15 feet of the Southwest Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 4 East in Baldwin County, Alabama.

3. That the Defendants recover from the Petitioner the sum of \$400.00 as damages.

4. That the Petitioner be, and he is hereby, taxed with the cost of court, for which let execution issue.

Done this 27th day of September, 1965.

Isidor P. Marshall
Circuit Judge

JORDAN COOPER,
Petitioner,

vs.

W. B. COOPER AND
BROOKS COOPER,
Defendants.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

JUDGMENT OF CONDEMNATION
ON VERDICT

* * * * *

CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. Box 120
BAY MINETTE, ALABAMA