

No. 5870 In the matter of Wm. G. Adams, Wm. Lott et al -

Administrator, Executor, or Guardian. Residence

Attorneys A. C. Brown Docket \_\_\_\_\_ Page \_\_\_\_\_ Fee Book \_\_\_\_\_ Page \_\_\_\_\_

DATE	FEEES	AMOUNT	DATE	FEEES	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, 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	100
	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		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	347		Jaylor Wilkin	\$690
	CARRIED FORWARD:				\$990

[illegible]

JURY LIST - MARCH 6, 1967 - SPRING SESSION

- ~~1. Darr, Bonnie Ruth, Bookkeeper, Bay Minette~~
- ~~2. Darr, Bonnie Ruth, Bookkeeper, Bay Minette~~
- ~~3. Darr, Bonnie Ruth, Bookkeeper, Bay Minette~~
- 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. Matthews, Robert, Furniture Store Oper., Robertsdale~~
- 10. Clemmons, W. P., Carpenter, Fairhope
- ~~11. Cleveland, Lyle T., Nurseryman, Foley~~
- ~~12. Bysse, Charles, Merchant, Foley~~
- ~~13. Crawford, Henry B., Operator, Eiberta~~
- ~~14. Campbell, John, Farmer, Rosinton~~
- ~~15. Rush, Hobson, Farmer, Bay Minette~~
- ~~16. Kesse, Henry W., Lineman, Foley~~
- 17. Harris, Guy H., Merchant, Foley
- ~~18. Hastic, Joe H., Merchant, Stockton~~
- ~~19. McGavin, Randolph, Store Keeper, Bay Minette~~
- ~~20. McMillan, Raymond N., Farmer, Stockton~~
- ~~21. Sanders, William G., Real Estate, Gulf Shores~~
- ~~22. Spader, Aubrey, Office, Robertsdale~~
- ~~23. Sprave, Roy, Bon Secour~~
- 24. Stripline, Fred, Television Repair, Robertsdale
- 25. Thompson, Robert W., Merchant, Foley
- ~~26. Vanson, Cecil, Civil Service, Stapleton~~
- 27. White, John R., Utilities Man, Foley
- 28. Parker, Floyd B., Millman, Stockton
- ~~29. Hall, Wilber C., Farmer, Bon Secour~~
- ~~30. Sanders, E. Frank, Banker, Foley~~
- ~~31. Kuchler, Frank, Farmer, Billian~~
- ~~32. Beverly, Marvin, Laborer, Robertsdale~~
- ~~33. Blair, Dorothy L., Stapleton~~
- ~~34. Boeschon, Sarah, Bay Minette~~
- ~~35. Nail, Glenn, Merchant, Robertsdale~~
- ~~36. Crosby, James H., Bookkeeper, Foley~~
- ~~37. Long, Victor, Electrician, Foley~~
- ~~38. Bryans, Irving L., Reserve Fleet, Bay Minette~~
- ~~39. Hackey, William, Laborer, Magnolia Springs~~
- ~~40. Earls, Doris K., Bay Minette~~
- ~~41. Dunbrook, George, Cabinet Maker, Fairhope~~
- 42. Durant, Wilma W., --- Ironley,
- 43. Durant, Percy M., Merchant, Bay Minette
- 44. Arant, Luther, Postal Imp., Foley
- 45. Jones, Sanford, Newport, Bay Minette
- ~~46. Flowers, John D., Farmer, Gulf Shores~~
- ~~47. Akers, Redue M., Insurance, Bay Minette~~
- ~~48. Fuller, David, Motel, Spanish Fort, Daphne~~
- ~~49. Minota, Sherman R., Bulcher, Robertsdale~~
- ~~50. Hankins, C. E., Farmer, Robertsdale~~
- ~~51. Duck, Joe Wilkison, Brookley Field, Bay Minette~~

45  
12  
33  
21

XXXXX XXXXX XE  
XXXXX XXXXX E

STATE OF ALABAMA,

PETITIONER,

VS.

WILLIAM B. LOTT, WADE LOTT, AGNES  
LOTT PECK, ELIZABETH LOTT UNGER, and  
TRACT NO. 0102, PARCELS 001, 002, and  
003, and BALDWIN COUNTY, ALABAMA, A  
POLITICAL SUBD. OF THE STATE OF ALA.  
RESPONDENTS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 5810

# 7370

BOOK 045 PAGE 69

APPLICATION FOR CONDEMNATION

TO THE HON HARRY M. 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 <sup>Tract</sup> ~~Parcel~~ Number 0102, 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, Elin 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.

Kenneth Cooper  
AFFIANT

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

Elin 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 con-  
demnation and of the date set for the hearing thereof be given to  
respondents at least ten (10) days before the hearing of this appli-  
cation.

Dated this 7th day of October, 1966.

Harry D. Oliver  
PROBATE JUDGE

BY: \_\_\_\_\_

STATE OF ALABAMA,

PETITIONER,

VS.

WILLIAM B. LOTT, et al.,

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

BOOK 045  
PAGE 72

RESPONDENTS.

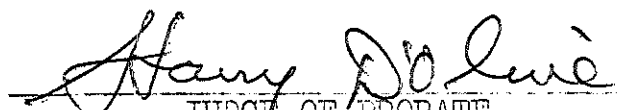
TO: WILLIAM B. LOTT, WADE LOTT, AGNES LOTT PECK and ELIZABETH LOTT  
UNGER, DAPHNE, ALABAMA.

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 10:00 A.M. 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

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 No. 001

Beginning at Station 375 + 87.2 the north right of way line of Ellenwood Drive; thence north 89° 55' east a distance of 107.1 feet; thence north 21° 06' 33" west a distance of 295.7 feet to the south right of way line of Oak Avenue; thence south 89° 55' west along said south right of way line a distance of 214.3 feet; thence south 21° 06' 33" east a distance of 295.7 feet to the north right of way line of Ellenwood Drive; thence north 89° 55' east a distance of 107.1 feet more or less to the point of beginning.

Said strip of land lying in Section 18, Township 5 South, Range 2 East, and containing an area of 1.36 acres, more or less.

## Parcel No. 002

Beginning at Station 382 + 32.4 the south right of way line of the old Spanish Trail; thence north 89° 55' east a distance of 157.1 feet to a point; thence south 34° 24' west a distance of 56.6 feet more or less, to a point which is 100 feet easterly of and at right angles to Station 381 + 43.9; thence south 21° 06' 33" east a distance of 245.7 feet to the north right of way line of Oak Avenue; thence south 89° 55' west a distance of 214.3 feet to a point; thence north 21° 06' 33" west a distance of 174.5 feet to the east line of Lot 25, Block B of the Ellenwood Subdivision; thence northerly along said lot line a distance of 113.2 feet, more or less, to the south right of way line of the Old Spanish Trail; thence north 89° 55' east along said right of way line a distance of 63.6 feet, more or less, to the point of beginning.

Said parcel of land lying in Section 18, Township 5 South, Range 2 East, and containing an area of 1.33 acres, more or less.

## Parcel No. 003

Beginning at Station 382 + 96.6 the north right of way line of the Old Spanish Trail; thence north 89° 55' east a distance of 157.1 feet to a point; thence north 55° 36' west a distance of 82.4 feet, more or less, to a point which is 100 feet easterly of and at right angles to Station 383 + 08; thence north 21° 06' 33" west a distance of 528.4 feet to the north property line; thence westerly along said north property line a distance of 214.3 feet; thence south 21° 06' 33" east a distance of 528.4 feet, more or less to a point which is 100 feet westerly of and at right angles to Station 383 + 85.1; thence south 34° 24' west a distance of 56.6 feet, more or less, to the north right of way line of the Old Spanish Trail; thence north 89° 55' east a distance of 157.1 feet to the point of beginning.

Said parcel of land lying in Section 7, Township 5 South, Range 2 East, and containing 2.71 acres, more or less.



Received 10 day of Oct. 1966  
and on 10 day of Oct. 1966

I served a copy of Notice  
on Baldwin County

By service on John Hadley  
Chairman  
TAYLOR WILKINS, Sheriff  
By W.A. Gilbert D.S.

Received 10 day of Oct. 1966  
and on 14 day of Oct. 1966

I served a copy of the within Notice  
on William B. Lott, Wade  
Lott, (Gene) Lott (Pek), → same Daphne  
By service on Elizabeth L. Unger

TAYLOR WILKINS, Sheriff  
By Roy Randall D.S.

The rest are out of state

Sheriff claims 54 miles at  
Ten Cents per mile Total \$ 5.40  
TAYLOR WILKINS, Sheriff  
By Roy Randall  
DEPUTY SHERIFF

Returned 14 day of Oct. 1966  
Not found in my county after diligent search and in-  
quiry, as to William B. Lott,  
Wade Lott, Elizabeth L. Unger  
Taylor Wilkins, Sheriff  
By Roy Randall  
Deputy Sheriff

STATE OF ALABAMA,

PETITIONER,

VS.

William B. Lott, Agnes Lott Peck,  
Wade Lott, Elizabeth Lott Unger,  
et al.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CAST NO. \_\_\_\_\_

BOOK 045  
PAGE 74

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  
Tract  
easement on ~~Parcel~~ Number 0102, 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.

IT IS FURTHER ORDERED by the Court that Jack Kevin  
Robert Mikkelsen, W. E. Long

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<sup>th</sup> day of November, 1966.

Harry D. Line  
 JUDGE OF PROBATE

BY: \_\_\_\_\_

STATE OF ALABAMA,  
PETITIONER,  
VS.

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

BOOK 045 PAGE 76

William B. Lott, Wade Lott, Agnes  
Lott Peck, Elizabeth Lott Unger,  
etal.

RESPONDENTS.

COMMISSIONERS

TO: Jack Gavin, Robert  
Nickelsen, 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.

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. Oline  
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. \_\_\_\_\_

\_\_\_\_\_, 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 22 day of Nov, 1966.

Harry D. Oline  
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 Gamm  
By service on Taylor Wilkins, Sheriff

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. Long  
By service on Taylor Wilkins, Sheriff

Taylor Wilkins, Sheriff  
By W A Jelbert

Received 11 day of Nov 1966  
and on 14 day of Nov 1966  
I served a copy of the within Notice  
on Robert Mikkelsen  
By service on Taylor Wilkins, Sheriff

Taylor Wilkins, Sheriff  
By Charles Childress  
R. O. Oles

Sheriff's claims 50 miles of  
Ten Cent per mile Total 5.00  
Taylor Wilkins, Sheriff  
By Charles Childress  
DEPUTY SHERIFF

STATE OF ALABAMA,  
PETITIONER,  
VS.

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

BOOK 045  
PAGE 78

RESPONDENTS.

REPORT OF THE COMMISSIONERS

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

Come the undersigned, Jack Bavin,  
Robert Mikkelsen, and W. P. Long,

the Commissioners duly appointed to assess the damages to Parcel No. 0102 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. 102, \$ 8100<sup>00</sup>

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 79

Jack Gustin  
COMMISSIONER

Robert M. Miller  
COMMISSIONER

W. C. Long  
COMMISSIONER

Sworn to and subscribed before me  
this 22<sup>nd</sup> day of Nov, 1966.

Harry D. O'Brien  
JUDGE OF PROBATE

BY: \_\_\_\_\_



STATE OF ALABAMA,	)	IN THE PROBATE COURT OF
PETITIONER,	)	BALDWIN COUNTY, ALABAMA
VS.	)	CASE NO. <u>5810</u>
WILLIAM B. LOTT, WADE	)	
LOTT, AGNES LOTT PECK,	)	
AND ELIZABETH LOTT UNGER,	)	
RESPONDENTS.	)	

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. 0102 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 Dec. 16, 1966 M  
 Recorded Darryl D. Oline book        page         
 Judge of Probate B12

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

Agnes Lott Peck.

TO: ~~William B. Lott~~  
Daphne, Alabama

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

Harry D. Olive  
Judge Of Probate  
Baldwin County, Alabama

Received 19 day of Dec. 1966  
and on 30 day of Dec. 1966  
I served a copy of the within notice  
on Agnes Lott Peck

By service on same  
Daphne  
TAYLOR WILKINS, Sheriff  
By Ray Randall D.C.

Sheriff claims 54 miles at  
Ten Cents per mile Total \$ 5.40  
TAYLOR WILKINS, Sheriff  
By Ray Randall  
DEPUTY SHERIFF

Agnes Lott Peck

Daphne

346

Served on  
Agnes Lott Peck  
Dec. 30. 66

Daphne  
Roy Randa  
D.S.

STATE OF ALABAMA,  
PETITIONER,

VS

WILLIAM B. LOTT, WADE  
LOTT, AGNES LOTT PECK,  
AND ELIZABETH LOTT UNGER,  
Tract 0102,

RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
CASE NO. 7370

#### STIPULATION

It is hereby stipulated by and between the Petitioner (appellant), and William B. Lott, et al, (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 the 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 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. St. John*  
\_\_\_\_\_  
ATTORNEY FOR RESPONDENTS

*filed 3-9-67*  
*Alvin French*  
*Clerk*

STATE OF ALABAMA

IN THE CIRCUIT COURT OF

VS:

BALDWIN COUNTY, ALABAMA

William B. Lott  
et al

AT LAW, CASE NO. 7370

We, the Jury, find for the landowners and assess the damages and compensation at \$ 7,500.00.

James L. Turner  
Foreman.

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. \_\_\_\_\_

WILLIAM B. LOTT, WADE LOTT,  
AGNES LOTT PECK, AND ELIZABETH  
LOTT UNGER

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 0102, Project No. S-635(2), in the  
amount of \$ 8100.00.

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.

343

Harry D. Oliver  
JUDGE OF PROBATE

BOOK 045 PAGE 80

WILLIAM B. LOTT, WADE  
LOTT, AGNES LOTT PECK,  
AND ELIZABETH LOTT UNGER,  
Tract 0102,  
  
RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
CASE NO. 7370

This cause coming on to be heard by the Court on this the 9th 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 landowners are 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.

351



Norman 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 \$7,500.00.

/s/ Norman 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 landowners in this case, William B. Lott, et al, are entitled is hereby fixed at the sum of \$7,500.00, 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 hereinabove described shall be, and become effective.

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

Dated this 9th day of March, 1967.

Julian P. Madhurn  
CIRCUIT JUDGE

FILED

MAR 9 1967

ALICE J. HICK, 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 No. 001

Beginning at Station 375+87.2 the north right of way line of Ellenwood Drive; thence north  $89^{\circ} 55'$  east a distance of 107.1 feet; thence north  $21^{\circ} 06' 33''$  west a distance of 295.7 feet to the south right of way line of Oak Avenue; thence south  $89^{\circ} 55'$  west along said south right of way line a distance of 214.3 feet; thence south  $21^{\circ} 06' 33''$  east a distance of 295.7 feet to the north right of way line of Ellenwood Drive; thence north  $89^{\circ} 55'$  east a distance of 107.1 feet more or less to the point of beginning.

Said strip of land lying in Section 18, Township 5 South, Range 2 East, and containing an area of 1.36 acres, more or less.

Parcel No. 002

Beginning at Station 382+32.4 the south right of way line of the old Spanish Trail; thence north  $89^{\circ} 55'$  east a distance of 157.1 feet to a point; thence south  $34^{\circ} 24'$  west a distance of 56.6 feet more or less, to a point which is 100 feet easterly of and at right angles to Station 381+43.9; thence south  $21^{\circ} 06' 33''$  east a distance of 245.7 feet to the north right of way line of Oak Avenue; thence south  $89^{\circ} 55'$  west a distance of 214.3 feet to a point; thence north  $21^{\circ} 06' 33''$  west a distance of 174.5 feet to the east line of Lot 25, Block B of the Ellenwood Subdivision; thence northerly along said lot line a distance of 113.2 feet, more or less, to the south right of way line of the Old Spanish Trail; thence north  $89^{\circ} 55'$  east along said right of way line a distance of 63.6 feet, more or less, to the point of beginning.

Said parcel of land lying in Section 18, Township 5 South, Range 2 East, and containing an area of 1.33 acres, more or less.

Parcel No. 003

Beginning at Station 382+96.6 the north right of way line of the Old Spanish Trail; thence north  $89^{\circ} 55'$  east a distance of 157.1 feet to a point; thence north  $55^{\circ} 36'$  west a distance of 82.4 feet, more or less, to a point which is 100 feet easterly of and at right angles to Station 383+08; thence north  $21^{\circ} 06' 33''$  west a distance of 528.4 feet to the north property line; thence westerly along said north property line a distance of 214.3 feet; thence south  $21^{\circ} 06' 33''$  east a distance of 528.4 feet, more or less to a point which is 100 feet westerly of and at right angles to Station 383+85.1; thence south  $34^{\circ} 24'$  west a distance of 56.6 feet, more or less, to the north right of way line of the Old Spanish Trail; thence north  $89^{\circ} 55'$  east a distance of 157.1 feet to the point of beginning.

Said parcel of land lying in Section 7, Township 5 South, Range 2 East, and containing 2.71 acres, more or less.