866

JACK PHILLIPS AND GULIE CUMBIE, vs C. C. GANTT AND LILLIAN GANTT	)	IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

And now comes C. C. Gantt and Lillian Gantt and appeal from the decree of the Probate Court of May 27th, 1944, condemning a right-of-way or easement across the lands of the said parties, and the award assessed by the commissioners as damages and compensation, to the Circuit Court of Baldwin County, Alabama, and demand a jury trial therein.

C. C. Gantt

Lillian M. Gantt.

Petition to Enter
Proceedings of Court
Martyr

[illegible]

John [illegible]

Filed in Circuit Court
July 30 1944
R. [illegible]
Clerk
Filed in County
Judge's Probate
Court Vacant to Circ

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term th
Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minet

THE STATE OF ALABAMA
BALDWIN COUNTY

Case No. 866 April. Term, 194-

CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon L W Ferguson. Dr J H Feist, E K Myles Frank Earle, J D Driesbach, Charles Earle, Ulmer Bradley amd Will Leg if to be found in your County, at the instance of the Plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there

of, by 8.30 o'clock of the forenoon, on the 10th day of April, 1945

and from day to day and term to term of said Court until discharged by law, then and there to testify, an

the truth to say, in a certain cause pending, wherein Jack Phillips et al. Plaintif

and C C Gantt et al. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 26th day of March, 1945

R. Kellak

Clerk

Received in office this 27 day of

March 1945

SHERIFF

I have executed this writ

March 30th. 1945

By Serving Subpoenas on

L. W. Ferguson. Little River

Dr J H Fust Tensaw

E Knowles Little River

Frank Earle Blackshear

J. D. Drysbosh Little River

Charlie Earle Blackshear

Ulmer Bradley Blackshear

Willie Leggett Stockton

SHERIFF

Baldwin.

ORIGINAL

No. 866. Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Jack Phillips et el

Plaintiff

VS.

C C Ganht et al.

Defendant

CIVIL SUBPOENA

Issued this 26th day of

March. 1945

R S Duck.

Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term th
Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minet

THE STATE OF ALABAMA
BALDWIN COUNTY

Case No. 866 November. CIRCUIT COURT Term, 194-

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon L W Fergurson, Dr J H Feist, E K Myles.. Frank Earle. J D Driesbach. Charles Earle, Ulmer Bradley , Will Legget if to be found in your County, at the instance of the Pltff.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there

of, by ~~8-30~~ o'clock of the forenoon, on the 7th day of November., 194 4

and from day to day and term to term of said Court until discharged by law, then and there to testify, an

the truth to say, in a certain cause pending, wherein ~~Jack Phillips et al.~~ Plainti

and C C Gantt. et al. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 25th day of Oct. 194 4

R L Deck Cler

Received in office this _____ day of

_____ 194__

SHERIFF

I have executed this writ

in full

M. R. Stuart

SHERIFF

ORIGINAL

No. 866 Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Jack Phillips, et al.

Plaintiff

VS.

C C Gantt, et al.

Defendant

CIVIL SUBPOENA

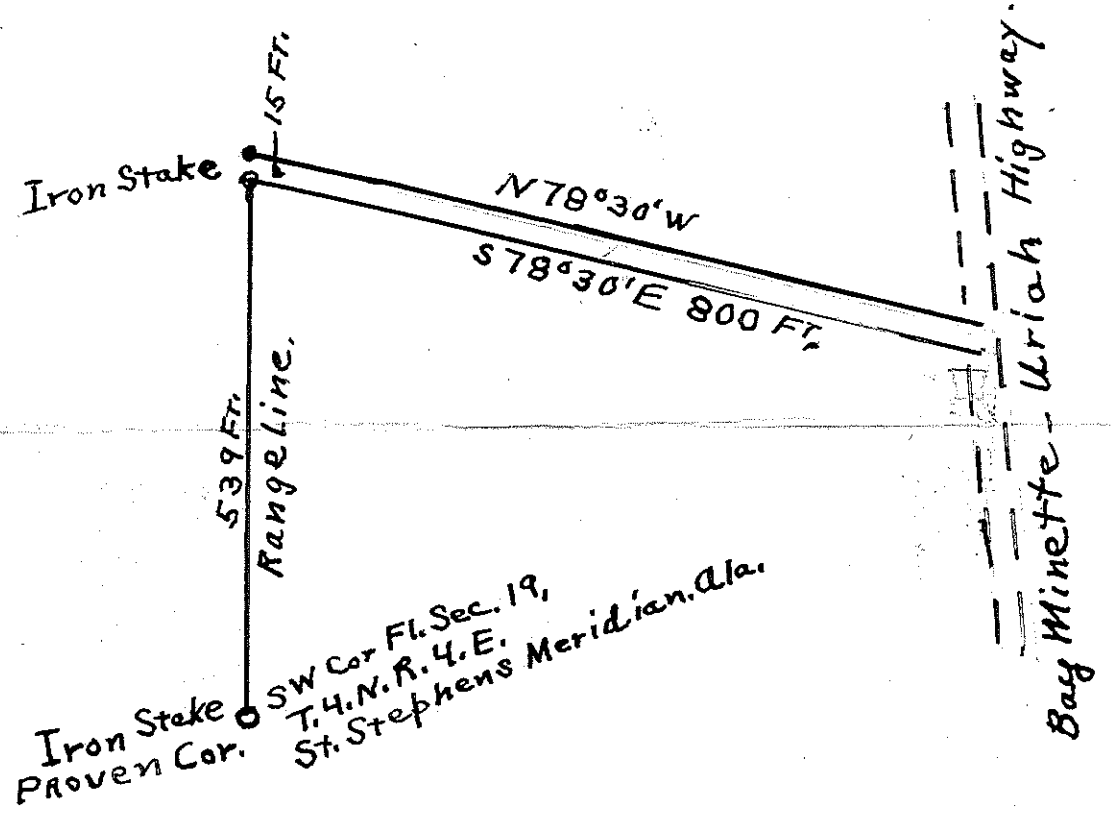
Issued this 25th day of Oct. 194 4

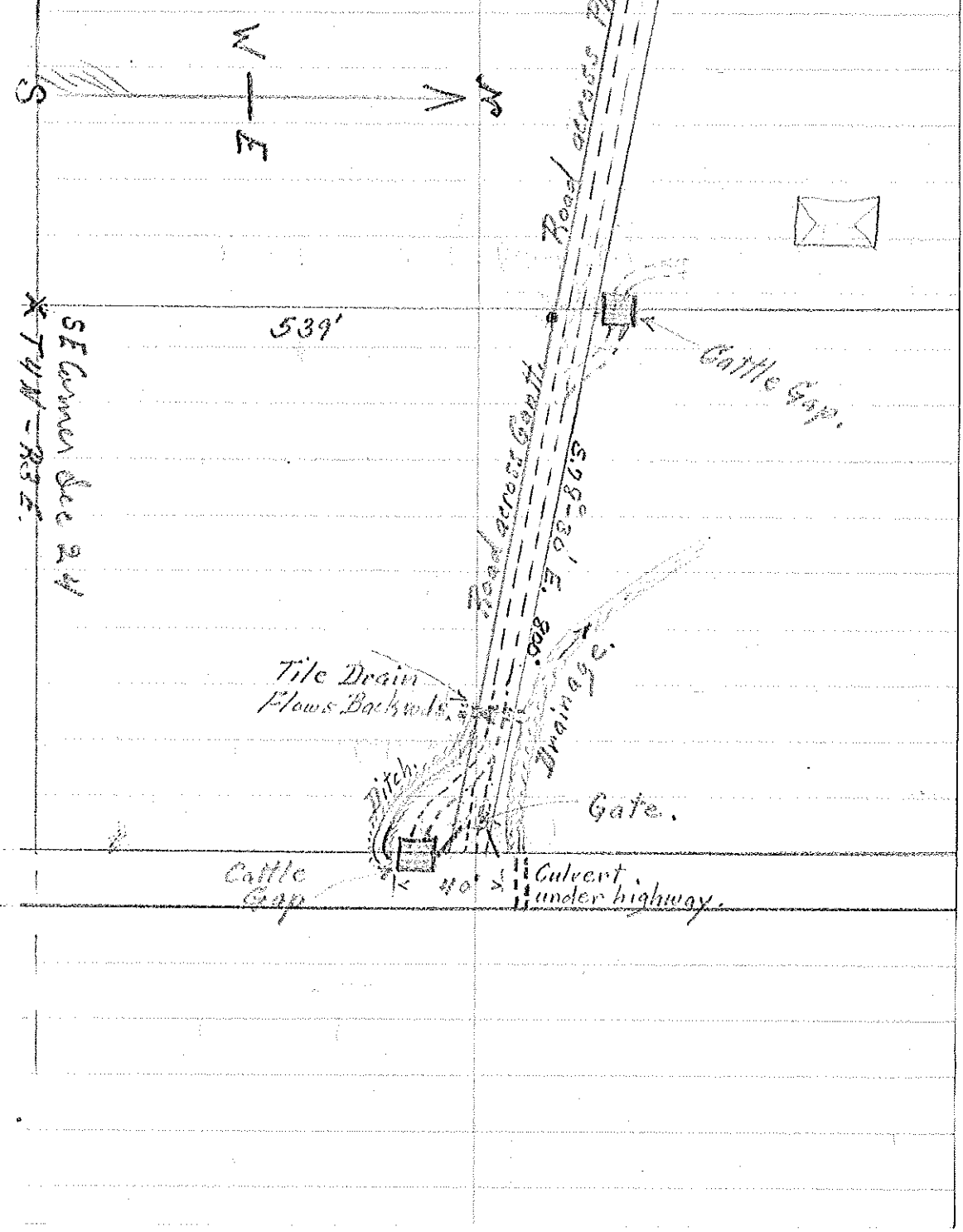
R. L. Hawk

Clerk.

Map of Road Survey in ~~Se~~ Fl. Sec. 19.
Fl. T. 4. N. R. 4. E

Feb. 3, 1944,
By Harry H Parker
Surveyor #455, Ala.




S
W
E
N
Road across R
539'
Cattle Gap.
Road across Centre
S 63°-E
Tile Drain
Flows Backwards
Drainage
Ditch
Gate.
Cattle
Gap
40'
Culvert
under highway.
SE Corner Sec 24
T14N-R3E

Hybart & Chason
ATTORNEYS AT LAW
Bay Minette, Alabama

C. L. HYBART
J. CHASON

June 19, 1944.

Mr. G. W. Robertson
Judge of Probate
Bay Minette, Alabama

Dear Judge:

In accordance with your request I am inclosing herewith check of Jack Phillips payable to you in the sum of $31.00 as the amount of court costs in the Phillips-Gantt condemnation proceedings. It is our opinion that these costs should not be paid until a final determination of the appeal, but since you are of the opinion that we should pay such costs at this time I am inclosing such check. I would like for you to make the proper entry on your record so that we can show the court that such costs were advanced by us if the costs are taxed against Mr. Gantt by the Circuit Court.

Yours very truly,

HYBART & CHASON,

BY J Chason

JC:ESM
Inc.

Jack Phillips & Gale Cumbie
vs
C.C. Gantt & Lillian Gantt

BAY MINETTE, ALA., May 25

Condemnation Proceedings

IN ACCOUNT WITH

G. W. ROBERTSON

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	To
Recording Petition to Condemn				1 85	
155 notices to land owners @ 2.00				2 00	
Recording setting day to hear				2 00	
Taking App. Bond				1 00	
Rec Demurrers				—	
Order App Commrs				50	
Issuing Comm'n				50	
Rec Commr's Report				65	
Commr's Fees					
G. E. Crowley $3.00 mileage 20				3 00	
J. P. Drew Jr. $3.00 " 20				3 00	
Chas Eagle $3.00 " 20				3 00	$ 1
Over					$ 1

BAY MINETTE, ALA., _____

_____

_____

IN ACCOUNT WITH

G. W. ROBERTSON

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	To
	Off Fees		Book fees		19
	Filed & recorded 3 notices @ 15¢				1
	" " " " 3 " on Comp @ 15¢				1
					31

Paid Proofs by Jack Phillips
Tender perfect at the time before
Case individual was opened by Clerk
in Circuit Court

J. Kendall Clark

THE STATE OF ALABAMA, }
COUNTY OF BALDWIN. }

In the matter of the application of Jack Phillips and Gulie Cumbie, to condemn certain lands:

We, the undersigned Commissioners appointed by this Honorabl Court on the 10th day of May, A.D., 1944, to assess the damages and compensation to which the owners of the land hereafter described is entitled, respectfully report to the Court that, having viewed the lands, and having received all the evidence offered by the parties, we ascertain and assess the damages and compensation which the owners of the land hereinafter described should receive at the sum of $ 15.00 ; that the damages and compensation above named were for the taking of the following strip of land, which said land, is situate in the County of Baldwin, State of Alabama, to-wit:

From the Southwest corner of Fractional Section 19, Township 4 North, Range 4 East, St. Stephens Meridian, Alabama, thence Nor on the Range line between Fractional Section 19, Township 4 North, Range 4 East, and Section 24, Township 4 North, Range 3 East 539 f to an iron stake for a point of beginning; thence South 78 degrees 30 minutes East 780 feet, more or less, to the West line of the Bay Minette-Uriah Highway; thence North 15 feet, thence North 78 degrees 30 minutes West 780 feet, more or less, to a stake on the range line; thence South 15 feet to the point of beginning.

We do certify that we were sworn as jurors are sworn; that neither of us has been consulted, advised with or approached by an person in reference to the value of the above described lands, or the proceedings to condemn the same prior to the assessment of the damages, and that neither of us knew anything of the same before our said several appointments.

U. E. Bradley
Chas Earle
J. D. Wintosh

Sworn to and subscribed before me this 20 day of May, A.D., 1944

Amanda Smith

Filed in office of
Judge of Probate
Cook, Georgia Co. Ga
May 20, 1941
G N Roberson
Judge Probate
by E Strickland

JACK PHILLIPS AND
GULIE CUMBIE
VS.
C.C.GANTT AND
LILLIAN M. GANTT.

PROBATE COURT, MAY 9th, 1944.

In the matter of the Petition to condemn for certain purposes, lands belonging to C.C.Gantt and Lillian M. Gantt:

This the 9th day of May, A.D., 1944, being the day appointed by the Court for hearing the application heretofore filed in this court, praying that certain lands described in said application be condemned for the purposes set forth therein: now comes Jack Phillips and Gulie Cumbie, by their attorneys and also comes the owners of said lands in person and by their attorney; and the parties in interest all being present in Court and represented by attorneys, the Court proceeds to hear said petition, together with all legal evidence touching the same; and it appearing to the court that more than ten days notice has been given to the defendants in this case, as required by law, and that the allgations of said petition are true, and that the said C.C.Gantt and Lillian M. Gantt are the owners of said lands and that it is necessary that the said land be condemned for the purposes mentioned in said petition, and the objections filed by the said defendants to the allowance of said petition, in this proceeding is overruled by the court and disallowed.

It is ordered, adjudged and decreed by the Court that said petition be and the same is granted.

And it appearing to the Court that W. E. Bradley, J. D. Dunlap and Chas Earle are three citizens of the county, each possessing the qualifications of jurors, and who are disinterested, and that they are proper and competent to act as commissioners to view the lands described in said application, and after hearing all evidence offered, to assess the damages and compensation to which the said C.C.Gantt and Lillian M. Gantt, are entitled, they are hereby appointed Commissioners for the purposes aforesaid. And said commissioners will report their doings hereunder to this Court.

G M Pruitt
Judge of Probate.

Order Appointing
Commissioners to
Value Lands
Condemned

5/9/44

See Min Book
Page 24C

NOTICE TO SHERIFF.

THE STATE OF ALABAMA, }
COUNTY OF BALDWIN. } PROBATE COURT.

TO THE SHERIFF OF SAID COUNTY:-

You are hereby commanded to notify U.E.Bradley, J.D.Dreisbach and Chas. Earle that in a proceeding in this Court by Jack Phillips and Gulie Cumbie, to condemn certain lands located in this County belonging to C.C.Gantt and Lillian M. Gantt, for certain purposes stated in the Petition in said cause, the Court appointed them Commissioners to view said property sought to be condemned, hear evidence and assess such damages and compensation, as the owners of said property are entitled to receive.

You are commanded to serve a copy of the commission hereto attached upon each of said Commissioners within five days from receipt hereof, and make return as to how you have executed this mandate.

G. W. Loluetson
Judge of Probate.

Executed May 11th 1944

by serving ~~subpoena~~ copy of Commission

on U.E. Brady. Chas Earle

J D Drinkard

M R Stuart Sheriff

By ..... Deputy Sheriff

STATE OF ALABAMA,

BALDWIN COUNTY.

TO THE HON. G. W. ROBERTSON, PROBATE JUDGE OF SAID COUNTY:

Your Petitioners, Jack Phillips and Gulie Cumb who are more than twenty-one years of age and resident citizens of Baldwin County, Alabama, respectfully petition and show unto your Honor as follows:-

FIRST:

That they are the joint owners and in possessi of the following described real estate situated in Baldwin Count Alabama, to-wit:-

South half of Southeast Quarter
of Section 24, Township 4 North,
Range 3 East.

That on said premises is located their home and their dwellings; that your Petitioner Jack Phillips has erected a home on this joi ly owned tract of land and your petitioner Gulie Cumbie has erec ed a home on this jointly owned tract of land; that there has be a house on said tract of land for many years; the house that was located thereon when said tract was purchased by your petitioner was torn down by Jack Phillips and rebuilt.

SECOND:

That C. C. Gantt and his wife Lillian M. Gantt who are residents of Baldwin County, Alabama, and over the age o twenty-one years are the owners of the Southwest Quarter of Sout west Quarter of Fractional Section 19, Township 4 North, Range 4 East in Baldwin County, Alabama; that neither the lands owned by your petitioners nor the lands owned by C. C. Gantt and Lillian Gantt as herein described are located within the corporate limit of a municipality. Your petitioners further show unto your Hono that the lands above described as belonging to your petitioners and of which they are now in actual possession is not adjacent o contiguous to any public road or highway; that the said lands ab

described belonging to the said C. C. Gantt and Lillian M. Gantt is adjacent to and contiguous to the Bay Minette-Little River Highway, which is known as Alabama Highway 59.

THIRD:

Your Petitioners further show that in the enjoy ment of their said lands and home as heretofore described it is necessary that they have and acquire a convenient right-of-way for a road not exceeding in width 15 feet over the lands of the said C. C. Gantt and Lillian M. Gantt, which intervene and lie between your petitioners' land and the said Alabama Highway 59, wh is the nearest and most convenient public road to your petitioner land as heretofore described.

FOURTH:

Your Petitioners further show unto your Honor that heretofore petitioners and their predecessors in title have been travelling from said highway along the road that is now soug to be condemned for many years; that said road has been used by many persons residing back of your petitioners and that there previously had been no objection to the use of said road; that fo some reason best known to C. C. Gantt he is beginning to complain about the use of said road by your petitioners in their ingress and egress from their home and said land to said highway; Your petitioners further show unto your Honor that said old road is the most convenient way for them to reach said highway from their home and land, and that said road is well marked from travel for many years last past. Your petitioners further show unto your Ho that said road does not pass through the yard, orchard, garden, stable lot, stable, gin house or curtilage of said C. C. Gantt an Lillian M. Gantt.

FIFTH:

That the land of the said C. C. Gantt and Lillia M. Gantt through which your petitioners desire a right-of-way for their use and for others that may see fit to use it, is a strip of

land 15 feet in width, more particularly described as follows:-

> From the Southwest corner of Fractional Section 19, Township 4 North, Range 4 East, St. Stephens Meridian, Alabama, thence North on the range line between Fractional Section 19, Township 4 North, Range 4 East, and Section 24, Township 4 North, Range 3 East 539 feet to an iron stake for a point of beginning; thence South 78 degrees 30 minutes East 780 feet, more or less, to the West line of the Bay Minette-Uriah Highway; thence North 15 feet, thence North 78 degrees 30 minutes West 780 feet, more or less, to a stake on the range line; thence South 15 feet to the point of beginning.

Your Petitioners further show unto your Honor that the said C. C. Gantt and Lillian M. Gantt have given mortga on the land sought to be condemned and that Swift-Hunter Lumber Company, a corporation, is the owner of one of said mortgages an that the Baldwin County Bank, a corporation, is the record owner of the other said mortgage; your Petitioners have been informed that there is an unrecorded assignment of the Baldwin County Ban mortgage to the Southern Properties Company, a corporation.

The premises considered your Petitioners pray that your Honor will make and enter an order appointing a day fo the hearing of this petition and that due and legal notice of sa be given to C. C. Gantt, Lillian M. Gantt, Swift-Hunter Lumber Company, a corporation, Baldwin County Bank, a corporation, and Southern Properties Company, a corporation, and that such other and further and general orders may be made in the premises as ma be necessary and proper for the acquirement by petitioners of a right-of-way over said property described herein for the purpose mentioned.

Jack Phillips
Julia Lumbie

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, Erin Stuart a Notary Public in and for said State and County, personally appeared Jack Phill who being by me first duly and legally sworn, doth depose and sa

under oath as follows:-

That the matters and facts herein above set forth are true.

Jack Phillips

Sworn to and subscribed before me, a Notary Public, whose seal is hereto affixed, this 3rd day of April, 1944.

Erin Stuart

Notary Public, Baldwin county, Alabama.

PETITION

JACK PHILLIPS AND
GULIE CUMBIE,

Complainants,

VS.

C. C. GANTT, ET AL,

Respondents.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

Recorded Page
Book 10 at Page 173
1944

Filed April 4, 1944.

Clerk.

LAW OFFICES
HYBART & CHASON
Bay Minette, Alabama

JACK PHILLIPS AND
GULIE CUMBIE,

Complainants,

VS.

C. C. GANTT, LILLIAN M. GANTT, SWIFT-HUNTER LUMBER COMPANY, A CORPORATION, BALDWIN COUNTY BANK, A CORPORATION, AND SOUTHERN PROPERTIES COMPANY, A CORPORATION,

Defendants.

APRIL 6th, 1944.

IN THE MATTER OF APPLICATION TO CONDEMN LAND FOR RIGHT-OF-WAY.

On this day came Jack Phillips and Gulie Cumbie and filed their Petition or Application for the condemnation of certain lands therein described for the purposes set forth therein; said Application or Petition is as follows:-

"

STATE OF ALABAMA,

BALDWIN COUNTY.

TO THE HON. G. W. ROBERTSON, PROBATE JUDGE OF SAID COUNTY:-

Your Petitioners, Jack Phillips and Gulie Cumbie who are more than twenty-one years of age and resident citizens of Baldwin County, Alabama, respectfully petition and show unto your Honor as follows:-

FIRST:

That they are the joint owners and in possession of the following described real estate situated in Baldwin County, Alabama, towit:-

South half of Southeast Quarter
of Section 24, Township 4 North,
Range 3 East.

That on said premises is located their home and their dwellings; that your Petitioner Jack Phillips has erected a home on this jointly owned tract of land and your petitioner Gulie Cumbie has erected a home on this jointly owned tract of land; that there has been a house on said tract of land for many years; the house that was located thereon when said tract was purchased by yourpetitioners

was torn down by Jack Phillips and rebuilt.

SECOND:

That C. C. Gantt and his wife Lillian M. Gantt who are residents of Baldwin County, Alabama, and over the age of twenty-one years are the owners of the Southwest Quarter of Southwest Quarter of Fractional Section 19, Township 4 North, Range 4 East in Baldwin County, Alabama; that neither the lands owned by your petitioners nor the lands owned by C. C. Gantt and Lillian M. Gantt as herein described are located within the corporate limits of a municipality. Your petitioners further show unto your Honor that the lands above described as belonging to your petitioners and of which they are now in actual possession is not adjacent or contiguous to any public road or highway; that the said lands above described belonging to the said C. C. Gantt and Lillian M. Gantt is adjacent to and contiguous to the Bay Minette-Little River Highway, which is known as Alabama Highway 59.

THIRD:

Your Petitioners further show that in the enjoyment of their said lands and home as heretofore described it is necessary that they have and acquire a convenient right-of-way for a road not exceeding in width 15 feet over the lands of the said C. C. Gantt and Lillian M. Gantt, which intervene and lie between your petitioners' land and the said Alabama Highway 59, which is the nearest and most convenient public road to your petitioners' land as heretofore described.

FOURTH:

Your Petitioners further show unto your Honor that heretofore petitioners and their predecessors in title have been travelling from said highway along the road that is now sought to be condemned for many years; that said road has been used by many persons residing back of your petitioners and that there previously had been no objection to the use of said road; that for some reason best known to C. C. Gantt he is beginning to complain about the use of said road by your petitioners in their ingress

and egress from their home and said land to said highway; your petitioners further show unto your Honor that said old road is the most convenient way for them to reach said highway from their home and land, and that said road is well marked from travel for many years last past. Your Petitioners further show unto your Honor that said road does not pass through the yard, orchard, garden, stable lot, stable, gin house or curtilage of said C. C. Gantt and Lillian M. Gantt

FIFTH:

That the land of the said C. C. Gantt and Lillian M. Gantt through which your petitioners desire a right-of-way for their use and for others that may see fit to use it, is a strip of land 15 feet in width, more particularly described as follows:-

> From the Southwest corner of Fractional Section 19, Township 4 North, Range 4 East, St. Stephens Meridian, Alabama, thence North on the range line between Fractional Section 19, Township 4 North, Range 4 East, and Section 24, Township 4 North, Range 3 East 539 feet to an iron stake for a point of beginning; thence South 78 degrees 30 minutes East 780 feet, more or less, to the West line of the Bay Minette- Uriah Highway; thence North 15 feet, thence North 78 degrees 30 minutes West 780 feet, more or less, to a stake on the range line; thence South 15 feet to the point of beginning.

Your petitioners further show unto your Honor that the said C. C. Gantt and Lillian M. Gantt have given mortgages on the land sought to be condemned and that Swift-Hunter Lumber Company, a corporation, is the owner of one of said mortgages and that the Baldwin County Bank, a corporation, is the record owner of the other said mortgage; your petitioners have been informed that there is an unrecorded assignment of the Baldwin County Bank mortgage to the Southern Properties Company, a corporation.

The premises considered your petitioners pray that your Honor will make and enter an order appointing a day for the hearing of this petition and that due and legal notice of same be given to C. C. Gantt, Lillian M. Gantt, Swift-Hunter Lumber Company, a corporation, Baldwin County Bank, a corporation, and Southern Properties Company, a corporation, and that such other

and further and general orders may be made in the premises as may be necessary and proper for the acquirement by petitioners of a right-of-way over said property described herein for the purpose mentioned.

Jack Phillips

Gulie Cumbie

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Erin Stuart, a Notary Public, in and for said State and County, personally appeared Jack Phillips who being by me first duly and legally sworn, doth depose and say under oath as follows:-

That the matters and facts herein above set forth are true.

Jack Phillips

Sworn to and subscribed before me, a Notary Public, whose seal is hereto affixed, this 3rd day of April, 1944.

Erin Stuart

Notary Public, Baldwin County, Alabama."

IT IS ORDERED by the Court that the 9th day of May, 1944 be and the same is hereby set for the hearing of said Application or Petition. It is further ordered that notice of the filing of said Application or Petition and the day set for the hearing of the same be given to C. C. Gantt, Lillian M. Gantt, Swift-Hunter Lumber Company, a corporation, Baldwin County Bank, a corporation, and Southern Properties Company, a corporation, by citation duly served upon them by the Sheriff of this County, except as to Swift-Hunter Lumber Company, a corporation, which must be served by the Sheriff of Escambia County, Alabama, at least ten days prior to the 9th day of May, 1944.

Judge of Probate,
Baldwin County, Alabama.

ORDER.

JACK PHILLIPS AND GULIE
CUMBIE,

Complainants,

VS.

Rec. Min. Book
Page 233-234

C. C. GATTI, ET AL.

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

4/6/44

ISSUED APRIL 4, 1944.

Clerk.

STATE OF ALABAMA,

BALDWIN COUNTY.

WE, the undersigned, hereby acknowledge ourselves as security for costs in that certain proceeding in the Probate Court of Baldwin County, Alabama, wherein Jack Phillips, and Gullie Cumbie are Petitioners, being the proceeding to condemn a private right-of-way over and across the following described lands, to-wit:-

> From the Southwest corner of Fractional Section 19, Township 4 North, Range 4 East, St. Stephens Meridian, Alabama, thence North on the range line between Fractional Section 19, Township 4 North Range 4 East and Section 24, Township 4 North, Range 3 East, 539 feet to an iron stake for a point of beginning; thence South 78 degrees 30 minutes East 780 feet, more or less, to the West line of the Bay-Minette-Uriah Highway; thence North 15 feet, thence North 78 degrees 30 minutes West 780 feet, more or less, to a stake on the range line; thence South 15 feet to the point of beginning.

belonging to C. C. Gantt and Mrs. C. C. Gantt, also known as Lillian M. Gantt.

Jack Phillips
W. V. Phillips
Ruth Cumbie
Levi E. Slay

Taken and approved
this the 4 day of
April, 1944.

Judge of Probate, Baldwin
County, Alabama.

STATE OF ALABAMA,

BALDWIN COUNTY.

TO C. C. GANTT, LILLIAN M. GANTT, SWIFT-HUNTER LUMBER COMPANY, a corporation, BALDWIN COUNTY BANK, a corporation, AND SOUTHERN PROPERTIES COMPANY, a corporation,:-

You are hereby notified that on the 4th day of April, 1944, Jack Phillips and Gulie Cumbie filed their Petition or Application in the Probate Court of Baldwin County, Alabama, wherein they are seeking to condemn a right-of-way across a part of the Southwest Quarter of Southwest Quarter of Section 19, Township 4 North, Range 4 East, said right-of-way being more particularly described as follows, viz:-

> From the Southwest corner of Fractional Section 19, Township 4 North, Range 4 East, St. Stephens Meridian, Alabama, thence North on the range line between Fractional Section 19, Township 4 North, Range 4 East and Section 24, Township 4 North, Range 3 East 539 feet to an iron stake for a point of beginning; thence South 78 degrees 30 minutes East 780 feet, more or less, to the West line of the Bay Minette-Uriah Highway; thence North 15 feet, thence North 78 degrees 30 minutes West 780 feet, more or less, to a stake on the range line; thence South 15 feet to the point of beginning,

said land lying in Baldwin County, Alabama, which said property is alledged in said Petition to be owned by you or that you have some interest in or lien upon the same. A copy of said Petition is attached hereto and is made a part of this citation.

You are hereby notified that the aforesaid Petition or Application has been set down for hearing before me at 10:00 o'clock A. M. on the 9th day of May, 1944 at the Courthouse in Bay Minette, Alabama, at which time you may be present and contest the same if you so desire and see fit.

DATED this 4th day of April, 1944.

Judge of Probate,
Baldwin County, Alabama.

STATE OF ALABAMA,

BALDWIN COUNTY.

TO THE HON. G. W. ROBERTSON, PROBATE JUDGE OF SAID COUNTY:

Your Petitioners, Jack Phillips and Gulie Cumbie, who are more than twenty-one years of age and resident citizens of Baldwin County, Alabama, respectfully petition and show unto your Honor as follows:-

FIRST:

That they are the joint owners and in possession of the following described real estate situated in Baldwin County, Alabama, to-wit:-

South half of Southeast Quarter
of Section 24, Township 4 North,
Range 3 East.

That on said premises is located their home and their dwellings; that your Petitioner Jack Phillips has erected a home on this jointly owned tract of land and your petitioner Gulie Cumbie has erected a home on this jointly owned tract of land; that there has been a house on said tract of land for many years; the house that was located thereon when said tract was purchased by your petitioners was torn down by Jack Phillips and rebuilt.

SECOND:

That C. C. Gantt and his wife Lillian M. Gantt who are residents of Baldwin County, Alabama, and over the age of twenty-one years are the owners of the Southwest Quarter of Southwest Quarter of Fractional Section 19, Township 4 North, Range 4 East in Baldwin County, Alabama; that neither the lands owned by your petitioners nor the lands owned by C. C. Gantt and Lilliam M. Gantt as herein described are located within the corporate limits of a municipality. Your petitioners further show unto your Honor that the lands above described as belonging to your petitioners and of which they are now in actual possession is not adjacent or contiguous to any public road or highway; that the said lands above

described belonging to the said C. C. Gantt and Lillian M. Gantt is adjacent to and contiguous to the Bay Minette-Little River Highway, which is known as Alabama Highway 59.

THIRD:

Your Petitioners further show that in the enjoyment of their said lands and home as heretofore described it is necessary that they have and acquire a convenient right-of-way for a road not exceeding in width 15 feet over the lands of the said C. C. Gantt and Lillian M. Gantt, which intervene and lie between your petitioners' land and the said Alabama Highway 59, which is the nearest and most convenient public road to your petitioners' land as heretofore described.

FOURTH:

Your Petitioners further show unto your Honor that heretofore petitioners and their predecessors in title have been travelling from said highway along the road that is now sought to be condemned for many years; that said road has been used by many persons residing back of your petitioners and that there previously had been no objection to the use of said road; that for some reason best known to C. C. Gantt he is beginning to complain about the use of said road by your petitioners in their ingress and egress from their home and said land to said highway; Your petitioners further show unto your Honor that said old road is the most convenient way for them to reach said highway from their home and land, and that said road is well marked from travel for many years last past. Your petitioners further show unto your Honor that said road does not pass through the yard, orchard, garden, stable lot, stable, gin house or curtilage of said C. C. Gantt and Lillian M. Gantt.

FIFTH:

That the land of the said C. C. Gantt and Lillian M. Gantt through which your petitioners desire a right-of-way for their use and for others that may see fit to use it, is a strip of

land 15 feet in width, more particularly described as follows:-

> From the Southwest corner of Fractional Section 19, Township 4 North, Range 4 East, St. Stephens Meridian, Alabama, thence North on the range line between Fractional Section 19, Township 4 North, Range 4 East, and Section 24, Township 4 North, Range 3 East 539 feet to an iron stake for a point of beginning; thence South 78 degrees 30 minutes East 780 feet, more or less, to the West line of the Bay Minette-Uriah Highway; thence North 15 feet, thence North 78 degrees 30 minutes West 780 feet, more or less, to a stake on the range line; thence South 15 feet to the point of beginning.

Your Petitioners further show unto your Honor that the said C. C. Gantt and Lillian M. Gantt have given mortgages on the land sought to be condemned and that Swift-Hunter Lumber Company, a corporation, is the owner of one of said mortgages and that the Baldwin County Bank, a corporation, is the record owner of the other said mortgage; your Petitioners have been informed that there is an unrecorded assignment of the Baldwin County Bank mortgage to the Southern Properties Company, a corporation.

The premises considered your Petitioners pray that your Honor will make and enter an order appointing a day for the hearing of this petition and that due and legal notice of same be given to C. C. Gantt, Lillian M. Gantt, Swift-Hunter Lumber Company, a corporation, Baldwin County Bank, a corporation, and Southern Properties Company, a corporation, and that such other and further and general orders may be made in the premises as may be necessary and proper for the acquirement by petitioners of a right-of-way over said property described herein for the purpose mentioned.

Jack Phillips

Gulie Cumbie

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Erin Stuart, a Notary Public, in and for said State and County, personally appeared Jack Phillips who being by me first duly and legally sworn, doth depose and say

under oath as follows:-

That the matters and facts herein above set forth are true.

Jack Phillips

Sworn to and subscribed before me, a Notary Public, whose seal is hereto affixed, this 3rd day of April, 1944.

Erin Stuart
Notary Public, Baldwin county, Alabama.

Ap ril.15. 1944. execu ted b y servin g A copy
of the within Notice on one Bird Swift, the
the Manager of Swift Hunter Lumber Company

--L.R.Roby-Sheriff-of-Escambia-
By Clarence Byers Deputy

Executed 4/10/44 by serving copy of within ~~Notice and Complaint~~ on

C.C. Moore
Jim Moore
Baldwin County Board of Supervisors
Mr. Hart
By Deputy Sheriff

L.R. Roby. Sheriff
E.B. Hart

Ap ril.I5. I944. execu ted b y servin g A copy
of the within Notice on one Birron Swift, the
the Mannager of Swift Hunter Lumber Company

--~~J.R.Roby-Sheriff-of-Escambia-Co~~--
By Claren ce. Byyers Deputy
Clarence Byers D.S.

Executed 4/10th 1944
by serving copy of within ~~Summons and Complaint~~ Notice on
C.C. Gantt
Lillian Gantt
Baldwin County Bank. S.F. Holmes. President
Southern Properties. S F Holmes "
W.R. Stuart Sheriff
By _____ Deputy Sheriff

Notice
C.C. Gantt
Lillian Gantt
Swift Hunter Lbr Co.
Baldwin Co Bank
Southern Properties

JACK PHILLIPS, ET AL

VS

C. C. GANTT, ET AL

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

And now comes C. C. GANTT and LILLIAN M. GANTT, and for answer to the petition of Jack Phillips and Gulie Cumbie heretofore, on the 4th day of April, 1944, filed in this Court, say:

ONE:

They are not advised as to the allegations contained in Paragraph FIRST, but understand the facts to be correct.

TWO:

They admit the allegations contained in paragraph SECOND.

THIRD:

They deny the allegation contained in paragraph THIRD:

FOURTH:

They deny the allegations contained in paragraph FOURTH.

FIFTH:

The said C. C. Gantt and Lilliam M. Gantt, for further answer to the Petition, say that the Petitioners now have and have had for the entire time they have been living on the property alleged to be owned by them, a free and unobstructed passage from their property to the said Highway;

That the property described in the petition passes through the farm land of the said C. C. Gantt and Lilliam M. Gantt, and therefore renders it less valuable for farm purposes.

That the said C. C. Gantt and Lilliam M. Gantt are perfectly agreeable to Petitioners having a right-of-way condemned from their property to the highway, however insist that if any property is condemned the rights and conveniences of the sa C. C. Gantt and Lilliam M. Gantt should be taken into consideration, and that the road if condemned should be placed along the section line, which is to the South of the said forty acretract described in the petition; or, if the Petitioners prefer, it is agreeable that they have a right-of-way along the North end of said subdivision described in the petition; that the road, if condemned either along the North or South ends of

the said Government subdivision, it will not interfere, so much, with the property rights of the said C. C. Gantt and Lillian M. Gantt.

BEEBE & HALL

By [signature]

Attorneys for C. G. Gantt and Lillian M. Gantt.

[illegible]

[illegible]

[illegible]

JACK PHILLIPS, ET AL

VS

C. C. GANTT, ET AL

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the said Government subdivision, it will not interfere, so much, with the property rights of the said C. C. Gantt and Lillian M. Gantt.

BEEBE & HALL

By _____
Attorneys for C. G. Gantt and
Lillian M. Gantt.

THE STATE OF ALABAMA, } PROBATE COURT,
BALDWIN COUNTY. } MAY 27, 1944.

In the matter of the petition of Jack Phillips and Gulie Cumbie to condemn certain lands.

On the 4th day of April, A.D., 1944, Jack Phillips and Gulie Cumbie, filed in this court their petition to condemn certain lands for a public road over the lands of C.C.Gantt and Lillian Gantt, in Baldwin County, Alabama, and described in said petition.

Thereupon, the court appointed the 9th day of May, A.D., 1944, for the hearing of said petition, and the defendants having had due notice of this proceeding, as is set forth in the order of the court; made and entered on said day, the court did hear the petition in this case and did grant the same, and appointed U.E.Bradley, J.D.Dreisbach and Charles Earle, commissioners in this case, to assess the damages and compensation which the said defendants are entitled to receive from the petitioners, for the taking of said lands for the purpose set forth in their petition; and issued a notice of appointment of commissioners and caused the notices to be served on said commissioners as prescribed by law; and now on this May 20th, 1944, said U.E.Bradley, J.D. Dreisbach and Charles Earle, commissioners aforesaid, having filed in court their report of their action in this matter, it is ordered that the same be recorded. Said report is in writing and is as follows:

The State of Alabama, County of Baldwin.
In the matter of the application of Jack Phillips and Gulie Cumbie, to condemn certain lands:
We, the undersigned commissioners appointed by this Honorable Court on the 10th day of May, A.D., 1944, to assess the damages and compensation to which the owners of the land hereafter described is entitled, respectfully report to the court that, having viewed the lands, and having received all the evidence offered by the parties, we ascertain and assess the damages and compensation which the owners of the land hereinafter described should receive, at the sum of $15.00; that the damages and compensation above named were for the taking of the following strip of land, which said land, is situate in the county of Baldwin, State of Alabama, to-wit:
From the southwest corner of Fractional Section 19, township 4 north, range 4 east, St. Stephens Meridian, Alabama, thence north on the range line between fractional section 19, township 4 north, range 4 east, and section 24, township 4 north, range 3 east 539 feet to an iron stake for a point of beginning; thence south 78 degrees 30 minutes east 780 feet, more or less, to the west line of the Bay Minette-Uriah Highway; thence north 15 feet, thence north 78 degrees 30 minutes west 780 feet, more or less, to a stake on the range line; thence south 15 feet to the point of beginning.
We do certify that we were sworn as jurors are sworn; that neither of us has been consulted, advised with or approached by any person in reference to the value of the above described lands, or the proceedings to condemn the same prior to the assessment of the damages, and that neither of us knew anything of the same before our said several appointment.

U.E.Bradley,
Chas. Earle
J.D.Dreisbach.

Sworn to and subscribed before me this 20 day of May, 1944.
G.W.Robertson,
Judge of Probate.

And it appearing to the satisfaction of the court that said commissioners were duly sworn as jurors are sworn, before they acted in this cause, and that their action in the premises was regular and in all respects according to law:
It is therefore ordered, adjudged and decreed by the court,

that upon the payment of said sum of $15.00 so assessed by said commissioner, to the defendants, by the petitioners, the said petitioners shall have the right to appropriate to their use, as by statute in such cases made and provided, the following lands:-

From the southwest corner of fractional section 19, township 4 north, range 4 east, St. Stephens Meridian, Alabama, thence north on the range line between fractional section 19, township 4 north, range 4 east, and section 24, township 4 north, range 3 east, 539 feet to an iron stake for a point of beginning; thence south 78 degrees 30 minures east 780 feet, more or less, to the west line of the Bay Minette-Uriah Highway; thence north 15 feet, thence north 78 degrees 30 minutes west 780 feet, more or less, to a stake on the range line; thence south 15 feet to the point of beginning.

And the said right-of-way and easement and privileges so prayed for in said petition, is hereby condemned to the use of the petitioners, the said Jack Phillips and Gulie Cumbie, as aforesaid, upon the payment of said sum of money so assessed by the commissioners to-wit: the sum of $15.00.

It is further ordered, adjudged and decreed by the court that the petitioners, Jack Phillips and Gulie Cumbie, pay the costs of this proceeding.

Judge of Probate.

Report

Stay/ext

COMMISSION.

THE STATE OF ALABAMA, }
COUNTY OF BALDWIN. } PROBATE COURT.

TO U.E.Bradley, J.D.Dreisbach AND Chas.Earle

:

You are hereby notified that on the 9th day of May, A.D., 1944, the Probate Court of said County and State, made and entered an order and decree condemning certain lands belonging to C.C.Gantt and Lillian M. Gantt, for certain purposes set forth in the petition in said cause, said land condemned being described as follows:

> From the southwest corner of Fractional Section 19, Township 4 North, Range 4 East, St. Stephens Meridian, Alabama, thence North on the range line between Fractional Section 19, Township 4 North, Range 4 East, ~~the~~ and Section 24, Township 4 North, Range 3 East 539 feet to an iron stake for a point of beginning; thence South 78 degrees 30 minutes East 780 feet, more or less, to the west line of the Bay Minette-Uriah Highway; thence North 15 feet, thence North 78 degrees 30 minutes West 780 feet, more or less, to a stake on the range line; thence South 15 feet to the point of beginning.

You are further notified that after entering the order granting the application in this cause, you were appointed Commissioners to assess the damages and compensation to what the owners of said land are entitled.

Before entering upon the discharge of your duties, you must besworn as jurors are sworn. You may view the lands to be subjected, and must receive all legal evidence that may be offered by either party touching the amount of damages the owners of said lands will sustain and the amount of compensation they are entitled to receive, which must not be reduced or diminished because of any incidental benefits which may accrue to them or to their remaining lands in consequence of the use to which the land proposed to be taken, or to which the easement is proposed to be acquired, will be appropriated.

You will within ten days of your appointment report, in writing, to this Court, under oath the amount of damages and compensation ascertained and assessed by you.

Witness, G.W.Robertson, Judge of said Court at office, this 10th day of May, A.D., 1944.

G.W.Robertson

Judge of Probate.

Original

Commission to
U. E. Bradley,
J. D. Dreisbach
Chas. Earle

Executed May 11th 1944
by serving ~~subpoena~~ Copy
of within and
on U E Bradly, Chas
Earle, J D Dreisbach
L R Stuart Sheriff

By ..... Deputy Sheriff