

STATE OF ALABAMA.

PETITIONER.

VS.

SAMUEL C. YOUNG,  
et al.,

SAMUEL C. YOUNG,  
et al.,

et al.,

## RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
CASE NO. 7009

BALDWIN COUNTY, ALABAMA

CASE NO. 7009

## STIPULATION

It is hereby stipulated by and between the Petitioner (appellant), and Samuel C. Young, 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 2nd day of March, 1966, 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 26th day of May, 1966, 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.

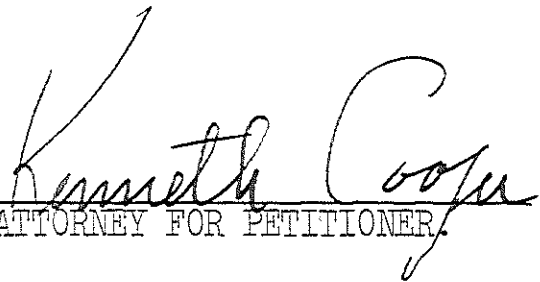
4. That the respondents herein is the only parties known to either petitioner or respondents who have or assert any right, title or interest in or to the lands or interest therein sought to be acquired.

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 in this proceeding is the damages and compensation, if any, to which the respondents are entitled.

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 2nd day of March, 1966, 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 28th day of April, 1966.

  
ATTORNEY FOR PETITIONER.

  
ATTORNEY FOR RESPONDENTS.

Filed 9-12-66  
Aimee French  
Clerk

We, the jury assess the  
damages for Mrs. Young at  
\$ 7,000<sup>00</sup>

John B. Robinson  
Foreman

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
	*	
PETITIONER,	)	BALDWIN COUNTY, ALABAMA
	*	
VS.	)	CASE NO. 7009
	*	
SAMUEL C. YOUNG,	)	
et al.,	*	
	)	
RESPONDENTS.	*	

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 12<sup>th</sup> day of September, 1966, 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 2<sup>nd</sup> day of March, 1966, 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 26<sup>th</sup> day of May, 1966, 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, John B. Robinson 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 damages for Mrs. Young at \$7,000.00."

John B. Robinson  
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 of the sum aforesaid; it is, therefore

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

1. That the application of the State of Alabama for the condemnation of the lands, rights and construction, hereinafter described be, and the same are hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part thereof as though fully set forth herein, be, and the same is hereby condemned for the use by the State of Alabama as a right of way for a public road 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 sum hereinafter ordered and decreed to be paid.

2. That the damages and compensation to which the Defendant landowners in this case, Gertrude Young, et al., are entitled is hereby fixed at the sum of \$7,000.00, 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 12th day of September, 1966.

John G. Maslowe  
Circuit Judge

FILED

SEP 12 1966

ALICE L. BELL CLERK

## EXHIBIT "A"

The following described property, lying and being in Baldwin County, Alabama, and more particularly described as follows:

and as shown on the right of way map of Project No. S-635(3) as recorded in the office of the Judge of Probate of Baldwin County.

### PARCEL 001

Beginning at Station 428 + 93.8 of Project No. S-635(3), the south property line; thence south 89° 55' west along said south property line a distance 171.9 feet to the easterly right of way line of U. S. 98; thence north 10° 33' 57" east along said easterly right of way line a distance of 210.0 feet to the north property line; thence easterly along said north property line a distance of 289.4 feet to a point; thence south 21° 06' 33" east, parallel with and 220 feet distant in a easterly direction from the centerline of said project, a distance of 196.2 feet to a point which is 220 feet easterly of and at right angles to Station 428 + 34.2; thence south 55° 36' east a distance of 41.2 feet to the south property line; thence south 89° 55' west a distance of 260.7 feet to the point of beginning.

Said parcel of land lying in Lot 3 of the D'Olive Estate Division of a portion of Grant Section 7, Township 5 South, Range 2 East and containing 1.66 acres, more or less.

### PARCEL 002

Commencing at Station 433 + 68 of Project S-635(3), the west right of way line of U. S. 98; thence south 10° 33' 57" west a distance of 28.2 feet to the north property line and the point of beginning; thence westerly along said north property line a distance of 91.0 feet to a point; thence south 21° 06' 33" east, parallel with and 100 feet distant from the centerline of said project in a westerly direction, a distance of 170.2 feet to the west right of way line of U. S. 98; thence north 10° 33' 57" east along said right of way line a distance of 162.2 feet to the point of beginning.

Said parcel of land lying in Lot 3 of the D'Olive Division of a portion of Grant Section 7, Township 5 South, Range 2 East, and containing 0.17 acres, more or less.

THE STATE OF ALABAMA  
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the \_\_\_\_\_  
12th day of September, 1966 ~~Monday~~, 1966, in a cer-  
tain cause in said Court wherein State of Alabama  
Plaintiff, and Samuel C. Young, et al  
Defendant, a judgement was rendered against said  
State of Alabama,  
to reverse which Judgment, the said State of Alabama,  
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 \_\_\_\_\_, 1967 next, and the necessary bond  
having been given by the said Kenneth Cooper, Attorney for the Plaintiff,  
~~with~~ \_\_\_\_\_, ~~sheriff~~

Now, You Are Hereby Commanded, without delay, to cite the said Samuel C. Young, et al

\_\_\_\_\_ or E.G. Rickarby  
\_\_\_\_\_, 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 13th  
day of February, A. D., 1967.

Attest:

Alice J. Duck, Clerk.



Given 13 day of Feb. 1967  
on 16 day of Feb. 1967  
I have a copy of the within Citation  
E. G. Rickarby

service on Aboue  
F. Hope  
TAYLOR WILKINS, Sheriff  
By Roy Randall D. S.

Sheriff claims 70 miles at  
Ten Cents per mile Total \$ 7.00  
TAYLOR WILKINS, Sheriff  
BY Roy Randall  
DEPUTY SHERIFF

CASE NO. 7009

**CIRCUIT COURT**  
**Baldwin County, Alabama**

STATE OF ALABAMA

Vs. } Citation in Appeal

SAMUEL C. YOUNG, et al

Issued 13th day of February 1967

Serve: E.G. Rickarby  
Fairhope, Alabama

DIV. NO. \_\_\_\_\_

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 7009

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 State of Alabama

was plaintiff, and Samuel C. Young, et al.

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

And I further certify that the said State of Alabama did on the 13th day of February, 1967, 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, Attorney for Petitioner, as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of Baldwin County is hereto affixed, this the 13th day of February, 1967

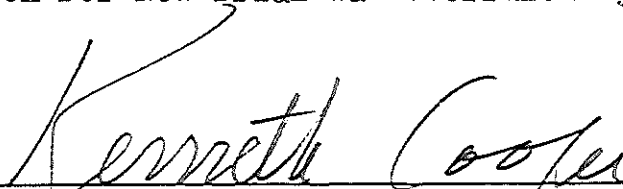
Alice J. Duck  
Clerk of the Circuit Court of  
Baldwin County, Alabama.

(Code 1940, Title 7, Sec. 767)


STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
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PETITIONER,	)	BALDWIN COUNTY, ALABAMA
	*	
VS	)	AT LAW
	*	
SAMUEL C. YOUNG, et al,	)	CASE NO. 7009
	*	
DEFENDANTS.	)	

NOTICE OF APPEAL

Comes now Petitioner (Condemnor) in above styled cause, and appeals to the Supreme Court of Alabama from the final judgment rendered in this cause in and by the Circuit Court of Baldwin County, Alabama, Law Side, on, to-wit, 12 September, 1966, and in which cause your Petitioner's Motion For New Trial was overruled by judgment of this court.

  
 SPECIAL ASSISTANT ATTORNEY GENERAL  
 STATE OF ALABAMA, ATTORNEY FOR PETITIONER

I, the undersigned, do hereby acknowledge myself as security for costs of the appeal taken by Petitioner in this cause.

  
 ATTORNEY FOR PETITIONER

FILED

FEB 13 1967

DEPT. OF REVENUE  
 ALBANY, N.Y.