

STATE OF ALABAMA,
PETITIONER,

VS.

JANET N. LEMON and
BALDWIN COUNTY, ALA.
A POLITICAL SUBD. OF
THE STATE OF ALA.,

RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. 7012

AMENDMENT TO AMENDED COMPLAINT

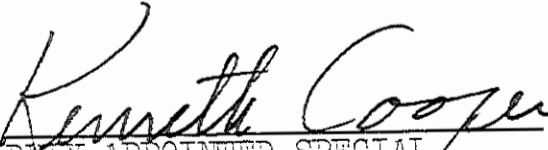
Comes now your Petitioner, State of Alabama, by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, and amends its petition heretofore filed in this cause, as follows, to-wit:

Delete Amended Exhibit "A" heretofore filed in this cause, and substitute the attached SECOND AMENDED EXHIBIT "A". In all other respects the said original Application For Condemnation remains unchanged.


DULY APPOINTED SPECIAL
ASSISTANT ATTORNEY GENERAL

I hereby certify that I have served a copy of the foregoing Amendment To Amended Complaint upon Hon. Hubert P. Robertson, Attorney At Law, Room 736, First National Bank Building, Mobile, Alabama, by depositing a copy of same in United States mail, postage prepaid, at Bay Minette, Alabama, on this 19 day of September, 1966.

FILED
DEC 7 1966
ALICE L. NICK, CLERK
REGISTER


DULY APPOINTED SPECIAL
ASSISTANT ATTORNEY GENERAL

SECOND AMENDED EXHIBIT "A"

The following described property, lying and being in Baldwin County, Alabama, and more particularly described 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, to-wit:

Beginning at Station 295 + 54 of Project No. S-635(2), the south property line and the point of beginning of the parcel of land hereinafter described; thence westerly along the south property line which is also the existing north right of way line of a dirt road a distance of 89.7 feet more or less to a point. Thence northerly along the west property line a distance of 1125.9 feet more or less to a point. Thence south $89^{\circ} 51'$ west a distance of 33.6 feet. Thence north $0^{\circ} 44' 33''$ west a distance of 687.8 feet more or less to a point on the north property line. Thence easterly along the north property line a distance of 230.2 feet to a point. Thence south $00^{\circ} 44' 33''$ east a distance of 159.30 feet to a point which is 120 feet easterly of and at right angles to the centerline Station 312 + 00. Thence south $89^{\circ} 15' 27''$ west a distance of 10 feet to a point which is 110 feet easterly of and at right angles to the centerline Station 312 + 00. Thence south $0^{\circ} 44' 33''$ east a distance of 1597.2 feet to a point which is 110 feet easterly of and at right angles to the centerline Station 296 + 06.6. Thence south $45^{\circ} 26'$ east a distance of 71.10 feet more or less to a point on the south property line of said property. Thence westerly along the south property line which is also the north right of way line of a dirt road a distance of 160 feet to the point of beginning.

Said parcel of land lying in the Southwest Quarter and the Northwest Quarter of Section 20, Township 5, South, Range 2 East and containing 8.52 acres more or less.

STATE OF ALABAMA,
PETITIONER,
VS.
JANET N. LEMON and
BALDWIN COUNTY, ALA.
A POLITICAL SUBD. OF
THE STATE OF ALA.,
RESPONDENTS.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 7012

STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and Janet N. Lemon, 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 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 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, March 2, 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, April 28, 1966.

Kenneth Cooper
ATTORNEY FOR PETITIONER
J. B. Blashum
Robert P. Robertson
ATTORNEYS FOR RESPONDENTS

Filed 12-7-66
Wicefuerer
Seck

STATE OF ALABAMA

VS:

Janet N. Lemow &
Baldwin County

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 7012

We, the Jury, find for the landowners and assess the damages and
compensation at \$ 4,250.00.

Donald H. Henthorn
Foreman.

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
PETITIONER,)	BALDWIN COUNTY, ALABAMA
VS.)	CASE NO. <u>7012</u>
JANET N. LEMON and)	
BALDWIN COUNTY, ALA.)	
A POLITICAL SUBD. OF)	
THE STATE OF ALA.,)	
RESPONDENTS.)	

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 7th day of December, 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 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,

Donald Grantham and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowner is entitled having been submitted to them did return a verdict in words and figures as follows:

"We, the Jury, find for the landowner and assess the damages and compensation at \$4,250.00."

Donald Grantham
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 landowner 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 landowner 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 landowner in this case, Janet N. Lemon, is entitled is hereby fixed at the sum of \$4,250.00, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowner; and that upon payment of said amount by the State of Alabama to said landowner 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 7th day of December, 1966.

Jessie P. Madibueri
CIRCUIT JUDGE

FILED

DEC 21 1966

CLERK
REGISTER

E X H I B I T "A"

The following described property, lying and being in Baldwin County, Alabama, and more particularly described 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, Alabama, to-wit:

Beginning at Station 295 + 54 of Project No. S-635(2), the south property line and the point of beginning of the parcel of land hereinafter described; thence westerly along the south property line which is also the existing north right of way line of a dirt road a distance of 89.7 feet more or less to a point. Thence northerly along the west property line a distance of 1125.9 feet more or less to a point. Thence south $89^{\circ} 51'$ west a distance of 33.6 feet. Thence north $0^{\circ} 44' 33''$ west a distance of 687.8 feet more or less to a point on the north property line. Thence easterly along the north property line a distance of 230.2 feet to a point. Thence south $00^{\circ} 44' 33''$ east a distance of 159.30 feet to a point which is 120 feet easterly of and at right angles to the centerline Station 312 + 00. Thence south $89^{\circ} 15' 27''$ west a distance of 10 feet to a point which is 110 feet easterly of and at right angles to the centerline Station 312 + 00. Thence south $0^{\circ} 44' 33''$ east a distance of 1597.2 feet to a point which is 110 feet easterly of and at right angles to the centerline Station 296 + 06.6. Thence south $45^{\circ} 26'$ east a distance of 71.10 feet more or less to a point on the south property line of said property. Thence westerly along the south property line which is also the north right of way line of a dirt road a distance of 160 feet to the point of beginning.

Said parcel of land lying in the Southwest Quarter and the Northwest Quarter of Section 20, Township 5 South, Range 2 East and containing 8.52 acres more or less.

No. 5637

In the matter of

State of Ala. vs. Janet N. Lemon et al -

Administrator, Executor, or Guardian. Residence _____

Attorneys H. Cooper

Docket _____

Page _____

Fee Book _____

Page _____

DATE	FEES	AMOUNT	DATE	FEES	AMOUNT
	<p>WILL—Orders on Presentation, \$1.00 Affidavit in Petition for Probate, 25c Recording Petition, per 100 words, 15c Issuing Citation, entering Sheriff's Returns, 50c Appointing, Notifying Guardian ad Litem, 50c Issuing Subpoena for Witnesses, 50c Affidavit of Witnesses, 25c Examining Witnesses and Order Probating, \$2.00 Issuing Commission to take Deposition, 50c Filing Interrogatories, 10c Copy of same, per hundred words, 15c Recording Will, per hundred words, 15c Recording Testimony, per hundred words, 15c Certificate, without Seal, 25c Certificate, with Seal, 50c Presiding at Trial of Contested Will, per day, \$2.50</p> <p>LETTERS—Affidavit in Petition, 25c Recording Petition, per hundred words, 15c Granting Letters of Administration, 50c Issuing and Recording same, 50c Granting Letters of Guardianship, 75c Issuing, Filing, and Recording same, 50c Taking App., Filing, Rec. Adm. Bond, \$1.00 Taking App., Filing, Rec. Guard. Bond, \$1.00 Affidavit of Justification, 50c Granting Order of Appraisement, 50c Issuing Order of Appraisement, 25c Recording same, per hundred words, 15c Certified Copy Letters.</p> <p>26.66 <i>Rec'd Noting appeal 150</i></p> <p>HOMESTEAD—Rec. Petition for Com., 100 words, 15c Rec. Order for Applicant, per 100 words, 15c Recording Order for Com., per 100 words 15c Notice to Commissioners, 50c Recording Report of Com., per 100 words, 15c Rec. Order Setting Apart, per 100 words, 15c INVENTORY—Order to App. and Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c</p> <p>APPRAISEMENT—Order Approving Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Issuing Order of Appraisement, 25c Recording Warrant, per 100 words, 15c Order to Approve Appraisement, 50c Affidavit to Appraisement, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c</p> <p>SALE OF PERISHABLE PROPERTY—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Appointing, Notifying Guardian ad Litem, 50c Affidavit to Report, 25c Recording, per 100 words, 15c</p>			<p>BROUGHT FORWARD.</p> <p>SALE OF PERSONAL PROP.—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Order to Publish Notice of Sale, 50c Affidavit to Report, 25c Recording, per 100 words, 15c Appointing Com'r to Divide, and Writ, \$2.00 Appointing and Notifying Guardian ad Litem, 50c</p> <p>PARTIAL SETTLEMENT—Affi. in Account, 25c Examining, Stating Acc't, and App. Hearing, \$1.00 Order to Publish Notice of Sale, 50c Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Making Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c Filing Claims and Giving Receipt, 15c INSOLVENCY—Affidavit in Report, 25c Recording Report and State., per 100 words, 15c Order Appointing Day for Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Issuing Notice to Creditors, Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c Appointing, Notifying Guardian ad Litem, 25c</p> <p>SALE OF REAL ESTATE—Affi. in Petition, 25c Recording Petition, per 100 words, 15c Order App. Day of Hearing and Notice, \$1.00 Order to Publish Notice of same, 50c Issuing Citation, entering Sheriff's Return, 50c Appointing and Notifying Guardian ad Litem, 50c Issuing Commission to take Deposition, 50c Filing Interrogatories, per 100 words, 15c Copy of Interrogatories, per 100 words, 15c Appointing Com'r to Divide and Issue Writ, \$2.00 Affidavit in Report of same, 25c Order Approving Division and Report, \$1.00 Recording same, per 100 words, 15c Hearing Application for Dower, Issuing Writ, \$4.00 Exam. Testimony and Granting Order to Sell, \$2.00 Recording Depositions, per 100 words, 15c Recording Relinquishment of Dower, 100 wds., 15c Recording Report, per 100 words, 15c Rec. Payment Purchase Money, per 100 wds., 15c Making Order on Report Sale of Land, 75c</p> <p>FINAL SETTLEMENT—Affidavit in Acc't, 25c Examining, Stating, and Reporting Account, \$1.00 Order to Publish Notice of same, 50c Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Recording same, per 100 words, 15c Decrees in Final Settlement, 50c</p> <p><i>Jaylen Wilkins</i> <u>840</u></p> <p><u>\$990</u></p>	
	CARRIED FORWARD:				

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[illegible]

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JURY LIST- Dec. 5, 1966

1. Allen, Norman W., Farmer, Gateswood, 55
2. Andress, Robert E., Farmer, Foley
3. Bodiford, Charlie, Laborer, Foley
4. Boros, Anthony J., Farmer, Elberta
5. Cabiness, Marvin, Laborer, Bay Minette 54
6. Cane, P. Gray, Oil Distributor, Bay Minette 54
7. Childress, Guy, Farmer, Robertsedale
8. Clark, Percy, Mill Worker, Stockton 54
9. Clay, Harris, Mechanic, Fairhope 54
10. Colgin, Ned, Farmer, Summerdale 54
11. Cooper, Grady, Farmer, Dadeville
12. Cooper, Nolan E., Merchant, Rosinston
13. DuBose, James W., Gov't Emp., Gulf Shores
14. Delave, Paul, Farmer, Mag. Spgs.
15. Gamble, L. Jack, Salesman, Bay Minette 54
16. Gipeon, Leon Fisher, Mechanic, Bay Minette 54
17. Graham, James R., Laborer, Bay Minette 54
18. Grantham, Donald R., Farmer, Mag. Spgs.
19. Gwaltney, William H., Clerk, Robertsedale
20. Haden, James T., Salesman, Robertsedale
21. Hoiles, Thomas E., Gulf Gas Agent, Robertsedale 54
22. Jenkins, Marvin E., Civil Service, Stapleton 54
23. Jones, George, Business Operator, Daphne 54
24. Kane, James, Farmer, Loxley 54
25. Kriss, Frank, Farmer, Silverhill 54
26. Lamer, Reuben, Laborer, Foley 54
27. Langer, Stanley, Machinist, Robertsedale
28. Lazzari, Joe, Jr., Farmer, Belforest 54
29. Lazzari, John, Farmer, Belforest 54
30. McJowan, Edmund C., Farmer, Lecken 54
31. McKibbin, Emmett C., Woodhaven Dairy, Fairhope 54
32. Mosley, Rufus, Farmer, Stapleton 54
33. Nowaty, Milton E., Farmer, Robertsedale 54
34. Owen, J. D., Jr., Merchant, Bay Minette 54
35. Rhodes, Charles R., Farmer, Foley 54
36. Rhodes, Elbert M., Farmer, Summerdale 54
37. Riebon, Everett, Brookley, Bay Minette 54
38. Riebon, Ray, Paper Mill, Bay Minette 54
39. Robertson, Rust, Laborer, Robertsedale 54
40. Robinson, Odell, Contractor, Bay Minette 54
41. Sedlock, Fred J., Farmer, Robertsedale 54
42. Shappard, Lloyd, Farmer, Foley 54
43. Simon, Arthur, Farmer, Belforest 54
44. Smith, Columbus, Mill Worker, Stockton 54
45. Veal, Arthur, Attendant, Summerdale 54
46. Witsen, George, Airport Oper, Foley 54
47. Wilcox, James, Clerk, Bonney 54
48. Wilson, Frank E., Brookley Field, Daphne 54
49. Wielding, Darley, Sr., Carpenter & Bricklayer, Daphne 54
50. Mason, Jimmy, Salesman, Fairhope 54
51. Davidson, W. W., Carpenter Farmer, Bay Minette 54
52. Marino, Percy, Mobile Housing Board, Daphne 54
53. Neil, William, Farmer, Elberta 54
54. Bryars, Charles Henry, Jr., Farmer, Stockton 54

S XXXX XXXXX XXXXX XXX
D XXXX XXXXX XXXXX XXX

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1282
STATE OF ALABAMA,

PETITIONER,

VS.

JANET N. LEMON,

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 5637

and BALDWIN COUNTY, ALA., A
POLITICAL SUBD. OF THE STATE OF ALA.

RESPONDENTS.

APPLICATION FOR CONDEMNATION

TO THE HON HARRY M. D'OLIVE, JUDGE OF PROBATE, BALDWIN COUNTY, ALA.

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:

(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. S-635(2), Baldwin County, Alabama.

(3) That said public highway begins at a point within the city limits of Fairhope, Baldwin County, Alabama, and runs thence northwardly to Spanish Fort, Baldwin County, Alabama.

(4) The right of way over the property and lands hereinafter described as Parcel Number 0068, and as set out in the right of way map on Project No. S-635(2) 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 of land necessary for use by Petitioner as a right of way for such public highway and in which Petitioner seeks to condemn an easement or right of way is located wholly within Baldwin County, Ala., and is described in Exhibit "A" attached hereto.

BOOK 042 PAGE 577

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 (2) as recorded in the office of the Judge of Probate of Baldwin County.

Beginning at Station 295 + 54 of Project No. S-635 (2), the south property line and the point of beginning of the parcel of land hereinafter described; thence westerly along the south property line which is also the existing north right of way line of a dirt road a distance of 89.7 feet, more or less, to a point. Thence northerly along the west property line a distance of 1125.9 feet, more or less, to a point. Thence south $89^{\circ} 51'$ west a distance of 33.6 feet. Thence north $0^{\circ} 44' 33''$ west a distance of 687.8 feet, more or less, to a point on the north property line. Thence easterly along the north property line a distance of 230.2 feet to a point. Thence south $00^{\circ} 44' 33''$ west a distance of 159.30 feet to a point which is 120 feet easterly of and at right angles to the centerline Station 312 + 00. Thence north $89^{\circ} 15' 27''$ west a distance of 10 feet to a point which is 110 feet easterly of and at right angles to the centerline Station 312 + 00. Thence south $0^{\circ} 44' 33''$ east a distance of 1597.2 feet to a point which is 110 feet easterly of and at right angles to the centerline Station 296 + 06.6. Thence south $45^{\circ} 26'$ east a distance of 71.10 feet, more or less, to a point on the south property line of said property. Thence westerly along the south property line which is also the north right of way line of a dirt road a distance of 160 feet to the point of beginning.

Said parcel of land lying in the Southwest Quarter and the Northwest Quarter of Section 20, Township 5 South, Range 2 East, and containing 8.52 acres, more or less.

(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 No. S-635(2), 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 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.

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. S-635(2), over the lands as set out in Exhibit "A" of this 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: *Kenneth Cooper*
DULY APPOINTED SPECIAL ASSISTANT
ATTORNEY GENERAL FOR THE
STATE OF ALABAMA

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Helene S. Slaughter,
personally appeared Kenneth Cooper, Assistant Attorney General of the
State of Alabama, who is personally known to me, and who is 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 condemnation are
true and correct.

BOOK 042 PAGE 580

Kenneth Cooper
AFFIANT

Sworn and subscribed before me on this 1 day of March

1966.

Helene S. Slaughter
NOTARY PUBLIC, BALDWIN COUNTY, ALA.

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 1st day of April, 1966, at 10:00 A. M. o'clock.

IT IS FURTHER ORDERED that notice of the application for con-
demnation and of the date set for the hearing thereof be given to
respondents at least ten (10) days before the hearing of this appli-
cation.

Dated this 2nd day of March, 1966.

Harry D. Oliver
PROBATE JUDGE

BY: _____

STATE OF ALABAMA,
PETITIONER,
VS.
JANET N. LEMON,

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

and BALDWIN COUNTY, ALA., A POLI-
TICAL SUBD. OF THE STATE OF ALABAMA
RESPONDENTS.

BOOK
042
PAGE 581

TO: Janet N. Lemon,

and Baldwin County Board of Commissioners, John Hadley, Chairman,
Bay Minette, Alabama.

YOU WILL PLEASE TAKE NOTICE that an application was filed in
this Court by the State of Alabama, a copy of which said application
is attached hereto, alleging that it desires to have condemned an
easement or right of way for a public road across lands belonging to
above named respondents, which said lands are particularly described
in the said application;

And the application prays that a day be appointed for the
hearing thereof and for such further, other and different orders and
decrees as may be necessary and proper for the acquisition by the
Applicant of the easement or right of way over and across the above
mentioned property.

THIS IS TO NOTIFY YOU that the Probate Court of Baldwin County,
Alabama, has, and by an order this day made and entered, appointed
the 1st day of April, 1966, at 10:00 A M. o'clock, as the
day and time upon which said application will be heard, at which
time you may appear and contest the same, if you choose to do so.

Done this 2nd day of March, 1966.

Harry D. Davis
JUDGE OF PROBATE

BY: _____

Received 10 day of March 1966
and on 10 day of March 1966
I served a copy of the within Notice
on Baldwin County Commission

By service on John Hadley
Chairman
TAYLOR WILKINS, Sheriff
By W. A. Talbert D.C.

Received 10 day of March 1966
and on 21 day of March 1966
I served a copy of the within Notice
on Janet N. Lemon

By service on Janet N. Lemon
TAYLOR WILKINS, Sheriff
By J M Eastburn D.C.

Sheriff claims 110 miles per
Ten Cents per mile Total \$ 11.00
TAYLOR WILKINS, Sheriff
By J M Eastburn
DEPUTY SHERIFF

STATE OF ALABAMA,

PETITIONER,

VS.

JANET N. LEMON,

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

and BALDWIN COUNTY, ALA., A POLI-
TICAL SUBD. OF THE STATE OF ALABAMA,
RESPONDENTS.

BOOK 042 PAGE 586

REPORT OF THE COMMISSIONERS

TO THE HONORABLE HARRY M. D'OLIVE, JUDGE OF PROBATE, BALDWIN COUNTY, ALA.

Come the undersigned, Jack Davis,
Sidney Chandler, and A.C. Council Jr.,

the Commissioners duly appointed to assess the damages to Parcel No. 0068 of Project No. S-635(2), to which the owner and other parties interested in the parcel 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, 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 interested 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 Parcel of land and other parties interested therein are entitled to receive as damages and compensation for the condemnation of their property, the following amount:

Project No. S-635(2), Parcel No. 0068, \$ 8,500⁰⁰

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

BOOK 1072 PAGE 587

[Signature]
COMMISSIONER

A. C. Council, Jr.
COMMISSIONER

[Signature]
COMMISSIONER

Sworn to and subscribed before me
this 28th day of April, 1966.

[Signature]
JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,

PETITIONER,

VS.

JANET N. LEMON,

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

and BALDWIN COUNTY, ALA., A POLI-
TICAL SUBD. OF THE STATE OF ALABAMA,
RESPONDENTS.

FINAL ORDER OF CONDEMNATION

On the 28th day of April, 1966, came Jack
Sanu, Indray Chandu, and A.C. Council,
commissioners heretofore appointed by this Court to assess and ascer-
tain the damages and compensation to which the owners and other parties
interested in the tract of land set forth in the application for con-
demnation 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 Parcel Number 0068, Project No. S-635(2), in the
amount of \$ 8500⁰⁰.

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 heretofore
filed in this cause be and the same is hereby condemned for the pur-
poses 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 28th day of April, 1966.

Harry D. Lewis
JUDGE OF PROBATE

STATE OF ALABAMA,)	IN THE PROBATE COURT OF
PETITIONER,)	BALDWIN COUNTY, ALABAMA
VS.)	CASE NO. 5637
JANET N. LEMON, and)	
BALDWIN COUNTY, ALA.,)	
A POLITICAL SUBD. OF THE)	
STATE OF ALA.)	
RESPONDENTS.)	

NOTICE OF APPEAL

Comes now the State of Alabama, acting by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, State of Alabama, petitioner in above entitled cause, and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama, from the Final Order Of Condemnation entered in said cause on the 28th day of April, 1966, which said Condemnation was against Tract No. 0068 of State Highway Project S-635(2).

The State of Alabama does herewith file in the Probate Court of Baldwin County, Alabama, the Court rendering such Final Order of Condemnation, this its written Notice of Appeal.

Done this 26 day of May, 1966.

RICHMOND M. FLOWERS
Attorney General,
State of Alabama

BY: Kenneth Cooper
Duly Appointed Special
Assistant Attorney General
State of Alabama

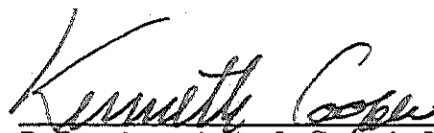
Appellant, State of Alabama, hereby demands a trial by jury in this cause.

STATE OF ALABAMA, BALDWIN COUNTY
Filed May 26, 1966

Recorded Harry R. O'Leary
Judge of Probate

Kenneth Cooper
Duly Appointed Special
Assistant Attorney General
State of Alabama

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



Duly Appointed Special
Assistant Attorney General
State of Alabama

TO: Janet N. Lemon, and Baldwin County, Alabama:

You are hereby notified that the above Notice Of Appeal was filed in this office of Judge of Probate, Baldwin County, Alabama, on the 26th day of May, 1966.

WITNESS my hand this 26th day of May, 1966.



Judge of Probate Court,
Baldwin County, Alabama

served 26 day of May 1966
and on 27 day of May 1966

I served a copy of the within Notice
on Baldwin County

By service on John Hadley
Chausnah
TAYLOR WILKINS, Sheriff
By W. U. Delbert

served 26 day of May 1966
and on 2 day of June 1966

I served a copy of the within Notice
on Janet N. Lemon (Daphne)

By service on Janet
TAYLOR WILKINS, Sheriff
By Ray Randall D. S.

Sheriff claims 54 miles at
Ten Cents per mile Total \$ 5.40
TAYLOR WILKINS, Sheriff
By Ray Randall
DEPUTY SHERIFF

STATE OF ALABAMA

Petitioner

VS.

JANET N. LEMON and
BALDWIN COUNTY, ALA.
A POLITICAL SUBD. OF THE
STATE OF ALA.

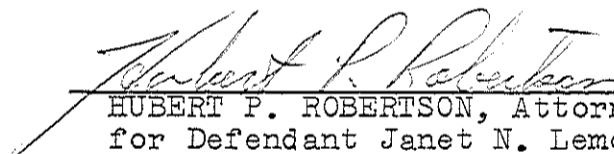
Respondents.

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
*
*
*
*
* Case No. 7012

ANSWER

Comes now JANET N. LEMON, by and through her attorney,
HUBERT P. ROBERTSON, and for answer to the application for condemnation
filed herein and files herewith the following: separate and several
pleas:

1. Defendant denies all the material allegations and
demands strict proof thereof.
2. Defendant avers that the lands sought to be condemned are
not necessary for the construction of the proposed highway.


HUBERT P. ROBERTSON, Attorney
for Defendant Janet N. Lemon

Defendant respectfully demand a trial by jury in this
cause.


HUBERT P. ROBERTSON, Attorney

FILED
JUL 14 1933
CLERK OF COURT
BALDWIN COUNTY, ALA.

STATE OF ALABAMA,

PETITIONER,

VS.

JANET N. LEMON,

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

and BALDWIN COUNTY, ALA., A POLI-
TICAL SUBD. OF THE STATE OF ALA.,
RESPONDENTS.

BOOK 042 PAGE 582

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the 1st
day of April, 1966, at 10:00A M. o'clock, as set forth in
the application of the State of Alabama to condemn the right of way or
easement on Parcel Number 0068, Project S-635(2), 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 hear-
ing 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 appli-
cation 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 Jack Davis
Sidney Chandler, A. C. Council, Jr.
who are resident citizens of Baldwin County, Alabama, possessing the
qualifications of jurors and who are disinterested in these proceed-
ings (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 days after their appointment the amount of damages and compen-
sation to which the owners and interested parties are entitled to
receive for the condemnation of said right of way.

BOOK 042 PAGE 583

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 15th day of April, 1966.

Harry D. Dine
JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,

PETITIONER,

VS.

JANET N. LEMON,

1282
IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

and BALDWIN COUNTY, ALABAMA, A POLI-
TICAL SUBD. OF THE STATE OF ALABAMA,
RESPONDENTS.

COMMISSIONS

TO:

Jack Gavin Sidney
Shawler, and A. C. Council, Jr.

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 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 damages 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 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.

BOOK 042 PAGE 585

Given under my hand and seal of office this 15th day of April ~~February~~, 1966.

Harry O'Neil
JUDGE OF PROBATE

BY: _____

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. JANET N. LEMON, _____

_____, 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 defendants as to us shall seem just and proper in the presence, so help us God.

Jack Galt
A. C. Council
Sidney Chandler

Sworn to and subscribed before me this 28 day of April 1966.

Harry O'Neil
JUDGE OF PROBATE

18
21
Day of April 66
Notice
Jack Gamm Spanish Fort
A.C. Council Jr. F. hope
By service on Same

TAYLOR WILKINS, Sheriff
By Roy Randall

18
21
Day of April 66
Notice
Sidney Chandler D'dale

By service on

TAYLOR WILKINS, Sheriff
By L. L. L. L.
R. H. L.

164
16.40
Total 5
TAYLOR WILKINS, Sheriff
By Roy Randall
DEPUTY SHERIFF

STATE OF ALABAMA,
Petitioner,

Vs.

JANET N. LEMON and
BALDWIN COUNTY, ALA.
A POLITICAL SUBD. OF
THE STATE OF ALA.,

Respondents.

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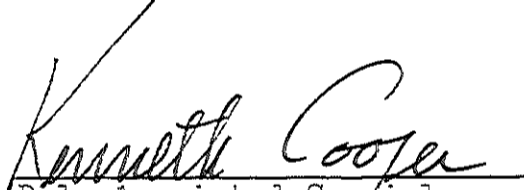
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. 7012

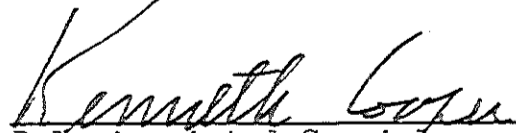
AMENDED COMPLAINT

Comes now your Petitioner, State of Alabama, by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, and amends its petition heretofore filed in this cause, as follows, to-wit:

Delete Exhibit "A" attached to the original Application For Condemnation, and substitute the attached " Amended Exhibit "A" ". In all other respects the said original Application For Condemnation remains unchanged.


Duly Appointed Special
Assistant Attorney General

I hereby certify that I have served a copy of the foregoing Amended Complaint upon Hon. Hubert P. Robertson, Attorney At Law, Room 736, First National Bank Building, Mobile, Alabama, by depositing a copy of same in United States mail, postage prepaid, at Bay Minette, Alabama, on this 8 day of September, 1966.


Duly Appointed Special
Assistant Attorney General

FILED

SEP 9 1966

ALL 1 1966

A M E N D E D
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 Station 295 + 54 of Project No. S-635(2), the south property line and the point of beginning of the parcel of land hereinafter described; Thence westerly along the south property line which is also the existing north right of way line of a dirt road a distance of 89.7 feet more or less to a point. Thence northerly along the west property line a distance of 1125.9 feet more or less to a point. Thence south $89^{\circ} 51'$ west a distance of 33.6 feet. Thence north $0^{\circ} 44' 33''$ west a distance of 687.8 feet more or less to a point on the north property line. Thence easterly along the north property line a distance of 230.2 feet to a point. Thence south $00^{\circ} 44' 33''$ west a distance of 159.30 feet to a point which is 120 feet easterly of and at right angles to the centerline Station 312 + 00. Thence north $89^{\circ} 15' 27''$ west a distance of 10 feet to a point which is 110 feet easterly of and at right angles to the centerline Station 312 + 00. Thence south $0^{\circ} 44' 33''$ east a distance of 1597.2 feet to a point which is 110 feet easterly of and at right angles to the centerline Station 296 + 06.6. Thence south $45^{\circ} 26'$ east a distance of 71.10 feet more or less to a point on the south property line of said property. Thence westerly along the south property line which is also the north right of way line of a dirt road a distance of 160 feet to the point of beginning.

Said parcel of land lying in the Southwest Quarter and the Northwest Quarter of Section 20, Township 5, South, Range 2 East and containing 8.52 acres more or less.