

State vs. Manhatten

JURY LIST - MARCH 6, 1967 - SPRING SESSION

- ~~1. Ball, Johnnie Ruth, Bookkeeper, Bay Minette~~
- ~~2. Jackson, Laverne, Bay Minette~~
- ~~3. Benik, Edward, Farmer, Selfforest~~
- ~~4. Benton, Thomas, Farmer, Gulf Shores~~
- ~~5. Cooper, Claude, Farmer, Rosinton~~
- ~~6. Pierce, Arthur, Insurance, Fairhope~~
7. Porter, Darrell Lee, Utility Man, Summerdale
- ~~8. Mannick, Arthur, Merchant, Fairhope~~
- ~~9. Matthews, Reid, Furniture Store Oper., Robertsdale~~
10. Clemmons, W. P., Carpenter, Fairhope
- ~~11. Cleveland, Lyle F., Nurseryman, Foley~~
12. Byrne, Charles, Merchant, Foley
- ~~13. Crawford, Harry E., Operator, Alberta~~
- ~~14. Campbell, Hoke, Farmer, Rosinton~~
15. Bush, Hobson, Farmer, Bay Minette
- ~~16. Hesse, Henry H., Linneman, Foley~~
- ~~17. Harris, Guy H., Merchant, Foley~~
- ~~18. Harris, Joe H., Merchant, Stockton~~
- ~~19. McGowan, Randolph, Jr., Store Keeper, Bay Minette~~
- ~~20. McKillen, Raymond N., Farmer, Stockton~~
21. Sanders, William G., Real Estate, Gulf Shores
- ~~22. Spader, Aubrey, Grace, Robertsdale~~
23. Spivey, Roy, - - Bon Secour
- ~~24. Stripling, Fred, Television Repair, Robertsdale~~
- ~~25. Thompson, Robert W., Merchant, Foley~~
- ~~26. Venson, Cecil, Civil Service, Stapleton~~
27. White, John R., Utilities Man, Foley
- ~~28. Parker, Floyd B., Millman, Stockton~~
- ~~29. Nally, Wilber C., Farmer, Bon Secour~~
30. Sanders, E. Frank, Banker, Foley
- ~~31. Koehler, Frank, Farmer, Lillian~~
32. Beverly, Marvin, Laborer, Robertsdale
- ~~33. Blair, Dorothy E., Stapleton~~
- ~~34. Boeschon, Sarah, Bay Minette~~
35. Nally, Glenn, Merchant, Robertsdale
- ~~36. Crosby, James W., Bookkeeper, Foley~~
37. Long, Volton, Electrician, Foley
- ~~38. Bryans, Lwing L., Reserve Fleet, Bay Minette~~
- ~~39. Weeks, William, Laborer, Magnolia Springs~~
- ~~40. Earle, Doris K., Bay Minette~~
- ~~41. DuBreck, 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 M., Insurance, Bay Minette~~
- ~~48. Fuller, David, Motel, Spanish Fort, Daphne~~
- ~~49. Hinote, Sherman R., Butcher, Robertsdale~~
- ~~50. Hankins, C. B., Farmer, Robertsdale~~
51. Duck, Jos Willison, Brookley Field, Bay Minette

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STATE OF ALABAMA

VS:

Ethel B. Maschmeyer
Tract No. 0021

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. _____

We, the Jury, find for the landowners and assess the damages and compensation at \$ 1500.

Wilma Durant
Foreman.

STATE OF ALABAMA,
PETITIONER,
VS
ETHEL B. MASCHMAYER,
RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 7366

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 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,

Wilma Durant 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:

We, the Jury, find for the landowners and assess the damages and compensation at \$1,500.00.

/s/ Wilma Durant
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 landowner 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 landowner 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 landowner in this case, Ethel B. Maschmayer, is entitled is hereby fixed at the sum of \$1,500.00, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowner; and that upon the payment of said amount by the State of Alabama to said landowner 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 March, 1967.

Jeffrey A. Mason
CIRCUIT JUDGE

FILED
MAR 8 1967
ALICE L. BUCK, CLERK
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-635(2) as recorded in the office of the Judge of Probate of Baldwin County.

Parcel 001

Beginning at Station 161+52 of Project S-635(2) and the south line of Section 32, Township 5 South, Range 2 East; thence easterly along said south line of Section 32 a distance of 140.3 feet to a point; thence along the arc of a curve to the right having a radius of 59,632.00 feet a distance of 322.9 feet to a point which is 140 feet distant from the centerline of Project S-635(2) and at right angles to P.T. Station 164+74.95; thence north $03^{\circ} 15' 11''$ west along a line which is 140 feet distant from and parallel to the centerline of said project a distance of 1062.45 feet more or less, to the north line of Square 19, Village of Montrose; thence south $74^{\circ} 08'$ west a distance of 276.7 feet to a point thence south $3^{\circ} 15' 11''$ east a distance of 67.9 feet more or less, to a point which is 130 feet westerly of and at right angles to Station 174+00; thence south $86^{\circ} 44' 49''$ west a distance of 10 feet to a point; thence south $3^{\circ} 15' 11''$ east a distance of 300 feet to a point which is 140 feet westerly of and at right angles to Station 171+00; thence north $86^{\circ} 44' 49''$ east a distance of 20 feet to a point; thence south $3^{\circ} 15' 11''$ east and parallel with and 120 feet distant in a westerly direction from said centerline a distance of 617.2 feet to a point which is 120 feet westerly of and at right angles to P.T. Station 164+74.95; thence along the arc of a curve to the left having a radius of 59,892.00 feet a distance of 322.95 feet more or less, to the south line of Section 32; thence easterly along said south line a distance of 120.26 feet more or less, to the point of beginning.

Said strip of land lying in governmental Lot 10 of Section 32 and Square 19 of the Village of Montrose and containing an area of 8.24 acres more or less.

Also a parcel of land for a drainage easement being described as follows:

Beginning at a point 140 feet westerly of and at right angles to Station 173+50 of said project; thence south $56^{\circ} 29' 49''$ west a distance of 101.8 feet to a point; thence south $26^{\circ} 44' 49''$ west a distance of 317.3 feet more or less, to the west line of Square 19 Village of Montrose; thence southeasterly along said west line a distance of 17.1 feet to a point; thence south $63^{\circ} 15' 11''$ east a distance of 78.5 feet to a point; thence north $26^{\circ} 44' 49''$ east a distance of 210 feet to a point; thence north $86^{\circ} 44' 49''$ east a distance of 70 feet to a point; thence north $3^{\circ} 15' 11''$ west a distance of 200 feet to the point of beginning.

Containing an area of 0.88 acres more or less, and lying in Square 19, Village of Montrose.

Also a parcel of land for a drainage easement being described as follows:

Beginning at a point 140 feet easterly of and at right angles to Station 173+50 of said project; thence north $56^{\circ} 44' 49''$ east a distance of 44.2 feet more or less, to the east line of Square 19,

Village of Montrose,; thence northwesterly along said east line a distance of 160.8 feet to the northeast corner of said Square; thence south $74^{\circ} 08'$ west a distance of 4.4 feet to a point; thence south $3^{\circ} 15' 11''$ east a distance of 178.3 feet more or less, to the point of beginning.

Said parcel of land lying in Square 19, Village of Montrose, and containing an area of 0.09 acres, more or less.

Parcel 002

Beginning at centerline Station 175+64 of State Project S-635(2) and the south line of Square 20, Village of Montrose; thence north $74^{\circ} 08'$ east, a distance of 133.6 feet to the southeast corner of Said Square 20; thence north $15^{\circ} 27'$ west along said east line a distance of 625.68 feet more or less, to the northeast corner; thence south $74^{\circ} 08'$ west a distance of 131.73 feet to a point; thence southeasterly along the arc of a curve to the right having a radius of 6745.50 feet a distance of 69.87 feet more or less, to a point which is 130 feet westerly of and at right angles to Station 181+0673; thence south $3^{\circ} 15' 11''$ east parallel with and 130 feet distant from the centerline of said project a distance of 571.18 feet to the south line of said Square; thence north $74^{\circ} 08'$ east a distance of 133.22 feet more or less to the point of beginning.

Said strip of land lying in Section 32, Township 5 South, Range 2 East and containing an area of 2.83 acres, more or less.

Parcel 003

Commencing at Station 182+72 of Project S-635(2); thence south $74^{\circ} 08'$ west a distance of 14.08 feet more or less, to the southeast corner of Square 21, Village of Montrose and the point of beginning; thence south $74^{\circ} 08'$ west along the south line of said Square a distance of 118.5 feet to a point; thence along the arc of a curve to the left in a northwesterly direction parallel with and 130 feet distant from the centerline of said project a distance of 633.27 feet to the north line of said Square; thence north $74^{\circ} 08'$ east a distance of 26.66 feet to the northeast corner of said Square; thence south $15^{\circ} 27'$ east a distance of 625.68 feet to the point of beginning.

Said strip of land lying in Section 32, Township 5 South, Range 2 East and containing an area of 0.98 acres, more or less.

Parcel 004

Beginning at a point 130 feet westerly of and at right angles to Station 192+77.3 on the east line of Square 22, Village of Montrose; thence south $15^{\circ} 27'$ east along said east line a distance of 310.68 feet more or less, to the southeast corner; thence south $74^{\circ} 08'$ west a distance of 20.46 feet to a point; thence along the arc of a curve to the left in a northwesterly direction having a radius of 6745.5 feet a distance of 311.53 feet more or less to the point of beginning.

Said strip of land lying in Section 32, Township 5 South, Range 2 East, and containing an area of 0.07 acres, more or less.

7107366

No. 3816 In the matter of State vs. Ethel P. Dismeyer

Administrator, Executor, or Guardian. Residence _____

Attorneys K Cooper Docket _____ Page _____ Fee Book _____ Page _____

DATE	FEES	AMOUNT	DATE	FEES	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, 100 SALE OF PERSONAL PROP.—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Order to Publish Notice of Sale, 50c Affidavit to Report, 25c Recording, per 100 words, 15c Appointing Com'r to Divide, and Writ, \$2.00 Appointing and Notifying Guardian ad Litem, 50c	
	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 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 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	100			
	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			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	
	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			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	
	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	242		Taylor Wilkins	150
	CARRIED FORWARD:				250

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

[illegible]

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
	*	
PETITIONER,)	BALDWIN COUNTY, ALABAMA
	*	
VS)	CASE NO. 7366
	*	
ETHEL B. MASCHMAYER,)	
	(
RESPONDENT.)	

STIPULATION

It is hereby stipulated by and between the Petitioner (appellant), Ethel B. Maschmayer, (appellee) 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 7th day of October, 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 23rd day of November, 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 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 respondent herein is the only party known to either petitioner or respondent who has or asserts any right, title or interest in or to the lands or interest therein sought to be acquired.

5. That the respondent has had due notice of this trial and

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.

Kenneth Cooper
ATTORNEY FOR PETITIONER
Malcolm S. Stone
ATTORNEY FOR RESPONDENTS

Filed
2-4-67
Wingfield
Clerk