

FRANCIS H. FOREHAND and
PATSY B. FOREHAND,

Condemnors,

vs.

LASLIE E. TENISON and
MAY I. TENISON,

Condemnees.

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

TO THE HONORABLE PROBATE COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE HARRY M. D'OLIVE, JUDGE THEREOF:

Come your applicants, Francis H. Forehand and Patsy B.
Forehand, and respectfully represent and show unto Your Honor
and unto this Honorable Court as follows:

FIRST:

That your applicants are over the age of twenty-one
years and are resident citizens of Baldwin County, Alabama.

SECOND:

That your applicants are the owners of a parcel of
land situated and being in Baldwin County, Alabama, to-wit:

The Northwest Quarter of the Southwest Quarter
of Section 27, Township 3 South, Range 3 East;

and that said land is outside the corporate limits of any munici-
pality and no part of said tract of land is adjacent or contiguous
to any public road or highway.

THIRD:

That the lands intervening and lying between such tract
and the public road nearest or most convenient thereto are de-
scribed as:

The Southwest Quarter of the Southwest Quarter
of Section 27, Township 3 South, Range 3 East;

STATE OF ALABAMA, BALDWIN COUNTY
Filed Oct 15 1965 M
Recorded Harry D'Oliver page
Judge of Probate

001

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and said lands are owned by the Condemnees, and that after a diligent search and inquiry your applicants have been unable to ascertain the address of the condemnees, however, your applicants are informed and believe that they are non-residents of the State of Alabama.

FOURTH:

That the Condemnors propose to acquire an easement for public road purposes over and across a parcel of the above land of the Condemnees described as follows:

From the Southwest Corner of Section 27, Township 3 South, Range 3 East, run thence North along the Section line 1320 feet, more or less, to the North line of the Southwest Quarter of the Southwest Quarter of said section, run thence East and along said North line 30 feet to a point, run thence South and parallel to the West line of said section 1320 feet, more or less, to the South line of said section, run thence West 30 feet to the point of beginning, containing .83 acres, more or less.

FIFTH:

That the Condemnors do not know of any other person, firm or corporation who owns any right, title or interest in or to the above described property and we have used reasonable diligence to ascertain whether any other person, firm or corporation other than the ones named own any right, title or interest in said property.

WHEREFORE, the premises considered your applicants respectfully pray that this Honorable Court will, on the filing of this application, make and enter an order appointing a day for the hearing hereof and will cause notice of the filing hereof and the day set for the hearing hereof to be given to the owners of the above described land by publication in the Baldwin Times,

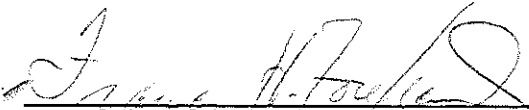
BOOK 43 PAGE 762


a newspaper of general circulation published in Bay Minette, Baldwin County, Alabama, for at least three weeks before the day appointed for the hearing. And your applicants further pray that on the day set for the hearing for this application, that this Honorable Court will enter an order granting this application and will, in and by the terms of said order, appoint three citizens of this County in accordance with the statutes in such cases made and provided to assess the damages and compensation, if any, to which the said Laslie E. Tenison and May I. Tenison are entitled. And your applicants further pray that upon the receipt by this Court of the report of the commissioners and the certificate in connection therewith that this Honorable Court will enter an order or decree of condemnation of the interest sought to be acquired in the above described property for the uses and purposes herein set forth. And your applicants pray for such other, further and different orders and decrees as may be necessary and proper for the acquisition by the applicants of the interest in the property sought to be condemned for the uses and purposes herein stated.

Respectfully submitted,

OF COUNSEL:

CHASON, STONE & CHASON


Francis H. Forehand


Patsy B. Forehand

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County and said State personally appeared Francis H. Forehand and Patsy B. Forehand who are known to me and who, after being

by me first duly and legally sworn, did depose and say under oath
as follows:

That their names are Francis H. Forehand and Patsy B.
Forehand and that they have each read the allegations contained
in the foregoing application for condemnation and the same are
true and correct.


Francis H. Forehand
Francis H. Forehand

Patsy B. Forehand
Patsy B. Forehand

Sworn to and subscribed before me on
this 13th day of October,
1965.

Helen J. Thompson
Notary Public, Baldwin County, Alabama

My commission expires 4-14-69

We the jury rule in favor
of Mr. Jensen the land
owner in the amount
of \$183.33

Harry E. Crawford
Foreman

The State of Alabama, Baldwin County

PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon Lige Grimes, Grimes Nursery, Stapleton, Ala.
to appear in and before the Probate Court of said County on the 16th day of November, 19 65,
to give evidence in a certain matter now pending in said Court wherein Francis H. Forehand
& Patsy B. Forehand have filed a petition for condemnation of certain
~~property belonging to Laslie B. Tenison & May I. Tenison~~ ~~has filed for probate an instrument of writing purporting to~~
~~be the last will and testament of~~ Laslie B. Tenison & May I. Tenison, deceased,
and the same has been contested by said Laslie B. Tenison & May I. Tenison, this
subpoena being issued on the application of the ~~proponent~~ contestant.

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 13th day of November, 19 65

Harry D'Olive
Probate Judge

By Jim Allen

Chief Clerk

BOOK

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1257

The State of Alabama

COUNTY

PROBATE COURT

IN THE MATTER OF THE
APPLICATION OF

To Probate the Will of

Deceased.

Notice to Witnesses to Probate Will

Issued **RECEIVED** day of 19

To NOV 13 1965

TAYLOR WILKINS

EXECUTED BY SERVING A COPY OF THE
WITHIN NOTICE, UPON THE WITHIN

Sheriff claims NAMED 22 miles at
Ten Cents per mile Total \$ 2.20

TAYLOR WILKINS, Sheriff
BY *[Signature]*
DEPUTY SHERIFF

This 15 day of Nov, 19 65

Taylor Wilkins, Sheriff

W. O. Garner, Deputy Sheriff

The State of Alabama, Baldwin County

PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon Henry Wiggins, Stapleton, Alabama
to appear in and before the Probate Court of said County on the 16th day of November, 19 65,
at 9:00 A.M.
to give evidence in a certain matter now pending in said Court wherein Francis H. Forehand
& Patsy B. Forehand have a petition for condemnation
of certain property belonging to Laslie E. & May I. Tenison ~~which was filed for probate as an instrument of writing purporting to be the last will and testament of~~
and the same has been contested by said Laslie E. & May I. Tenison, this
subpoena being issued on the application of the ~~proponent~~ contestant.

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 13th day of November, 19 65.

Harry D'Olive
Probate Judge

By [Signature]

Chief Clerk

100-
43-10772

The State of Alabama

COUNTY

PROBATE COURT

IN THE MATTER OF THE
APPLICATION OF

To Probate the Will of,

Deceased.

Notice to Witnesses to Probate Will

Issued **RECEIVED** day of 19

To NOV 13 1965

TAYLOR WILKINS
SHERIFF

EXECUTED BY SERVING A COPY OF THE
WITHIN NOTICE, UPON THE WITHIN

Sheriff claims NAMED 2 miles at

Ten Cents per mile Total \$ 2.20

TAYLOR WILKINS Sheriff

BY W. O. Garner
DEPUTY SHERIFF

This 15 day of Nov, 1965

Taylor Wilkins, Sheriff

W. O. Garner, Deputy Sheriff

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The State of Alabama

COUNTY

PROBATE COURT

IN THE MATTER OF THE
APPLICATION OF

To Probate the Will of

Deceased.

Notice to Witnesses to Probate Will

Issued

day of **RECEIVED**

To

NOV 13 1965

TAYLOR WILKINS

SHERIFF

EXECUTED BY SERVING A COPY OF THE
WITHIN NOTICE, UPON THE WITHIN
NAMED

Sheriff claims

22 miles at

For Cents per mile Total \$

2.20

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

This 15 day of Nov, 1965

Taylor Wilkins, Sheriff

W. O. Garner, Deputy Sheriff

29617

The State of Alabama, Baldwin County

PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon James Byrd, Stapleton, Alabama
to appear in and before the Probate Court of said County on the 16th day of November, 1965,
at 9:00 A.M.
to give evidence in a certain matter now pending in said Court wherein Francis H. Forehand
& Patsy B. Forehand have a petition for condemnation
of certain property belonging to Laslie E. & May I. Tenison
has filed for probate an instrument of writing purporting
to be the last will and testament of Laslie E. & May I. Tenison, deceased
and the same has been contested by said Laslie E. & May I. Tenison, this
subpoena being issued on the application of the proponent contestant.

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 13th day of November, 1965.

Harry D'Olive
Probate Judge

By [Signature]
Chief Clerk

8001 43 REC 774

The State of Alabama

COUNTY

PROBATE COURT

IN THE MATTER OF THE
APPLICATION OF

To Probate the Will of

Deceased.

Notice to Witnesses to Probate Will

Issued **RECEIVED** day of 19

To

NOV 13 1965

TAYLOR WILKINS

SHERIFF

EXECUTED BY SERVING A COPY OF THE
WITHIN NOTICE, UPON THE WITHIN
NAMED

Sheriff claims 22 miles at

Ten Cents per mile Total \$ 2.20

TAYLOR WILKINS, Sheriff

BY

W.D. Garner
DEPUTY SHERIFF

This 15 day of Nov, 1965

Taylor Wilkins, Sheriff

W.D. Garner, Deputy Sheriff

The State of Alabama, Baldwin County

PROBATE COURT


TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon Walter P. Ward, Staple ton, Alabama
to appear in and before the Probate Court of said County on the 16th day of November, 1965,
at 9:00 A.M.
to give evidence in a certain matter now pending in said Court wherein Francis H. Forehand
& Patsy B. Forehand have filed a petition for condemnation of certain
property belonging to Laslie E. Tenison & May I. Tenison
to be the last will and testament of ~~deceased~~,
and the same has been contested by said Laslie E. and May I. Tenison, this
subpoena being issued on the application of the ~~proponent~~ contestant.

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you
then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 13th day of November, 1965.

Harry D'Olive
Probate Judge

By 
Chief Clerk

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The State of Alabama

COUNTY

PROBATE COURT

IN THE MATTER OF THE
APPLICATION OF

To Probate the Will of

Deceased.

Notice to Witnesses to Probate Will

Issued **RECEIVED** day of 19

To NOV 13 1965

TAYLOR WILKINS
SHERIFF

EXECUTED BY SERVING A COPY OF THE
WITHIN NOTICE, UPON THE WITHIN

NAMED Sheriff claims 22 miles at

Ten Cents per mile Total \$ 2.20

TAYLOR WILKINS Sheriff

BY W.D. DEPUTY SHERIFF

This 15 day of Nov, 1965

Taylor Wilkins, Sheriff

W.O. Garner, Deputy Sheriff

The State of Alabama, Baldwin County

PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon Walker Trawick,
to appear in and before the Probate Court of said County on the 16th day of November, 19 65,
to give evidence in a certain matter now pending in said Court wherein Francis H. Forehand
& Patsy B. Forehand have filed a petition for condemnation of
certain property belonging to Laslie E. Tenison & May I. Tenison
~~to be the last will and testament of~~ ~~X~~has filed for probate an instrument of writing purporting
~~to be the last will and testament of~~ ~~X~~ deceased,
and the same has been contested by said Laslie E. and May I. Tenison, this
subpoena being issued on the application of the ~~proponent~~
contestant.

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you
then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 13th day of November, 19 65.

Harry D'Olive
Probate Judge

By [Signature]

Chief Clerk

BOOK

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The State of Alabama

COUNTY

PROBATE COURT

IN THE MATTER OF THE
APPLICATION OF

To Probate the Will of

Deceased.

Notice to Witnesses to Probate Will

Issued RECEIVED day of 19

To NOV 13 1965

TAYLOR WILKINS
SHERIFF

EXECUTED BY SERVING A COPY OF THE
WITHIN NOTICE, UPON THE WITHIN
NAMED

This 15 day of Nov, 19 65
Taylor Wilkins, Sheriff
W. O. Barnes, Deputy Sheriff

February 9, 1968

Hon. Mitchell Lattof
P. O. Box 432
Mobile, Alabama

Re: Francis E. Forehand & Patsy
E. Forehand vs: Laslie E.
Tenison & May I. Tenison
Case No. 7119

Dear Sir:

Enclosed you will find a check for \$131.83, which is the
Judgment of \$183.33, less the cost of appeal which is \$51.50,
leaving a balance due Mr. and Mrs. Tenison in the amount of
\$131.83.

Yours very truly,

Clerk

AJD/eb

January 29, 1968

diamond, Lattof & Favre
Attorneys at Law
P. O. Box 432
Mobile, Alabama 36601

Attention: Hon. Mitchell G. Lattof

Re: Francis H. Forehand & Patsy
B. Forehand vs: Laslie E. Tenison
& May I. Tenison, Case No. 7119

Gentlemen:

In reply to your letter dated January 26, 1968, the cost of the appeal in the above styled cause, which is \$51.50, has not been paid to date, however, the first cost was paid October 25, 1967, in the amount of \$71.30.

We also have the money for the judgment in the amount of \$183.33, however no one has come in to claim this money.

Yours very truly,

Clerk

AJD/eb

FRANCIS H. FOREHAND and
PATSY B. FOREHAND,

Condemnors,

-vs-

LASLIE E. TENISON and
MAY I. TENISON,

Condemnees.

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA

*
* AT LAW

*
* CASE NO. 7,119

BOND FOR COSTS ON APPEAL

The undersigned hereby acknowledge themselves as security for the costs of the appeal to the Supreme Court of Alabama by Laslie E. Tenison and Mary I. Tenison from the final judgment of the Circuit Court of Baldwin County, Alabama, heretofore rendered in the above styled cause.

Dated this 30th day of March, 1967.

LASLIE E. TENISON and
MAY I. TENISON

BY:

Mitchell G. Lattof
Mitchell G. Lattof, their
attorney

MARYLAND CASUALTY COMPANY

BY:

Dwight F. Finney
Attorney-in-Fact

Filed, and security for costs approved on this 30
day of March, 1967.

David J. Smith
Clerk of the Circuit Court

017

FILED

MAR 30

AMERICAN SURETY

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

Special

~~October~~ Term, 19 67

To the Clerk of the Circuit Court,

Baldwin County—Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said county, in a certain cause lately pending in said Court between Laslie E. Tenison, et al, Appellant,

and

Francis H. Forehand, et al, Appellee,

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

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by our Supreme Court, on the 14th day of September, 1967, that said Judgment of said Circuit Court be in all things

affirmed, and that it was further considered, ordered, and adjudged that the appellant ~~S.~~ Laslie E. Tenison and May I. Tenison and Maryland Casualty Company, surety on the appeal bond, pay

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

J. O. Sentell, Deputy

Witness, ~~Robert Thomas~~, Clerk of the Supreme

Court of Alabama, at the Judicial Department

Building, this the 14th day of

September, 1967

Deputy Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

Special

~~October~~ Term, 19 67

1 Div., No. 445

Laslie E. Tenison, et al

Appellant,

vs.

Francis H. Forehand, et al

Appellee.

From Baldwin Circuit Court.

No. 7119

CERTIFICATE OF
AFFIRMANCE

The State of Alabama,

County.

} Filed

this day of 19

DIAMOND, LATTOF & FAVRE
LAWYERS

VAN ANTWERP BUILDING
P. O. BOX 432

MOBILE, ALABAMA 36601

ROSS DIAMOND, JR.
MITCHELL G. LATTOF
WILLIAM R. FAVRE, JR.
FRANCIS M. THIGPEN

TELEPHONE
AREA CODE 205
432-6691

January 26, 1968

Hon. Alice J. Duck
Clerk, Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Laslie E. Tenison and May I. Tenison vs.
Francis H. Forehand and Patsy B. Forehand
Baldwin Circuit Court Case No. 7,119

Dear Mrs. Duck:

The Supreme Court rendered its decision in the above case on September 14, 1967. The surety company on the appeal bond of Mr. and Mrs. Tenison have requested that I obtain from you a letter as to whether or not the costs of the appeal have been paid. If they have not been paid, please forward me a statement of the costs due. If they have been paid, I would appreciate a letter from you to that effect.

I would appreciate hearing from you at your earliest convenience.

Very truly yours,

DIAMOND, LATTOF & FAVRE


Mitchell G. Lattof

MGL:mb

*L - 20th & 1st & 2nd & 3rd & 4th & 5th & 6th & 7th & 8th
No 7, 1, 2, 3, 4, 5, 6, 7, 8 - 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100
L - 20th & 1st & 2nd & 3rd & 4th & 5th & 6th & 7th & 8th
- 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*

~~St. Louis~~ *Commission vs. Forehand*
 JURY LIST - MARCH 6, 1967 - SPRING SESSION

- ~~1. Ball, Johnnie Ruth, Bookkeeper, Bay Minette~~
- ~~2. Baskin, Laven, " " " Bay Minette~~
- ~~3. Benik, Edward, Farmer, Belforest~~
- ~~4. Benton, Thomas H., Farmer, Gulf Shores~~
- ~~5. Cooper, Claude, Farmer, Rosinton~~
- ~~6. Pierce, Arthur, Insurance, Fairhope~~
- ~~7. Porter, Darrell Lee, Utility Man, Summerdale~~
- ~~8. Mannich, Arthur, Merchant, Fairhope~~
- ~~9. Matthews, Reid, Furniture Store Oper., Robertsdale~~
- ~~10. Clemmons, W. P., Carpenter, Fairhope~~
- ~~11. Cleveland, Lyle F., Nurseryman, Foley~~
- ~~12. Byrne, Charles, Merchant, Foley~~
- ~~13. Crawford, Harry E., Operator, Elberta~~
- ~~14. Campbell, Acie, Farmer, Rosinton~~
- ~~15. Bush, Hobson, Farmer, Bay Minette~~
- ~~16. Hesse, Henry W., Linesman, Foley~~
- ~~17. Harris, Guy H., Merchant, Foley~~
- ~~18. Hattie, Joe H., Merchant, Stockton~~
- ~~19. McGowin, Randolph, Jr., Store Keeper, Bay Minette~~
- ~~20. McMillan, Raymond N., Farmer, Stockton~~
- ~~21. Sanders, William C., Real Estate, Gulf Shores~~
- ~~22. Spader, Aubrey, Office, Robertsdale~~
- ~~23. Spivey, Roy, " " Bon Secour~~
- ~~24. Stripling, Fred, Television Repair, Robertsdale~~
- ~~25. Thompson, Robert W., Merchant, Foley~~
- ~~26. Tenson, Cecil, Civil Service, Stapleton~~
- ~~27. White, John E., Utilities Man, Foley~~
- ~~28. Parker, Eloyd B., Millman, Stockton~~
- ~~29. Nall, Wilber C., Farmer, Bon Secour~~
- ~~30. Sanders, E. Frank, Banker, Foley~~
- ~~31. Koehler, Frank, Farmer, Lillian~~
- ~~32. Beverly, Marvin, Laborer, Robertsdale~~
- ~~33. Blair, Dorothy L., " " Stapleton~~
- ~~34. Boeschon, Sarah, " " Bay Minette~~
- ~~35. Nall, Glenn, Merchant, Robertsdale~~
- ~~36. Crosby, James W., Bookkeeper, Foley~~
- ~~37. Long, Volton, Electrician, Foley~~
- ~~38. Bryars, Ewing E., Reserve Fleet, Bay Minette~~
- ~~39. Weekr, William, Laborer, Magnolia Springs~~
- ~~40. Earls, Doris K., " " Bay Minette~~
- ~~41. DuBrock, George, Cabinet Maker, Fairhope~~
- ~~42. Durant, Wilma W., " " Bromley~~
- ~~43. Durant, Percy N., Merchant, Bay Minette~~
- ~~44. Arant, Luther, Postal Emp., Foley~~
- ~~45. Jones, Sanford, Newport, Bay Minette~~
- ~~46. Flowers, John B., Farmer, Gulf Shores~~
- ~~47. Akers, Redus M., Insurance, Bay Minette~~

P XXXXX XXXXX XXXXX XE
 D XXXXX XXXXX XXXXX XV

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FRANCIS H. FOREHAND AND §
PATSY B. FOREHAND,

Condemnors,

vs. §

LASLIE E. TENISON AND
MAY I. TENISON,

Condemnees, §

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

ORDER

It having been made to appear to the court in the above styled cause that the Commissioners heretofore appointed by this court have refused to serve as such Commissioners and it further appearing to the court that other and different Commissioners should be appointed to assess the damages and compensation, if any, to which the Condemnees are entitled; it is, therefore

ORDERED and DECREED by the Probate Court of Baldwin County, Alabama, as follows:

1. That FRANK Smith, CHARLIE HEAD, and CECIL VINSON, three citizens of this County possessing the qualifications of jurors and who are disinterested are hereby appointed as Commissioners to view the land described in the application heretofore filed in this cause, and, after hearing all the evidence offered with respect thereto, to assess the damages and compensation, if any, to which the condemnees are entitled.

2. That notice of their appointment as such be given to each of the above named individuals by the Sheriff of Baldwin County, Alabama, by service upon them of a copy of this order.

3. That said Commissioners shall file their report in writing in accordance with the statutes in such cases made and provided and within twenty days from the date of this order.

Done this 13th day of May, 1966.

Harry D'Almeida
Judge of Probate

BOOK
43
PAGE 785

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner, Jr., being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Condemnation Notice

Francis H. + Betty Forehand

vs Leslie E. + Mary D. Thurmon

COST STATEMENT

244 WORDS @ .07 cents — — \$ 17.⁰³
I hereby certify this is correct, due and unpaid (paid)

J. H. Faulkner, Jr.
Editor

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication October 21, 1965 Vol. 76 No. 42

Date of 2nd publication October 28, 1965 Vol. 76 No. 43

Date of 3rd publication November 4, 1965 Vol. 76 No. 44

Date of 4th publication _____, 19____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this _____ day of _____, 19____.

Dorothy Martin
Notary Public, Baldwin County.

J. H. Faulkner, Jr.
Editor

007

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 6th day of March Monday in 1967, in a certain cause in said Court wherein Francis H. Forehand and Patsy B. Forehand Condemnors Plaintiff, and Laslie E. Tenison and May I. Tenison Condemnees Defendant, a judgement was rendered against said Laslie E. Tenison and May I. Tenison to reverse which Judgment, the said Laslie E. Tenison and May I. Tenison applied for and obtained from this office an APPEAL, returnable to the next Term of our Supreme Court of the State of Alabama, to be held at Montgomery, on the day of , 196 next, and the necessary bond having been given by the said Mitchell G. Lattof, Attorney for Condemnees with Maryland Casualty Company, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said Francis H. Forehand and Patsy B. Forehand or Chason, Stone & Chason, attorney, to appear at the next Term of our said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 30th day of March, A. D., 196 7.

Attest:

Alice J. Duck Clerk.

No. 7119

CIRCUIT COURT
Baldwin County, Alabama

Received 3 day of April 1967
and on 5 day of April 1967
I served a copy of the within Citation
on Marbome C. Stone

By service on _____

TAYLOR WILKINS, Sheriff

By W. A. Albert

Forehand

Vs. { Citation in Appeal

Genison

Issued _____ day of _____, 196____,

*To be served on
Hon. Mr. Stone*

FRANCIS H. FOREHAND and
PATSY B. FOREHAND,

Condemnors,

-vs-

LASLIE E. TENISON and
MAY I. TENISON,

Condemnees.

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA

*
* AT LAW

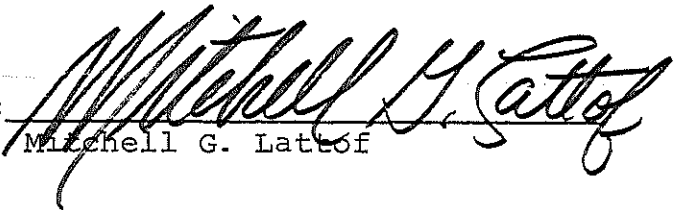
*
* CASE NO. 7,119

NOTICE OF APPEAL

Come now Laslie E. Tenison and May I. Tenison, in
the above styled cause, and give notice of appeal to the
Supreme Court of Alabama from the final judgment of the Cir-
cuit Court of Baldwin County, Alabama, heretofore rendered
in said cause.

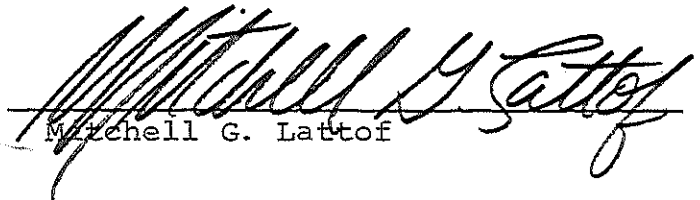
DIAMOND AND LATTOF
Attorneys for Laslie E. Tenison
and May I. Tenison

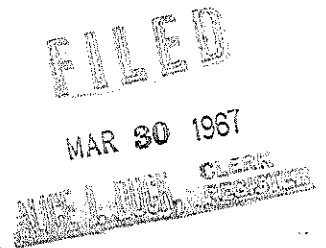
BY:


Mitchell G. Lattof

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been
served upon Hon. Norborne C. Stone, Jr., attorney for the
Condemnors, by mailing a copy thereof properly addressed, by
First Class United States mail, postage prepaid, on this
30 day of March, 1967.


Mitchell G. Lattof



FRANCIS H. FOREHAND and
PATSY B. FOREHAND

Condemnors

vs

LASLIE E. TENISON and
MAY I. TENISON

Condemnees

X
X
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X

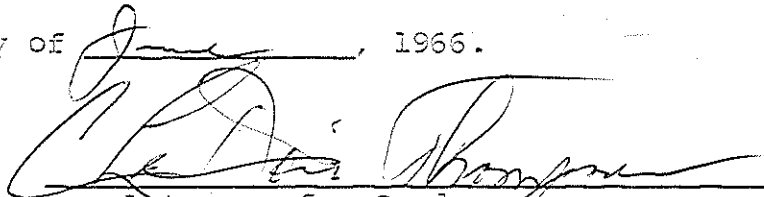
IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

APPEAL

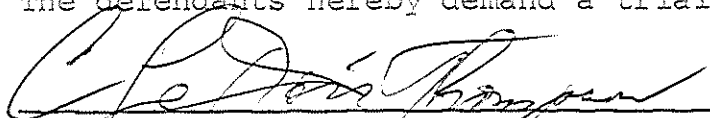
Now comes Laslie E. Tenison and May I. Tenison, defendants in the above entitled cause and do hereby appeal to the Circuit Court of Baldwin County, Alabama, from the order of condemnation entered in this case on the 29th day of June, 1966, insofar as it relates to the property belonging to these defendants and involved in this proceeding, to-wit:

From the Southwest corner of Section 27, Township 3 South, Range 3 East, run thence North along the Section line 1320 feet, more or less, to the North line of the Southwest Quarter of the Southwest Quarter of said Section run thence East and along said North line 30 feet to a point, run thence South and parallel to the West line of said section 1320 feet, more or less, to the South line of said section, run thence West 30 feet to the point of beginning, containing .83 acres, more or less.

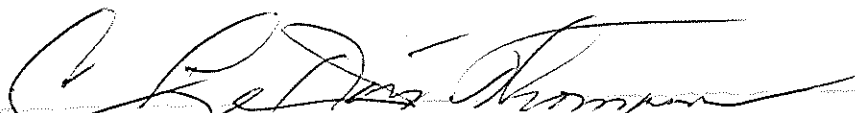
Dated this 29 day of June, 1966.


Attorney for Condemnees


The defendants hereby demand a trial by jury.


Attorney for condemnees

I hereby acknowledge myself as security for the costs of this appeal.

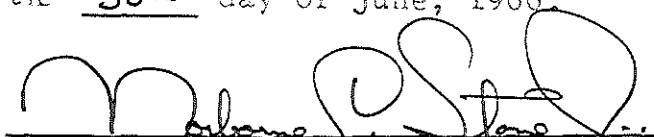

Attorney for condemnees

Filed, and security for costs approved on this 29 day of June, 1966.


Judge of Probate

I hereby accept service on the foregoing appeal for Francis H. and Patsy B. Forehand this the 30th day of June, 1966.

030


Attorney for Condemnors

BOOK

43 PAGE 792

FRANCIS H. FOREHAND AND
PATSY B. FOREHAND,

Condemnors,

vs.

LASLIE E. TENISON AND
MAY I. TENISON,

Condemnees.

X

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IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

ORDER

It having been made to appear to the court in the above styled cause that the Commissioners heretofore appointed by this court did not file their report in writing within the time required by law and it further appearing to the court that Commissioners should again be appointed to assess the damages and compensation, if any, to which the Condemnees are entitled; it is, therefore

ORDERED and DECREED by the Probate Court of Baldwin County, Alabama, as follows:

1. That A. H. Hale, K. B. Bush and E. B. Biggs, three citizens of this County possessing the qualifications of jurors and who are disinterested are hereby appointed as Commissioners to view the land described in the application heretofore filed in this cause, and, after hearing all the evidence offered with respect thereto, to assess the damages and compensation, if any, to which the Condemnees are entitled.

2. That notice of their appointment as such be given to each of the above named individuals by the Sheriff of Baldwin County, Alabama, by service upon them of a copy of this order.

3. That said Commissioners shall file their report in writing in accordance with the statutes in such cases made and provided and within twenty days from the date of this order.

Done this 6th day of ^{April}~~March~~, 1966.

Harry D'Olive
Judge of Probate

SEP 14 1967

clerk

THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

SPECIAL TERM - 1967

Laslie E. Tenison, et al.

1 Div. 445

v.

Francis H. Forehand, et al.

Appeal from Baldwin Circuit Court

MERRILL, JUSTICE.

This appeal is from a judgment condemning a 30-foot right of way across appellants' land to connect appellees' land with a public road and assessing damages therefor under the provisions of Tit. 19, §§ 56-58, Code 1940, as amended.

2.

The one question presented here is the right of appellees to acquire this right of way. No point is raised as to the adequacy of the compensation set by the jury.

Appellees purchased forty acres of land adjoining and north of appellants' forty acres in January, 1965. In October, 1965, they filed the application for condemnation of a strip thirty feet wide along the west side of appellants' forty for a right of way, alleging, as required by Tit. 19, § 56, as amended, that their land was outside the corporate limits of a municipality, no part of which was adjacent or contiguous to any public road or highway and the lands intervening and lying between their lands and the public road nearest or most convenient thereto were appellants' lands.

The issue was tried in the probate court and the right of way was condemned. Appellants appealed to the circuit court and the issue of the right to condemn was heard by the trial court without a jury, and the question of damages was submitted to a jury.

The evidence showed that appellees had access to their forty by a logging road which ultimately connected with U. S. Highway No. 31. Although this logging road or trail had existed for some thirty years or more, it was undisputed that the county did not maintain it, that it was not a public road and what upkeep it received was provided by people who used the road. A paved county road touched the southwest corner of appellants' property and

3.

the right of way sought ran from the southwest corner of appellees' property south along the west line of appellants' property to appellants' southwest corner.

Appellants' position is that appellees knew that there was no public road leading to their property when they purchased it, that they hauled in building material to build a house over the logging road, that no one had ever forbidden them to use the logging road, and since they had a way of ingress and egress, they had no right to acquire a right of way over appellees' land.

Appellants cite two cases in support of their contention that the trial court erred in granting the right of way. One is Davenport v. Cash, 261 Ala. 380, 74 So. 2d 470. In that case, "the trial court made a finding that there was a public road reaching to appellant's land and that it could be used at present." And in the other case cited -- Southern Railway Co. v. Hall, 267 Ala. 143, 100 So. 2d 722, we said "The Davenport case holds, in effect, that a right of way cannot be acquired under §§ 56-58, Tit. 19, supra, if the petitioner has sufficient access from his land to a public road or highway by means of either a private or public right of way; also, that if a sufficient way across defendant's land is in use by petitioner and his right to use such way is not questioned, but is recognized, by the defendant, the petitioner cannot acquire, under said statutory provisions, another right of way across defendant's land." Thus, it can be seen that the petitioner there already

4.

had a way across the adjacent owner's land and he was not entitled to choose another. Likewise, in the Hall case, supra, we again held that the petitioner already had an outlet, recognized by the adjacent owner, and that way was sufficient. We also said:

"The obvious purpose of the statute is to provide a means whereby a landowner, enclosed on all sides by lands of others and unable to get to his land from a public road or highway, can get relief by condemning a right of way to it across intervening land. However, if such landowner already has a reasonably adequate way to and from his land, there is no field of operation for the statute. On the other hand, if there is no reasonably adequate means of access he may acquire, as provided in the statute, 'a convenient right of way not exceeding in width fifteen (now thirty) feet over the lands intervening and lying between such tract or body of land and the public road nearest or most convenient thereto.' * * * "

Here, there was no public road by which petitioners could get into or off their property and the logging road was not maintained. Whenever one spot became impassable, a new trail around it was begun.

Tenison, et al. v. Forehand, et al.

5.

The trial court not only heard the evidence but viewed the premises before granting the application for the right of way. We cannot say, from our study of the evidence, that the landowners already had a reasonably adequate way to and from their land, and it is undisputed that the right of way granted was the shortest way to a public road.

This case is peculiarly one where the rule should be applied that where the hearing is before the judge and the witnesses testify orally before him, his findings will be sustained on appeal unless plainly erroneous or against the great weight of the evidence. Particularly in this case, where he had the advantage of viewing the premises and knowing the locale, the rule should be emphasized and we would be most reluctant to disturb his findings. Crawford v. Tucker, 258 Ala. 658, 64 So. 2d 411; Davenport v. Cash, 261 Ala. 380, 74 So. 2d 470. We cannot say that the trial court erred in granting the right of way.

AFFIRMED.

Livingston, C. J., Goodwyn and Harwood, JJ., concur.

I, J. O. Sentell, Deputy Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 14 day of Sept 19 67

J. O. Sentell

Deputy Clerk Supreme Court of Alabama

FRANCIS H. FOREHAND and
PATSY B. FOREHAND

Condemnors

vs.

LASLIE E. TENISON and
MAY I. TENISON

Condemnees

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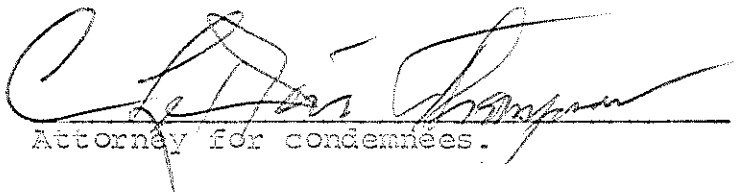
X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Comes Laslie E. Tenison and May I. Tenison, defendants
and condemnees and for answer to the petition filed in said
cause shows unto this Honorable Court as follows:

1. They deny the allegations of said petition.
2. For further answer, said condemnees show unto
this Honorable Court that/a public road serves and has
served petitioner's property more than twenty years next
preceding and that said road crosses said property or comes
so near said property as to be within two hundred feet more
or less.
3. That said public road is the nearest public road
to said petitioner's property.


Attorney for condemnees.

*Filed 11/16/65
Harry D. Alvine
Judge*

006

BOOK
43
PAGE 766

DIV. NO. _____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 7119

THE STATE OF ALABAMA

Baldwin County.

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

~~was plaintiff,~~ and Laslie E. TENISON & MAY I. TENISON, were Condemnees

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

And I further certify that the said Laslie E. Tenison and May I. Tenison did on the 30th day of March, 1967, pray for and obtain an appeal from the judgment of said Court to the Supreme Court of Alabama to reverse said judgment of said Court upon entering into bond with Mitchell G. Lattof and Maryland Casualty Company, as suret^{ies} thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of Baldwin County is hereto affixed, this the 30th day of March, 1967

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

(Code 1940, Title 7, Sec. 767)

039

FRANCIS H. FOREHAND and
PATSY B. FOREHAND,

Condemnors,

vs.

LASLIE E. TENISON and
MAY I. TENISON,

Condemnees.

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

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

REPORT OF COMMISSIONERS

The undersigned A. H. Hale,

E. B. Biggs and K. B. Bush,

who were heretofore appointed by the Probate Court of Baldwin
County, Alabama, as Commissioners to assess the damages and
compensation to which Laslie E. Tenison and May I. Tenison are
entitled on the application of Francis H. Forehand and Patsy B.
Forehand, for an order of condemnation of an easement for road
purposes over and across the following described land situated
in Baldwin County, Alabama, to-wit:

From the Southwest Corner of Section 27, Town-
ship 3 South, Range 3 East, run thence North
along the Section line 1320 feet, more or less,
to the North line of the Southwest Quarter of
the Southwest Quarter of said section, run
thence East and along said North line 30 feet
to a point, run thence South and parallel to
the West line of said section 1320 feet, more
or less, to the South line of said section,
run thence West 30 feet to the point of begin-
ning, containing .83 acres, more or less.

do hereby respectfully report that pursuant to said commission we
viewed the land after having been duly sworn as jurors are sworn,
and thereafter we proceeded to assess the damages and compensation
to which the said Laslie E. Tenison and May I. Tenison are entitled
by reason of the condemnation of said easement for road purposes

over and across the above described land belonging to them and we, and each of us, separately assessed the damages and compensation to the said Laslie E. Tenison and May I. Tenison at the sum of \$ 2500⁰⁰.

We further certify that we have not been consulted, advised or approached by any person in reference to the value of the land or the proceedings to condemn the same prior to the assessment of the damages and that we knew nothing of the same prior to our appointment as such commissioners.

IN WITNESS WHEREOF, we have hereunto set our hands on this the 31st day of December, 1965.

A H Hale

B B Hagan

J B Beuch

CERTIFICATE OF COMMISSIONERS

We, the undersigned, as Commissioners heretofore appointed by the Judge of Probate of Baldwin County, Alabama, in the above styled cause, do hereby certify that we each possess the qualifications of jurors, that we have never been consulted, advised with or approached by any person in reference to the value of the land which is the subject of this proceeding, or the proceedings to condemn the same prior to the assessment of the damages, and that we, and each of us, knew nothing of the same prior to our appointment as such commissioners.

And each of us do hereby certify that we were sworn as

jurors are sworn and that the following oath was administered to us: "You do solemnly swear that you will well and truly try all issues and execute all writs of inquiry, which may be submitted to you during the present session, and true verdicts render according to the evidence---so help you God."

Done this the 31st day of December,

1965.

A. H. Hale

W. B. Buggin

W. B. Buggin

Sworn to and subscribed before

me on the 31st day of December,

1965.

Harry D'Almeida
Notary Public, Baldwin County, Alabama
Judge of Probate,

BOOK

43 PAGE 780

FRANCIS H. FOREHAND and
PATSY B. FOREHAND

Condemnors

vs.

LASLIE E. TENISON and
MAY I. TENISON

Condemnees

X
X
X
X
X
X


IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

Come the condemnees in the above styled cause and move
this Honorable Court to dismiss said cause and as grounds for
said dismissal show unto this Honorable Court as follows:

1. That the Probate Court of Baldwin County entered an
order granting the petition of the condemnors and appointing
appraisers.

2. That the said appraisers did not make a report in
accordance with Title 19, Section 16 of the 1940 Code of
Alabama as amended and recompiled in 1958 et seq.

3. That the said Section 16 of Title 19 requires that
the Commissioners must within twenty days from their appoint-
ment make a report in writing to the court. That said
report was not made in twenty days. Wherefore, this motion.


Attorney for condemnees

BOOK
43 PAGE 781

STATE OF ALABAMA, BALDWIN COUNTY
Filed January 5th 1966
Recorded Stacy W. Oline
Judge of Probate SV

C15

FRANCIS H. FOREHAND and
PATSY B. FOREHAND,

Condemnors,

vs.

LASLIE E. TENISON and
MAY I. TENISON,

Condemnees.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 7119

ORDER GRANTING APPLICATION

This cause coming on to be heard and it appearing to the Court that this matter was appealed to this Court from the Probate Court of Baldwin County, Alabama, on the 29th day of June, 1966, and the trial should, therefore, be de novo in this Court and that the Court should try, without a jury, the question of whether the application for the condemnation of the right of way should be granted; and the Court having heretofore appointed this day for the hearing on said application, now come the parties and their attorneys and the Court having proceeded to hear ore tenus the testimony of the petitioners and the condemnees with respect to the granting of the application and upon the conclusion of such evidence, the Court having viewed the land in question and the properties adjoining the same, and the Court, having considered all of the above, finds that the facts alleged in the application are true and that the applicants are entitled to acquire a right of way as provided in Title 19, Section 56, of the Code of Alabama of 1940, and is of the opinion that the application for condemnation should be granted and that this matter should be presented to a jury for determination of the damages, if any, to which the condemnees are entitled; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of

Baldwin County, Alabama, as follows:

1. That the application of Francis H. Forehand and Patsy B. Forehand to acquire an easement or right of way over and across a parcel of land belonging to Laslie E. Tenison and May I. Tenison described as follows:

From the Southwest Corner of Section 27, Township 3 South, Range 3 East, run thence North along the Section line 1320 feet, more or less, to the North line of the Southwest Quarter of the Southwest Quarter of said section, run thence East and along said North line 30 feet to a point, run thence South and parallel to the West line of said section 1320 feet, more or less, to the South line of said section, run thence West 30 feet to the point of beginning, containing .83 acres, more or less;

be, and the same is hereby, granted.

2. That the question of damages and compensation, if any, to which the said Laslie E. Tenison and May I. Tenison are entitled for and on account of the condemnation of said property for said purpose be tried by a jury in accordance with the statutes in such cases made and provided.

3. That upon the conclusion of the trial of the issue of damages by a jury and the payment into court of the damages and compensation, if any, to which the said Laslie E. Tenison and May I. Tenison are entitled that a further order of this Court shall be entered condemning the land for the uses and purposes set forth above.

Done this 3rd day of March, 1967.

J. Fair H. Maschbauer
Circuit Judge

FILED

MAR 8 1967

ALICE I. BUCK, CLERK
REGISTER

FRANCIS H. FOREHAND and
PATSY B. FOREHAND,

X

Condemnors,

X

IN THE PROBATE COURT OF

X

vs.

X

LASLIE E. TENISON and
MAY I. TENISON,

BALDWIN COUNTY, ALABAMA

X

Condemnees.

X

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

REPORT OF COMMISSIONERS

The undersigned Frank Smith,

Charlie Head

and

Cecil Vinson

who were heretofore appointed by the Probate Court of Baldwin
County, Alabama, as Commissioners to assess the damages and
compensation to which Laslie E. Tenison and May I. Tenison are
entitled on the application of Francis H. Forehand and Patsy B.
Forehand, for an order of condemnation of an easement for road
purposes over and across the following described land situated
in Baldwin County, Alabama, to-wit:

From the Southwest Corner of Section 27, Town-
ship 3 South, Range 3 East, run thence North
along the Section line 1320 feet, more or less,
to the North line of the Southwest Quarter of
the Southwest Quarter of said section, run
thence East and along said North line 30 feet
to a point, run thence South and parallel to
the West line of said section 1320 feet, more
or less, to the South line of said section,
run thence West 30 feet to the point of begin-
ning, containing .83 acres, more or less;

do hereby respectfully report that pursuant to said commission we
viewed the land after having been duly sworn as jurors are sworn,
and thereafter we proceeded to assess the damages and compensation
to which the said Laslie E. Tenison and May I. Tenison are entitled
by reason of the condemnation of said easement for road purposes

STATE OF ALABAMA, BALDWIN COUNTY

Filed

May 16th, 1966

025

Recorded

book

page

Harry D'Olive
Judge of Probate

over and across the above described land belonging to them and we, and each of us, separately assessed the damages and compensation to the said Laslie E. Tenison and May I. Tenison at the sum of \$ No.

We further certify that we have not been consulted, advised or approached by any person in reference to the value of the land or the proceedings to condemn the same prior to the assessment of the damages and that we knew nothing of the same prior to our appointment as such commissioners.

IN WITNESS WHEREOF, we have hereunto set our hands on this the 14th day of May, 1965.


Frank Smith


Charlie Head


Cecil Vinson

CERTIFICATE OF COMMISSIONERS

We, the undersigned, as Commissioners heretofore appointed by the Judge of Probate of Baldwin County, Alabama, in the above styled cause, do hereby certify that we each possess the qualifications of jurors, that we have never been consulted, advised with or approached by any person in reference to the value of the land which is the subject of this proceeding, or the proceedings to condemn the same prior to the assessment of the damages, and that we, and each of us, knew nothing of the same prior to our appointment as such commissioners.

And each of us do hereby certify that we were sworn as

jurors are sworn and that the following oath was administered to us: "You do solemnly swear that you will well and truly try all issues and execute all writs of inquiry, which may be submitted to you during the present session, and true verdicts render according to the evidence---so help you God."

Done this the 14th day of May,
1965.

Frank Smith
Frank Smith

Charlie Head
Charlie Head

Cecil Vinson
Cecil Vinson

Sworn to and subscribed before

me on the 14th day of MAY,
1965.

Harry D'Oliver
~~Notary Public~~, Baldwin County, Alabama
Judge of Probate,

BOOK 43 PAGE 789

FRANCIS H. FOREHAND and	X	
PATSY B. FOREHAND,		
	X	
Condemnors,		IN THE CIRCUIT COURT OF
	X	
vs.		BALDWIN COUNTY, ALABAMA
	X	
LASLIE E. TENISON and		CASE NO. 7119
MAY I. TENISON,	X	
Condemnees.	X	

FINAL JUDGMENT

This cause coming on to be heard by the Court on the 6th day of March, 1967, now come the parties and their respective attorneys of record, and it appearing to the Court from the stipulation of parties made in open Court that the only issue remaining in this proceeding is the amount of damages and compensation, if any, to which the Condemnees are entitled; and that said issue should be presented to a jury for determination.

And now comes a jury of twelve good and lawful men, to-wit, Harry E. Crawford 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 rule in favor of Mr. Tenison the landowner in the amount of \$183.33.

/s/ Harry E. Crawford
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 Francis H. Forehand and Patsy B. Forehand to the Clerk of this Court for the use and benefit of the Condemnees 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 Francis H. Forehand and Patsy B. Forehand for the condemnation of the lands and rights hereinafter described be, and the same is 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 Francis H. Forehand and Patsy B. Forehand and the public as a right of way for a public road as set forth in the application aforesaid, and the right and easement are hereby divested out of the landowners and into the public, upon the payment by the said Francis H. Forehand and Patsy B. Forehand of the sum hereinafter ordered and decreed to be paid.

2. That the damages and compensation to which the Condemnees in this case Laslie E. Tenison and May I. Tenison, are entitled is hereby fixed at the sum of \$183.33, which said sum is hereby ordered to be paid by Francis H. Forehand and Patsy B. Forehand into Court for the use and benefit of said Condemnees; and that upon the payment of said amount by Francis H. Forehand and Patsy B. Forehand as set forth above, the condemnation of the lands hereinabove described shall be, and become effective.

3. That the said Francis H. Forehand and Patsy B. Forehand pay the costs of this proceeding.

Dated this 20th day of March, 1967.

J. Fair A. Madlener
Circuit Judge

043

FILED
MAR 20 1967
ALICE L. DICK, CLERK
REGISTER

EXHIBIT "A"

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

From the Southwest Corner of Section 27, Township 3 South, Range 3 East, run thence North along the Section line 1320 feet, more or less, to the North line of the Southwest Quarter of the Southwest Quarter of said section, run thence East and along said North line 30 feet to a point, run thence South and parallel to the West line of said section 1320 feet, more or less, to the South line of said section, run thence West 30 feet to the point of beginning, containing .83 acres, more or less.

FILED
MAR. 20 1987
CLERK
REGISTER

THOMPSON & WHITE

Attorneys-At-Law

BAY MINETTE, ALABAMA

C. LeNoir Thompson

36507

Mary Thompson White

937-3921
Phones : 937-7487
937-8355

November 13, 1965

Honorable Harry D'Olive
Probate Judge
Bay Minette, Alabama

Re: Francis H. Forehand and
Patsy B. Forehand

vs.

Laslie E. Tenison and
May I. Tenison

No. 5531

Dear Judge D'Olive:

Inasmuch as the above styled case has been set for trial in your Court on Tuesday, November 16th at 9:00 A.M., will you please subpoena the following individuals as witnesses for the defendant (Condemnee):

James Byrd lives 2 miles East of Stapleton
Robert Byrd lives 2 miles East of Stapleton
Henry Wiggins lives 2 miles East of Stapleton
Walter P. Ward lives near the house that was sawed into near Stapleton.
Walker Trawick lives on the road which crosses the railroad one-half mile South of the old water tank location.
Lige Grimes - Grimes Nursery, Stapleton.

Your kindness in expediting these subpoenas will be appreciated.

Yours very truly,



CLT/hm

STATE OF ALABAMA, BALDWIN COUNTY
Filed Nov. 13th 1965

Recorded _____ book _____ page _____
Judge of Probate Harry D'Olive
J.H.

BOOK 43 PAGE 777