

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
PETITIONER,)	BALDWIN COUNTY, ALABAMA
VS.)	CASE NO. <u>7214</u>
HOOPER BROTHERS, A Partnership,)	
and CAMELLA N. HOOPER, LEONARD)	
J. HOOPER, WILLIAM J. HOOPER,)	
GLEN S. HOOPER and THOMAS N.)	
HOOPER, and TRACT NO. 10,)	
RESPONDENTS.)	

STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and Hooper Brothers, A Partnership, Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper, (appellees) parties to the above styled cause, through their respective attorneys of record, each acting with full authority as follows:

1. That the petitioner is authorized to institute and prosecute this proceeding to acquire the property or interest for order of condemnation filed in the Probate Court of Baldwin County, Alabama, on the 12th day of August, 1966, for the public purposes stated in said application or petition.

2. That all proceedings in the Probate Court of Baldwin County, Alabama, in this cause were regular, and an appeal has been duly and properly perfected within the time allowed and entered in said Probate Court in this cause on the 12th day of October, 1966, to this Court and trial by jury on the issue of valuation has been properly demanded.

3. That the application or petition for order of condemnation correctly sets out the uses and purposes for which the property and rights herein sought is to be devoted, used or applied and the petitioner has the right to obtain said property in this proceeding for the purposes stated.

4. That the respondents herein are the only parties known to either petitioner or respondents who have or assert any right, title

or interest in or to the lands or interest therein sought to be acquired.

5. That the Respondents have had due notice of this trial and all proceedings herein and expressly enters their appearance in this Court thru their attorney of record, Hon. Wilson Hayes.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the Respondents are entitled for the lands and interest in lands sought to be acquired by the petitioner for the uses and purposes stated.

7. That the time of taking in this proceeding is the date on which the application for order of condemnation was filed in the Probate Court, to-wit, 12 August, 1966, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, 21 September, 1966.

Kenneth Gorn
ATTORNEY FOR PETITIONER

Wilson Hayes
ATTORNEY FOR RESPONDENTS

FILED

SEP 21 1966

CLERK OF COURT

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
PETITIONER,)	BALDWIN COUNTY, ALABAMA
VS.)	CASE NO. <u>7274</u>
HOOVER BROTHERS, A Partnership,)	
and CAMELLA N. HOOVER, LEONARD)	
J. HOOVER, WILLIAM J. HOOVER,)	
GLEN S. HOOVER and THOMAS N.)	
HOOVER, and TRACT NO. 10, PRO-)	
JECT S-60-E,)	
RESPONDENTS.)	

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 8th day of December, 1966, now come the parties and their respective attorneys of record and it appearing to the Court from the stipulation of the parties made and entered into on this date and filed for record in this cause, that on the 12th day of August, 1966, an application was filed in the Probate Court of Baldwin County, Alabama, by the State of Alabama, seeking to condemn certain lands therein described for the uses and purposes therein averred, and that subsequent thereto proceedings were had in the Probate Court of Baldwin County, Alabama, and that the necessary action to properly effect the appeal from the Probate Court of Baldwin County, Alabama, in accordance with all the statutes and laws in such cases made and provided, to the Circuit Court of Baldwin County, Alabama, were made, and that said Court did enter an order of condemnation of the lands described in said application and which are hereinafter described, and that on the 21st day of October, 1966, the Respondent landowners, Hoover Brothers, et al, appealed from said order of condemnation to this Court and demanded a trial by jury; and that on the said date the Petitioner, State of Alabama, did file a cross-appeal in said cause and demanded a trial by jury; and it appearing to the Court from the stipulation of the parties hereinabove referred to that the only issue in this proceeding is the damages and compensation, if any, to which the Defendant landowners are entitled and that an order of condemnation should here be entered condemning

the lands hereinafter described for the uses and purposes set forth in the application, which is now on file in this Court.

And now comes the parties hereto, by their respective attorneys of record, to-wit, Kenneth Cooper, Esquire, and ~~J. B. Blackburn~~ ^{Wilson Hayes}, Esquire, and agree that the damages and compensation to which the Defendant landowners are entitled is the sum of \$500.00.

And the Court having considered all of the above is of the opinion and judgment that an order or judgment of condemnation should here be entered conditioned upon the payment by the State of Alabama to the Clerk of this Court for the use and benefit of the Defendant landowners the sum aforesaid; it is, therefore

ORDERED, ADJUDGED AND DECREED by the Circuit Court of Baldwin County, Alabama, as follows:

1. That the application of the State of Alabama for the condemnation of the lands, rights and construction hereinafter described be, and the same are hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part thereof as though fully set forth herein, be, and the same is hereby condemned for the use by the State of Alabama as a right-of-way for a public road as set forth in the application aforesaid, and the rights therein are hereby divested out of the landowners and into the State of Alabama, upon the payment by the State of Alabama of the sum hereinafter ordered and decreed to be paid.

2. That the damages and compensation to which the Defendant landowners in this case, Hooper Brothers, et al, are entitled is hereby fixed at the sum of \$500.00, which said sum is hereby ordered to be paid by the State of Alabama to the said Defendant landowners; and that upon payment of said amount by the State of Alabama to said landowners the condemnation of the lands hereinabove described shall be, and become effective.

3. That the State of Alabama pay the costs of this proceeding.

Dated this 8th day of December, 1966.

E X H I B I T "A"

TRACT NO. 10, as shown on the right-of-way map of Project No. S-60-E as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the northeast corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 21, T-2-S, R-3-E; thence westerly along the north line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 1282 feet, more or less, to the present east right-of-way line of U. S. Highway No. 31; thence southerly along the said present east right-of-way line a distance of 160 feet, more or less, to a point that is easterly of and at right angles to the centerline of Project No. S-60-E at Station 495+50 and the point of beginning of the property herein to be conveyed; thence continuing southerly along said present east right-of-way line a distance of 585 feet, more or less, to the south property line; thence easterly along said south property line a distance of 10 feet more or less, to a point that is 113 feet easterly of and at right angles to the centerline of said Project; thence N 01° 46' 30" W, parallel to the centerline of said Project a distance of 32 feet, more or less, to a point that is 113 feet easterly of and at right angles to the centerline of said Project at Station 490+00; thence turn an angle of 90° 00' to the right and run a distance of 13 feet; thence N 01° 46' 30" W, parallel to the centerline of said project a distance of 550 feet; thence turn an angle of 90° 00' to the left and run a distance of 22 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 21, T-2-S, R-3-E and containing 0.28 acres, more or less.

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CLERK
BALDWIN COUNTY