

STATE OF ALABAMA,

PETITIONER,

VS.

RUDOLPH KLASS, III, AND
BEVERLY W. KLASS,

RESPONDENTS.

) IN THE PROBATE COURT OF
) BALDWIN COUNTY, ALABAMA

) CASE NO. 5817

NOTICE OF APPEAL

Comes now the State of Alabama, acting by and thru Kenneth Cooper, Duly Appointed Special Assistant Attorney General, State of Alabama, petitioner in above entitled cause, and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama, from the FINAL ORDER OF CONDEMNATION entered in this said cause on the 23rd day of November, 1966, which said condemnation was against the above named property owners and Tract No. 0119 of State Highway Project S-635(2).

The State of Alabama does herewith file in the Probate Court of Baldwin County, Alabama, the Court rendering such Final Order Of Condemnation, this its written Notice Of Appeal.

Done this 14 day of December, 1966.

STATE OF ALABAMA, BALDWIN COUNTY

Filed

Recorded

book

page

Judge of Probate

RICHMOND M. FLOWERS
Attorney General
State of Alabama

BY:

Kenneth Cooper
Duly Appointed Special
Assistant Attorney General
State of Alabama

Appellant, State of Alabama, demands a trial by jury in this cause.

Kenneth Cooper
Duly Appointed Special
Assistant Attorney General
State of Alabama

The undersigned acknowledges himself as security for court costs in this cause.

Kenneth Cooper
Duly Appointed Special
Assistant Attorney General
State of Alabama

STATE OF ALABAMA

VS:

Rudolph Klass III
Beverly W. Klass

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 7365

We, the Jury, find for the landowners and assess the damages and compensation at \$ 6000.00.

Robert W. Thompson
Foreman.

7/13/65 ~~State~~ vs. T. Rudolph Kline III
H.L.

JURY LIST - MARCH 6, 1967 - SPRING SESSION

1. Ball, Johnnie Ruth, Bookkeeper, Bay Minette
2. Baskin, Lavon, - - - Bay Minette
3. ~~Baskin, Edna C., Farmer, Belforest~~
4. Benton, Thomas E., Farmer, Gulf Shores
5. ~~Cooper, Claude, Farmer, Rosinton~~
6. ~~Plessee, Arthur, Insurance, Fairhope~~
7. ~~Porter, Darrell Lee, Utility Man, Summerville~~
8. ~~Mannick, Arthur, Merchant, Fairhope~~
9. ~~Matthews, Reid, Furniture Store Oper., Robertsedale~~
10. ~~Clemmons, W. F., Carpenter, Fairhope~~
11. ~~Cleveland, Lyle F., Nurseryman, Foley~~
12. ~~Dyane, Charles, Merchant, Foley~~
13. Crawford, Harry E., Operator, Elberta
14. ~~Campbell, Acie, Farmer, Rosinton~~
15. ~~Buch, Robert, Farmer, Bay Minette~~
16. Hesse, Henry W., Lineman, Foley
17. Harris, Guy H., Merchant, Foley
18. ~~Hastings, Joe A., Merchant, Stockton~~
19. ~~McGowan, Randolph Jr., Store Keeper, Bay Minette~~
20. ~~McMillan, Raymond H., Farmer, Stockton~~
21. ~~Sanders, William G., Real Estate, Gulf Shores~~
22. ~~Spicer, Emory, Officer, Robertsedale~~
23. ~~Spivey, Ray, Bar Secour~~
24. Stripling, Fred, Television Repair, Robertsedale
25. Thompson, Robert W., Merchant, Foley
26. ~~Wenson, Cecil, Civil Service, Stapleton~~
27. ~~White, John, Civil Serv. Tech, Foley~~
28. ~~Ward, Floyd, Merchant, Stockton~~
29. Nail, Wilber C., Farmer, Bon Secour
30. ~~Sanders, E. Frank, Banker, Foley~~
31. ~~Kochler, Frank, Farmer, Billian~~
32. ~~Severly, Marvin, 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. ~~Bryers, Irving L., Reserve Fleet, Bay Minette~~
39. ~~Weeks, William, Laborer, Magnolia Springs~~
40. ~~Earle, Doris V., - - Bay Minette~~
41. ~~DeBrook, 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, Newmont, Bay Minette~~
46. ~~Flowers, John B., Farmer, Gulf Shores~~
47. ~~Hiers, Rodes H., Insurance, Bay Minette~~
48. ~~Fulker, David, Hotel, Spanish Fort-Daphne~~
49. ~~Wade, Sherman A., Butcher, Robertsedale~~
50. ~~Hickins, C. E., Farmer, Robertsedale~~
51. ~~Duck, Joe, - - Brookley Field, Bay Minette~~

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RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 7365

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 8th 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 in this cause, that on the 7th day of October, 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 16th day of December, 1966, the State of Alabama, appealed from said order of condemnation to this Court and demanded a trial by jury; and it further 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 landowner is entitled and that an order of condemnation should be here entered condemning the lands herein-after 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,

Robert W. Thompson 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, find for the landowners and assess the damages and compensation at \$6,000.00.

/s/ Robert W. Thompson
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 the State of Alabama to the Clerk of this Court for the use and benefit of the Defendant landowners 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 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, Rudolph Klass III, et al, are entitled is hereby fixed at the sum of \$6,000.00, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowners; and that upon the payment of said amount by the State of Alabama to said landowners the condemnation of the lands hereinaabove described shall be, and become effective.

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

Dated this 8th day of March, 1967.

Walter H. Maschbauer
CIRCUIT JUDGE

FILED

MAR 8 1967

ALICE J. BUCK, CLERK
REGISTERED

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-635(2) as recorded in the office of the Judge of Probate of Baldwin County.

Beginning at Station 428+24.2 of Project No. S-635(2) the south right of way line of Yancey Road; thence north $89^{\circ} 55'$ east along said right of way line a distance of 182.1 feet to a point; thence south $21^{\circ} 06' 33''$ east parallel with and 170 feet distance from the centerline of said project a distance of 305.5 feet to the south line of Lot 3 northern division of Jacksons Oak Subdivision; thence westerly along said south line of Lot 3 a distance of 322.1 feet to a point; thence north $21^{\circ} 06' 33''$ west parallel with the centerline of said project a distance of 305.5 feet to the south right of way line of Yancey Road and north property line; thence north $89^{\circ} 55'$ east a distance of 150 feet more or less to the point of beginning.

Said tract of land lying in Lot 1, 2, and 3 of the northern division of Jacksons Oak Subdivision as recorded in map book 3, pages 28-29 of the records in the office of the Judge of Probate of Baldwin County, Alabama and containing 2.18 acres more or less.

STATE OF ALABAMA,

PETITIONER,

VS.

RUDOLPH KLASS, III, BEVERLY
W. KLASS, And TRACT NO. 0119,
and BALDWIN COUNTY, ALABAMA, A
POLITICAL SUBDIVISION OF THE
STATE OF ALABAMA.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. _____

RESPONDENTS.

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the 31st
day of October, 1966, at 10:00 A.M. o'clock, as set forth in
the application of the State of Alabama to condemn the right of way or
easement on ~~Parcel~~ ^{Tract} Number 0119, Project S-635(2), as specified in
said application for condemnation over the lands therein described for
the uses and purposes of a public road or highway for the State of
Alabama, and it appearing to the Court that notice of the filing of
said application for condemnation and of the day set for the hearing
of the same has been given to the owners and interested parties by
service of a notice upon them for more than ten (10) days prior to
this date.

WHEREUPON, after examination of said application and after hear-
ing the evidence in support thereof, the Court is of the opinion that
the allegations contained in said application are true and that it is
necessary to condemn the easement or right of way over the lands as
described in said application, all for the uses and purposes of a
public road or highway in and for the State of Alabama, and no cause
having been shown why such application should not be granted;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that
the prayer of said application for condemnation be granted and that
the easement or right of way over the lands described in said appli-
cation is hereby condemned for the uses and purposes of a public road
or highway in Baldwin County, Alabama.

BOOK 045 PAGE 62

IT IS FURTHER ORDERED by the Court that Jack Savin,
Robert Mikkelsen, W. E. Hoag

who are resident citizens of Baldwin County, Alabama, possessing the qualifications of jurors and who are disinterested in these proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed commissioners to view said property and hear any evidence offered by interested parties and report to the Court within twenty days after their appointment the amount of damages and compensation to which the owners and interested parties are entitled to receive for the condemnation of said right of way.

IT IS FURTHER ORDERED by this Court that a notice of their appointment be at once issued to said commissioners, and that the Sheriff of said County serve notice of said appointment upon each of the commissioners as required by law.

Done this 10 day of Nov, 1966.

Hany D. Blum
JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,
PETITIONER,
VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. _____

RUDOLPH KLAAS, III, BEVERLY
W. KLAAS, And TRACT NO. 0119,
and BALDWIN COUNTY, ALABAMA, A
POLITICAL SUBDIVISION OF THE
STATE OF ALABAMA.

RESPONDENTS.

COMMISSIONERS

TO: Jack Gavin, Robert
McKee, and W. E. Long

KNOW YE, that having full faith and confidence in your integrity and competency, you have been by order and decree of the Probate Court of Baldwin County, Alabama, designated and appointed as commissioners in the above styled cause, with all the power, authority and duties vested in or which may devolve on you as such commissioners under and by virtue of the provisions of Chapter I of Title 19 of the Code of Alabama of 1940, as amended.

You will be sworn as jurors and you or a majority of you shall assess the damages and compensation to which the owners and interested parties are entitled by virtue of and on account of the condemning of the right of way or easement over the tracts of land described in the application for condemnation filed in this cause, all for the uses and purposes of a public road or highway in and for the State of Alabama. A description of the lands and the names of the owners and the easement sought are specifically set out in the application for condemnation filed in this cause.

You may view the lands to be subjected and you must receive all legal evidence offered by any party touching the amount of damages or compensation the owner of said lands and interested parties will sustain and are entitled to receive. Any person interested in the proceedings may be present in person or by attorney at any of these proceedings which you may have.

BOOK 045 PAGE 64

You must within twenty days from the day of your appointment, which is this date, make a report in writing to the Court stating the amount of damage and compensation ascertained and assessed by you for the owners and parties interested in the tracts of land, and file a certificate along with your award that none of you have been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages, and that you knew nothing of the same prior to your appointment.

Given under my hand and seal of office this 10 day of Nov,
1966.

Harry D. Olive
 JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA

BALDWIN COUNTY

We, and each of us do solemnly swear that we will well and truly try the cause now pending and submit it to our decision, said case being styled STATE OF ALABAMA vs. Rudolph Klass, III, Beverly W. Klass, and Baldwin County, a political subdivision of the State of Alabama, and that we are not directly, nor indirectly, interested in the issues to be tried, and that we are not biased or prejudiced against either of said parties, and that we will render such compensation to the defendants as to us shall seem just and proper in the presence, so help us God.

Jack Galt
Robert M. Miller
W. E. Long

Sworn to and subscribed before me
 this 2nd day of Nov, 1966.

Harry D. Olive
 JUDGE OF PROBATE

Received 11 day of Nov. 1966
and on 11 day of Nov. 1966
I served a copy of the within Notice
on Jack Samu
By service on _____

TAYLOR WILKINS, Sheriff

By Jindal

Received 11 day of Nov. 1966
and on 14 day of Nov. 1966
I served a copy of the within Notice
on W. E. Lang

By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Tolbert

Received 11 day of Nov. 1966
and on 14 day of Nov. 1966
I served a copy of the within Notice
on Robert Niekken
By service on _____

TAYLOR WILKINS, Sheriff

By Robert Niekken

PLW

State of 50

Isa. Code on the Title of 5. 02

TAYLOR WILKINS, Sheriff

By Carlisle Childers

STATE OF ALABAMA,
PETITIONER,
VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. _____

RUDOLPH KLASS, III, AND BEVERLY
W. KLASS

RESPONDENTS.

REPORT OF THE COMMISSIONERS

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

Come the undersigned, Jack Gavin
Robert Mikkelsen, and W. L. Long,

the Commissioners duly appointed to assess the damages to Parcel No. 0119 of Project No. S-635(2), to which the owner and other parties interested in the parcel of land set forth and described in the original application for condemnation of lands filed in this cause, are entitled for the condemnation of such lands, and having been duly sworn as jurors, and having viewed the lands described in said application for condemnation, and having set a time and place for the hearing of the evidence to be offered by any party touching the amount of damages the owners of the lands and other parties interested therein will sustain and the amount of compensation they are entitled to receive, and having received all legal evidence offered, do hereby state that the amount of damages and compensation has been ascertained and assessed by the undersigned according to law and that the said owners of said Parcel of land and other parties interested therein are entitled to receive as damages and compensation for the condemnation of their property, the following amount:

Project No. S-635(2), Parcel No. 0119, \$ 5000⁰⁰

We hereby certify that we have not been consulted with, advised with or approached by any person with reference to the value of the lands other than as to the evidence submitted to and considered by us or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

BOOK 045 PAGE 67

Jack L. Lakin
COMMISSIONER

Robert M. Miller
COMMISSIONER

W. C. Long
COMMISSIONER

Sworn to and subscribed before me
this 22nd day of Nov., 1966.

Harry D. Laine
JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,
PETITIONER,
VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CAST NO. _____

RUDOLPH KLOSS, III, AND BEVERLY
W. KLOSS

RESPONDENTS.

FINAL ORDER OF CONDEMNATION

On the 22nd day of November, 1966, came Jack Gavin
Robert Mikkelsen, _____, and W. E. Long,
commissioners heretofore appointed by this Court to assess and ascer-
tain the damages and compensation to which the owners and other parties
interested in the tract of land set forth in the application for con-
demnation of lands heretofore filed in this cause are entitled and
filed their report in writing and under oath setting forth that they
awarded compensation and damages to the said owners and other parties
interested in Parcel Number 0119, Project No. S-635(2), in the
amount of \$ 5000.00.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that the
property described in the application for condemnation heretofore
filed in this cause be and the same is hereby condemned for the pur-
poses set forth in said application for condemnation upon the payment
of the damages and compensation so ascertained, assessed and reported
or the deposit of the same in Court as provided in Section 16 of Title
19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay all
costs of the proceeding.

Done this 23rd day of November, 1966.

210

Harry D. Dole
JUDGE OF PROBATE

BOOK 045 PAGE 68

140:1365

Form 1575-PROBATE FEE BILL

Printed and for Sale by Roberts & Son, Birmingham

No. 5817

In the matter of Estate of Ala. vs. Rudolph Glass III

Administrator, Executor, or Guardian. Residence.

Attorneys K. Cooper

Docket

Page

Fee Book

Page

DATE	FEE	AMOUNT	DATE	FEE	AMOUNT	
	WILL-Orders on Presentation, \$1.00 Affidavit in Petition for Probate, 25c Recording Petition, per 100 words, 15c Issuing Citation, entering Sheriff's Returns, 50c Appointing, Notifying Guardian ad Litem, 50c Issuing Subpoena for Witnesses, 50c Affidavit of Witnesses, 25c Examining Witnesses and Order Probating, \$2.00 Issuing Commission to take Deposition, 50c Filing Interrogatories, 10c Copy of same, per hundred words, 15c Recording Will, per hundred words, 15c Recording Testimony, per hundred words, 15c Certificate, without Seal, 25c Certificate, with Seal, 50c Presiding at Trial of Contested Will, per day, \$2.50			BROUGHT FORWARD.	1.00	
	LETTERS-Affidavit in Petition, 25c Recording Petition, per hundred words, 15c Granting Letters of Administration, 50c Issuing and Recording same, 50c Granting Letters of Guardianship, 75c Issuing, Filing, and Recording same, 50c Taking App., Filing, Rec. Adm. Bond, \$1.50 Taking App., Filing, Rec. Guard. Bond, \$1.00 Affidavit of Justification, 50c Granting Order of Appraisement, 50c Issuing Order of Appraisement, 25c Recording same, per hundred words, 15c Certified Copy Letters, 50c			PARTIAL SETTLEMENT-Affi. in Account, 25c Examining, 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 Filing Claims and Giving Receipt, 15c INSOLVENCY-Affidavit in Report, 25c Recording Report and State., per 100 words, 15c Order Appointing Day for Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Issuing Notice to Creditors, Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c Appointing, Notifying Guardian ad Litem, 25c		
12/16/66	Rec'd appeal	1.00		SALE OF REAL ESTATE-Affi. in Petition, 25c Recording Petition, per 100 words, 15c Order App. Day of Hearing and Notice, \$1.00 Order to Publish Notice of same, 50c Issuing Citation, entering Sheriff's Return, 50c Appointing and Notifying Guardian ad Litem, 50c Issuing Commission to take Deposition, 50c Filing Interrogatories, per 100 words, 15c Copy of Interrogatories, per 100 words, 15c Appointing Com'r to Divide and Issue Writ, \$2.00 Affidavit in Report of same, 25c Order Approving Division and Report, \$1.00 Recording same, per 100 words, 15c Hearing Application for Dower, Issuing Writ, \$4.00 Exam. Testimony and Granting Order to Sell, \$2.00 Recording Depositions, per 100 words, 15c Recording Relinquishment of Dower, 100 wds., 15c Recording Report, per 100 words, 15c Rec. Payment Purchase Money, per 100 words, 15c Making Order on Report Sale of Land, 75c		
	HOMESTEAD-Rec. Petition for Com. 100 words, 15c Rec. Order for Applicant, per 100 words, 15c Recording Order for Com., per 100 words, 15c Notice to Commissioners, 50c Recording Report of Com., per 100 words, 15c Rec. Order Setting Apart, per 100 words, 15c INVENTORY-Order to App. and Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c			FINAL SETTLEMENT-Affidavit in Acc's, 25c Examining, Stating, and Reporting Account, \$1.00 Order to Publish Notice of same, 50c Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Recording same, per 100 words, 15c Decrees in Final Settlement, 50c		
	APPRAISEMENT-Order Approving Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Issuing Order of Appraisement, 25c Recording Warrant, per 100 words, 15c Order to Approve Appraisement, 50c Affidavit to Appraisement, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c					
	SALE OF PERISHABLE PROPERTY-Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Appointing, Notifying Guardian ad Litem, 50c Affidavit to Report, 25c Recording, per 100 words, 15c					
	CARRIED FORWARD:					

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42.50

No. _____

The State of Alabama

COUNTY _____

PROBATE COURT

In the Matter of _____

PROBATE FEE BILL

Received of _____

Dollars _____

in payment of the above.

This _____, 19____

Judge of Probate _____

Probate Docket _____ Page _____

Fee Book _____ Page _____

Attorneys _____

DATE		FEES OF SHERIFF		AMOUNT	DATE		FEES OF WITNESSES		AMOUNT

1348

TO: Rudolph Klass, III
3920 Pembroke Avenue
Mobile, Alabama

You will take notice that the State of Alabama filed its above
Notice Of Appeal in this office on this 16th day of December,
1966.

Harry D. Oline
Judge Of Probate
Baldwin County, Alabama

RECEIVED

DEC 19 1966

TAYLOR WILKINS
SHERIFF

REC'D. SHERIFF DEPT.
MOBILE COUNTY, ALA.

DEC 21 9 11 AM '66
BY _____

Received 21 Day of Dec 1966
and on 27 Day of Dec 1966
on Rudolph Glass, III

by service on _____
RAY D. BRIDGES, Sheriff
Mr. R. H. H. H. H. H.

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[Handwritten signature]
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[Handwritten signature]

STATE OF ALABAMA,

PETITIONER,

VS.

RUDOLPH KLASS, III, BEVERLY
W. KLASS, and TRACT NO. 0119,
and BALDWIN COUNTY, ALABAMA, A
POLITICAL SUBDIVISION OF THE
STATE OF ALABAMA.

RESPONDENTS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. 5817

#7365

BOOK 045 PAGE 57

APPLICATION FOR CONDEMNATION

TO THE HON HARRY H. D'OLIVE, JUDGE OF PROBATE, BALDWIN COUNTY, ALA.

Comes the State of Alabama, Petitioner in the above styled cause and files this its application in the Probate Court of Baldwin County, Alabama, for order of condemnation of a right of way over the lands hereinafter described for a public road or highway and as a basis for the relief sought shows unto the Court as follows:

(1) Petitioner is authorized under the Constitution of Alabama 1901 and under the provisions of Title 19, Section 1, Code of Alabama, 1940, as amended, to institute and prosecute these proceedings in its own name for the purposes of a public road or highway.

(2) That said public highway has been designated by the State Highway Director as a part of the State Highway System and also known as Project No. S-635(2), Baldwin County, Alabama.

(3) That said public highway begins at a point within the city limits of Fairhope, Baldwin County, Alabama, and runs thence northwardly to Spanish Fort, Baldwin County, Alabama.

(4) The right of way over the property and lands hereinafter described as ^{Tract}~~Parcel~~ Number 0119, and as set out in the right of way map on Project No. S-635(2) on file in the State Highway Department and in the office of the Judge of Probate of Baldwin County, Alabama, has been deemed necessary by the State Highway Director in order to facilitate the flow of traffic and promote public safety.

(5) That said tract of land necessary for use by Petitioner as a right of way for such public highway and in which Petitioner seeks to condemn an easement or right of way is located wholly within Baldwin County, Ala., and is described in Exhibit "A" attached hereto.

(6) That the right of way or easement which Petitioner seeks to condemn for highway purposes is set out and described in the right of way map on Project No. S-635(2), which is on file in the State Highway Department and in the office of the Judge of Probate of Baldwin County, Alabama.

(7) That a diligent search has been made of the records of Baldwin County, Alabama, and diligent inquiry made to ascertain the names and addresses of the parties owning said tract of land and according to the best of Petitioner's information, knowledge and belief the said lands are owned and interest in said lands are claimed by the parties named as respondents in this cause.

(8) That Baldwin County, Alabama, a body corporate under the laws of the State of Alabama with its county seat in the City of Bay Minette, Alabama, may have or claim an interest in said tract by reason of taxes and easements due and chargeable, and is hence made a respondent herein.

WHEREFORE, the premises considered, your Petitioner respectfully prays:

(1) That an order be made appointing a day for the hearing of this application and that notice of the filing thereof and of the day set for the hearing thereof be given to the respondents.

(2) That this Court will appoint commissioners to ascertain and report the compensation and damages occasioned by such taking.

(3) That upon a final hearing of this petition an order and decree be made by this Court condemning the easement for the right of way, as set out in the right of way map on Project No. S-635(2), over the lands as set out in Exhibit "A" of this application, all for the uses and purposes of a public highway for the State of Alabama.

RICHMOND H. FLOWERS
ATTORNEY GENERAL
STATE OF ALABAMA

BY:

Kenneth Cooper
DULY APPOINTED SPECIAL ASSISTANT
ATTORNEY GENERAL FOR THE
STATE OF ALABAMA

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Erin R. White,

personally appeared Kenneth Cooper, Assistant Attorney General of the State of Alabama, who is personally known to me, and who is known to me in his official capacity as an Assistant Attorney General of the State of Alabama, and also being first duly sworn, deposes and says that the allegations of the foregoing application for condemnation are true and correct.

BOOK 045 PAGE 59

Kenneth Cooper
AFFIANT

Sworn and subscribed before me on this 6th day of October 1966.

Erin R. White
NOTARY PUBLIC, BALDWIN COUNTY, ALA.

ORDER OF PROBATE COURT

The foregoing application for condemnation having been presented to the Probate Court of Baldwin County, Alabama, and considered by the Court,

IT IS ORDERED that the same be and is hereby set for hearing on the 31st day of October, 1966, at 10:00 A.M. o'clock.

IT IS FURTHER ORDERED that notice of the application for condemnation and of the date set for the hearing thereof be given to respondents at least ten (10) days before the hearing of this application.

Dated this 2nd day of October, 1966.

Harry D. Davis
PROBATE JUDGE

BY: _____

STATE OF ALABAMA,

PETITIONER,

VS.

RUDOLPH KCLASS, III, et al.,

RESPONDENTS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

BOOK 045 PAGE 60

TO:

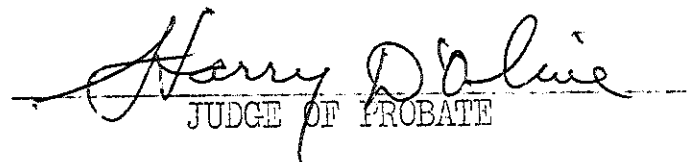
RUDOLPH KCLASS, III, and BEVERLY W. KCLASS, 3920 PEMBROKE AVENUE,
MOBILE, ALABAMA.

YOU WILL PLEASE TAKE NOTICE that an application was filed in this Court by the State of Alabama, a copy of which said application is attached hereto, alleging that it desires to have condemned an easement or right of way for a public road across lands belonging to above named respondents, which said lands are particularly described in the said application;

And the application prays that a day be appointed for the hearing thereof and for such further, other and different orders and decrees as may be necessary and proper for the acquisition by the Applicant of the easement or right of way over and across the above mentioned property.

THIS IS TO NOTIFY YOU that the Probate Court of Baldwin County, Alabama, has, and by an order this day made and entered, appointed the 31st day of October, 1966, at 10:00A. H. o'clock, as the day and time upon which said application will be heard, at which time you may appear and contest the same, if you choose to do so.

Done this 7th day of October, 1966.


JUDGE OF PROBATE

BY: _____

EXHIBIT A

BOOK 045 PAGE 61

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-635(2) as recorded in the office of the Judge of Probate of Baldwin County.

Beginning at Station 428 + 40.2 of Project No. S-635(2) the south right of way line of Yancey Road; thence north $89^{\circ} 55'$ east along said right of way line a distance of 182.1 feet to a point; thence south $21^{\circ} 06' 33''$ east parallel with and 170 feet distant from the centerline of said project a distance of 321.5 feet to the south line of Lot 3 northern division of Jacksons Oak Subdivision; thence westerly along said south line of Lot 3 a distance of 322.1 feet to a point; thence north $21^{\circ} 06' 33''$ west parallel with the centerline of said project a distance of 321.5 feet to the south right of way line of Yancey Road and north property line; thence north $89^{\circ} 55'$ east a distance of 150 feet more or less to the point of beginning.

Said tract of land lying in Lot 1, 2, and 3 of the northern division of Jacksons Oak Subdivision as recorded in Map Book 3, Pages 28-29 of the records in the office of the Judge of Probate of Baldwin County, Alabama and containing 2.29 acres more or less.

shall be deemed to have been served on the person to whom it is directed.

(3) If the person to whom it is directed is a corporation, it shall be deemed to have been served on the president or vice president of the corporation.

(4) If the person to whom it is directed is a partnership, it shall be deemed to have been served on the general partner or partners.

5646-47

10/31

13/1

Received 10 day of Oct. 1966

and on 10 day of Oct. 1966

I served a copy of the within Notice
on Baldwin County

By service on John Hadley,
Chairman

TAYLOR WILKINS, Sheriff

By W. A. Schert D. S.

REC'D. SHERIFF DE
MOBILE COUNTY, AL

OCT 11 10 14 AM '66

BY _____

Received 11 Day of Oct 1966

and on 13 Day of Oct 1966

I served a copy of the within
on Rudolph Klass, Jr. and
Beverly W. Klass
by service on _____

RAY D. BRIDGES, Sheriff

By J. W. Lloyd D. S.

RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 7365

Comes now the Petitioner in above-styled cause, to-wit, State of Alabama, by Kenneth Cooper, duly appointed Special Assistant Attorney General, and amends its APPLICATION FOR CONDEMNATION heretofore filed in this cause, by deleting "Exhibit "A" which was attached thereto and substituting the attached "Exhibit A-1"; in all other respects the APPLICATION FOR CONDEMNATION remains unchanged.

Kenneth Cooper
SPECIAL ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA

I certify that I have delivered a copy of the foregoing to Hon. Norborne S. Stone, Attorney At Law, Bay Minette, Alabama, by delivering the same in person to his office in Bay Minette, Alabama, on this 8 day of March, 1967.

Kenneth Cooper

Filed 3-8-67
Aise

EXHIBIT "A-1"

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-635(2) as recorded in the office of the Judge of Probate of Baldwin County.


Beginning at Station 428+24.2 of Project No. S-635(2) the south right of way line of Yancey Road; thence north $89^{\circ} 55'$ east along said right of way line a distance of 182.1 feet to a point; thence south $21^{\circ} 06' 33''$ east parallel with and 170 feet distance from the centerline of said project a distance of 305.5 feet to the south line of Lot 3 northern division of Jacksons Oak Subdivision; thence westerly along said south line of Lot 3 a distance of 322.1 feet to a point; thence north $21^{\circ} 06' 33''$ west parallel with the centerline of said project a distance of 305.5 feet to the south right of way line of Yancey Road and north property line; thence north $89^{\circ} 55'$ east a distance of 150 feet more or less to the point of beginning.

Said tract of land lying in Lot, 1, 2, and 3 of the northern division of Jacksons Oak Subdivision as recorded in map book 3, pages 28-29 of the records in the office of the Judge of Probate of Baldwin County, Alabama and containing 2.18 acres more or less.

all proceedings herein and expressly enters his appearance in this court.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the respondent is 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, 7 October, 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, 23 November, 1966.


ATTORNEY FOR PETITIONER


ATTORNEY FOR RESPONDENTS

Filed 3-8-67

W. J. Stueck
Clerk