

FALL TERM
JURY LIST - SEPTEMBER 9, 1968

3 June 2
15 Hopper W. Matthews

205449

1. ~~Bryars, Thomas Eugene, Brookley Field, Bay Minette~~ S6
2. ~~Pittman, Hubert, Public Works, Robertsdale~~ S2
3. ~~Quinley, Adrian L., Farmer, Bay Minette~~ S2
4. ~~Ray, Harry, Farmer, Robertsdale~~ S2
5. ~~Resmondo, Noah, Farmer, Summerdale~~ S2
6. ~~Schaff, George, Farmer, Elberta~~ S2
7. ~~Showers, Charlie, Bricklayer, Lillian~~ S2
8. ~~Sibley, Robert, Civil Service, Stapleton~~ S7
9. ~~Singleton, Homer G., Salesman, Foley~~ S12
10. ~~Sopr, Joseph, Farmer, Silverhill~~ S3
11. ~~Teamer, Richard, Banker, Fairhope~~ S3
12. ~~Thieme, W. H., Foreman, Foley~~ S3
13. ~~Wynn, Harry, Farmer, Summerdale~~ S3
14. ~~Head, Hannis, Civil Service, Stapleton~~ S7
15. ~~Wallace, Jimmy R., Feed Mill, Robertsdale~~ S7
16. ~~Weeks, Stanley, Farmer, Magnolia Springs~~ S7
17. ~~White, Harold A., Laborer, Foley~~ S7
18. ~~Wilson, Jack H., Merchant, Foley~~ S7
19. ~~Lowell, Clyde, Laborer, Fairhope~~ S7
20. ~~Conway, Chas. Brookley Field, Bay Minette~~ S16
21. ~~Cox, Richard L., Timberman, Stockton~~ S16
22. ~~Duck, Robert S., Nursery Mgr., Loxley~~ S5
23. ~~Durant, Harry, Timber, Stapleton~~ S4
24. ~~Durant, Joe C., Farmer, Bay Minette~~ S9
25. ~~Gee, Luther, State Employee, Bay Minette~~ S9
26. ~~Gottler, Joe, Farmer, Elberta~~ S9
27. ~~Attaway, Hubert, State Emp. Gulf Shores~~ S3
28. ~~Bishop, Daniel C., Fisherman, Barnwell~~ S3
29. ~~Boan, Jessie Forest, Farmer, Stapleton~~ S3
30. ~~Bodenhamer, O. L., Contractor, Foley~~ S3
31. ~~Carmichael, Arlee, Brookley Field, Daphne~~ S13
32. ~~Gottler, John P., Postmaster, Elberta~~ S14
33. ~~Lyrene, George A., Farmer, Silverhill~~ S14
34. ~~Martin, Auburn W., Farmer, Stockton~~ S14
35. ~~Miller, R. Cecil, Implement Dealer, Foley~~ S14
36. ~~McCants, Joe., Brookley Field, Fairhope~~ S14
37. ~~McKenzie, Elroy, Jr., Farmer, Fairhope~~ S14
38. ~~Nelson, William J., Produce Man., Fairhope~~ S14
39. ~~Nespor, Frank E., Maintenance, Loxley~~ S14
40. ~~Kinsey, Daniel, Insurance, Foley~~ S14
41. ~~Klein, Raymond, Farmer, Fairhope~~ S14
42. ~~Inge, McKinley, Clerk, Bay Minette~~ S14
43. ~~James, Willie Lewis, Mill Worker, Stockton~~ S14
44. ~~Kostelecky, Jerry, Farmer, Silverhill~~ S14
45. ~~Krieger, Andrew J., Jr., Farmer, Lillian~~ S14
46. ~~Lazzari, A. V., Jr., Farmer, Belforest~~ S14
47. ~~Lapcomb, Fra., Farmer, Magnolia Springs~~ S14

46
12
34

S. XXXXX XXXXX XXXXX X

D XXXXX XXXXX XXXXX X

No. 6166 In the matter of Estate State of Ala. vs. Matthews, 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:				

Paid

Total Court Costs

601.00

No. 8149

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 _____

Free Book _____ Page _____

Attorneys

Form 1575—ROBERTS & SON, BIRMINGHAM

[illegible]

STATE OF ALABAMA,	§	IN THE PROBATE COURT OF
PETITIONER,	§	BALDWIN COUNTY, ALABAMA
VS.	§	CASE NO. 6166
HOOPER W. MATTHEWS, JR.,	§	
ET AL, (including HOOPER	§	
W. MATTHEWS, JR.) and	§	
TRACT NO. 16,	§	
RESPONDENTS.		

STIPULATION

It is hereby stipulated by and between the Petitioner and Hooper W. Matthews, Jr., et al., 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 4th day of November, 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 15th day of February, 1968, in this Court and trial by jury on the issue of valuation has been properly demanded.

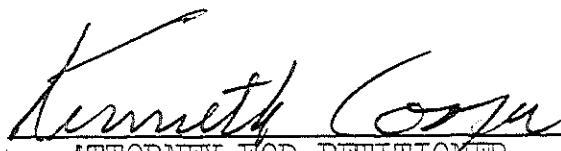
3. That the application or petition for order of condemnation correctly sets out the uses and purposes for which the property and rights herein sought is to be devoted, used or applied and the Petitioner has the right to obtain said property in this proceeding for the purposes stated.

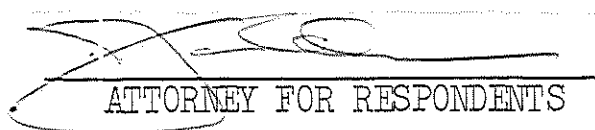
4. That the Respondents herein are the only parties known to either Petitioner or Respondents who have or assert any right, title or interest in or to the lands or interests therein sought to be acquired.


5. That the Respondents have had due notice of this trial and all proceedings herein and expressly enters their appearance in this Court.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the Respondents are entitled for the lands and interest in lands sought to be acquired by the Petitioner for the uses and purposes stated.

7. That the time of taking in this proceeding is the date on which the application for order of condemnation was filed in the Probate Court, to-wit, 4th November, 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, 15 February, 1968.


ATTORNEY FOR PETITIONER


ATTORNEY FOR RESPONDENTS

filed
9-9-68


STATE OF ALABAMA,	§	IN THE CIRCUIT COURT OF
PETITIONER,	§	BALDWIN COUNTY, ALABAMA
VS.	§	CASE NO. 8149
HOOVER W. MATTHEWS, JR.,	§	
ET AL, (including HOOVER	§	
W. MATTHEWS, JR.) and	§	
TRACT NO. 16,	§	
RESPONDENTS.		

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 9th day of September, 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 4th day of November, 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 15th day of March, 1968, 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 herein-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, R. Cecil Miller and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowners are entitled having been submitted to them, did return a verdict in words and figures as follows:

We, the Jury, find for the landowners and assess the damages and compensation at \$45,000.00.

/s/ R. Cecil Miller
Foreman

And the Court having considered all of the above is of the opinion and judgment that an order or judgment of condemnation should be here entered conditioned upon the payment by the State of Alabama to the Clerk of this Court for the use and benefit of the Defendant landowners of the sum aforesaid; it is therefore

ORDERED, ADJUDGED AND DECREED by the Circuit Court of Baldwin County, Alabama, as follows:

1. That the application of the State of Alabama for the condemnation of the lands, rights and construction, hereinafter described be, and the same are hereby granted, and that the property described in Exhibit "A", attached hereto, and by reference made a part thereof as though fully set forth herein, be, and the fee title thereto 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 fee title and rights therein are hereby divested out of the landowners and into the State of Alabama, upon the payment by the State of Alabama of the sum hereinafter ordered and decreed to be paid.

2. That the damages and compensation to which the Defendant landowners in this case, Hooper W. Matthews, Jr., et al., are entitled is hereby fixed at the sum of \$45,000.00, which said sum is hereby ordered to be paid by the State of

Alabama to said Defendant landowners; and that upon the payment of said amount by the State of Alabama to said landowners the condemnation of the lands hereinabove described shall be, and become effective.

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

Dated this 9th day of September, 1968.

Jeffrey A. Middleberry
CIRCUIT JUDGE

FILED

SEP 17 1968

ALICE J. DUCK CLERK
REGISTER

EXHIBIT "A"

TRACT NO. 16: 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, a distance of 1425.90 feet to the point of beginning; thence continue S 1°-34'-23" W, a distance of 396.05 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence continue S 1°-34'-23" W, a distance of 182.79 feet; thence S 81°-32'-36" W, a distance of 1303.79 feet to the west property line; thence N 0°-44'-04" E, a distance of 182.34 feet to the center line of Project No. I-10-1(19) at Station 447+64.26; thence continue N 0°-44'-04" E, a distance of 221.82 feet; thence N 85°-09'-36" E, a distance of 300.92 feet; thence N 81°-32'-36" E, a distance of 399.99 feet; thence N 51°-32'-36" E, a distance of 380.00 feet; thence N 81°-32'-36" E, a distance of 310.65 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 15.07 acres, more or less.

As a part of the consideration hereinabove stated there is also condemned, for 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 the Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property condemned by this instrument or are connected thereto by other parcels owned by the Condemnee.

STATE OF ALABAMA,

PETITIONER,

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

VS.

CASE NO. _____

A. HOOPER W. MATTHEWS, JR.
1001 1st Avenue
Atmore, Alabama;
WAFEL A. MATTHEWS
c/o First National Bank
of Mobile
Mobile, Alabama;
BETTY MATTHEWS LAPENNA
c/o First National Bank
of Mobile
Mobile, Alabama;
TRUST OFFICER
First National Bank of
Mobile.
Mobile, Alabama
(all claimants to Tract
No. 16, Project I-10-1(19);

B. MARGARET L. AUSTIN
Rt. 1
Daphne, Alabama
(Claimant of Tract No.
29-A, Project I-10-1(19);

C. CONSTITINE P. TAMPARY
4101 Mobile Highway
Pensacola, Florida
(Claimant of Tract No.
34, Project I-10-1(19);

D. J. A. DAVIDSON
Loxley, Alabama;
JOHN H. CANAAN, JR.
1011 Sunnyside Drive
Columbia, Tennessee;
DONALD S. CANAAN
Loxley, Alabama;
MARY JEANNINE CANAAN
BOYETT
12422 Casper Street
Garden Grove, California;
COLEMAN CRAIG CANAAN
Loxley, Alabama;
IRMA J. CANAAN
Loxley, Alabama; and

E. BALDWIN COUNTY, ALABAMA,
A Political Subdivision
Of The State Of Alabama
(All claimants of Tract
No. 37, Project I-10-1(19),

RESPONDENTS.

APPLICATION FOR CONDEMNATION

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

Comes now 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. 16, 29-A, 34 and 37, and as set out in the 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, Alabama, and is described in Exhibits A-1; A-2; A-3 and A-4 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 tracts 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 lands 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 (for Tract No. 16); A-2 (for Tract No. 29-A); A-3 (for Tract No. 34) and A-4 (for Tract No. 37) 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

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

STATE OF ALABAMA

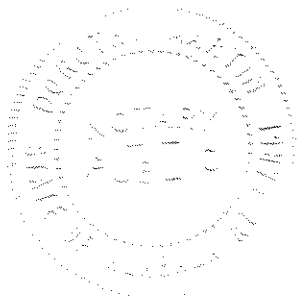
BALDWIN COUNTY

Before me, Dorothy Martin, 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.

48
PAGE 381

Kenneth Cooper
AFFIANT

Sworn and subscribed before me on this 30 day of December,
1967.



Dorothy Martin
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 6th day of February, 1967, at 9:30 o'clock A.M.

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

Dated this 4th day of December, 1967.

Harry D. Oliver
PROBATE JUDGE

BY: _____

EXHIBIT A-1

TRACT NO. 16: 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, a distance of 1425.90 feet to the point of beginning; thence continue S 1°-34'-23" W, a distance of 396.05 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence continue S 1°-34'-23" W, a distance of 182.79 feet; thence S 81°-32'-36" W, a distance of 1303.79 feet to the west property line; thence N 0°-44'-04" E, a distance of 182.34 feet to the center line of Project No. I-10-1(19) at Station 447+64.26; thence continue N 0°-44'-04" E, a distance of 221.82 feet; thence N 85°-09'-36" E, a distance of 300.92 feet; thence N 81°-32'-36" E, a distance of 399.99 feet; thence N 51°-32'-36" E, a distance of 380.00 feet; thence N 81°-32'-36" E, a distance of 310.65 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 15.07 acres, more or less.

As a part of the consideration hereinabove stated there is also condemned, for 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 the Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property condemned by this instrument or are connected thereto by other parcels owned by the Condemnee.

EXHIBIT A-2

TRACT NO. 29-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:

Commencing at the Northeast corner of Section 33, Township 4 South, Range 2 East; thence West along section line a distance of 105 feet to a point; thence South 30 feet to a point on the right of way line at right angles to the centerline at Station 567+53 and the point of beginning; thence continue South on East property line a distance of 75 feet to a point; thence West a distance of 105 feet to a point; thence North a distance of 60 feet to a point on the North right of way line at right angles to the centerline at Station 566+47; thence N 80° 18' 18" East along the right of way line a distance of 106.5 feet to the point of beginning.

Said strip of land lying in NE of NE of Section 33, Township 4, Range 2 East, and containing 0.16 acre, more or less.

As a part of the consideration hereinabove stated there is also condemned for benefit of 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.

win, and all of the Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property condemned by this instrument or are connected thereto by other parcels owned by the Condemnee.

EXHIBIT A-3

TRACT NO. 34: 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:

48
PAGE 383

Beginning at the Southwest corner of Section 26, Township 4 South, Range 2 East; thence N 0°-12'-36" E, a distance of 663.36 feet; thence N 89°-48'-24" E, a distance of 281.60 feet; thence S 0°-12'-36" W, a distance of 57.36 feet; thence N 89°-48'-24" E, a distance of 130.20 feet; thence N 0°-12'-36" E, a distance of 57.36 feet; thence N 89°-48'-24" E, a distance of 265.91 feet; thence S 70°-58'-21" E, a distance of 239.46 feet; thence Southeasterly along a curve to the right which has a radius of 31,288.62 feet an arc distance of 3175.35 feet; thence S 0°-10'-33.5" W, a distance of 171.96 feet to the center line of the left lane of Project No. I-10-1(19) at Station 661+81.15; thence continue S 0°-10'-33.5" W, a distance of 146.46 feet; thence N 89°-48'-20" W, a distance of 313.00 feet to the center line of the right lane at Station 658+74.27; thence continue N 89°-48'-20" W, a distance of 985.57 feet; thence Northwesterly along a curve to the left which has a radius of 16,979.73 feet, an arc distance of 1810.99 feet; thence S 75°-19'-48" W, a distance of 388.43 feet; thence S 66°-24'-31" W, a distance of 163.08 feet; thence N 89°-48'-20" W, a distance of 440.52 feet to the point of beginning.

Said tract of land lying in Section 26, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 43.35 acres, more or less.

As a part of the consideration hereinabove stated there is also condemned for benefit of 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 the Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property condemned by this instrument or are connected thereto by other parcels owned by the Condemnee.

EXHIBIT A-4

TRACT NO. 37: 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 31, Township 4 South, Range 3 East; thence S 0°-11'-31" W, a distance of 978.04 feet to the point of beginning; thence S 77°-11'-41.5" E, a distance of 1389.56 feet; thence S 77°-37'-26.5" E, a distance of 1368.76 feet; thence S 0°-40'-39" W, a distance of 163.39 feet to the center line of the left lane of Project No. I-10-1(19) at Station 756+01.89; thence continue

S 0°-40'-39" W, a distance of 362.41 feet to the center line of the right lane at Station 756+55.68; thence continue S 0°-40'-39" W, a distance of 173.28 feet; thence N 77°-17'-29" W, a distance of 2753.54 feet; thence N 0°-11'-31" E, a distance of 174.17 feet to the center line of the right lane at Station 729+00.63; thence continue N 0°-11'-31" E, a distance of 346.69 feet to the center line of the left lane at Station 728+47.19; thence continue N 0°-11'-31" E, a distance of 173.92 feet to the point of beginning.

Said tract of land lying in Section 31, Township 4 South, Range 3 East, Baldwin County, Alabama, and containing 42.96 acres, more or less.

As a part of the consideration hereinabove stated there is also condemned for benefit of 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 the Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property condemned by this instrument or are connected thereto by other parcels owned by the Condemnee.

TRACT NO. 37-E1: Easement for Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as: Beginning at a point which is 163.58 feet Northeasterly of and at right angles to the center line of the left lane of Project No. I-10-1(19) at Station 737+03; thence N 77°-11'-41.5" W, a distance of 28.87 feet; thence N 17°-11'-41.5" W, a distance of 200 feet; thence S 77°-11'-41.5" E, a distance of 57.74 feet; thence S 17°-11'-41.5" E, a distance of 200 feet; thence N 77°-11'-41.5" W, a distance of 28.87 feet to the point of beginning.

Said strip of land lying in Section 31, Township 4 South, Range 3 East, Baldwin County, Alabama, and containing 0.230 acre, more or less.

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. _____

48
PAGE 387

A. HOOPER W. MATTHEWS, JR. _____
1001 1st Avenue
Atmore, Alabama;
WAFEL A. MATTHEWS _____
c/o First National Bank
of Mobile
Mobile, Alabama;
BETTY MATTHEWS LAPENNA _____
c/o First National Bank
of Mobile
Mobile, Alabama;
TRUST OFFICER _____
First National Bank of
Mobile
Mobile, Alabama
(all claimants to Tract
No. 16, Project I-10-1(19));

B. MARGARET L. AUSTIN _____
Rt. 1
Daphne, Alabama
(Claimant of Tract No.
29-A, Project I-10-1(19));

C. CONSTITINE P. TAMPARY
4101 Mobile Highway
Pensacola, Florida
(Claimant of Tract No.
34, Project I-10-1(19));

D. J. A. DAVIDSON _____
Loxley, Alabama;
JOHN H. CANAAN, JR.
1011 Sunnyside Drive
Columbia, Tennessee;
DONALD S. CANAAN _____
Loxley, Alabama;
MARY JEANNINE CANAAN
BOYETT
12422 Casper Street
Garden Grove, California;
COLEMAN CRAIG CANAAN _____
Loxley, Alabama;
IRMA J. CANAAN _____
Loxley, Alabama; and

E. BALDWIN COUNTY, ALABAMA, _____
A Political Subdivision
Of The State Of Alabama
(All claimants of Tract
No. 37, Project I-10-1(19),

RESPONDENTS.

TO: A. HOOPER W. MATTHEWS, JR., 1001 1st Avenue, Atmore, Alabama;
WAFEL A. MATTHEWS, c/o First National Bank of Mobile, Mobile,
Alabama; BETTY MATTHEWS LAPENNA, c/o First National Bank of
Mobile, Mobile, Alabama; TRUST OFFICER, First National Bank of
Mobile, Mobile, Alabama; B. MARGARET L. AUSTIN, Rt. 1, Daphne,
Alabama; C. CONSTITINE P. TAMPARY, 4101 Mobile Highway,

Pensacola, Florida; D. J. A. DAVIDSON, Loxley, Alabama; JOHN H. CANAAN, JR., 1011 Sunnyside Drive, Columbia, Tennessee; DONALD S. CANAAN, Loxley, Alabama; MARY JEANNINE CANAAN BOYETT, 12422 Gasper Street, Garden Grove, California; COLEMAN CRAIG CANAAN, Loxley, Alabama; IRMA J. CANAAN, Loxley, Alabama; and E. 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;

48
PAGE 388

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 23rd day of January, 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.
Done this 4th day of Dec., 1967.

Harry D. Oliver
JUDGE OF PROBATE

BY: _____

Could not find
1-15-68 Randall

Received 5 day of Jan 1968
and on 22 day of Jan 1968
I served a copy of the within Notice
on Margaret L. Austin. Daphne.

By service on

TAYLOR WILKINS, Sheriff

By Roy Randall
Malbis

5 day of Jan 68
11 day of Jan 68

I served a copy of the within Notice

J. D. Davidson.

Donald S. Canaan

Coleman Craig Canaan

Erma J. Canaan

Karlisle Children

Loyley

Received 5 day of Jan 68
and on 23 day of Jan 68

I served a copy of the within Notice
Baldwin County

By service on

John Nadley
Chairman

TAYLOR WILKINS, Sheriff

By W. Q. Tolbert

Received 17 day of Jan 68
and on 22 day of Jan 68
I served a copy of the within Notice
on Ed Gault, as Trust Officer
for The First National Bank of Mobile
by service on

RAY D. BRIDGES, Sheriff

M. C. Wainwright

RETURNED 1-22-68

Not found in my County after diligent search and inquiry.

As to Wapla.
RAY D. BRIDGES, Sheriff
Betty Matthews
37 M. C. Wainwright, D. E.

Executed this 25th day
of Jan. 1967 by serving
a copy on Hooper & Matthews Jr.

W. Q. Tolbert
By Allen Keller.

Sheriff claims 200 miles at

Ten Cents per mile Total \$ 20

TAYLOR WILKINS, Sheriff

BY Randall & Children
DEPUTY SHERIFF

STATE OF ALABAMA,

IN THE PROBATE COURT OF

PETITIONER,

BALDWIN COUNTY, ALABAMA

VS.

CASE NO. _____

- A. HOOPER W. MATTHEWS, JR.
1001 1st Avenue
Atmore, Alabama;
WAFEL A. MATTHEWS
c/o First National Bank
of Mobile
Mobile, Alabama;
BETTY MATTHEWS LAPENNA
c/o First National Bank
of Mobile
Mobile, Alabama;
TRUST OFFICER
First National Bank of
Mobile
Mobile, Alabama
(all claimants to Tract
No. 16, Project I-10-1(19);
- B. MARGARET L. AUSTIN
Rt. 1
Daphne, Alabama
(Claimant of Tract No.
29-A, Project I-10-1(19);
- C. CONSTITINE P. TAMPARY
4101 Mobile Highway
Pensacola, Florida
(Claimant of Tract No.
34, Project I-10-1(19);
- D. J. A. DAVIDSON
Loxley, Alabama;
JOHN H. CANAAN, JR.
1011 Sunnyside Drive
Columbia, Tennessee;
DONALD S. CANAAN
Loxley, Alabama;
MARY JEANNINE CANAAN
BOYETT
12422 Casper Street
Garden Grove, California;
COLEMAN CRAIG CANAAN
Loxley, Alabama;
IRMA J. CANAAN
Loxley, Alabama; and
- E. BALDWIN COUNTY, ALABAMA,
A Political Subdivision
Of The State Of Alabama
(All claimants of Tract
No. 37, Project I-10-1(19),

RESPONDENTS.

TO: A. HOOPER W. MATTHEWS, JR., 1001 1st Avenue, Atmore, Alabama;
WAFEL A. MATTHEWS, c/o First National Bank of Mobile, Mobile,
Alabama; BETTY MATTHEWS LAPENNA, c/o First National Bank of
Mobile, Mobile, Alabama; TRUST OFFICER, First National Bank of
Mobile, Mobile, Alabama; B. MARGARET L. AUSTIN, Rt. 1, Daphne,
Alabama; C. CONSTITINE P. TAMPARY, 4101 Mobile Highway,

Pensacola, Florida; D. J. A. DAVIDSON, Loxley, Alabama; JOHN H. CANAAN, JR., 1011 Sunnyside Drive, Columbia, Tennessee; DONALD S. CANAAN, Loxley, Alabama; MARY JEANNINE CANAAN BOYETT, 12422 Casper Street, Garden Grove, California; COLEMAN CRAIG CANAAN, Loxley, Alabama; IRMA J. CANAAN, Loxley, Alabama; and E. 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 ^{6th} ~~10th~~ day of February, 1967, at 9:30 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 4th day of Dec., 1967.

Henry D. Voline
JUDGE OF PROBATE

BY: _____

I, W. E. Long, do hereby accept service and waive notice
of the within and foregoing petition for the Baldwin
County Savings and Loan Association.

W. E. Long
Ass't. Vice President

STATE OF ALABAMA,
PETITIONER,

VS.

HOOPER W. MATTHEWS, JR.
et al,

RESPONDENTS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. _____

48
PAGE 389

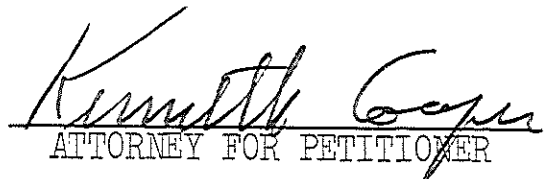
MOTION TO AMEND
APPLICATION FOR CONDEMNATION

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 30th day of November, 1967, as follows, to-wit:

Add as Respondent Claimant to item B of Respondents:
Baldwin County Savings and Loan Association, of Robertsdale, Alabama, on Page 1 of APPLICATION FOR CONDEMNATION.

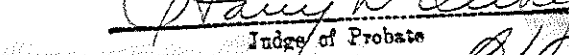
In all other respects the APPLICATION FOR CONDEMNATION remains unchanged.


ATTORNEY FOR PETITIONER

STATE OF ALABAMA, BALDWIN COUNTY

Filed January 31, 1968 M

Recorded _____ book _____ page _____


Judge of Probate

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. _____

- A. HOOPER W. MATTHEWS, JR.
1001 1st Avenue
Atmore, Alabama;
WAFEL A. MATTHEWS
c/o First National Bank
of Mobile
Mobile, Alabama;
BETTY MATTHEWS LAPENNA
c/o First National Bank
of Mobile
Mobile, Alabama;
TRUST OFFICER
First National Bank of
Mobile
Mobile, Alabama
(all claimants to Tract
No. 16, Project I-10-1(19);
- B. MARGARET L. AUSTIN
Rt. 1
Daphne, Alabama
(Claimant of Tract No.
29-A, Project I-10-1(19);
- C. CONSTITINE P. TAMPARY
4101 Mobile Highway
Pensacola, Florida
(Claimant of Tract No.
34, Project I-10-1(19);
- D. J. A. DAVIDSON
Loxley, Alabama
JOHN H. CANAAN, JR.
1011 Sunnyside Drive
Columbia, Tennessee;
DONALD S. CANAAN
Loxley, Alabama;
MARY JEANNINE CANAAN
BOYETT
12422 Casper Street
Garden Grove, California;
COLEMAN CRAIG CANAAN
Loxley, Alabama;
IRMA J. CANAAN
Loxley, Alabama; and
- E. BALDWIN COUNTY, ALABAMA,
A Political Subdivision
Of The State Of Alabama
(All claimants of Tract
No. 37, Project I-10-1(19),

RESPONDENTS.

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the

48
PAGE 390

6th day of February, 1968, at 9:30 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. 16, 29-A, 34 and 37, 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 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 hearing 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 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 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 Gavin, Robert I. Guellledge, Edwin Warley 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 6th day of February, 1968.

Henry D. Oline
JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,

IN THE PROBATE COURT OF

PETITIONER,

BALDWIN COUNTY, ALABAMA

VS.

CASE NO. _____

A. HOOPER W. MATTHEWS, JR.
1001 1st Avenue
Atmore, Alabama;
WAFEL A. MATTHEWS
c/o First National Bank
of Mobile
Mobile, Alabama;
BETTY MATTHEWS LAPENNA
c/o First National Bank
of Mobile
Mobile, Alabama;
TRUST OFFICER
First National Bank of
Mobile
Mobile, Alabama
(all claimants to Tract
No. 16, Project I-10-1(19);

B. MARGARET L. AUSTIN
Rt. 1
Daphne, Alabama
(Claimant of Tract No.
29-A, Project I-10-1(19);

C. CONSTITINE P. TAMPARY
4101 Mobile Highway
Pensacola, Florida
(Claimant of Tract No.
34, Project I-10-1(19);

D. J. A. DAVIDSON
Loxley, Alabama;
JOHN H. CANAAN, JR.
1011 Sunnyside Drive
Columbia, Tennessee;
DONALD S. CANAAN
Loxley, Alabama;
MARY JEANNINE CANAAN
BOYETT
12422 Casper Street
Garden Grove, California;
COLEMAN CRAIG CANAAN
Loxley, Alabama;
IRMA J. CANAAN
Loxley, Alabama; and

E. BALDWIN COUNTY, ALABAMA,
A Political Subdivision
Of The State Of Alabama
(All claimants of Tract
No. 37, Project I-10-1(19),

RESPONDENTS.

COMMISSIONS

TO: JACK GAVIN, Robert I. Gulletge
_____ and Edwin Warley.

KNOW YE, that having full faith and confidence in your in-

48
PAGE 393

tegrity 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 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 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

48
PAGE 394

prior to your appointment.

Given under my hand and seal of office this 6th day of
February, 1967.

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. HOOPER W. MATTHEWS, JR., WAFEL A. MATTHEWS, BETTY MATTHEWS LAPENNA, TRUST OFFICER, FIRST NATIONAL BANK OF MOBILE; MARGARET L. AUSTIN; CONSTITINE P. TAMPARY; J. A. DAVIDSON, JOHN H. CANAAN, JR., DONALD S. CANAAN, MARY JEANNINE CANAAN BOYETTE, COLEMAN CRAIG CANAAN, IRMA J. CANAAN; and BALDWIN COUNTY, ALABAMA, A POLITICAL SUB-DIVISION 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.

Ed. W. [Signature]
Arthur [Signature]
Ed. W. [Signature]

Sworn to and subscribed before me
this 15th day of February,
1968.

Harry D. Oline
JUDGE OF PROBATE

Received 9 day of Feb. 1968
and on 12 day of Feb. 1968
I served a copy of the within Notice
on Jack Garin

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

Received 9 day of Feb. 1968
and on 12 day of Feb. 1968
I served a copy of the within Notice
on Robert L. Gullidge

By service on above
Robert Dalt
TAYLOR WILKINS, Sheriff
By J. Carlisle D.S.

Chadwick 164 miles at
16:00
Chadwick & Randall
DEPUTY SHERIFF

Received 9 day of Feb. 1968
and on 12 day of Feb. 1968
I served a copy of the within Notice
on Ed Warley

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

STATE OF ALABAMA,

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

PETITIONER,

VS.

CASE NO. _____

A. HOOPER W. MATTHEWS, JR.
1001 1st Avenue
Atmore, Alabama;
WAFEL A. MATTHEWS
c/o First National Bank
of Mobile
Mobile, Alabama;
BETTY MATTHEWS LAPENNA
c/o First National Bank
of Mobile
Mobile, Alabama;
TRUST OFFICER
First National Bank of
Mobile
Mobile, Alabama
(all claimants to Tract
No. 16, Project I-10-1(19);

B. MARGARET L. AUSTIN
Rt. 1
Daphne, Alabama
(Claimant of Tract No.
29-A, Project I-10-1(19);

C. CONSTITINE P. TAMPARY
4101 Mobile Highway
Pensacola, Florida
(Claimant of Tract No.
34, Project I-10-1(19);

D. J. A. DAVIDSON
Loxley, Alabama;
JOHN H. CANAAN, JR.
1011 Sunnyside Drive
Columbia, Tennessee;
DONALD S. CANAAN
Loxley, Alabama;
MARY JEANNINE CANAAN
BOYETT
12422 Casper Street
Garden Grove, California;
COLEMAN CRAIG CANAAN
Loxley, Alabama;
IRMA J. CANAAN
Loxley, Alabama; and

E. BALDWIN COUNTY, ALABAMA,
A Political Subdivision
Of The State Of Alabama
(All claimants of Tract
No. 37, Project I-10-1(19),

RESPONDENTS.

REPORT OF THE COMMISSIONERS

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

Come the undersigned, Jack Davis,
Robert D. Hulse and Edwin M. Wadley, the

Commissioners duly appointed to assess the damages to Parcel Number 16, of Project No. I-10-1(19); Parcel Number 29-A, of Project No. I-10-1(19); Parcel Number 34, of Project No. I-10-1(19); and Parcel Number 37, of Project No. I-10-1(19), to which the owners and other parties interested in the parcels 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 parcels 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. I-10-1(19), Parcel No. 16, \$ 47,265⁰⁰; Parcel No. 29-A, \$ 2900⁰⁰; Parcel No. 34, \$ 18,500⁰⁰; and Parcel No. 37, \$ 16,675⁰⁰.

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.

James D. Galt
James D. Galt
Ed - W. Galt

Sworn to and subscribed before me
this 10 day of February,
1968.

Harry D. Oliver
JUDGE OF PROBATE

STATE OF ALABAMA,

IN THE PROBATE COURT OF

PETITIONER,

BALDWIN COUNTY, ALABAMA

VS.

CASE NO. _____

A. HOOPER W. MATTHEWS, JR.
1001 1st Avenue
Atmore, Alabama;
WAFEL A. MATTHEWS
c/o First National Bank
of Mobile
Mobile, Alabama;
BETTY MATTHEWS LAPENNA
c/o First National Bank
of Mobile
Mobile, Alabama;
TRUST OFFICER
First National Bank of
Mobile
Mobile, Alabama
(all claimants to Tract
No. 16, Project I-10-1(19);

B. MARGARET L. AUSTIN
Rt. 1
Daphne, Alabama
(Claimant of Tract No.
29-A, Project I-10-1(19);

C. CONSTITINE P. TAMPARY
4101 Mobile Highway
Pensacola, Florida
(Claimant of Tract No.
34, Project I-10-1(19);

D. J. A. DAVIDSON
Loxley, Alabama;
JOHN H. CANAAN, JR.
1011 Sunnyside Drive
Columbia, Tennessee;
DONALD S. CANAAN
Loxley, Alabama;
MARY JEANNINE CANAAN
BOYETT
12422 Casper Street
Garden Grove, California;
COLEMAN CRAIG CANAAN
Loxley, Alabama;
IRMA J. CANAAN
Loxley, Alabama; and

E. BALDWIN COUNTY, ALABAMA,
A Political Subdivision
Of The State Of Alabama
(All claimants of Tract
No. 37, Project I-10-1(19),

RESPONDENTS.

FINAL ORDER OF CONDEMNATION

On the 15th day of February, 1967, came
Jack Davis, Robert L. Bussard
and Edwin Mailey, commissioners heretofore

48
PAGE 398

appointed by this Court to assess and ascertain the damages and compensation to which the owners and other parties interested in the tracts of land set forth in the application for condemnation 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 16, Project I-10-1(19), in the amount of \$ 47,265.⁰⁰; Parcel Number 29-A, Project I-10-1(19), in the amount of \$ 2,900.⁰⁰; Parcel Number 34, Project I-10-1(19), in the amount of \$ 18,500.⁰⁰; and Parcel Number 37, Project I-10-1(19), in the amount of \$ 16,675.⁰⁰.

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 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 15th day of February, 1968.

Harry D'Almeida
JUDGE OF PROBATE

STATE OF ALABAMA,
PETITIONER,
VS.

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

HOOPER W. MATTHEWS, JR.,
ET AL, (including CONSTITUTE
P. TAMPARY) and TRACT NO. 34,
RESPONDENTS.

AMENDED REPORT OF THE COMMISSIONERS

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

Come the undersigned Ed Ware,
Robert Bullock and J. W. Gavin
the Commissioners duly appointed to
assess the damages to Parcel No. 34 of Project No. I-10-1(19), to
which the owner in the parcel of land set forth and described in the
original application for condemnation of lands filed in this cause,
is entitled for the condemnation of such land, and having been duly
sworn as jurors, and having viewed the land described in said appli-
cation 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 owner of the land therein will sustain and the
amount of compensation they are entitled to receive, and having re-
ceived all legal evidence offered, after further consideration, we
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 owner of said parcel of land is entitled to receive
as damages and compensation for the condemnation of her property,
the following amount:

Project No. I-10-1(19), Parcel No. 34, \$ 44,000⁰⁰.

We hereby certify that we have not been consulted with, advised
with or approached by any person with reference to the value of the
land 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 appoint-
ment.

Ed Ware
COMMISSIONER

Robert Bullock
COMMISSIONER

J. W. Gavin
COMMISSIONER

Sworn to and subscribed before me this 14th day of MARCH, 1968.

Harry D'olive
JUDGE OF PROBATE

BY: _____

BOOK 48 PAGE 561

STATE OF ALABAMA,
PETITIONER,
VS.

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

HOOPER W. MATTHEWS, JR.,
ET AL, (including CONSTITUTE
P. TAMPARY) and TRACT NO. 34,

RESPONDENTS.

AMENDED FINAL ORDER OF CONDEMNATION

On this 15th day of February, 1968, came
Ed. Marley, Robert L. Gullett
and J. W. (Jack) Gartin, commissioners heretofore
appointed by this Court to assess and ascertain the damages
and compensation to which the owner in the tract of land set
forth in the application for condemnation of lands heretofore
filed in this cause is entitled and filed their amended report
in writing, and under oath, setting forth that they awarded
compensation and damages to the said owner in Tract No. 34,
Project No. I-10-1(19), in the amount of \$ 44,000⁰⁰.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the
Court that the said amended 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 con-
demned for the purposes set forth in said application for con-
demnation 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 15th day of February, 1968.

Harry D. Olive
JUDGE OF PROBATE

STATE OF ALABAMA, BALDWIN COUNTY
Filed February 15, 1968
Recorded Minutes book 48 page 859
Harry D. Olive
Judge of Probate SH

STATE OF ALABAMA,
PETITIONER,
VS.

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

HOOPER W. MATTHEWS, JR.,
ET AL, (including CONSTITUTE
P. TAMPARY) and TRACT NO. 34,

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 15th day of February, 1968, which said condemnation was against the above-named property owner and Tract No. 34 of State Highway Project I-10-1(19).

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 March, 1968.

MACDONALD GALLION
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

TO: Constitine P. Tampary
4101 Mobile Highway
Pensacola, Florida

You will take notice that the State of Alabama filed its
above NOTICE OF APPEAL in this Office on this 15th day of
March, 1968.

Harry D. Dine
Judge of Probate

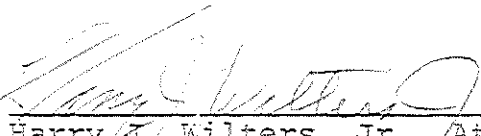
BOOK 48 PAGE 867

STATE OF ALABAMA,	X	
Condemnor,	X	
vs.	X	IN THE PROBATE COURT OF
HOOPER W. MATTHEWS, JR.,	X	BALDWIN COUNTY, ALABAMA
ET AL.	X	CASE No. 6166
Condemnees	X	

NOTICE OF APPEAL

Comes, J. A. Davidson, John H. Canaan, Jr., Donald S. Canaan, Mary Jeannine Canaan Boyett, Colman Craig Canaan and Irma J. Canaan, in the above styled cause and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama, from an order of condemnation entered in said cause on the 15th day of February, 1968, in so far as said order relates to the lands described in Exhibit A-4, Tract No. 37-37-EL of the application for condemnation filed in said cause and to the aforesaid owners, J. A. Davidson, John H. Canaan, Jr., Donald S. Canaan, Mary Jeannine Canaan Boyett, Colman Craig Canaan and Irma J. Canaan, do hereby file in the Court of Probate of Baldwin County, Alabama, the Court rendering such order of condemnation, this its written notice of said appeal. The Appellants further demand a trial by jury.

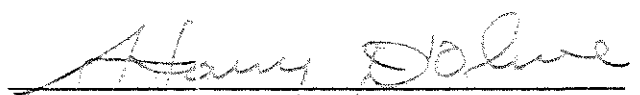
This the 13th day of March, 1968.


 Harry J. Wilters, Jr., Attorney
 for the aforesaid Appellants-
 Condemnees

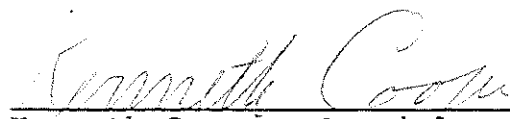
To: Kenneth Cooper, duly appointed special Assistant Attorney General for the State of Alabama for the Attorney General, McDonald Gallion, you are hereby notified that the above notice of appeal was filed in the office of the Judge of Probate of Baldwin County, Alabama, on this the 13th day of March, 1968.

STATE OF ALABAMA, BALDWIN COUNTY

Filed March 13, 1968
 Recorded Minutes Book 48 Page 469-67
Harry D. Oline
 Judge of Probate


 Judge of Probate, Baldwin County,
 Alabama

I, Kenneth Cooper, duly appointed Special Assistant Attorney General for the State of Alabama do hereby accept service of the attached notice of appeal for McDonald Gallion, Attorney General for the State of Alabama.


Kenneth Cooper, Special
Assistant Attorney General

BOOK 48 PAGE 873

STATE OF ALABAMA,
PETITIONER,
VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 6166

HOOVER W. MATTHEWS, JR.,
ET AL, (including HOOVER
W. MATTHEWS, JR.) and
TRACT NO. 16,

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 15th day of February, 1968, which said condemnation was against the above-named property owner and Tract No. 16 of State Highway Project I-10-1(19).

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 March, 1968.

MACDONALD GALLION
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

BOOK
48
PAGE 564

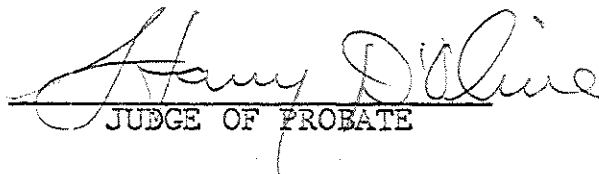
TO: Hooper W. Matthews, Jr.
1001 1st-Avenue
Atmore, Alabama

Wafel A. Matthews
c/o First National Bank of Mobile
Mobile, Alabama

Betty Matthews Lapenna
c/o First National Bank of Mobile
Mobile, Alabama

Trust Officer
First National Bank of Mobile
Mobile, Alabama

You will take notice that the State of Alabama filed its
above NOTICE OF APPEAL in this Office on this 15th day of
March, 1968.


JUDGE OF PROBATE

BOOK

48 PAGE 665

STATE OF ALABAMA,
PETITIONER,
VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 6166

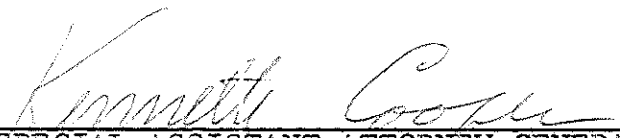
HOOPER W. MATTHEWS, JR.,
ET AL., (including J. A.
DAVIDSON, JOHN H. CANAAN,
JR., DONALD S. CANAAN,
MARY JEANNINE CANAAN
BOYETT, COLMAN CRAIG
CANAAN and IRMA J. CANAAN)
and TRACT NO. 37,

RESPONDENTS.


CROSS-APPEAL

Comes now the State of Alabama, by Kenneth Cooper, Special Assistant Attorney General, petitioner in the above-styled cause, and files this its CROSS-APPEAL to the Circuit Court of Baldwin County, Alabama, from the FINAL ORDER OF CONDEMNATION heretofore made and entered in this cause on, to-wit, February 15th, 1968.

The Petitioner herein demands a trial by jury in this cause.


SPECIAL ASSISTANT ATTORNEY GENERAL,
STATE OF ALABAMA.

I certify that I have mailed a copy of the foregoing CROSS-APPEAL to Hon. Harry J. Wilters, Jr., Attorney At Law, Bay Minette, Alabama, Attorney for Respondents, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 15 day of March, 1968.


SPECIAL ASSISTANT ATTORNEY GENERAL,
STATE OF ALABAMA.

BOOK

48 PAGE 860

STATE OF ALABAMA

Versus:

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

Hooper W. Matthews, Jr
Treat No. 16

AT LAW, - CASE NO. 8149

We, the Jury find for the landowners and assess the damages and
compensation at \$ 45,000.00.

R Cecil Miller
Foreman.