

STATE OF ALABAMA,

PETITIONER,

VS.

~~HOOPER W. MATTHEWS, JR.,~~

CONSTITINE P. TAMPARY,
and TRACT NO. 34,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO.

815D
8149

STIPULATION

It is hereby stipulated by and between the Petitioner and ~~HOOPER W. MATTHEWS, JR.,~~ CONSTITINE P. TAMPARY, 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 December, 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 March, 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, 4 December, 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.

Kenneth Cooper
ATTORNEY FOR PETITIONER
Malcolm Stone
ATTORNEY FOR RESPONDENTS

7-11-68
9-9-68
Beigfrench
Stone

State vs.

FALL TERM

JURY LIST - SEPTEMBER 9, 1968

Constantine

W.S. 15 D

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

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STATE OF ALABAMA

Versus:

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

Christine P. Tampary
Tract No. 34

AT LAW, - CASE NO. 8150

We, the Jury find for the landowners and assess the damages and
compensation at \$30000.00

O. L. Bolin
Foreman.

STATE OF ALABAMA,	Y	IN THE CIRCUIT COURT OF
PETITIONER,	Y	BALDWIN COUNTY, ALABAMA
VS.	Y	CASE NO. ⁸¹⁵⁶ 8149
HOOVER W. MATTHEWS, JR.,	Y	
et al. (including	Y	
CONSTITINE P. TAMPARY)	Y	
and TRACT NO. 34,	Y	
RESPONDENTS.		

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 10th 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 December, 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, O.L. Bodenhamer 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 \$ 30,000.00.

/s/ O.L. Bodenhamer
Foreman

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

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

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

2. That the damages and compensation to which the Defendant landowners in this case, Hooper W. Matthews, Jr., et al. (including Constitine P. Tampary), are entitled is hereby fixed at the sum of \$ 30,000.00, 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 10th day of September, 1968.

Walter S. Madole
CIRCUIT JUDGE

FILED

SEP 17 1968

ALICE J. DUCK CLERK
REGISTER

EXHIBIT "A"

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:

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.