nous 26 state if Man 05. L. V. Phodes JURY LIST - MARCH 6, 1967 - SPRING SESSION Ball, Johnnie Ruth, Bookkeeper, Bay Minette Baskin, Lavon, ----Bay Minette Benton, Thomas H., Farner, Gulf Shores Parmera - Rosierion Porter, Dankell Lee, Didley Man, Summerdale Messico Archur, Mercha v. Patricope Messicos, Reid, Euroliure Store Oper, Robertsdale Carpenter, Fairhope and, why deal and discover any are boley 12. Bysele, Charles, Metchent, Roley Tones Marianiord, Harry Bry. Operator, Eliberta ---Campbelly-Acte, -- Harmer, -- Rosinton -Bush, -Hobson, -- Farmer, -- I ey Minette 16 Hesse, Henry W., Linesman, Foley 17. Harris, Guy H., Merchant, Foley wastie. Toe H. . Merchant, ... Stockton .... 19 McGowin, Randolph, Jr., Store Keeper, Bay Minette 2000 Mark Stockton Sanders, Wiffiam C., Resin Estate, Gulf Shores Social Distriction of the second seco /24. Stripline, Fred, Television Repair, Robertsdale Phompsong-Robert Way-Mei chants- Loley 26. Versony-Georgy Givil-Service, Stapleton. 27 - Hiller Tollyman Utilities S. Man, ... Eoley. 26. Rankowy Włoyd Bygowikiliman, Stockton Manage Maide William Co. 730. Sanders, E.Frank, Banker, Foley 32 Deverly, Marvin, Laborer Robertydale 33. Blair, Dorothy L., - - Stapleton 34. Boeschen, Sarah, - - Bay Minette May Marris Clemi, Merchani, Robertsdale 36. - Croeby, James W., Bookkeeper, Folley <u>azonomiore, jortori, por Electricia a per Eoley proponiore di al</u> Bryans, Endage I., Reserve Lleet, Bay Minette Weaks, Willeam, Taborer, Magnotia Springs 40. Earls, Doris K., --- Bay Minette Dubrock, George, Cabiner Maker, Bairhope 43. Durant, Percy N., Merchant, Bay Minette Joacs, Sanford, Newport; Bay Minette - Application of the Company of the 43: Akers, Redus No, Tasurance, Bay Minette 48: Folier, David, Motely Epanish Fort Daphne 49; Linote, Sherman Ry, Butcher, Robertsdale 51. Duck, Jos Willison, Brookley Field, Bay Minette EXXXX XXXX FXXX

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STATE OF ALABAMA,

PETITIONER,

VS

L. T. RHODES, et al,

Tract 23,

PESPONDENTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 7276

\*

RESPONDENTS.

## STIPULATION

It is hereby stipulated by and between the Petitioner (appellee), and L. T. Rhodes, et al, (appellant), 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 21st day of September, 1966, in this Court and trial by jury on the issue of valuation has been properly demanded.
- 3. That the application or petition for order of condemnation is correctly sets out the uses and purposes for which the property and rights herein sought is to be devoted, used or applied and the petitioner has the right to obtain said property in this proceeding for the purposes stated.
- 4. That the respondents herein is the only parties known to either petitioner or respondents who have or assert any right, title or interest in or to the lands or interest therein sought to be acquired.

- 5. That the respondents have had due notice of this trial and all proceedings herein and expressly enter their appearance in this court.
- 61 That the only issue in this proceeding is the damages and compensation, if any, to which the respondents are entitled.
- 7. That the time of taking in this proceeding is the date on which the application for order of condemnation was filed in the Probate Court, to-wit, the 12th day of August, 1966, and the valuation of said property was constant between that date and the date on which the order od condemnation was entered, to-wit, the 21st day of September, 1966.

ATTORNEY FOR PETITIONER

ATTORNEY FOR RESPONDENTS

Filed 3-7-61 Reice Shewertz VERSO #

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STATE OF ALABAMA

vs: J. Ahras Ja

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, CASE NO. 7276

We, the Jury, find for the landowners and assess the damages and compensation at \$0.250 = 0.000

Foreman.

In the matter of State of ala. VS. 2. 2. Phodes, et al No. 577/ Administrator, Executor, or Guardian. Residence Attorneys\_ Docket\_  $Page_{-}$ Fee Book... DATE DATE AMOUNT AMOUNT FEES FEES WILL-Orders on Presentation, \$1.00 BROUGHT FORWARD. Affidavit in Petition for Probate, 25c SALE OF PERSONAL PROP .- Petition, 25c Recording Petition, per 100 words, 15c Recording same, per 100 words, 15c Issuing Citation, entering Sheriff's Returns, 50c Granting Order of Sale, 50c Appointing, Notifying Guardian ad Litem, 50c Issuing Order of Sale, 25c Issuing Subpoena for Witnesses, 50c Order to Publish Notice of Sale, 50c Affidavit of Witnesses, 25c Affidavit to Report, 25c Examining Witnesses and Order Probating, \$2.00 Recording, per 100 words, 15c Issuing Commission to take Deposition, 50c Appointing Com'r to Divide, and Writ, \$2.00 Filing Interrogatories, 10c Appointing and Notifying Guardian ad Litem, 50c Copy of same, per hundred words, 15c Recording Will, per hundred words, 15c Recording Testimony, per hundred words, 15c PARTIAL SETTLEMENT-Affi. in Account, 25c Certificate, without Seal, 25e Certificate, with Seal, 50c Presiding at Trial of Contested Will, per day, \$2.50 Examin'g, Stating Acc't, and App. Hearing, \$1.00 Order to Publish Notice of Sale, 50c Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Making Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c LETTERS-Affidavit in Petition, 25c Filing Claims and Civing Receipt, 15c Recording Petition, per hundred words, 15c INSOLVENCY-Affidavit in Report, 25c Granting Letters of Administration, 50c Recording Report and State., per 100 words, 15c Issuing and Recording same, 50c Order Appointing Day for Hearing, 25c Granting Letters of Guardianship, 75c Order to Publish Notice of same, 25c Issuing, Filing, and Recording same, 50c Order for Citations, 25c Taking App., Filing, Rec. Adm. Bond, \$1.50 Issuing Notice to Creditors, Day of Hearing, 50c Taking App., Filing, Rec. Guard. Bond, \$1.00 Order Sustaining Report, 25c Affidavit of Justification, 50c Order for Settlement, 25c Granting Order of Appraisement, 50c Order to Publish Day of Settlement, 25c Issuing Order of Appraisement, 25c Issuing Notice of Day of Settlement, 25c Recording same, per hundred words, 15c Affidavit to Amount of Claims, 25c Certified Copy Letters, 50c Appointing, Notifying Guardian ad Litem, 25c. SALE OF REAL ESTATE-Affi. in Petition, 25c Recording Petition, per 100 words, 15c HOMESTEAD—Rec. Petition for Com. 100 words, 15c Order App. Day of Hearing and Notice, \$1.00 Rec. Order for Applicant, per 100 words, 15c Order to Publish Notice of same, 50c Recording Order for Com., per 100 words, 15c Issuing Citation, entering Sheriff's Return, 50c Notice to Commissioners, 50c Appointing and Notifying Guardian ad Litem, 50c Recording Report of Com., per 100 words, 15c Issuing Commission to take Deposition, 50c Rec. Order Setting Apart, per 100 words, 15c Filing Interrogatories, per 100 words, 15c INVENTORY-Order to App. and Rec., 50c Copy of Interrogatories, per 100 words, 15c Affidavit to same, 25c Appointing Com'r to Divide and Issue Writ, \$2.00 Recording same, per 100 words, 15c Affidavit in Report of same, 25c Recording Decree, per 100 words, 15c Order Approving Division and Report, \$1.00 Recording same, per 100 words, 15c Hearing Application for Dower, Issuing Writ, \$4.00 APPRAISEMENT-Order Approving Rec., 50c Exam. Testimony and Granting Order to Sell. \$2.00 Affidavit to same, 25c Recording Depositions, per 100 words, 15c Recording same, per 100 words, 15c Recording Relinquishment of Dower, 100 wds., 15c Issuing Order of Appraisement, 25c Recording Report, per 100 words, 15c Recording Warrant, per 100 words, 15c Rec. Payment Purchase Money, per 100 words, 15c Order to Approve Appraisement, 50e Making Order on Report Sale of Land, 75c Affidavit to Appraisement, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c FINAL SETTLEMENT-Affidavit in Acc's, 25e Examining, Stating, and Reporting Account, \$1.00 SALE OF PERISHABLE PROPERTY—Petition, 25c Order to Publish Notice of same, 50c Recording same, per 100 words, 15c Appointing and Notifying Guardian ad Litem, 50c Granting Order of Sale, 50c Examining Vouchers, 10c Issuing Order of Sale, 25c Administering Affidavits, 25e Appointing, Notifying Guardian ad Litem, 50c Recording same, per 100 words, 15c Affidavit to Report, 25c Recording, per 100 words, 15c Total Court Costs 637.50 CARRIED FORWARD:

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FORM 1575—ROBERTS & SON, BIRMINGHAN				DATE					

STATE OF ALABAMA,	*	IN THE CIRCUIT COURT OF
PETITIONER,	)	BALDWIN COUNTY, ALABAMA
VS	Ĵ	CASE NO. 7276
L. T. RHODES, et al, Tract 23,	) *	
RESPONDENTS.	) *	

## FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 7th day of March , 1967, 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 andfiled 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 13 day of October, 1966, L. T. Rhodes, et al, Defendants, appealed from said order of condemnation to this Court and demanded a trial by jury; and that on the 18th day of October, 1966, 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 a jury of twelve good and lawful men, to-wit,

Lavon Baskin and eleven others, and the issue

of the amount of damages and compensation, if any, to which the

landowner is entitled having been submitted to them, did return a

verdict in words and figures as follows, to-wit:

We, the Jury, find for the landowners and assess the damages and compensation at \$6,250.00.

## /s/ LaVon Baskin Foreman

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:

- l. 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 decteed to be paid.
- 2. That the damages and compensation to which the Defendant landowners in this case, L. T. Rhodes, et al, are entitled is hereby fixed at the sum of \$6,250.00, 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 <u>7th</u> day of <u>March</u>, 1967.

Joseph D. Washer

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AR I WILL CLEIK REGISTER

## EXHIBIT "A"

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

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

Commencing at the northwest corner of the NW\(^1\) of SW\(^1\), Section 16, T-2-S, R-3-E; thence easterly along the north line of said NW\(^1\) of SW\(^1\) a distance of 895 feet, more or less, to Station 553+98 on the centerline of Project No. S-60-E; thence S 19° 54' E along the centerline of said project a distance of 298 feet, to the north line of the property herein to be conveyed and the point of beginning; thence easterly along the north property line a distance of 25 feet, more or less, to the present southwest right-of-way line of U. S. Highway No. 31; thence southeasterly along said present southwest right-of-way line a distance of 665 feet, more or less, to the south property line; thence westerly along said south property line (crossing the centerline of said Project at Station 544+36.82) a distance of 80 feet, more or less, to a point that is 52 feet southwesterly of and at right angles to the centerline of said project; thence N 19° 54' W, parallel to the centerline of said project at Station 548+00; thence northwesterly along a straight line a distance of 103 feet, more or less, to a point that is 65 feet southwesterly of and at right angles to the centerline of said Project at Station 549+00; thence northwesterly along a straight line a distance of 103 feet, more or less, to a point that is 65 feet southwesterly of and at right angles to the centerline of said Project at Station 549+00; thence N 19° 54' W, parallel to the centerline of said project a distance of 222 feet, more or less, to the north property line; thence easterly along said north property line a distance of 68 feet, more or less, to the point of beginning.