

STATE OF ALABAMA

VS:

*Edna W. Alford, Barbara Bryant & Melinda Alford*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 71-77

We, the Jury, find for the landowners and assess the damages and compensation at \$ 18,654.<sup>00</sup>

*Larry E. Crawford*  
Foreman.

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
PETITIONER,	)	BALDWIN COUNTY, ALABAMA
VS	)	CASE NO. <u>7277</u>
L. T. RHODES, et al., and	)	
ELMA W. ALFORD, BARBARA A.	)	
BRYANT, and MELINA L. AL-	)	
FORD, a minor, and TRACT	)	
NO. 21,	)	
RESPONDENTS.	)	

STIPULATION

It is hereby stipulated by and between the Petitioner (appellant) and Elma W. Alford, Barbara A. Bryant and Melina L. Alford, a minor, Respondents (appellee), the latter acting by and through her guardian ad litem, Hon. Wilson Hayes, having been duly and legally appointed to represent the said minor in this cause, acting thru themselves, and 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 asserts 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, the minor, Melina L. Alford, entering her appearance thru Hon. Wilson Hayes, her duly appointed guardian ad litem.

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 Cooper  
ATTORNEY FOR PETITIONER

Wilson Hayes  
ATTORNEY FOR RESPONDENTS

Filed 3-7-67 -  
Ricef. neuch  
clerk

KENNETH COOPER  
ATTORNEY AT LAW  
109 EAST 1ST STREET  
BAY MINETTE, ALABAMA  
TELEPHONE 937-7412  
22 December, 1966

Mrs. Alice J. Duck  
Clerk of Circuit Court  
Bay Minette, Alabama

Re: Project S-60-E,  
Tract No. 21,  
(Alford).

Dear Mrs. Duck:

Please issue checks as drawdown to the following individuals for the amount indicated below:

- A. ~~Elma~~ *W* Alford - \$4,976.00,
- B. Barbara A. Bryant - \$2,437.00.

These drawdowns should be charged against the above tract. Judge D'Olive is this date depositing with you \$15,000.00 which is the Probate Commission Award for subject tract.

Respectfully requested,

*Kenneth Cooper*  
Kenneth Cooper

KC/lb

JURY LIST - MARCH 6, 1967 - SPRING SESSION

- ~~1. Ball, Johnnie Ruth, Bookkeeper, Bay Minette~~
- ~~2. Baskin, Lavon, Bay Minette~~
- ~~3. Banks, Edward, Farmer, Balforest~~
- ~~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., Robertsedale~~
- ~~10. Clemmons, W. P., Carpenter, Fairhope~~
- ~~11. Cleveland, Lyle T., Nurscryman, Foley~~
- ~~12. Byrne, Charles, Merchant, Foley~~
- ~~13. Crawford, Harry E., Operator, Elberta~~
- ~~14. Campbell, Eric, Farmer, Rosinton~~
- ~~15. Bush, Hobson, Farmer, Bay Minette~~
- ~~16. Hesse, Henry H., Linesman, Foley~~
- ~~17. Harris, Guy H., Merchant, Foley~~
- ~~18. Hastie, Joe H., Merchant, Stockton~~
- ~~19. McGowin, Randolph, Jr., Store Keeper, Bay Minette~~
- ~~20. McMillan, Raymond M., Farmer, Stockton~~
- ~~21. Sanders, William G., Real Estate, Gulf Shores~~
- ~~22. Spader, Aubrey, Office, Robertsedale~~
- ~~23. Spivey, Roy, - - Bon Secour~~
- ~~24. Stripline, Fred, Television Repair, Robertsedale~~
- ~~25. Thompson, Robert W., Merchant, Foley~~
- ~~26. Venson, Cecil, Civil Service, Stapleton~~
- ~~27. White, John R., Utilities Man, Foley~~
- ~~28. Walker, Floyd B., Millman, Stockton~~
- ~~29. Nail, Wilber C., Farmer, Bon Secour~~
- ~~30. Sanders, E. Frank, Banker, Foley~~
- ~~31. Koehler, Frank, Farmer, Lillian~~
- ~~32. Beverly, Marwin, Laborer, Robertsedale~~
- ~~33. Blair, Dorothy L., - - Stapleton~~
- ~~34. Boeschon, Sarah, - - Bay Minette~~
- ~~35. Nail, Glenn, Merchant, Robertsedale~~
- ~~36. Crosby, James W., Bookkeeper, Foley~~
- ~~37. Long, Volton, Electrician, Foley~~
- ~~38. Bryans, Swing T., Reserve Fleet, Bay Minette~~
- ~~39. Weeks, 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 H., Insurance, Bay Minette~~
- ~~48. Fuller, David, Motel, Spanish Fort-Daphne~~
- ~~49. Hinote, Sherman R., Butcher, Robertsedale~~
- ~~50. Hankins, C. E., Farmer, Robertsedale~~
- ~~51. Duck, Joe Wilfson, Brookley Field, Bay Minette~~

51	51
42	12
12	39
37	12
12	7

P XXXXX XXXXX XXX

D XXXX XXXXX XXX

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
PETITIONER,	)	BALDWIN COUNTY, ALABAMA
VS	)	CASE NO. <u>7277</u>
L. T. RHODES, et al., and	)	
ELMA W. ALFORD, BARBARA A.	)	
BRYANT, and MELINDA L. AL-	)	
FORD, a minor, and TRACT	)	
NO. 21,	)	
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 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 Petitioner, State of Alabama, did appeal from said Order of Condemnation to this Court, 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 to-wit, Elma W. Alford, Barbara A. Bryant, and Melinda L. Alford, are entitled, and that an order of condemnation

to the lands hereinafter described should be entered for the uses and purposes set forth in the application, which is now on trial in this court.

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, to-wit:

We, the Jury, find for the landowners and assess the damages and compensation at \$18,654.00.

/s/ Harry E. Crawford  
Foreman

And the Court having considered all of the above is of the opinion and judgment that an order of judgment of condemnation should be here entered conditioned upon the payment by the State of Alabama to the Clerk of this Court for the use and benefit of the Respondents, Alma W. Alford, Barbara A. Bryant, and Melinda L. Alford, a minor, the sum aforesaid, to-wit, \$18,654.00.

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, to-wit, Alma W. Alford, Barbara A. Bryant and Melinda L. Alford, a minor, are entitled is hereby fixed at

the sum of \$ 18,654.00, which said sum is hereby ordered to be paid by the State of Alabama to the said Defendant landowners; and 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. And the Court having heard oral testimony as to the amount of fee Wilson Hayes, Esquire, who was heretofore appointed as guardian ad litem for the one-fourth interest of the minor defendant landowner, to-wit, Melinda L. Alford, was entitled to, hereby fixes his said fee at \$300.00, which shall be paid by the Petitioner into the Court as an item of the cost of court in this proceeding.

Dated this 7th day of March, 1967.

J. Fair R. Marshall  
CIRCUIT JUDGE

FILED

MAR 7 1967

ALICE L. NICK, CLERK  
REGISTER



E X H I B I T "A"

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 southwest corner of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 16, T-2-S, R-3-E; thence easterly along the south line of said NW $\frac{1}{4}$  of SW $\frac{1}{4}$  a distance of 1270 feet, more or less, to a point that is 52 feet southwesterly of and at right angles to the centerline of Project No. S-60-E and the point of beginning of the property herein to be conveyed; thence N 19° 54' W, parallel to the centerline of said project a distance of 215 feet, more or less, to the north property line; thence easterly along said north property line (crossing the centerline of said Project at Station 542+27.3) a distance of 80 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 220 feet, more or less, to the south line of the N $\frac{1}{2}$  of SW $\frac{1}{4}$  of said Section 16, the south property line; thence westerly along said south property line (crossing the centerline of said Project at Station 540+02) a distance of 82 feet, more or less, to the point of beginning.

Said strip of land lying in the N $\frac{1}{2}$  of SW $\frac{1}{4}$ , Section 16, T-2-S, R-3-E and containing 0.39 acres, more or less.