

STATE OF ALABAMA,	Y	IN THE CIRCUIT COURT OF
PETITIONER,	Y	BALDWIN COUNTY, ALABAMA
VS.	Y	CASE NO. 7986
VERA S. SAYE,	Y	
RESPONDENT.	Y	

STIPULATION

It is hereby stipulated by and between the Petitioner (appellant), and Vera S. Saye (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 9th day of October, 1967, 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 30th day of December, 1967, 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 interests 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, 9 October, 1967, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, 7 December, 1967.

Kenneth Cooper
ATTORNEY FOR PETITIONER
Malcolm Stone
ATTORNEY FOR RESPONDENT

Filed 3-4-68
Alice J. Hunt
Clerk

State of Ala
vs
Vera S. Saye

Mr. 7986

We, the jury, assess the amount of damages and
compensation to which the Defendant in this case is entitled
at \$ 10,000⁰⁰.

John H. Wynne
As Foreman

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

BOOK
47 PAGE 383

- A. PATRICE, INC.; DAPHNE,
ALABAMA;
- B. VERA S. SAYE; DAPHNE,
ALABAMA;
- C. L. T. RHODES, ADMINIS-
TRATOR, ESTATE J. S.
LOWERY, DECEASED; BAY
MINETTE, ALABAMA;
- D. LAKE FORREST, INC.;
DAPHNE, ALABAMA; and
- E. JOHN HALL and ROSA
HALL; DAPHNE, ALABAMA;
and
- F. BALDWIN COUNTY, ALABAMA,
A POLITICAL SUBDIVISION
OF THE STATE OF ALABAMA,

STATE OF ALABAMA, BALDWIN COUNTY

Filed December 30, 1967

Recorded _____ book _____ page _____

Harry D. O'Neil
Judge of Probate

RESPONDENTS.

NOTICE OF APPEAL

Comes now the State of Alabama, acting by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, State of Alabama, Petitioner in above-styled 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 cause on the 7th day of December, 1967, from the condemnation awards against Tract No. 12, owned by Vera S. Saye, and Tract No. 13, owned by L. T. Rhodes, Administrator, Estate J. S. Lowery, Deceased, et al, of State Highway Project No. I-10-1(19), Baldwin County, Alabama.


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 30 day of December, 1967.


MACDONALD GALLION
ATTORNEY GENERAL,
STATE OF ALABAMA.

BY: Kenneth Cooper
DULY APPOINTED SPECIAL
ASSISTANT ATTORNEY GENERAL,
STATE OF ALABAMA.

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


DULY APPOINTED SPECIAL
ASSISTANT ATTORNEY GENERAL,
STATE OF ALABAMA.

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


DULY APPOINTED SPECIAL
ASSISTANT ATTORNEY GENERAL,
STATE OF ALABAMA.

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STATE OF ALABAMA,
PETITIONER,
VS.
VERA S. SAYE,
RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 7986

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 10 day of June, 1968, 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 9th day of October, 1967, 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 30th day of December, 1967, 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, JOHN C. WYNN 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 \$ 10,000.00.

JOHN C. WYNN
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, Vera S. Saye, is entitled is hereby fixed at the sum of \$ 10,000.00, 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 10 day of June, 1968.

J. G. Maschbauer
CIRCUIT JUDGE

FILED

JUN 13 1968

ALICE J. DUCK CLERK
REGISTER

EXHIBIT "A"

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

And as shown by the right of way map of Project No. I-10-1(19) as recorded in the Office of the Judge of Probate of Baldwin County:

Beginning at the Southeast corner of Lot 21 of Spanish Fort Estates, Block 4, as recorded in Map Book 3, Page 50, of the records in the Office of the Judge of Probate of Baldwin County; thence N 89°-35'-09" W along the South line of said lot a distance of 50 feet; thence N 19°-03'-51" E, a distance of 174.20 feet; thence S 2°-24'-51" W, a distance of 165.35 feet to the point of beginning.

Said tract of land being a portion of Lot 21 of Spanish Fort Estates, lying in irregular Section 31, Township 4 South, Range 2 East and containing 0.115 acre, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-10-1(19), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

No. 6108

In the matter of

State of Ala. vs. Vera Saye, et al

Administrator, Executor, or Guardian. Residence _____

Attorneys _____

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, 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 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	
	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				
	CARRIED FORWARD:				

Total Court Costs

444 2

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 _____

Tree Book _____ Page _____

Attorneys

Form 1575—ROBERTS & SON, BIRMINGHAM

[illegible]

JURY LIST

- 1. Abbott, Homer, Retired, Foley
- 2. Abercrombie, Thomas V., Jr., Dry Cleaner, Robertsdale
- 3. ~~Alonzo, William, State of Ala., Bay Minette~~
- 4. ~~Armstrong, Charles, Ins. Salesman, Robertsdale~~
- 5. ~~Barbarow, Earl, Farmer, Perdido~~
- 6. ~~Baskin, Herbert T., Civil Service, Bay Minette~~
- 7. Booth, Charley, Farmer, Fairhope
- 8. ~~Boone, James A., Mechanic, Foley~~
- 9. ~~Booby, Eugene, Construction Worker, Fairhope~~
- 10. Brackman, Jerry, Salesman, Summerdale
- 11. Bryars, Gasque P., County Employee, Perdido
- 12. Burnes, Frank L., Seafood, Foley
- 13. Burnes, Luther A., Seafood, Foley
- 14. ~~Byrd, Eubie Dee, Mechanic, Perdido~~
- 15. ~~Chafin, Sally, Housewife, Perdido~~
- 16. ~~Childress, Paul, Jr., Farmer, Loxley~~
- 17. ~~Coleman, Maynard, Civil Service, Perdido~~
- 18. Conway, Clyde, Shipyard, Bay Minette
- 19. ~~Cowles, Robert T., Printer, Fairhope~~
- 20. ~~Cumbe, Carol, Housewife, Little River~~
- 21. ~~Cumbe, Raymond, Construction Worker, Little River~~
- 22. Day, Charles W., Civil Service, Robertsdale
- 23. ~~Dean, Mary, Housewife, Perdido~~
- 24. ~~Gabel, Ernest W., Jr., Farmer, Fairhope~~
- 25. ~~Garner, Orie, Grand Hotel, Fairhope~~
- 26. ~~Hadley, Elzie, Farmer, Perdido~~
- 27. ~~Hadley, Jacob, Civil Service, Perdido~~
- 28. Hadley, Shomo, Self Employed, Foley
- 29. ~~Hall, Allen W., Restaurant Mgr., Foley~~
- 30. Hall, Rex D., Clerk, Foley
- 31. ~~Harding, Robert C., Jr., Motel Operator, Foley~~
- 32. Helmes, John R., Civil Service, Elberta
- 33. ~~Helton, Allen, Jr., Farmer, Stockton~~
- 34. ~~Hobbs, W. D., Farmer, Rosinton~~
- 35. ~~James, Seaborn, Farmer, Foley~~
- 36. ~~Jaye, David D., Clerk, Bay Minette~~
- 37. ~~Klaskich, George, Farmer, Perdido~~
- 38. Klein, Vincent J., Businessman, Fairhope
- 39. ~~Kucera, Frank A., Jr., Farmer, Robertsdale~~
- 40. ~~Lee, Leonard, Farmer, Rosinton~~
- 41. Lowery, Edward, Civil Service, Summerdale
- 42. ~~Malone, Adelaide (Mrs. T. E.), Housewife, Fairhope~~
- 43. ~~McGill, G. T., Merchant, Perdido~~
- 44. ~~McWay, A. R., School Supervisor, Bay Minette~~
- 45. ~~Miller, Harold, Newport, Bay Minette~~
- 46. ~~Morgan, John, Forrester, Bay Minette~~
- 47. ~~Pilgrim, Joseph A., Jr., Farmer, Elberta~~
- 48. Plovovich, Matthew, Reserve Fleet, Perdido
- 49. Powers, James, Farmer, Summerdale
- 50. ~~Quinley, Lynn, Farmer, Bay Minette~~
- 51. ~~Rogers, Ruth, Housewife, Perdido~~
- 52. ~~Rosen, Roy, Farmer, Rabon~~
- 53. ~~Sims, James F., Farmer, Rabon~~
- 54. ~~Washington, Verner, Jr., Grand Hotel, Daphne~~
- 55. ~~Williams, Ray B., Self Employed, Foley~~
- 56. ~~Wilson, Libert H., Bookkeeper, Bay Minette~~
- 57. ~~Windham, Frank, Printer, Bay Minette~~
- 58. Wynn, J. C., Farmer, Summerdale
- 59. ~~White, Elaine, Beauty Operator, Perdido~~
- 60. ~~Yates, Harold, Govt. Emp., Fairhope~~

60
32
28
12
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XXXXX XXX

XXXXX XXX

STATE OF ALABAMA,
 PETITIONER,
 VS.

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

- A. PATRICE, INC.; DAPHNE,
 ALABAMA;
- B. VERA S. SAYE; DAPHNE,
 ALABAMA;
- C. L. T. RHODES, ADMINIS-
 TRATOR, ESTATE J. S.
 LOWERY, DECEASED; BAY
 MINETTE, ALABAMA;
- D. LAKE FORREST, INC.;
 DAPHNE, ALABAMA; and
- E. JOHN HALL and ROSA
 HALL; DAPHNE, ALABAMA;
 and
- F. BALDWIN COUNTY, ALABAMA,
 A POLITICAL SUBDIVISION
 OF THE STATE OF ALABAMA,

RESPONDENTS.

COMMISSIONS

TO: Jack Gavin Sp. Asst., John M. Beasley J.
and Robert L. Bullock - Real

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 fee simple title for the right of way 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 caption to the application for condemnation filed in this cause.

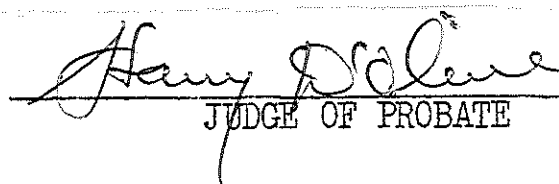
You may view the lands to be subjected and you must receive all

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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 to 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 17 day of November, 1967.


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. PATRICE, INC.; VERA S. SAYE; L. T. RHODES, ADMINISTRATOR, ESTATE J. S. LOWERY, DECEASED; LAKE FORREST, INC.; JOHN HALL and ROSA HALL; 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 L. Linn
Robert L. Linn
John M. Beasley

Sworn to and subscribed before me
this 7th day of December, -
1967.

Harry Doline
JUDGE OF PROBATE

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A7 PAGE 408

Received 20 day of Nov. 1967
and on 24 day of Nov 1967
served a copy of the within Notice
Jack Gavin
By service on about Sp. Inst

TAYLOR WILKINS, Sheriff
By Roy Randall

Received 20 day of Nov. 1967
and on 24 day of Nov 1967
served a copy of the within Notice
John M. Beasley
By service on about
Sp. Inst

TAYLOR WILKINS, Sheriff
By Roy Randall

Received 20 day of Nov. 1967
and on 29 day of Nov 1967
served a copy of the within Notice
Robert J. Gullledge

By service on

TAYLOR WILKINS, Sheriff
Carlisle Childers

Sheriff claims 164 miles at
Ten Cents per mile Total \$ 16.40
TAYLOR WILKINS, Sheriff
BY Carlisle Childers
DEPUTY SHERIFF
Roy Randall

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

- A. PATRICE, INC.; DAPHNE,
ALABAMA;
- B. VERA S. SAYE; DAPHNE,
ALABAMA;
- C. L. T. RHODES, ADMINIS-
TRATOR, ESTATE J. S.
LOWERY, DECEASED; BAY
MINETTE, ALABAMA;
- D. LAKE FORREST, INC.;
DAPHNE, ALABAMA; and
- E. JOHN HALL and ROSA
HALL; DAPHNE, ALABAMA;
and
- F. BALDWIN COUNTY, ALABAMA,
A POLITICAL SUBDIVISION
OF THE STATE OF ALABAMA,

RESPONDENTS.

FINAL ORDER OF CONDEMNATION

On the 7th day of December, 1967, came Jack Gavin
John M. Brasley, and Robert I. Bullidge

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 tracts 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 Tract No. 9, Project No. I-10-1(19), in the amount of
\$ _____; Tract No. 12, Project No. I-10-1(19), in the amount of
\$ 13,000.⁰⁰; Tract No. 13, Project No. I-10-1(19), in the amount of
\$ 30,585.⁰⁰; Tract No. 14, Project No. I-10-1(19), in the amount of
\$ _____; and Tract No. 48, Project No. I-10-1(19), in the amount
of \$ 7611.⁵⁰.

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

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filed in this cause be and the same is hereby condemned for the purposes 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 7th day of December, 1967.

Harry D. Olive
JUDGE OF PROBATE

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47 PAGE 412

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. _____

- A. PATRICE, INC.; DAPHNE,
ALABAMA;
- B. VERA S. SAYE; DAPHNE,
ALABAMA;
- C. L. T. RHODES, ADMINIS-
TRATOR, ESTATE J. S.
LOWERY, DECEASED; BAY
MINETTE, ALABAMA;
- D. LAKE FORREST, INC.;
DAPHNE, ALABAMA; and
- E. JOHN HALL and ROSA
HALL; DAPHNE, ALABAMA;
and
- F. BALDWIN COUNTY, ALABAMA,
A POLITICAL SUBDIVISION
OF THE STATE OF ALABAMA,

RESPONDENTS.

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. I-10-1(19), Baldwin County, Alabama.

(3) That said public highway begins at a point approximately two miles north of Loxley at the west terminus of I-10-1(11), Baldwin County, Alabama, and runs thence westwardly to Tensaw River, Baldwin County, Alabama.

(4) The right of way over the property and lands hereinafter described as Tracts Nos. 9, 12, 13, 14 and 48, and as set out in the

STATE OF ALABAMA, BALDWIN COUNTY

Filed October 9, 1967

Recorded _____ book _____ page _____

Harry M. D'Olive
Judge of Probate

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right of way map on Project No. I-10-1(19) 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 fee simple title to said tracts of land is necessary for use by Petitioner as a right of way for such public highway, and in which Petitioner seeks to condemn fee simple title, is located wholly within Baldwin County, Ala., and is described in Exhibits A-1; A-2; A-3; A-4; and A-5 attached hereto.

(6) That the fee simple title which Petitioner seeks to condemn for highway purposes is set out and described in the right of way map on Project No. I-10-1(19), which is on file in the State Highway Department, ^{Montgomery, Alabama,} 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 tracts 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. I-10-1(19), over the lands as set out in Exhibits A-1; A-2; A-3; A-4; and A-5 of this application, all for the uses and purposes of a public highway for the State of Alabama.

MAC DONALD GALLION
ATTORNEY GENERAL
STATE OF ALABAMA

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BY: Kenneth Coon
DULY APPOINTED SPECIAL ASSISTANT
ATTORNEY GENERAL FOR THE
STATE OF ALABAMA

433-7864

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Erin R. White, Notary Public, Baldwin County, Ala.
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.

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Kenneth Cooper
AFFIANT

Sworn and subscribed before me on this 9 day of October,
1967.

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, 1967, at 10:00 o'clock A.M.

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 9th day of October, 1967.

Harry D. Oliver
PROBATE JUDGE

EXHIBIT A-1

TRACT NO. 9: The following described property, lying and being in Baldwin County, Alabama, and more particularly described as follows:

And as shown by the right of way map of Project No. I-10-1(19) as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East; thence S 1°-34'-23" W, along the East line of said Section, a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W along said center line a distance of 2607.48 feet; thence N 0°-05'-39" W, a distance of 1214.08 feet; thence N 89°-35'-09" W, a distance of 759.70 feet to the Westerly R. O. W. line of U. S. Highway No. 98; which is the point of beginning; thence continue N 89°-35'-09" W, a distance of 143.11 feet; thence N 7°-34'-07" W, a distance of 155.04 feet; thence N 22°-25'-53" E, a distance of 140 feet; thence N 82°-25'-53" E, a distance of 102 feet to said R. O. W. line; thence S 7°-34'-07" E along said R. O. W. line a distance of 204 feet; thence S 82°-25'-53" W along said R. O. W. line a distance of 30 feet; thence S 7°-34'-07" E along said R. O. W. line a distance of 90.1 feet to the point of beginning.

Said tract of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 0.93 acre, more or less.

EXHIBIT A-2

TRACT NO. 12: The following described property, lying and being in Baldwin County, Alabama, and more particularly described as follows:

And as shown by the right of way map of Project No. I-10-1(19) as recorded in the Office of the Judge of Probate of Baldwin County:

Beginning at the Southeast corner of Lot 21 of Spanish Fort Estates, Block 4, as recorded in Map Book 3, Page 50, of the records in the Office of the Judge of Probate of Baldwin County; thence N 89°-35'-09" W along the South line of said lot a distance of 50 feet; thence N 19°-03'-51" E, a distance of 174.20 feet; thence S 2°-24'-51" W, a distance of 165.35 feet to the point of beginning.

Said tract of land being a portion of Lot 21 of Spanish Fort Estates, lying in irregular Section 31, Township 4 South, Range 2 East, and containing 0.115 acre, more or less.

As a part of the condemnation hereinabove described, there is also condemned for the benefit of the Condemnor all existing, future or potential common law or statutory rights of access between the right-of-way of the public way identified as Project No. I-10-1(19), County of Baldwin, and all of Condemnee's remaining real property, consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the Condemnee.

EXHIBIT A-3

TRACT NO. 13: The following described property, lying and being in Baldwin County, Alabama, and more particularly described as follows:

And as shown by the right of way map of Project No. I-10-1(19) as recorded in the Office of the Judge of Probate of Baldwin County:

Tract 13-1:

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East; thence S 1°-34'-23" W, along the East line of said Section a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76, thence S 81°-32'-36" W along said center line a distance of 2607.48 feet; thence N 0°-05'-39" W, a distance of 620.28 feet; thence N 89°-33'-29" W, a distance of 681.13 feet to the Westerly R. O. W. line of U. S. Highway No. 98 which is the point of beginning, thence N 37°-34'-07" W, a distance of 284 feet, thence N 7°-34'-07" W, a distance of 370.87 feet; thence S 89°-35'-09" E, a distance of 143.11 feet to said R. O. W. line; thence S 7°-34'-07" E, along said R. O. W. line, a distance of 599 feet to the point of beginning.

Said tract of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 1.61 acres, more or less.

This condemnation is made for the purpose of a controlled access facility and adjacent service road or roads, and there is also any and all abutter's rights appurtenant to Condemnee's remaining property in and to said controlled access facility, provided however, that there is reserved along a line (described as beginning at a point which is 232 feet Southwesterly of and at right angles to the center line of Project No. I-10-1(19) at Station 532+25.66; thence N 7°-34'-07" W, a distance of 296.06 feet; thence S 89°-35'-09" E, a distance of 143.11 feet to the end of line) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Tract 13-2:

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East; thence S 1°-34'-23" W along the East line of said Section, a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W, along said center line, a distance of 2607.48 feet; thence N 0°-05'-39" W, a distance of 620.28 feet; thence N 89°-33'-29" W, a distance of 219.21 feet to the Westerly R. O. W. line of U. S. Highway No. 90 which is the point of beginning; thence continue N 89°-33'-29" W, a distance of 275.48 feet to the Easterly R. O. W. line of U. S. Highway No. 98; thence N 7°-34'-07" W, along said R. O. W. a distance of 429.77 feet; thence N 82°-25'-53" E along said R. O. W. a distance of 20 feet; thence N 7°-34'-07" W, along said R. O. W. a distance of 130.54 feet; thence N 82°-25'-53" E, along said R. O. W. line a distance of 40 feet; thence N 7°-34'-07" W along said R. O. W. line a distance of 30.8 feet; thence S 89°-35'-09" E, a distance of 384.41 feet to the Westerly R. O. W. line of U. S. Highway No. 90; thence Southwesterly along said R. O. W. line which is along a curve to the right which has a radius of 2824.79 feet, an arc distance of 167.12 feet; thence S 9°-25'-51" W along said R. O. W. line a distance of 434.56 feet to the point of beginning.

Said tract of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 4.89 acres, more or less.

As a part of the condemnation hereinabove described, there is also condemned for the benefit of the Condemnor all existing, future or potential common law or statutory rights of access between the right-of-way of the public way identified as Project No. I-10-1(19), County of Baldwin, and all of Condemnee's remaining real property,

consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the Condemnee.

Tract 13-3:

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East; thence S 1°-34'-23" W along the East line of said Section a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W, along said center line a distance of 2607.48 feet; thence N 0°-05'-39" W, a distance of 620.28 feet to the point of beginning; thence N 89°-33'-29" W, a distance of 136.74 feet to the Easterly R. O. W. line of U. S. Highway No. 90; thence Northeasterly along said R. O. W. line which is along a curve to the right which has a radius of 778.51 feet, an arc distance of 47.58 feet; thence N 9°-25'-51" E along said R. O. W. a distance of 374.12 feet; thence Northeasterly along said R. O. W. which is along a curve to the left which has a radius of 2904.79 feet an arc distance of 178.89 feet, thence S 89°-35'-09" E, a distance of 47.57 feet; thence S 0°-05'-39" E, a distance of 593.80 feet to the point of beginning.

Said tract of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 1.24 acres, more or less.

As a part of the condemnation hereinabove described, there is also condemned for the benefit of the Condemnor all existing, future or potential common law or statutory rights of access between the right-of-way of the public way identified as Project No. I-10-1(19), County of Baldwin, and all of Condemnee's remaining real property, consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the Condemnee.

Tract 13-E:

Easement For Drainage: The herein described property a strip of land 50 feet in width and 145 feet in length to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 200 feet Southwesterly of and at right angles to the center line of U. S. 98 connection West at Station 533+51; thence S 7°-34'-07" E, a distance of 25 feet; thence S 82°-25'-53" W, a distance of 155 feet more or less to the East bank of the North Fork of D'Olive Creek, thence Northerly along the meanders of said creek 50 feet, more or less; thence N 82°-25'-53" E, a distance of 140 feet more or less, thence S 7°-34'-07" E, a distance of 25 feet to the point of beginning.

Said strip of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 0.169 acre, more or less.

EXHIBIT A-4

TRACT NO. 14: The following described property, lying and being in Baldwin County, Alabama, and more particularly described as follows:

And as shown by the right of way map of Project No. I-10-1(19) as recorded in the Office of the Judge of Probate of Baldwin County:

Tract 14-1:

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East; thence S 1°-34'-23" W, a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W a distance of 3171.89 feet to the point of beginning at Station 428+98.87 on the Westerly R. O. W. line of U. S. 98 Highway; thence S 7°-34'-07" E along said R. O. W. line a distance of 745.19 feet; thence S 9°-25'-51" W, a distance of 635.52 feet; thence Southerly along a curve to the left which has a radius of 1185.92 feet, an arc distance of 195.6 feet; thence S 0°-01'-09" W a distance of 155.05 feet; thence N 85°-14'-47" W a distance of 165.03 feet; thence N 4°-45'-13" E, a distance of 1040.41 feet; thence N 38°-22'-37.5" W, a distance of 145.96 feet; thence N 81°-30'-28" W, a distance of 1007.0 feet; thence S 89°-09'-25" W, a distance of 403.79 feet; thence Westerly along a curve to the right which has a radius of 11,659.15 feet an arc distance of 749.80 feet to a point, on the East bank of the West Fork of D'Olive Creek, which is 200 feet Southerly of and at right angles to the center line of said project at Station 405+22; thence Northerly along the meanders of said bank a distance of 205 feet more or less to the center line at said project at Station 405+22; thence continue Northerly along the meanders of said bank a distance of 203 feet to a point which is 200 feet Northerly of and at right angles to the center line of said project at Station 405+45; thence Easterly along a curve to the left which has a radius of 11,259.15 feet, an arc distance of 1949 feet to a point which is 200 feet Northwesterly of and at right angles to the center line of said project at Station 424+68.96 Back = Station 424+94.87 ahead; thence N 81°-32'-36" E, a distance of 307.10 feet; thence N 37°-01'-13.5" E, a distance of 142.59 feet to the Westerly R. O. W. line of U. S. 98 Highway; thence S 7°-34'-07" E along said R. O. W. line a distance of 300.02 feet to the point of beginning.

Said tract of land lying in irregular Sections 31 and 37, Township 4 South, Range 2 East and Section 36, Township 4 South, Range 1 East, Baldwin County, Alabama, and containing 31.83 acres, more or less.

This condemnation is made for the purpose of a controlled access facility and adjacent service road or roads, and there is also any and all abutter's rights appurtenant to Condemnee's remaining property in and to said controlled access facility, provided however, that there is reserved along a line (described as beginning at a point 14.97 feet Northwesterly of and at right angles to the center line of U. S. 98 Relocation at Station 505+00; thence N 85°-14'-47" W, a distance of 165.03 feet, thence N 4°-45'-13" E, a distance of 996.98 feet to the end of line) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Tract 14-2:

Commencing at the Northeast Corner of irregular Section 31, Township 4 South, Range 2 East, thence S 1°-34'-23" W, a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W, a distance of 2943.13 feet; thence N 9°-25'-51" E, a distance of 103.64 feet to the point of beginning; thence S 82°-25'-53" W, a distance of 139.23 feet to the Easterly R. O. W. line of U. S. Highway No. 98 thence N 7°-34'-07" W, along said R. O. W. line a distance of 563.34 feet; thence N 82°-25'-53" E along said R. O. W. line a distance of 35 feet; thence N 7°-34'-07" W, along said R. O. W. line a distance of 26.55 feet; thence S 89°-33'-29" E, a distance of 275.48 feet to the Westerly R. O. W. line of Alabama Highway No. 104 thence S 9°-25'-51" W along said R. O. W. a distance of 576.87 feet to the point of beginning.

Said tract of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 2.89 acres,

more or less.

As a part of the condemnation hereinabove described, there is also condemned for the benefit of the Condemnor all existing, future or potential common law or statutory rights of access between the right-of-way of the public way identified as Project No. I-10-1(19), County of Baldwin, and all of Condemnee's remaining real property, consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the Condemnee.

Tract 14-3:

Commencing at the Northeast Corner of irregular Section 31, Township 4 South, Range 2 East, thence S 1°-34'-23" W, a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W, a distance of 2607.48 feet; thence N 0°-05'-39" W, a distance of 92.98 feet to the point of beginning which is on the Easterly R. O. W. line of U. S. Highway No. 90, thence Northerly along said R. O. W. and a curve to the right which has a radius of 778.51 feet, an arc distance of 557.83 feet, thence S 89°-33'-29" E, a distance of 136.74 feet; thence S 0°-05'-39" E, a distance of 527.30 feet to the point of beginning.

Said tract of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 1.22 acre, more or less.

As a part of the condemnation hereinabove described, there is also condemned for the benefit of the Condemnor all existing, future or potential common law or statutory rights of access between the right-of-way of the public way identified as Project No. I-10-1(19), County of Baldwin, and all of Condemnee's remaining real property, consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the Condemnee.

Tract 14-4:

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East, thence S 1°-34'-23" W, a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W, a distance of 2607.48 feet; thence S 0°-05'-39" E, a distance of 35.17 feet to the point of beginning; thence continue S 0°-05'-39" E, a distance of 373.16 feet; thence N 88°-46'-02" E, a distance of 767.79 feet; thence S 81°-32'-36" W, a distance of 984.11 feet; thence S 43°-08'-54.5" W, a distance of 156.75 feet; thence S 4°-45'-13" W, a distance of 242.17 feet to the Easterly R. O. W. line of U. S. 98 Highway; thence N 7°-34'-07" W along said R. O. W. line a distance of 206.09 feet; to the Easterly R. O. W. line of Alabama Highway No. 104; thence N 9°-25'-51" E along said R. O. W. line a distance of 659.99 feet to the center line of said project at Station 432+11.69, thence continue N 9°-25'-51" E along said R. O. W. line a distance of 353.22 feet to the Westerly R. O. W. line of U. S. Highway No. 90; thence Southeasterly along a curve to the left which has a radius of 858.51, an arc distance of 358.10 feet to the center line of said project at Station 434+36.15; thence continue along a curve to the left which has a radius of 858.51, an arc distance of 41.16 feet to the point of beginning.

Said tract of land lying in irregular Sections 31 and 37, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 5.35 acres, more or less.

This condemnation is made for the purpose of a controlled access

facility and adjacent service road or roads, and there is also any and all abutter's rights appurtenant to Condemnee's remaining property in and to said controlled access facility, provided however, that there is reserved along a line (described as beginning at a point 160 feet Southeasterly of and at right angles to the center line of U. S. 98 - U. S. 90 connection at Station 514+96.98; thence S 4°-45'-13" W a distance of 107.66 feet to the end of line) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Tract 14-5:

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East; thence S 1°-34'-23" W, a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W, along said center line a distance of 2859.07 feet to the Easterly R. O. W. line of Alabama Highway No. 104; thence S 9°-25'-51" W along said R. O. W. line a distance of 1070.43 feet to the intersection of the Easterly R. O. W. line of Alabama Highway No. 104 and the Westerly R. O. W. line of U. S. Highway No. 98, being the point of beginning; thence S 7°-34'-07" E along said R. O. W. line a distance of 373.14 feet; thence S 4°-45'-13" W, a distance of 372.02 feet; thence N 85°-14'-47" W, a distance of 94.69 feet to the Easterly R. O. W. line of Alabama Highway No. 104; thence N 0°-01'-09" E, along said R. O. W. line a distance of 161.69 feet; thence Northeasterly along said R. O. W. line which is along a curve to the right which has a radius of 1105.92 feet, an arc distance of 182.4 feet; thence N 9°-25'-51" E along said R. O. W. line a distance of 349.39 feet to the point of beginning.

Said tract of land lying in irregular Section 37, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 1.18 acres, more or less.

Tract 14-E:

Easement For Drainage: The herein described property a tract of land to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 120.95 feet Southwesterly of and at right angles to the center line of U. S. 90 Connection East at Station 12+55; thence N 88°-46'-02" E, a distance of 57.74 feet; thence S 30°-20'-56" W, a distance of 200 feet; thence S 88°-46'-02" W, a distance of 115.48 feet; thence N 30°-20'-56" E, a distance of 195.20 feet; thence N 81°-32'-36" E, a distance of 32.49 feet; thence N 88°-46'-02" E, a distance of 28.02 feet to the point of beginning.

Said tract of land lying in irregular Section 37, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 0.458 acre, more or less.

EXHIBIT A-5

TRACT NO. 48: The following described property, lying and being in Baldwin County, Alabama, and more particularly described as follows:

And as shown by the right of way map of Project No. I-10-1(19) as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the Northwest corner of Section 32, Township 4 South, Range 3 East; thence S 1°-03'-31" W, a distance of 2624.00 feet; thence S 89°-47'-40" E, a distance of 1216.00 feet to the point of be-

ginning; thence continue S 89°-47'-40" E, a distance of 403.85 feet to the center line of the left lane of Project No. I-10-1(19) at Station 800+02.40; thence continue S 89°-47'-40" E, a distance of 1045.58 feet; thence S 1°-03'-31" W, a distance of 224.80 feet to the center line of the left lane at Station 810+68.22; thence continue S 1°-03'-31" W, a distance of 394.29 feet to the center line of the right lane at Station 811+26.02; thence continue S 1°-03'-31" W, a distance of 245.05 feet; thence N 77°-17'-29" W, a distance of 1479.76 feet; thence N 1°-03'-31" E, a distance of 245.05 feet to the center line of the right lane at Station 796+46.62; thence continue N 1°-03'-31" E, a distance of 298.71 feet to the point of beginning.

Said tract of land lying in Section 32, Township 4 South, Range 3 East, Baldwin County, Alabama, and containing 23.42 acres, more or less.

This condemnation is made for the purpose of a controlled access facility and adjacent service road or roads, and there is also any and all abutter's rights appurtenant to Condemnee's remaining property in and to said controlled access facility, provided however, that there is reserved along a line (described as beginning at a point 170 feet Southwesterly of and at right angles to the center line of the right lane of Project No. I-10-1(19) at Station 811+61.07; thence S 1°-03'-31" W, a distance of 71.47 feet; thence N 77°-17'-29" W, a distance of 1479.76 feet; thence N 1°-03'-31" E, a distance of 71.47 feet to the end of line) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

STATE OF ALABAMA,
 PETITIONER,
 VS.

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

- A. PATRICE, INC.; DAPHNE, ALABAMA; ⁹
- B. VERA S. SAYE; DAPHNE, ALABAMA; ¹²
- C. L. T. RHODES, ADMINIS-¹³
 TRATOR, ESTATE J. S.
 LOWERY, DECEASED; BAY
 MINETTE, ALABAMA;
- D. ~~LAKE FORREST, INC.; DAPHNE, ALABAMA;~~ ¹⁴ (see Amendment.)
- E. JOHN HALL and ROSA ⁴⁸
 HALL; DAPHNE, ALABAMA;
 and
- F. BALDWIN COUNTY, ALABAMA,
 A POLITICAL SUBDIVISION
 OF THE STATE OF ALABAMA,

RESPONDENTS.

TO: A. PATRICE, INC.; DAPHNE, ALABAMA; B. VERA S. SAYE; DAPHNE, ALABAMA; C. L. T. RHODES, ADMINISTRATOR, ESTATE J. S. LOWERY, DECEASED; BAY MINETTE, ALABAMA; D. LAKE FORREST, INC.; DAPHNE, ALABAMA; E. JOHN HALL and ROSA HALL; DAPHNE, ALABAMA; and F. BALDWIN COUNTY, ALABAMA, A POLITICAL SUBDIVISION OF THE STATE OF 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 fee simple title for a 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 fee simple title for the 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 3rd day of October, 1967, 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.

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Done this 9th day of October, 1967.

Harry Deline
JUDGE OF PROBATE

BY: _____

BOOK

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Received 11 day of Oct. 1967
and on 17 day of Oct 1967

I served a copy of the within Notice
on Patrice, Inc.

By service on above
Sp. Fort
TAYLOR WILKINS, Sheriff
By Roy Randall

Received 11 day of Oct. 1967
and on 17 day of Oct 1967

I served a copy of the within Notice
on Vera S. Saye

By service on above
Sp. Fort
TAYLOR WILKINS, Sheriff
By Roy Randall

Received 11 day of Oct. 1967
and on 12 day of Oct 1967

I served a copy of the within Notice
on L. J. R. Hades

By service on _____
TAYLOR WILKINS, Sheriff
By W. A. Talbot

Received 11 day of Oct. 1967
and on 19 day of Oct 1967

I served a copy of the within Notice
on John Hall;
Rose Hall

By service on _____
TAYLOR WILKINS, Sheriff
By Arturo L. Suarez
L. L. L.

Received 11 day of Oct. 1967
and on 12 day of Oct 1967

I served a copy of the within Notice
on Baldwin County, Ala.

By service on John Hadley
TAYLOR WILKINS, Sheriff
By W. A. Talbot

168
16.50
Randall Children

L. L. L.

STATE OF ALABAMA

PETITIONER,

VS.

PATRICE, INC., et al,

RESPONDENTS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

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MOTION TO AMEND
APPLICATION FOR CONDEMNATION

TO HONORABLE HARRY M. D'OLIVE, JUDGE OF SAID COURT:

Comes now your Petitioner in above-styled cause, by its attorney of record, Kenneth Cooper, Esquire, and respectfully moves to amend its APPLICATION FOR CONDEMNATION heretofore filed in this cause on the 9th day of October, 1967, as follows, to-wit:

DELETE all references to Tract No. 14, and to Exhibit A-4, paragraphs (4) and (5) of the APPLICATION FOR CONDEMNATION, and subparagraph No. (3) of the Prayer For Relief (page 3 of the APPLICATION FOR CONDEMNATION); also, DELETE Exhibit A-4 of the Exhibits.

In all other respects the APPLICATION FOR CONDEMNATION remains unchanged.

Kenneth Cooper
ATTORNEY FOR PETITIONER

STATE OF ALABAMA, BALDWIN COUNTY

Filed _____

Recorded _____

book _____

page _____

Harry M. D'Olive
Judge of Probate

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STATE OF ALABAMA,	§	IN THE PROBATE COURT OF
PETITIONER,	§	BALDWIN COUNTY, ALABAMA
VS.	§	CASE NO. _____
PATRICE, INC., et al,	§	
RESPONDENTS.	§	

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ORDER OF APPROVAL TO AMEND

Whereas the Petitioner, by and thru its Attorney of Record, Kenneth Cooper, Esquire, did file its MOTION TO AMEND APPLICATION FOR CONDEMNATION in this Court on the 10th day of October, 1967, and

Whereas the Court has considered the same and approves of said amendment, now therefore it is

ORDERED, ADJUDGED and DECREED by the Court that the said MOTION TO AMEND APPLICATION FOR CONDEMNATION is granted, and the APPLICATION FOR CONDEMNATION will be so amended.

Granted and done on this 26th day of October, 1967.

Harry D. Oliver
JUDGE OF PROBATE

STATE OF ALABAMA,
PETITIONER,

VS.

PATRICE, INC., et al,
RESPONDENTS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. _____

MOTION TO AMEND
APPLICATION FOR CONDEMNATION

TO HONORABLE HARRY M. D'OLIVE, JUDGE OF SAID COURT:

Comes now your Petitioner in above-styled cause, by its Attorney of Record, Kenneth Cooper, Esquire, and respectfully moves to amend its APPLICATION FOR CONDEMNATION heretofore filed in this cause on the 9th day of October, 1967, as follows, to-wit:

DELETE all references to Tract No. 9, and to Exhibit A-1, paragraphs (4) and (5) of the APPLICATION FOR CONDEMNATION, and subparagraph no. (3) of the Prayer For Relief (page 3 of the APPLICATION FOR CONDEMNATION); also, DELETE Exhibit A-1 of the Exhibits.

In all other respects the APPLICATION FOR CONDEMNATION remains unchanged.

Kenneth Cooper
ATTORNEY FOR PETITIONER

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STATE OF ALABAMA,
PETITIONER,

VS.

PATRICE, INC., et al,
RESPONDENTS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. _____

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ORDER OF APPROVAL TO AMEND

Whereas the Petitioner, by and thru its Attorney of Record, Kenneth Cooper, Esquire, did file its MOTION TO AMEND APPLICATION FOR CONDEMNATION in this Court on the 4th day of December, 1967, and

Whereas the Court has considered the same and approves of said amendment, now therefore it is

ORDERED, ADJUDGED and DECREED by the Court that the said MOTION TO AMEND APPLICATION FOR CONDEMNATION is granted, and the APPLICATION FOR CONDEMNATION will be so amended.

Granted and done on this 4th day of December, 1967.


JUDGE OF PROBATE

STATE OF ALABAMA,

PETITIONER,

VS.

PATRICE, INC., et al,

RESPONDENTS.

§

§

§

§

§

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

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MOTION TO AMEND
APPLICATION FOR CONDEMNATION

TO HONORABLE HARRY M. D'OLIVE, JUDGE OF SAID COURT:

Comes now your Petitioner in above-styled cause, by its Attorney of Record, Kenneth Cooper, Esquire, and respectfully move to further amend its APPLICATION FOR CONDEMNATION heretofore filed in this cause on the 9th day of October, 1967, as follows, to-wit:

1. In the style of the cause, item "C" of the listed Respondents, delete, and substitute the following therefor, to-wit:

C. L. T. Rhodes, Administrator, Estate
J. S. Lowery, Deceased; L. T. Rhodes,
Individually; Clara Bolon; Eloise Martin;
Samuel Graves Lowery, Executor and Trustee
for Estate J. F. B. Lowery, Deceased;
Samuel Graves Lowery, Executor and Trustee
for Estate of Eloise Russell Lowery, De-
ceased; and Lorena M. Bryars, Individually,
and as Executrix Estate of Orlando J.
Manci, Deceased; Florence M. Webb; Orlando
J. Manci, Jr.; and Frances M. Law.

In all other respects the APPLICATION FOR CONDEMNATION remain unchanged.

Kenneth Cooper
ATTORNEY FOR PETITIONER

ORDER

The foregoing MOTION TO AMEND APPLICATION FOR CONDEMNATION having been duly presented to me, and the same being fully understood, the Motion is granted as requested, and the Amendment is approved.

Done this 26th day of October, 1967.

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Harry D'Olive
JUDGE OF PROBATE

NOTICE OF SERVICE

I, Kenneth Cooper, Attorney for Petitioner in this cause hereby certify that I have served a copy of the foregoing MOTION TO AMEND APPLICATION FOR CONDEMNATION upon Hon. J. B. Blackburn, Attorney at Law for the Respondents named in item "C" of the amended petition, on this 26th day of October, 1967, by personally leaving a copy with him at his Office in Bay Minette, Alabama.

10-26-1967 Kenneth Cooper
ATTORNEY FOR PETITIONER
Service accepted
for all defendants
J. B. Blackburn
Atty. for
Defendants

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STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. _____

- A. PATRICE, INC.; DAPHNE,
ALABAMA;
- B. VERA S. SAYE; DAPHNE,
ALABAMA;
- C. L. T. RHODES, ADMINIS-
TRATOR, ESTATE J. S.
LOWERY, DECEASED; BAY
MINETTE, ALABAMA;
- D. LAKE FORREST, INC.;
DAPHNE, ALABAMA; and
- E. JOHN HALL and ROSA
HALL; DAPHNE, ALABAMA;
and
- F. BALDWIN COUNTY, ALABAMA,
A POLITICAL SUBDIVISION
OF THE STATE OF ALABAMA,

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, 1967, 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 Tracts Nos. 9, 12, 13, 14 and 48, Project I-10-
1(19), as specified in said application for condemnation over the lands
therein described for the uses and purposes of a public road or high-
way 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 fee simple title of said land for a 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 Ala-
bama, and no cause having been shown why such application should not

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be granted;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the title to the said lands prayed for in said application for condemnation of the right of way be granted and that the right of way over the lands described in said application is hereby condemned in fee simple for the uses and purposes of a public road or highway in Baldwin County, Alabama.

IT IS FURTHER ORDERED by the Court that Jack Garcia, John M. Brasley, Robert A. Bullock 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 lands for the 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 17th day of November, 1967.

Harry D. Olive
JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. _____

- A. PATRICE, INC.; DAPHNE,
ALABAMA;
- B. VERA S. SAYE; DAPHNE,
ALABAMA;
- C. L. T. RHODES, ADMINIS-
TRATOR, ESTATE J. S.
LOWERY, DECEASED; BAY
MINETTE, ALABAMA;
- D. LAKE FORREST, INC.;
DAPHNE, ALABAMA; and
- E. JOHN HALL and ROSA
HALL; DAPHNE, ALABAMA;
and
- F. BALDWIN COUNTY, ALABAMA,
A POLITICAL SUBDIVISION
OF THE STATE OF ALABAMA,

RESPONDENTS.

REPORT OF THE COMMISSIONERS

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

Come the undersigned, Jack Gavin,

John M. Beasley, and Robert I. Bullidge

the Commissioners duly appointed to assess the damages to Parcels Nos.
9, 12, 13, 14 and 48 of Project No. I-10-1(19), 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 in-
terested 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 tracts of land and other parties interested
therein are entitled to receive as damages and compensation for the

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condemnation of their property, the following amount:

Project No. I-10-1(19), Tract No. 9, \$ _____ X;
Project No. I-10-1(19), Tract No. 12, \$ 13,000.00;
Project No. I-10-1(19), Tract No. 13, \$ 30,585.00;
Project No. I-10-1(19), Tract No. 14, \$ _____; and
Project No. I-10-1(19), Tract No. 48, \$ 7611.50.

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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.

Jack G. Gutter
COMMISSIONER

Robert J. Gutter
COMMISSIONER

John M. Beasley
COMMISSIONER

Sworn to and subscribed before me
this 7th day of December,
1967.

Harry D. Olive
JUDGE OF PROBATE

BY: _____