

DECREE OF CONDEMNATION

OSSIE MARTIN,	)	
	)	
Condemnor,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
HENRY L. HANKINS and LOIS	)	AT LAW
HANKINS,	)	
	)	CASE NO. _____
Condemnees.	)	

This day came Ossie Martin, acting by and through her attorney of record, and filed the Verified Motion for a Decree of Condemnation and upon consideration of the same, the Court finds that the allegations contained therein are true, and that she is entitled to the relief she seeks.

It is therefore ORDERED, ADJUDGED AND DECREED that so much of the land of Henry L. Hankins and Lois Hankins, as is described as follows, to-wit:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run North 393 feet, East 30 feet, South 393 feet, West 30 feet to the Point of Beginning, containing 1/4 acre, more or less.

be and the same is hereby condemned for road purposes for the use and benefit of Ossie Martin and her successors in title.

It is further ORDERED, ADJUDGED AND DECREED and the Register of this Court is hereby directed to make a certified copy of this decree and cause the same to be filed for record in the Office of the Probate Judge of Baldwin County, Alabama, in those records the Probate Judge keeps for the purpose of showing transfers of title to real property.

Done this the 15<sup>th</sup> day of July, 1967.

Telfair J. Mashburn  
Telfair J. Mashburn  
Circuit Judge

669

**FILED**  
JUL 18 1967  
JULIE L. DANK, CLERK  
REGISTER

OSSIE MARTIN,	X	
Condemnor,	X	IN THE PROBATE COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
HENRY L. HANKINS and	X	CASE NO. 5623
LOIS HANKINS,	X	
Condemnees.	X	

0034 044 PAGE 28

# DECREE OF CONDEMNATION

On the 28th day of February, 1966, Ossie Martin, a citizen of Baldwin County, State of Alabama, filed in this Court her Petition to condemn certain lands for a private right-of-way over the lands of the Condemnees, Henry L. Hankins and Lois Hankins, in Baldwin County, Alabama, and described in said Petition.

Thereupon, the Court appointed the 22nd day of March, 1966, for the hearing of said Petition and on this date the Condemnees, having had due notice of this proceeding as is set forth in the Order of this Court, made and entered on the date last named, the Court did hear the Petition in this cause and did grant the same and did appoint Edwin Warley, Ira N. Steele and A. C. Council, Jr. as Commissioners in this cause to assess the damages and compensations which the Condemnees are entitled to receive from the Petitioner for the taking of said land for the purposes set forth in her Petition and did issue notice of the appointment of said Commissioners and did cause the same to be served on the said Commissioners as prescribed by law. That the Commissioners did make a report of their findings to the Court, but more than 20 days elapsed between the date of their appointment and the date of their report. Hence, their report was set aside in its entirety by Decree of this Court on the 6th day of June, 1966.

The Court re-appointed said Commissioners on the 7th day of June, 1966, and they made a report to this Court on the 10th day of June, 1966. On the 6th day of July, 1966, the Court continued this matter for a period of 30 days. It was Ordered that the report of the Commissioners be recorded; said report is in writing and is as follows:

"The undersigned Edwin Warley, Ira N. Steele and A. C. Council, Jr., who were heretofore reappointed by the Probate Court of Baldwin County, Alabama, as Commissioners to assess the damages and compensation to which Henry L. Hankins and Lois Hankins are entitled on the application of Ossie Martin, 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:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run North 393 feet, East 30 feet, South 393 feet, West 30 feet to the point of beginning, containing 1/4 acre, more or less.

does 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 Henry L. Hankins and Lois Hankins 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 Henry L. Hankins and Lois Hankins at the sum of \$750.00.

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 10th day of June, 1966.

/s/ Edwin Warley  
/s/ Ira N. Steele  
/s/ A. C. Council, Jr."

It appears to the satisfaction of the Court that the said  
Commiasioners were duly sworn as jurors before acting in this  
cause and that their acts in the premises were regular and in  
all respects according to law.

It is, therefore, ORDERED, ADJUDGED and DECREED by the  
Court that upon the payment of the sum of \$750.00 so assessed  
by said Commissioners to the Condemnees by the Petitioner,  
the said Petitioner shall have the right to appropriate to  
her own use as by statute in such cases, made and provided  
the following lands:

Beginning at the Southeast corner of the Southwest  
quarter of the Southwest quarter of the Southeast  
quarter of Section 19, Township 6 South, Range 2  
East, run North 393 feet, East 30 feet, South 393  
feet, West 30 feet to the point of beginning, con-  
taining 1/4 acre, more or less.

The said right-of-way and easement and privileges prayed  
for in said Petition are hereby condemned to the use of the  
Petitioner, Ossie Martin, upon the payment of the sum of  
money assesseed by the Commissioners, to-wit: the sum of  
\$750.00.

It is further ORDERED, ADJUDGED and DECREED by the Court  
that the Petitioner, Ossie Martin, shall pay the cost of this  
proceedings for which let execution issue.

Done this the 2nd day of August, 1966.

  
Harry D'Olive, Probate Judge

JUL 25 1967 11:30 AM

DECREE OF CONDEMNATION

OSSIE MARTIN,

Condemnor,

VS.

HENRY L. HANKINS and LOIS  
HANKINS,

Condemnees.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. \_\_\_\_\_

and that no tax was collected. Recorded in *Deed*  
Book 376 *Harry D'Almeida*  
Page 269 Judge of Probate  
By 20

This day came Ossie Martin, acting by and through her attorney of record, and filed the Verified Motion for a Decree of Condemnation and upon consideration of the same, the Court finds that the allegations contained therein are true, and that she is entitled to the relief she seeks.

It is therefore ORDERED, ADJUDGED AND DECREED that so much of the land of Henry L. Hankins and Lois Hankins, as is described as follows, to-wit:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run North 393 feet, East 30 feet, South 393 feet, West 30 feet to the Point of Beginning, containing 1/4 acre, more or less.

be and the same is hereby condemned for road purposes for the use and benefit of Ossie Martin and her successors in title.

It is further ORDERED, ADJUDGED AND DECREED and the Register of this Court is hereby directed to make a certified copy of this decree and cause the same to be filed for record in the Office of the Probate Judge of Baldwin County, Alabama, in those records the Probate Judge keeps for the purpose of showing transfers of title to real property.

Done this the 18<sup>th</sup> day of July, 1967.

Telfair J. Mashburn  
Telfair J. Mashburn  
Circuit Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original of the above instrument as the same appears from the records of the Court and SEAL THIS THE 18<sup>th</sup> day of July, 1967.

Alice J. Duck  
Register of Circuit Court, in Equity

FILED  
JUL 18 1967

CLERK  
REGISTER

OSSIE MARTIN,

X

Condemnor,

X

IN THE PROBATE COURT OF

Vs.

X

BALDWIN COUNTY, ALABAMA

HENRY L. HANKINS and  
LOIS HANKINS,

X

CASE NO. 5623

Condemnees.


X

X

ORDER

On the 10th day of June, 1966, Commissioners heretofore appointed in this cause made a report to this Court and upon consideration of the same, the Court carries over and continues this matter for further consideration for a period of 30 days.

Done this the 6th day of July, 1966.

  
Harry D'Olive, Probate Judge

BOOK 044 PAGE 28

OSSIE MARTIN,Condemnor  
vs.HENRY L. HANKINS & LOIS HANKINS,

Condemnees

**STATE of ALABAMA**

Baldwin County

**IN EQUITY**

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint \_\_\_\_\_  
testimony as noted by the Register, verdict of the Jury, and motion for final  
decree

and in behalf of Defendant upon Answer and testimony as noted by the Register

Sodden M. Brane,  
Solicitor for Condemnor

Alice L. Duck,  
Register.

OSSIE MARTIN,

Condemnor,

Vs.

HENRY L. HANKINS and  
LOIS HANKINS,

Condemnees.

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

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

Comes now Ossie Martin and respectfully shows unto the Court  
as follows:

1.

That she is over the age of twenty-one years and a resi-  
dent citizen of Baldwin County, Alabama.

2.

That she is the owner of the following described land in  
Baldwin County, Alabama, to-wit:

Commencing at a point six hundred and seventy four feet  
south and seven hundred and thirty feet East of the  
Northwest corner of the Southwest quarter of the South-  
east quarter of Section Nineteen, Township Six South,  
Range two East; Thence North 123 feet; thence East 195  
feet; thence South 372 feet; thence West 254 feet;  
thence North 247 feet; thence East 59 feet to begin-  
ning, containing two acres and is in the SW 1/4 of  
the SE 1/4 of Section 19, Township 6 South, Range 2  
East.

That the said land is outside the corporate limits of any  
municipality and no part of said tract of land is adjacent or  
contiguous to any public road or highway.

3.

That the land intervening and lying between such tract and  
the public road nearest or most convenient thereto is described  
as follows:

STATE OF ALABAMA, BALDWIN COUNTY  
Filed March 2, 1966 M

Recorded

book

page

Judge of Probate

061



Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run East 312 feet, North 393 feet, West 312 feet, South 393 feet to the point of beginning.

This said land is owned by the Condemnees. That both live in Houstonville, Fairhope, Baldwin County, Alabama. That the Condemnor proposes to acquire an easement for road purposes over and across a parcel of the above land of said Condemnees described as follows:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run North 393 feet, East 30 feet, South 393 feet, West 30 feet to the point of beginning, containing 1/4 acre, more or less.

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 other than the ones named herein.

Premises considered, your applicant prays that Your Honor will enter an order appointing a day for the hearing of this application and will give Henry L. Hankins and Lois Hankins due notice of the day and time this matter will be heard.

Your Applicant prays further that on the day set for the hearing of this matter, Your Honor will enter an order appointing three citizens of this County to assess damages and compensation, if any, to which the said Henry L. Hankins and Lois Hankins are entitled.

Your Applicant prays further that when said Commissioners make their report and certificate to this Court, that Your Honor 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 out.

Your Applicant prays for such other, further or different relief as she in equity may be entitled to receive.

Respectfully submitted

Ossie Martin  
Ossie Martin

WILTERS & BRANTLEY

BY: Tolbert M. Brantley  
Tolbert M. Brantley  
Attorney for Condemnor

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned authority, in and for said County and State, personally appeared Ossie Martin, who is known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:

That she had read the allegations contained in the foregoing application for condemnation and the same are true and correct.

Ossie Martin  
Ossie Martin

Sworn to and subscribed before me on this the 28 day of February, 1966.

Frank Abdul  
Notary Public

BOOK 044 PAGE 18

OSSIE MARTIN,	X	
	X	IN THE PROBATE COURT OF
Condemnor,	X	
	X	BALDWIN COUNTY, ALABAMA
Vs.	X	
HENRY L. HANKINS and	X	
LOIS HANKINS,	X	
	X	
Condemnees.	X	

BOOK 044 PAGE 25

NOTICE OF REAPPOINTMENT OF COMMISSIONERS

TO: TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA.

YOU ARE HEREBY NOTIFIED that the undersigned Judge of Probate of Baldwin County, Alabama, has, in the above styled cause now pending in said Court, reappointed Edwin Warley, Ira Steele and A. C. Council, Jr. as Commissioners to assess the damages and compensation, if any, to which Henry L. Hankins and Lois Hankins are entitled as the owners of the following described land situated in Baldwin County, Alabama, to-wit:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run North 393 feet, East 30 feet, South 393 feet, West 30 feet to the point of beginning, containing 1/4 acre, more or less.

And you are hereby required to serve a copy of this notice upon each of the persons designated herein as Commissioners within five days of the receipt of this notice, which said Commissioners must, within twenty days from this date, make a report in writing to the Court stating the amount of damages and compensation ascertained and assessed by them for the owner of the above described tract of land.

And you are required to make due return on this notice to this Court.

Done this the 17th day of June, 1966.

  
 Judge of Probate

OSSIE MARTIN,

Condemnor,

Vs.

HENRY L. HANKINS and  
LOIS HANKINS,

Condemnees.

X  
X  
X  
X  
X  
X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

7151

ORDER SETTING DAY

This day came Ossie Martin and filed her application to have condemned an easement or right-of-way for public road purposes over and across the lands therein described; and it appearing to the Court from the allegations of said application that it is necessary that Ossie Martin acquire such easement or right-of-way and that she desires to have such easement or right-of-way condemned; and the Court having considered the same is of the opinion that an order should be entered appointing a day for the hearing of said application and that notice should be given to the owners of the land as shown by said application; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that the 22<sup>nd</sup> day of March, 1966, at 9:30 o'clock, be, and the same is hereby appointed as the day for the hearing of said application and that notice of the filing of said application and of the day set for the hearing of said application be given to Henry L. Hankins and Lois Hankins by serving a copy of the Application and this Order by the Sheriff of Baldwin County, Alabama.

Done this the 2<sup>nd</sup> day of March, 1966.

Harry D'Oliver  
Judge of Probate

045

Received 2 day of March 1946  
10 day of March 1946

a copy of the within Order  
Henry L. Hankins &  
Lore Hankins  
same

TAYLOR WILKINS, Sheriff

By Ray Randle

Sheriff's claim 140 miles at  
Ten Cents per mile Total \$ 14.00  
TAYLOR WILKINS, Sheriff  
Ray Randle  
DEPUTY SHERIFF

046

7151

Ussie Martin

~~Henry Martin~~

Use the jury find  
for the Defendants and  
assess their damages at  
\$ 35.00 and the roadway be declared a  
public road.  
Billie W Stephens  
Furner

073

OSSIE MARTIN,	X	
Condemnor,	X	IN THE PROBATE COURT OF
Vs.	X	
HENRY L. HANKINS and	X	BALDWIN COUNTY, ALABAMA
LOIS HANKINS,	X	
Condemnees.	X	

NOTICE OF APPOINTMENT OF COMMISSIONERS

TO: TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA.

YOU ARE HEREBY NOTIFIED that the undersigned Judge of Probate of Baldwin County, Alabama, has, in the above styled cause now pending in said Court, appointed Ed Warley - Janice  
Ira Steele and A.C. Council, Jr.  
as Commissioners to assess the damages and compensation, if any, to which Henry L. Hankins and Lois Hankins are entitled as the owners of the following described land situated in Baldwin County, Alabama, to-wit:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run North 393 feet, East 30 feet, South 393 feet, West 30 feet to the point of beginning, containing 1/4 acre, more or less.

And you are hereby required to serve a copy of this notice upon each of the persons designated herein as commissioners within five days of the receipt of this notice, which said Commissioners must, within twenty days from this date, make a report in writing to the Court stating the amount of damages and compensation ascertained and assessed by them for the owner of the above described tract of land.

And you are required to make due return on this notice to this Court.

Done this the 18<sup>th</sup> day of April, 1966.

Harry D. Dine  
Judge of Probate

Received 18 day of April 1906  
at 2 day of April 1906

a copy of the within Notice  
Ed. Warley, via Steele  
A. C. Counselor, Jr.

Service on Same

TAYLOR WILKINS, Sheriff

By Roy Randall D. S.

J. P. P.

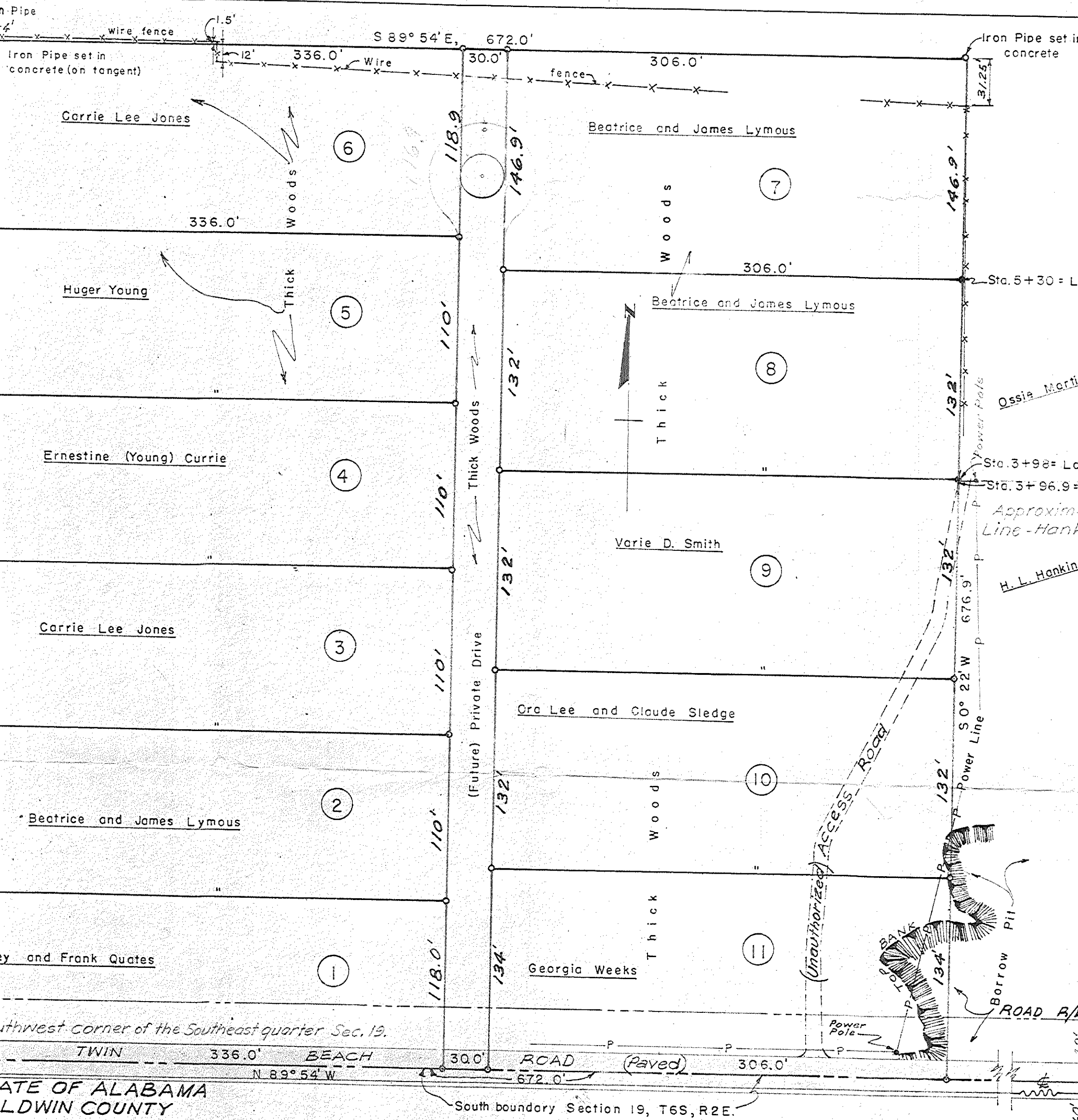
Sheriff claims 2.18 miles at 10

Ten Cents per mile Total 1.21

TAYLOR WILKINS, Sheriff  
By Roy Randall  
DEPUTY SHERIFF

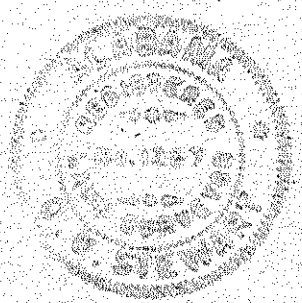
048



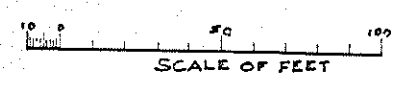
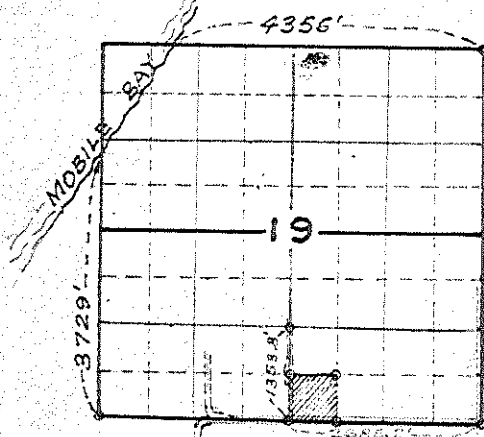


D. O. Stewart, a registered Land Surveyor in the State of Alabama, hereby certify that the foregoing Plat is a true and correct map of certain property described as:  
 The Southwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 19, Township 6 South, Range 2 East, St. Stephens Meridian, as deeded to Hester Young on the 17th day of June, 1907, and recorded Book No. 12 NS, Page No. 195; that the boundary lines shown hereon were surveyed by me on the 5th, 6th, 8th and 10th days of July and the 20th day of August, 1963.  
 Witness my hand and seal this 24th day of August, 1963.

D. O. Stewart, Registered Land Surveyor,  
 License No. 1307.



NOTE: This map shows Road and fence line encroachments on the East and North boundaries.



A SUBDIVISION OF  
 THE SOUTHWEST QUARTER  
 THE SOUTHWEST QUARTER  
 THE SOUTHWEST QUARTER  
 SECTION 19, T6S, R2E

May 19, 1967


Judge Telfair Mashburn  
Circuit Judge  
Bay Minette, Alabama

RE: Ossie Martin VS. Henry Hankins

Dear Judge,

The above case is a condemnation by a private citizen which was appealed out of the Probate Court of Baldwin County. We have passed this case twice—the first time because Mr. Bailey was ill, the second time because I failed to put it on the docket. If you will, please put it on the next docket for jury trial.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Tolbert M. Brantley", written over a horizontal line.

Tolbert M. Brantley

TMB/jc

HARRY J. WILTERS, JR.  
TOLBERT M. BRANTLEY

LAW OFFICES OF  
WILTERS & BRANTLEY

P. O. BOX 968  
BAY MINETTE, ALABAMA

PHONE  
BAY MINETTE, ALA.  
937-5533

October 21, 1966

Judge Telfair J. Mashburn  
Circuit Judge of Baldwin County  
Bay Minette, Alabama

Dear Judge:

*Hartman's*  
I have a private condemnation suit which was appealed from the County Court, styled Martin vs. ~~Johnson~~. If you will, please place this on the docket for trial during the week you hear condemnations.

Respectfully yours,

WILTERS & BRANTLEY

BY:

*Tolbert M. Brantley*  
Tolbert M. Brantley

TMB:ag

- ~~1. Agerton, J. W., Chemstrand, Bay Minette~~
- ~~2. Allen, Clyde, Newport, Bay Minette~~
- ~~3. Allen, Leslie, Jr., Insurance Salesman, Fairhope~~
- ~~4. Anderson, Anthony, Newport Industry, Bay Minette~~
- ~~5. Anderson, Eddie Lee, Standard Furniture, Bay Minette~~
- ~~6. Barton, John, Sr., Merchant, Bay Minette~~
- ~~7. Berglin, Lavine, Jr., Salesman, Fairhope~~
- ~~8. Bloch, Herman, Farmer, Elberta~~
- ~~9. Boykin, Oswald S., Jr., Teacher, Bay Minette~~
- ~~10. Britt, Cecil, Carpenter, Bay Minette~~
- ~~11. Brooks, Horace D., Farmer, Summerdale~~
- ~~12. Bryars, Rudolph H., Brookley Field, Bay Minette~~
- ~~13. Conway, James, Mobile Construction, Daphne~~
- ~~14. Creamer, Henry, City Employee, Fairhope~~
- ~~15. Dawson, Roy S., Livestock Dealer, Robertsdale~~
- ~~16. Early, L. J., Timber & Lumber, Foley~~
- ~~17. Fell, Russell, Civil Service, Lillian~~
- ~~18. Fell, Walter, Mechanic, Bon Secour~~
- ~~19. Flowers, Edward, Farmer, Bay Minette~~
- ~~20. Gill, R. A., Oil Co., Robertsdale~~
- ~~21. Harris, Walter, Laborer, Foley~~
- ~~22. Heidelberg, Jerry, Farmer, Robertsdale~~
- ~~23. Hill, Calvin, Farmer, Belforest~~
- ~~24. Hogan, C. J., Furniture Store, Bay Minette~~
- ~~25. Holmes, Roy, Teacher, Summerdale~~
- ~~26. Hunt, Frank C., GRAMCO, Spanish-Fort, Daphne~~
- ~~27. Johnson, C. L., Laborer, Bay Minette~~
- ~~28. Krischer, John, Farmer, Elberta~~
- ~~29. Krob, Joseph R., Farmer, Silverhill~~
- ~~30. Lamberth, Jack Ogal, Farmer, Bay Minette~~
- ~~31. Landcaster, Jack, Farmer, Robertsdale~~
- ~~32. Lazzari, Anglo, Farmer, Belforest~~
- ~~33. Leiterman, Nick, Civil Service, Elberta~~
- ~~34. Little, Frank Eugene, Mechanic, Foley~~
- ~~35. Lunsford, Albert A., Brookley Field, Foley~~
- ~~36. Lyrene, Edward, Farmer, Silverhill~~
- ~~37. Mahathy, Roy, Civil Service, Stapleton~~
- ~~38. Manci, Arthur, Farmer, Daphne~~
- ~~39. Mims, John, Griffin Motor Co., Daphne~~
- ~~40. Morris, Robert, Farmer, Gateswood~~
- ~~41. Mosley, Alfred, Farmer, Robertsdale~~
- ~~42. Moyer, Roy, Druggist, Fairhope~~
- ~~43. Nahrang, Robert, Contractor, Fairhope~~
- ~~44. Neal, Harold, Ponder Co., Fairhope~~
- ~~45. Neimeyer, Lenora (Mrs. Ed), Fairhope~~
- ~~46. Nix, C. Herbert, Reserve Fleet, Bay Minette~~
- ~~47. Peterson, Donald E., Brookley, Robertsdale~~
- ~~48. Oblak, John, Jr., Farmer, Silverhill~~
- ~~49. Quinley, Wilburn, Farmer, Bay Minette~~
- ~~50. Rhodes, Latham, Farmer, Foley~~
- ~~51. Roley, Leonard D., Farmer, Perdido~~
- ~~52. Ruple, J. L., Civil Service, Bay Minette~~
- ~~53. Smith, Otis, Defense Worker, Bay Minette~~
- ~~54. Stephens, Billie W., Brookley, Summerdale~~
- ~~55. Stewart, Daniel W., State, Gulf Shores~~
- ~~56. Stuckey, Joe, Sawmill, Bay Minette~~
- ~~57. Sudith, Jack, Office Mgr., Bay Minette~~
- ~~58. Tullis, Abe, Brookley, Fairhope~~
- ~~59. Vines, Mack, Clerk, Bay Minette~~
- ~~60. Warley, Beverly (Mrs. Ed), Fairhope~~
- ~~61. Weeks, Ralph, Farmer, Magnolia Springs~~
- ~~62. Wilsey, Murry Emmett, Farmer, Robertsdale~~
- ~~63. Yeager, Dorothy (Mrs. Jerry), Fairhope~~

P XXXX XXXX XXXX

D XXXX XXXX XXXX

63  
11  
52  
16  
40  
28

STATE OF ALABAMA

BALDWIN COUNTY

Filed February 16, 1942 at 4:05 P. M. Recorded in Deed Book No. 77 at page 35-6; and I certify that \$.50 Deed tax has been paid as required by law. F. M. Robertson, Judge of Probate.

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STATE OF ALABAMA

BALDWIN COUNTY

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That Robert Wilson (Widower) in consideration of the sum of Twelve and 50/100 Dollars to me in hand paid by Henry L. Hankins and Lois Hankins the receipt whereof is hereby acknowledged, I do remise, release, quit-claim, and convey to the said Henry L. Hankins and Lois Hankins their heirs and assigns forever all my right title, interest and claim, in or to the following described real estate (or lands), to-wit:

Begin at SE cor of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ -Sec 10 T 6 S R 2 E run thence E 312 ft N 393 ft, W 312 ft, S 393 ft to begin - Sec 19 T 6 S - R 2 E

to have and to hold, to the said Henry L. Hankins and Lois Hankins their heirs and assigns forever. GIVEN under my hand and seal this 3rd day of February 1942

Executed in Presence of

Frank S. Coffin

Mrs. June Turk

STATE OF ALABAMA

MOBILE COUNTY

I, Frank S. Coffin a Notary Public in and for said County and State, do hereby certify that Robert Wilson (widower) whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the said conveyance he executed the same voluntarily on the day the same bears date. Given under my hand and official seal, this 3rd day of February, 1942.

ROBERT WILSON

SEAL

SEAL

STATE OF ALABAMA

BALDWIN COUNTY

Filed February 17, 1942 at 1:30 P. M. Recorded in Deed Book No. 77 at page 36; and I certify that \$.50 Deed tax has been paid as required by law. F. M. Robertson, Judge of Probate.

-----00000000-----

ORIGINAL

The State of Alabama  
Baldwin County

No. 6907

KNOW ALL MEN BY THESE PRESENTS: THAT WHEREAS, on 8 day of June, A. D. 1931, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from George Asmus the owner of said land, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 8 day of July, 1931, under and in pursuance of said decree said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same.

STATE OF ALABAMA

Baldwin County

PROBATE COURT

I, HARRY D'OLIVE, Judge of Probate Court in and for said State and County, hereby

certify that the within and foregoing \_\_\_\_\_ one \_\_\_\_\_ Pages

contain a full, true and complete copy of the \_\_\_\_\_ Quit Claim Deed from Robert Wilson to  
Henry L. and Lois Hankins, recorded in Deed Book 77, page 36

as the same appears of record in my office.

Given under my hand and seal of office, this 12th day of April, 19 66.

*Harry D Olive*  
Judge of Probate

OSSIE MARTIN,

Condemnor,

Vs.

HENRY L. HANKINS and  
LOIS HANKINS,

Condemnees.

X  
X  
X  
X  
X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

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

REPORT OF COMMISSIONERS

The undersigned Edwin W. W. W.  
W. M. W. W. and W. C. Council, Jr.

who were heretofore appointed by the Probate Court of Baldwin  
County, Alabama, as Commissioners to assess the damages and  
compensation to which Henry L. Hankins and Lois Hankins are  
entitled on the application of Ossie Martin, for an order of  
condemnation of an easement for road purposes over and across  
the following described land situated in Baldwin County, Ala-  
bama, to-wit:

Beginning at the Southeast corner of the Southwest  
quarter of the Southwest quarter of the Southeast  
quarter of Section 19, Township 6 South, Range 2  
East, run North 393 feet, East 30 feet, South 393  
feet, West 30 feet to the point of beginning, con-  
taining 1/4 acre, more or less.

does 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 Henry L. Hankins and Lois Hankins 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 compensa-  
tion to the said Henry L. Hankins and Lois Hankins at the sum of  
\$ 750.00.

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 20<sup>th</sup> day of May, 1966.

Edwin W. Daley  
W. H. H. H. H.  
A. C. C. C. C.

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 30<sup>th</sup> day of May, 1966.

Edna Wally  
John McArthur  
A. C. Councils

BOOK 044 PAGE 23

Sworn to and subscribed before me on the 30<sup>th</sup> day of May,  
1966.

Judge of Probate, Baldwin County, Alabama

DEED WITH WARRANTY

Sold by Ridgwood Stationery Co., Mobile, Ala.

This Indenture, Made the 11th. day of February 1946 between

Will Day, a widower

party of the first part, and Ossie Martin

party of the second part: Witnesseth, that the party

of the first part in consideration of Ninety

\$90.00

DOLLARS,

hereby acknowledged to have been paid the party of the first part by the party of the second part,

do hereby grant, bargain, sell and convey unto said party of the second part, her heirs

and assigns, all the real property in Baldwin County, Alabama described as follows:

Commencing at a point six hundred and seventy-four feet south and seven hundred and thirty feet East of the Northwest corner of the South west quarter of the South East quarter of Section Nineteen, Township Six South, Range two east; Thence North 123 feet; Thence East 195 feet; thence south 372 feet; thence west 254 feet; Thence North 247 feet; thence East 59 feet to beginning, containing two acres and is in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 19, T. 6. R.2.E.

Together with all the rights and appurtenances to said described premises in anywise belonging: To have and to hold the same forever.

And Will Day

for

him and his heirs, the said described premises and appurtenances, will forever Warrant and Defend unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons whatsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year above written.

Signed, sealed and delivered in the presence of

*Will Day*

(SEAL)

(SEAL)

(Exhibit "A")

1946

State of Alabama,

Baldwin

County

I,

G. E. Perkins

a Notary Public

in and for said State and County, do hereby certify that

Will Day, a widower

whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me, on this day that being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand (if before a foreign notary add "notarial seal") this 11th. day of February 1946

G. E. Perkins

Notary Public

State of Alabama,

County

I,

in and for said State and County, do hereby certify

that on the day of 19, came before me the within named

, known to me to be the wife of the within named

, who being examined separate and apart from the husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.

Given under my hand (if before a foreign notary add "notarial seal") this day of 19

STATE OF ALABAMA, BALDWIN COUNTY

Filed Oct 2 1946

Notarized by G. E. Perkins

and I certify that the following Property Tax

has been paid

Deed Tax

Mortgage Tax

By

DEED WITH WARRANTY

Will Day 1946  
David Martin

STATE OF ALABAMA, Baldwin County, Probate Court

Filed in my office for record, this

day of 19

and recorded in Deed Book No. N. S.

Pages

Judge of Probate

112,000 1/2 23 9 18 5 1947

STATE OF ALABAMA

Baldwin County

PROBATE COURT

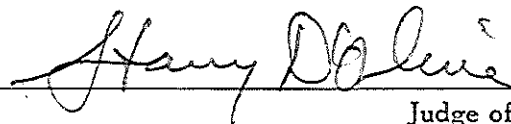
I, HARRY D'OLIVE, Judge of Probate Court in and for said State and County, hereby

certify that the within and foregoing two Pages

contain a full, true and complete copy of the Deed from Will Day to Ossie Martin,  
recorded in Deed Book 113, pages 145-46

as the same appears of record in my office.

Given under my hand and seal of office, this 12th day of April, 19 66.



Judge of Probate

OSSIE MARTIN,	X	
Condemnor,	X	IN THE PROBATE COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
HENRY L. HANKINS and	X	CASE NO. 5623
LOIS HANKINS,	X	
Condemnees.	X	

BOOK 044 PAGE 32

Comes now Ossie Martin, the Condemnor in the above styled cause, and files this her Notice of Appeal to the Circuit Court of Baldwin County, Alabama, from the Decree of the Probate Court made in this matter on the 2nd day of August, 1966.

WILTERS & BRANTLEY

BY: *Ernest M. Bailey*  
Attorney for Ossie Martin, Condemnor

Your Condemnor, Ossie Martin, respectfully demands a trial by jury.

*Mailed copy of Appeal to Ernest M. Bailey  
Attorney for Hankins, 8-4-66*

MOTION FOR FINAL DECREE

OSSIE MARTIN,	)	
	)	
Condemnor,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
HENRY L. HANKINS and LOIS	)	AT LAW
HANKINS,	)	
	)	CASE NO. <u>7151</u>
Condemnees.	)	

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

Comes now, Ossie Martin, acting by and through her attorney and respectfully moves the Court to enter a Decree giving Ossie Martin an easement for road purposes over and across a parcel of land owned by Henry L. Hankins and Lois Hankins described as follows:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run North 393 feet, East 30 feet, South 393 feet, West 30 feet to the Point of Beginning, containing 1/4 acre, more or less.

and as a basis for said Motion shows unto the Court that:

Heretofore Ossie Martin filed a Petition in the Probate Court of Baldwin County, Alabama, alleging, among other things, that she owned certain land in Baldwin County, Alabama, no part of which was adjacent or contiguous to a public road or highway; that the land intervening and laying between her property and the nearest public road was owned by Henry L. Hankins and Lois Hankins; that she proposed to acquire an easement for those purposes across the aforesaid property. That the Probate Court gave due notice of this application to Henry L. Hankins and Lois Hankins and the matter was set down for a hearing. Said hearing was had and the Probate Court found that the Condemnor was entitled to have the aforesaid land condemned and her petition was granted. The Probate Court then appointed Commissioners to assess damages and compensation to said Condemnees. Said Commissioners viewed this property and made a report to the Probate Court and by this report assessed damages and compensation to Henry L. Hankins and Lois

Hankins. Thereafter and within the time prescribed by law, the Probate Court entered an Order condemning the aforesaid land conditioned upon her paying the sum assessed by the Commissioners and the cost of the proceedings in the Probate Court. From this order, Ossie Martin filed a Notice of Appeal to the Circuit Court of Baldwin County, Alabama, and demanded a trial by jury.

When this case was called for trial in the June term of 1967, the parties to this suit, acting by and through their respective attorneys, stipulated and agreed that Ossie Martin had the right to condemn the property of Henry L. Hankins and Lois Hankins which is heretofore described, and that the only question which needed to be submitted to the jury was the amount of damages and compensation to be paid to the Condemnees. Under the instructions of the Court, this issue was made up and submitted to the jury. Upon consideration of the same, the jury found that Henry L. Hankins and Lois Hankins were entitled to damages and compensation in the sum of THIRTY FIVE DOLLARS (\$35.00)

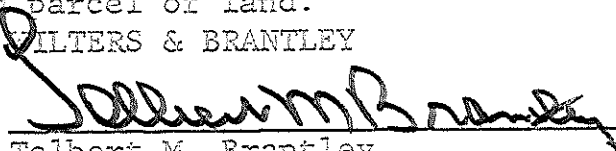
Your Movant shows unto the Court that she has paid the Clerk of the Circuit Court of Baldwin County, Alabama, the sum of THIRTY FIVE DOLLARS (\$35.00) together with the cost of this proceeding.

Premises considered, Your Petitioner respectfully prays that Your Honor will forthwith enter an Order condemning the following described land, to-wit:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run North 393 feet, East 30 feet, South 393 feet, West 30 feet to the Point of Beginning, containing 1/4 acre, more or less.

and adjudicating that Ossie Martin has an easement for road purposes over and across this said parcel of land.

WILTERS & BRANTLEY

  
Tolbert M. Brantley  
Attorney for Movant

OSSIE MARTIN,	X	
	X	IN THE PROBATE COURT OF
Condemnor,	X	
	X	
Vs.	X	BALDWIN COUNTY, ALABAMA
	X	
HENRY L. HANKINS and	X	
LOIS HANKINS,	X	
	X	
Condemnees.	X	

BOOK 044 PAGE 28

REPORT OF COMMISSIONERS

The undersigned Edwin Warley, Ira N. Steele and A. C. Council, Jr., who were heretofore reappointed by the Probate Court of Baldwin County, Alabama, as Commissioners to assess the damages and compensation to which Henry L. Hankins and Lois Hankins are entitled on the application of Ossie Martin, 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:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 19, Township 6 South, Range 2 East, run North 393 feet, East 30 feet, South 393 feet, West 30 feet to the point of beginning, containing 1/4 acre, more or less.

does 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 Henry L. Hankins and Lois Hankins 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 Henry L. Hankins and Lois Hankins at the sum of \$ 750<sup>00</sup>/<sub>100</sub>.

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 10<sup>th</sup> day of June, 1966.

Edwin W. Dale  
Wm H. Stebbins  
A. C. Cornish

CERTIFICATE OF COMMISSIONERS

We, the undersigned, as Commissioners heretofore reappointed 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 10<sup>th</sup> day of June, 1966.

Edwin W. Dale  
Wm H. Stebbins  
A. C. Cornish

Sworn to and subscribed before me on the 10<sup>th</sup> day of June, 1966.

\_\_\_\_\_  
Judge of Probate, Baldwin County, Ala.

OSSIE MARTIN,

Condemnor,

Vs.

HENRY L. HANKINS and  
LOIS HANKINS,

Condemnees.

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

ORDER

It appears to the Court that on the 18th day of April, 1966, Edwin Warley, Ira N. Steele and A. C. Council, Jr. were appointed Commissioners for the purpose of assessing the value on a strip of land owned by Henry L. Hankins and Lois Hankins. That said Commissioners did appraise this property and made a return on the 30th day of May, 1966. That more than 20 days lapsed between the time of their appointment and the date of their appraisal, hence, their report is set aside in its entirety.

Done this the 6th day of June, 1966.

  
\_\_\_\_\_  
Harry D'Olive, Probate Judge

BOOK 044 PAGE 24