

No. 5656

In the matter of

State of Alabama vs. Willie E. Hulls

Administrator, Executor, or Guardian. Residence _____

Attorneys K Cooper

Docket _____

Page _____

Fee Book _____

Page _____

DATE

FEES

AMOUNT

DATE

FEES

AMOUNT

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

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

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

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

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

BROUGHT FORWARD,

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

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

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

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

CARRIED FORWARD:

2.00

6.13.66 Rec'd Notice of appeal 200

Daglar Wilkins

16.80

\$18.80

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

County

[illegible][illegible]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

Received 12 November 2003; revised 12 November 2003; accepted 12 November 2003. Published online 12 November 2003 in Wiley InterScience (www.interscience.wiley.com). DOI: 10.1002/ajb.10303

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

in payment of the above.

This....., 19.....

Shen, L. & V. Vogel. 2010. The evolution of the avian skull: a review of the avian skull and its evolution. *Journal of Molecular Evolution* 70: 101–116.

[illegible][illegible]

STATE OF ALABAMA,

PETITIONER,

VS.

WILLIE E. SELLERS, PURIFY
C. SELLERS, JAMES EDGAR MORENO,
ESTELLE S. MORENO,
and BALDWIN COUNTY, ALA., A POLI-
TICAL SUBD. OF THE STATE OF ALA.,

RESPONDENTS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

BOOK 043 PAGE 180

REPORT OF THE COMMISSIONERS

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

Come the undersigned,

Sidney Chandler
Carl Pennington, and *J. D. Hoffman*,

the Commissioners duly appointed to assess the damages to Parcel No. 0085 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. 0085, \$ 3875⁰⁰

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 043 PAGE 181

Lucy Chandler
COMMISSIONER

Earl L. Pennington
COMMISSIONER

Paul L. Hoffman
COMMISSIONER

Sworn to and subscribed before me
this 24th day of May, 1966.

Harry D. Olive
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. Willie I Sellers, et al

_____, 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.

BOOK 043 PAGE 182

Sidney Chandler
Earl D. Pennington
James I. Huffman

Sworn to and subscribed before me this 2nd day of May 1966.

Harry D. Oline
JUDGE OF PROBATE

STATE OF ALABAMA,

PETITIONER,

VS.

WILLIE E. SELLERS, PURIFY
C. SELLERS, JAMES EDGAR MORENO,
ESTELLE S. MORENO,
and BALDWIN COUNTY, ALA., A POLI-
TICAL SUBD. OF THE STATE OF ALA.,

RESPONDENTS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. _____

BOOK 043 PAGE 183

FINAL ORDER OF CONDEMNATION

On the 24th day of May, 1966, came Induey
Chandler, Earl Pennington and Jno. S. Huffman
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 0085, Project No. S-635(2), in the
amount of \$ 3875⁰⁰.

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 24th day of May, 1966.

Harry D. Davis
JUDGE OF PROBATE

STATE OF ALABAMA,

PETITIONER,

VS.

WILLIE E. SELLERS, PURIFY
C. SELLERS, JAMES EDGAR MORENO,
ESTELLE S. MORENO,
and BALDWIN COUNTY, ALA., A POLI-
TICAL SUBD. OF THE STATE OF ALA.,
RESPONDENTS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

STATE OF ALABAMA, BALDWIN COUNTY
Filed March 28 1966
Recorded Harry M. Olive book _____ page _____
Judge of Probate H. M. Olive

BOOK 043 PAGE 171

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 0085, 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.

FILED

148

JUL 18 1966
ALICE J. DUCK, 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(2) as recorded in the office of the Judge of Probate of Baldwin County.

Beginning at Station 344 + 95 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 a distance of 127.9 feet, more or less, to a point; thence northwesterly parallel with and 110 feet distant from the centerline of said project along the arc of a curve to the left having a radius of 3164.06 feet a distance of 141.2 feet, more or less, to a point on the west property line of said property; thence northerly along the west property line a distance of 376.2 feet, more or less, to a point which is 110 feet easterly of and at right angles to the centerline Station 350 + 15.9 of said project; thence south $36^{\circ} 19' 48''$ east a distance of 191 feet, more or less, to a point which is 110 feet easterly of and at right angles to the centerline P. T. Station 348 + 24.92 of said project; thence southeasterly parallel with and 110 feet distant from the centerline of said project along the arc of a curve having a radius of 3384.06 feet a distance of 405.2 feet, more or less, to a point on the south property line of said property; thence westerly along the south property line a distance of 127.2 feet, more or less, to the point of beginning.

Said parcel of land lying in the Northwest Quarter of the Southwest Quarter of Section 17, Township 5 South, Range 2 East and containing 1.87 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, G. Mac Humphries,
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.

Kenneth Cooper
AFFIANT

BOOK 043
PAGE 174

Sworn and subscribed before me on this 23rd day of March
1966.

[Signature]
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 29th 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 29th day of March, 1966.

[Signature]
PROBATE JUDGE

BY: _____

STATE OF ALABAMA,
PETITIONER,

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

VS.

WILLIE E. SELLERS, PURIFY
C. SELLERS, JAMES EDGAR MORENO,
ESTELLE S. MORENO,
and BALDWIN COUNTY, ALA., A POLI-
TICAL SUBD. OF THE STATE OF ALA.,
RESPONDENTS.

BOOK 043 PAGE 175

TO: WILLIE E. SELLERS, ALABAMA; PURIFY C. SELLERS,
ALABAMA; BALDWIN COUNTY BOARD OF COMMISSIONERS, JOHN HADLEY,
CHAIRMAN, BAY MINETTE, ALABAMA, JAMES EDGAR MORENO,
ALABAMA; ESTELLE S. MORENO, 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 29th 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 29th day of March, 1966.

Harry D. Blum
JUDGE OF PROBATE

BY: _____

Received 1 day of April 1966
and on 4 day of April 1966
I served a copy of the within Notice
on Baldwin County Comm.

By service on John Hadley, Chairman

TAYLOR WILKINS, Sheriff

By W.A. Selbert D.S.

Received 1 day of April 1966
and on 5 day of April 1966

I served a copy of the within Notice
on Willie B. Sellers, Purify C. Sellers, James Edgar Morris, Estelle S. Morris

TAYLOR WILKINS, Sheriff

By Roy Randall D.S.

Daphne

Returned 7 day of April 1966
Not found in my county after diligent search and in-
quiry. Go to Willie B. Sellers & Purify C. Sellers, Taylor Wilkins, Sheriff
By Roy Randall
Deputy Sheriff

RAY D. BRIDGES, Sheriff
By Th. Leana D.S.

Received 11 day of April 1966
I served a copy of the within Notice
on Willie B. Sellers and Purify C. Sellers

REC'D. SHERIFF DEPT.
MOBILE COUNTY, ALA.
APR 11 10 45 AM '66
BY

STATE OF ALABAMA,

PETITIONER,

VS.

WILLIE E. SELLERS, PURIFY
C. SELLERS, JAMES EDGAR MORENO,
ESTELLE S. MORENO,
and BALDWIN COUNTY, ALA., A POLI-
TICAL SUBD. OF THE STATE OF ALA.,

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. 5696

BOOK 043 PAGE 176

RESPONDENTS.

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the 29th
day of April, 1966, at 10:00 A. 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 0085, 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 Sidney Chandler
Carl Pennington, Jno. S. Huffman
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.

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 9th day of May 1966.

Harry D. Oliver
JUDGE OF PROBATE

BY: _____

BOOK 043 PAGE 177

STATE OF ALABAMA,
 PETITIONER,

IN THE PROBATE COURT OF
 BALDWIN COUNTY, ALABAMA

VS.

CASE NO. _____

WILLIE E. SELLERS, PURIFY
 C. SELLERS, JAMES EDGAR MORENO,
 ESTELLE S. MORENO,
 and BALDWIN COUNTY, ALA., A POLI-
 TICAL SUBD. OF THE STATE OF ALA.,

RESPONDENTS.

COMMISSIONERS

TO: Sidney Chandler, Carl
Pennington, and Geo. S. Huffman

BOOK 043 PAGE 178

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.

Given under my hand and seal of office this 9th day of May 1966.

Harry D'Olive
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. _____

_____, 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.

Sworn to and subscribed before me
this _____ day of _____ 1966.

JUDGE OF PROBATE

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.

COMMISSIONER

COMMISSIONER

COMMISSIONER

Sworn to and subscribed before me
this 24th day of May, 1966.

JUDGE OF PROBATE

BY: _____

Received 11 day of May 1966
at 12 day of May 1966

A copy of the within Notice
to Sidney Chandler,
Earl Pennington

Service on

TAYLOR WILKINS, Sheriff

By Mark L. Dickey

Wm R. Hales

ed 11 day of May 1966
by 19 day of May 1966

A copy of the within Notice
to John J. Huffman

service on Lane

TAYLOR WILKINS, Sheriff

By Roy Randall D. S.

Le'lyse

Sheriff claims 170 miles at

Ten Cents per mile Total \$ 17.00

TAYLOR WILKINS, Sheriff

By Roy Randall

DEPUTY SHERIFF

Carlisle Children

STATE OF ALABAMA,	*	IN THE PROBATE COURT OF
Petitioner,	*	
Vs.	*	BALDWIN COUNTY, ALABAMA
WILLIE E. SELLERS, PURIFY	*	
C. SELLERS, JAMES EDGAR	*	
MORENO, ESTELLE S. MORENO,	*	
and BALDWIN COUNTY, ALA.,	*	
a political Subd. of the	*	
State of Ala.,	*	
Defendants.	*	CASE NO. _____

APPEARANCES OF WILLIE E.
SELLERS AND PURIFY C. SELLERS

Come Willie E. Sellers and Purify C. Sellers, two of the Defendants in the above styled cause, by and through their attorneys, Hamilton, Denniston, Butler & Riddick, and file this their appearance therein, and respectfully request the Court in the event the application heretofore filed by the Petitioner in the above styled cause is granted, and Commissioners are appointed, that a day may be fixed, pursuant to Section 13 of Title 19 of the Code of Alabama, at which said Commissions will receive all such legal evidence as may be offered by these Defendants touching the amount of damages these Defendants will sustain and the amount of compensation they are entitled to receive if the condemnation sought by Petitioner is granted.

HAMILTON, DENNISTON, BUTLER & RIDDICK

BY: Charles D. Butler
Attorneys for Defendants
Willie E. Sellers and Purify
C. Sellers

Address: Third Floor, American
National Bank Building
P. O. Box 1671
Mobile, Alabama

STATE OF ALABAMA, BALDWIN COUNTY
Filed May 3rd 1966 M
Recorded 1 book 164 page 164
Harrie W. McNease
Judge of Probate

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW

AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1671

MOBILE, ALABAMA

36601

June 9, 1966

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
JOHN W. MOBLEY
OLIVER J. LATOUR, JR.
FERRILL D. MURRAE
JAMES W. TARTON, III

PETER HAMILTON (1838-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

Hon. Harry D'Olive
Judge of Probate
County Courthouse
Bay Minette, Alabama

Re: State of Alabama vs.
Willie E. Sellers, et als
Parcel No. 0085, Project S-635(2)

Dear Judge D'Olive:

We are enclosing herewith in duplicate Notice of Appeal filed by us on behalf of Willie E. Sellers, Purify C. Sellers, James Edgar Moreno and Estelle S. Moreno, Respondents in the above entitled cause. Will you kindly have a copy of the Notice served upon Mr. Kenneth Cooper, attorney for the petitioner, State of Alabama.

Thank you for your cooperation.

Very truly yours,



For the Firm

CRB:ep
#16,577
Enc.

STATE OF ALABAMA,	*	IN THE PROBATE COURT OF
Petitioner,	*	
Vs.	*	BALDWIN COUNTY, ALABAMA
WILLIE E. SELLERS,	*	
PURIFY C. SELLERS,	*	
JAMES EDGAR MORENO,	*	CASE NO. _____
ESTELLE S. MORENO and	*	
BALDWIN COUNTY, ALA., a	*	
Political Subd. of the	*	
State of Ala.,	*	
Respondents.	*	

NOTICE OF APPEAL

Comes now WILLIE E. SELLERS, PURIFY C. SELLERS, JAMES EDGAR MORENO and ESTELLE S. MORENO, Respondents in the above entitled cause, and pray for and take an appeal to the Circuit Court of Baldwin County, Alabama, from the Final Order of Condemnation entered in said cause on the 24th day of May, 1966, which said Condemnation was against Tract No. 0085 of State Highway Project S-635(2).

The said Willie E. Sellers, Purify C. Sellers, James Edgar Moreno and Estelle S. Moreno do herewith file in the Probate Court of Baldwin County, Alabama, the Court rendering such Final Order of Condemnation, this their written Notice of Appeal.

Done this 9th day of June, 1966.

HAMILTON, DENNISTON, BUTLER & RIDDICK

BY: Charles D. Butler
Attorneys for Appellants

Appellants, Willie E. Sellers, Purify C. Sellers, James Edgar Moreno and Estelle S. Moreno, hereby demand a trial by jury in this cause.

HAMILTON, DENNISTON, BUTLER & RIDDICK

BY: Charles D. Butler
Attorneys for Appellants

STATE OF ALABAMA, BALDWIN COUNTY
Filed June 10, 1966
Recorded Harry McOleary
book _____ page _____
Judge of Probate 217

1290

STATE OF ALABAMA,	*	IN THE PROBATE COURT OF
Petitioner,	*	
Vs.	*	BALDWIN COUNTY, ALABAMA
WILLIE E. SELLERS,	*	
PURIFY C. SELLERS,	*	
JAMES EDGAR MORENO,	*	CASE NO. _____
ESTELLE S. MORENO and	*	
BALDWIN COUNTY, ALA., a	*	
Political Subd. of the	*	
State of Ala.,	*	
Respondents.	*	

NOTICE OF CROSS-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 a Cross-Appeal to the Circuit Court of Baldwin County, Alabama from the Final Order Of Condemnation entered in this cause on the 24th day of May, 1966, which said Condemnation was against Tract No. 0085 of State Highway Project No. S-635(2).

The said 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 Cross-Appeal, to the Circuit Court of Baldwin County, Alabama.

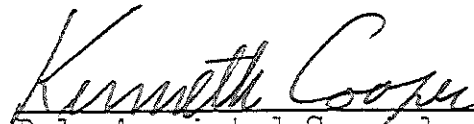
Done this 13th day of June, 1966.

STATE OF ALABAMA

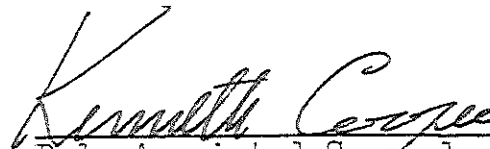
RICHMOND M. FLOWERS,
Attorney General,
State of Alabama

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

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


Duly Appointed Special
Assistant Attorney General,
State of Alabama

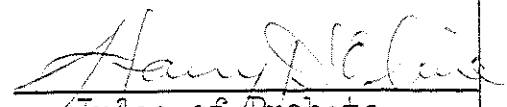
The undersigned hereby acknowledges himself as security for costs in this Cross-Appeal.


Duly Appointed Special
Assistant Attorney General,
State of Alabama

TO: Willie E. Sellers, Purify C. Sellers, James Edgar Moreno, and Estelle S. Moreno, and Baldwin County, Alabama, a Political Subdivision of the State of Alabama:

You are hereby notified that the above Notice Of Cross-Appeal was filed in this office of Judge of Probate, Baldwin County, Alabama, on this 13th day of June, 1966.

WITNESS my hand this 13th day of June, 1966.


Judge of Probate,
Baldwin County, Alabama

5452
52

RECEIVED

JUN 14 1966

TAYLOR WILKINS
SHERIFF

Received 14 day of June 1966
and on 7 day of July 1966
I served a copy of the within etc

on James Edgar Moore
Castelle D. Moore

By service on Frank Day

TAYLOR WILKINS, Sheriff

By Ray Randall

BY JUN 15 10 04 AM '66

REC'D SHERIFF DEPT
HARRIS COUNTY, TEX.

102
1080
TAYLOR WILKINS, Sheriff
By Ray Randall
DEPUTY SHERIFF

Received 13 day of June 1966
and on 30 day of June 1966
I served a copy of the within notice
on Willie E. Sellers and
Rufus C. Sellers
By service on Ray Randall

RAY D. BRIDGES, Sheriff

By Ray Randall

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
	*	
PETITIONER,)	BALDWIN COUNTY, ALABAMA
	*	
VS.)	CASE NO. 7056
	*	
WILLIE E. SELLERS,)	
et al.,	*	
)	
RESPONDENTS.	*	

WITHDRAWAL OF JURY DEMAND

Comes now the Appellant (Petitioner), State of Alabama, by Kenneth Cooper, its Duly Appointed Special Assistant Attorney General, and respectfully withdraws its demand for a trial by jury in this cause, which was dated 26 May, 1966.

FILED

SEP 12 1966

ALICE I. DICK, CLERK
REGISTER

RICHMOND M. FLOWERS
ATTORNEY GENERAL
STATE OF ALABAMA

BY: Kenneth Cooper
DULY APPOINTED SPECIAL
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
	*	
PETITIONER,)	BALDWIN COUNTY, ALABAMA
	*	
VS.)	CASE NO. 7056
	*	
WILLIE E. SELLERS,)	
et al.,	*	
)	
RESPONDENTS.	*	

STIPULATION

It is hereby stipulated by and between the Petitioner (appellant), and Willie E. Sellers, 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.

FILED

SEP 19 1966

AUG 1 1966, CLERK
RECORDED

Kenneth Cooper
ATTORNEY FOR PETITIONER.

Charles E. Butler
ATTORNEY FOR RESPONDENTS.

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
	*	
PETITIONER,)	BALDWIN COUNTY, ALABAMA
	*	
VS.)	CASE NO. 7056
	*	
WILLIE E. SELLERS,)	
et al.,	*	
)	
RESPONDENTS.	*	

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 the Appellant, (Petitioner), State of Alabama, having withdrawn its demand for a trial by jury in this cause, the issue

of the amount of damages and compensation to which the landowners are entitled has been mutually agreed to between the parties hereto to be the sum of Four Thousand Two Hundred (\$4,200.00) Dollars.

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, Willie E. Sellers, et al., are entitled is hereby fixed at the sum of \$4,200.00, 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.

James H. Madsen
CIRCUIT JUDGE

FILED

SEP 19 1966

ALICE J. BARKER
CLERK
REGISTER

E X H I B I T "A"

The following described property, lying in Baldwin County, Alabama, and more particularly 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 344 + 95 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 a distance of 127.9 feet, more or less, to a point; thence northwesterly parallel with and 110 feet distant from the centerline of said project along the arc of a curve to the left having a radius of 3164.06 feet a distance of 175.2 feet, more or less, to a point on the west property line of said property; thence northerly along the west property line a distance of 376.2 feet, more or less, to a point which is 110 feet easterly of and at right angles to the centerline Station 350 + 49.9 of said project; thence south $36^{\circ} 19' 48''$ east a distance of 225 feet, more or less, to a point which is 110 feet easterly of and at right angles to the centerline P. T. Station 348 + 24.92 of said project; thence southeasterly parallel with and 110 feet distant from the centerline of said project along the arc of a curve having a radius of 3384.06 feet a distance of 405.2 feet, more or less, to a point on the south property line of said property; thence westerly along the south property line a distance of 127.2 feet, more or less, to the point of beginning.

Said parcel of land lying in the Northwest Quarter of the Southwest Quarter of Section 17, Township 5 South, Range 2 East and containing 2.04 acres, more or less.