

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
	*	
PETITIONER,)	BALDWIN COUNTY, ALABAMA
	*	
VS.)	CASE NO. 7011
	*	
ROY E. WHITE,)	
et al.,	*	
)	
RESPONDENTS.	*	

STIPULATION

It is hereby stipulated by and between the Petitioner (appellant), and Roy E. White, 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

710-7011

State of Alabama
vs
Roy E. White et al.


We the Jury find for the
Respondents & fix their
damages at \$ 400.00


Walter P. Whelan
Foreman

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 9-13-66
Craig J. Duck
Clerk

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FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 13th 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 2nd 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 26th 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, Walter P. Wrenn 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, find for the Respondents and fix their damages at \$400.00."

Walter P. Wrenn
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, Roy E. White, et al., are entitled is hereby fixed at the sum of \$400.00, 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 13th day of September, 1966.

E X H I B I T "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(2) as recorded in the office of the Judge of Probate of Baldwin County.

Beginning at the southeast corner which is 80.2 feet westerly of and at right angles to Station 303 + 59 of Project No. S-635(2); thence westerly along the south property line of said property a distance of 29.8 feet more or less, to a point; thence north $00^{\circ} 44' 33''$ west a distance of 300 feet, more or less, to a point on the north property line of said property; thence easterly along the north property line a distance of 33.3 feet, more or less, to the northeast corner of said property; thence southerly along the east property line a distance of 300 feet, more or less to the point of beginning.

Said parcel of land lying in the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 2 East and containing 0.22 acres, more or less.

Roy E. White

JURY LIST - SEPTEMBER 12, 1966

- ~~1. McCants, Joe, Brookley Field, Fairhope~~
- ~~2. Nelson, William J., Produce Man, Fairhope~~
- ~~3. Northcutt, Murrell, Farmer, Rosinton~~
- ~~4. Pilgrim, H.E., Farmer, Elberta~~
- ~~5. Jones, Allen, Retired, Daphne~~
- ~~6. Kichler, Steve, Poultry Dealer, Elberta~~
- ~~7. Kinsey, Daniel, Insurance, Foley~~
- ~~8. Klein, Raymond, Farmer, Fairhope~~
- ~~9. Kosteletzky, Jerry, Farmer, Silverhill~~
- ~~10. Krieger, Andrew J., Jr., Farmer, Lillian~~
- ~~11. Pittman, Hubert, Public Works, Robertsdale~~
- ~~12. Ray, Harry, Farmer, Robertsdale~~
- ~~13. Resmondo, Noah, Farmer, Summerdale~~
- ~~14. Robinson, John B., Mfg., Foley~~
- ~~15. Roley, Charlie N., Farmer, Perdido~~
- ~~16. Schaff, George, Farmer, Elberta~~
- ~~17. Sibley, Robert, Civil Service, Stapleton~~
- ~~18. Singleton, Homer C., Salesman, Foley~~
- ~~19. Sopr, Joseph, Farmer, Silverhill~~
- ~~20. Stapleton, Albert L., Clerk, Bay Minette~~
- ~~21. Teamer, Richard, Banker, Fairhope~~
- ~~22. Thieme, W.H., Foreman, Foley~~
- ~~23. Jones, Willie Lewis, Mill Worker, Stockton~~
- ~~24. Wallace, Jimmy R., Feed Mill, Robertsdale~~
- ~~25. Wrenn, Walter P., Fleet, Bay Minette~~
- ~~26. Weeks, Stanley, Farmer, Magnolia Springs~~
- ~~27. Hare, William E., Farmer, Gateswood~~
- ~~28. Head, Hannis, Civil Service, Stapleton~~
- ~~29. Gottler, John P., Postmaster, Elberta~~
- ~~30. Conway, Chas., Brookley Field, Bay Minette~~
- ~~31. Bodenhamer, O.L., Contractor, Foley~~
- ~~32. Boone, Clayton Woodward, Farmer, Little River~~
- ~~33. Sanca, James A., Farmer, Robertsdale~~
- ~~34. Gilhart, Leo, Farmer, Fairhope~~
- ~~35. Garisco, Anthony, Farmer, Daphne~~
- ~~36. Hairston, Robert R., Salesman, Elberta~~
- ~~37. Dickenson, Sidney, Farmer, Summerdale~~
- ~~38. Duck, Robert S., Nursery Mgr., Loxley~~
- ~~39. Faircloth, Grady, Merchant, Magnolia Springs~~
- ~~40. Gates, Carl B., Farmer, Robertsdale~~
- ~~41. Lipscomb, Ira, Farmer, Magnolia Springs~~

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