

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, A
Corporation, JAMES D. EWING and
HAMPTON D. EWING, JR.,

Defendants.

1453
IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

DECREE

This being the day appointed by the Court for hearing the application heretofore filed in this Court praying that this Court condemn certain lands described in the said application for the purposes set forth therein, now comes the City of Bay Minette, Alabama, by its Mayor and Attorney, and comes also Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, owners of the said land, by their Attorneys, and all parties interested in this proceeding being present or represented, the Court proceeds to hear the 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 said Bay Minette Land Company, a defendant in this case, as required by law, and also that notice was given to Hampton D. Ewing, Jr. and James D. Ewing, non-residents of the State of Alabama, by publication once a week for three successive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama; that the allegations of the said petition are true and that the said Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing are the owners of the said property and that it is necessary that the said land be condemned for the purposes mentioned in the said petition, upon consideration of all of which, it is Ordered, Adjudged and Decreed by the Court as follows:

1. The motion to dismiss the petition filed in this cause by the Defendants on this date shall be and it is hereby denied.

2. The written objections filed in this cause by the Defendants to the granting of the said petition filed in this cause on this date shall be and they are hereby denied.

3. The petition for condemnation filed by the Petitioner in this cause shall be and the same is hereby granted.

4. It appearing to the Court that J. J. Bradley,
J. R. Wilson and J. J. Lawson are
three citizens of the county, each possessing the qualifications of jurors and who are disinterested, and that the said above named citizens are proper and competent persons to act as Commissioners to view the land described in the application and after hearing all evidence offered, to assess the damages and compensation to which the said Defendants are entitled, they are hereby appointed Commissioners for the purposes aforesaid. The said Commissioners will report their doing hereunder to this Court in the manner prescribed by law.

ORDERED, ADJUDGED AND DECREED by the Court on this
the 21st day of December, 1949.

W. R. Stuart

Probate Judge.

DECREE

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, A
Corporation, JAMES D. EWING and
HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

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Page 3.*

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

CITY OF BAY MINETTE, ALABAMA,
a Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, a
Corporation, ET ALS.,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

No. 1453

FINAL JUDGMENT OF CONDEMNATION

This cause coming on again to be heard is submitted on behalf of the applicant or Plaintiff for a Final Judgment and it appears to the court that the applicant or Plaintiff's amended application for condemnation of the easements and property herein-after described was heretofore granted by this court and that thereafter the court proceeded to have assessed by a jury the damages and compensation to which the Defendants, Bay Minette Land Company, a Corporation, James D. Ewing and Hampton D. Ewing are entitled for a condemnation of the easements and property described in the said amended application; that on June 27, 1950, came a jury of good and lawful men, who being duly impaneled and sworn according to law upon their oath did fix the compensation and damages to the owners of the easements and property described in the amended application in this cause at One Thousand Dollars (\$1000.00).

It further appears to the court that the applicant heretofore deposited with the Judge of Probate of Baldwin County, Alabama, the sum of Two Thousand One Hundred Two and 57/100 Dollars (\$2,102.57) for such Defendants as damages and compensation for the condemnation of the easements and property described in the said amended application, which said sum of money has not been paid by the Probate Court of Baldwin County, Alabama, to the Clerk of this court, and that thereafter and on to-wit, December 20, 1950, the applicant paid to the Clerk of this court the sum of One Thousand One Hundred Thirty and 57/100 Dollars (\$1,130.57) being the amount of compensation and damages allowed to the Defendants and the costs of this proceeding in this court and in the Probate Court of Baldwin County, Alabama.

Upon consideration of all of which it is Ordered, Adjudged and Decreed by the court as follows:

1. The Defendants, Bay Minette Land Company, a Corporation James D. Ewing and Hampton D. Ewing, are entitled to have and receive of the Clerk of this court the sum of One Thousand Dollars (\$1,000.00) and that the applicant, the City of Bay Minette, Alabama, a Municipal Corporation, is entitled to have and receive from the Probate Court a refund of the said sum of Two Thousand One Hundred Two and 57/100 Dollars (\$2,102.57) heretofore deposited in the Probate Court of this cause.

2. A permanent and perpetual easement for the purpose of constructing and maintaining a sewer line over, under and across the following described property of the Defendants situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest corner of Block Thirty-three (33) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 37.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 21.1 feet to a point; thence South 85 degrees 41 minutes East 152 feet to a point on the East line of Lot One (1) in the said Block 33; thence Southwardly along the East line of the said Lot 13.5 feet to the Southeast corner thereof; thence Westwardly along the South line of the said Block, 25 feet to a point; thence North 85 degrees 41 minutes West 123.2 feet to the point or place of beginning.

Begin at the Northeast corner of Block Fifty-one (51) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the East line of the said Block 140 feet to a point or place of beginning; thence Southwardly along the East line of the said Block, 23.2 feet to a point; thence North 82 degrees 09 minutes West 129 feet to a point on the North line of Lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said Lot 5, 39.6 feet to a point; thence South 82 degrees 09 minutes East 82 feet to the point or place of beginning.

Begin at the Southwest corner of Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 34 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.4 feet to a point; thence South 79 degrees 26 minutes East 147 feet to a point on the East line of Lot One (1) in the said Block 76; thence Southwardly along the East line of the said Lot 20.4 feet to a point; thence North 79 degrees 26 minutes West 147 feet to the point or place of beginning.

Begin at the Southwest corner of Lot Four (4) in Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the

West line of the said Lot 1.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Lot 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line of the said Lot; thence Westwardly along the South line of the said Lot 72 feet to a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of beginning.

Begin at the Northwest corner of Block Eighty-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 354 feet to a point on the West line of the said Lot 1 in the said Block 82; thence Northwardly along the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama, is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition,

is condemned, granted and awarded to the said applicant, the City of Bay Minette, Alabama, a Municipal Corporation, for the uses and purposes sought by it in the said amended application.

3. A fee simple title in and to the following described property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq. Baldwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly and parallel with the East line of the said Block to a point on the South line thereof; thence Eastwardly along the South line of the said Block 125 feet to the Southeast corner thereof; thence Northwardly along the East line of the said Block to the point or place of beginning, being otherwise described as the East 125 feet of Lot Two (2) in the said Block 81.

Begin at the Northwest Corner of Block Ninety-two (92) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Eastwardly along the North line of the said Block 125 feet to a point; thence Southwardly and parallel with the West line of the said Block to a point on the South line thereof; thence Westwardly along the South line of the said Block 125 feet to the Southwest corner of the said Block; thence Northwardly along the West line of the said Block to the point or place of beginning, being otherwise described as the West 125 feet of Lot One (1) in the said Block 92,

shall be and it is hereby condemned, granted and awarded to the applicant, the City of Bay Minette, Alabama, a Municipal Corporation,

for the uses and purposes sought by it in the said amended application.

4. The Clerk of this court shall file a certified copy of this Judgment for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

5. The costs of this proceeding are hereby taxes against the applicant.

ORDERED, ADJUDGED AND DECREED on this the 22nd day of December, 1950.

Jefferson G. Maduberry, Jr.
Judge.

FINAL JUDGMENT OF CONDEMNATION.

RECORDED

CITY OF BAY MINETTE, ALABAMA,
a Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, a
Corporation, ET ALS.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO.1453

463

FILED

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ALICE L. DICK, Register

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

2. A permanent and perpetual easement for the purpose of constructing and maintaining a sewer line over, under and across the following described property of the Defendants situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest corner of Block Thirty-three (33) in the Hand Land Company's Addition to the Town of Bayminette, Alabama, and run Thence Northwardly along the West line of the said Block 37.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 21.1 feet to a point; thence South 85 degrees 41 minutes East 152 feet to a point on the East line of the Lot One (1) in the said Block 33; thence Southwardly along the East line of the said Lot 13.5 feet to the Southeast corner thereof; thence Westwardly along the South line of the said Block, 25 feet to a point; thence North 85 degrees 41 minutes West 123.2 feet to the point or place of beginning.

Begin at the Northeast corner of Block Fifty-one (51) in the Hand Land Company's Addition to the Town of Bay Minnette, Alabama, and run thence Southwardly along the East line of the said Block 140 feet to a point or place of beginning; thence Southwardly along the East line of the said Block, 23.2 feet to a point; thence North 82 degrees 09 minutes West 129 feet to a point on the North line of Lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said Lot 5, 39.6 feet to a point; thence South 82 degrees 09 minutes East 82 feet to the point or place of beginning.

Begin at the Southwest corner of Block Seventy-Six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 34 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.4 feet to a point; thence South 79 degrees 26 minutes East 147 feet to a point on the East line of Lot One (1) in the said Lot 20.4 feet to a point; thence North 79 degrees 26 minutes West 147 feet to the point or place of beginning.

the point or place of beginning.
 *in the said Block 76; thence Southwardly along the East line of the said
 Begin at the Southwest corner of Lot Four (4) in the Block Seventy-Six (76)
 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run
 thence Northwardly along the West line of the said Lot 1.5 feet to a point or place
 of beginning; thence Northwardly along the West line of the said Lot 20.8 feet to
 a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line
 of the Said Lot; thence Westwardly along the South line of the said Lot 72 feet to
 a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of
 beginning.

Begin at the Northwest corner of Block Eighty-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 354 feet to a point on the West line of the said Lot 1 in the said Block 82; thence Northwardly along the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama, is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition.

is condemned, granted and awarded to the said applicant, the City of Bay Minette, Alabama, a Municipal Corporation, for the uses and purposes sought by it in the said amended application.

3. A fee simple title in and to the following described property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. At pages 158 et seq. Baldwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly and parallel with the East line of the said Block to a point on the South line thereof; thence Eastwardly along the South line of the said Block 125 feet to the Southeast corner thereof; thence Northwardly along

CITY OF BAY MINETTE, ALABAMA,
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Plaintiff,

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IN THE CIRCUIT COURT OF
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AT LAW. No. 1453

FINAL JUDGMENT OF CONDEMNATION

This cause coming on again to be heard is submitted on behalf of the applicant or Plaintiff for a Final Judgment and it appears to the court that the applicant or Plaintiff's amended application for condemnation of the easements and property hereinafter described was heretofore granted by this court and that thereafter the court proceeded to have assessed by a jury the damages and compensation to which the Defendants, Bay Minette Land Company, a Corporation, James D. Ewing and Hampton D. Ewing are entitled for a condemnation of the easements and property described in the said amended application; that on June 27, 1950, came a jury of good and lawful men, who being duly impaneled and sworn according to law upon in the said Block 76; thence Southwardly along the East line of the said their oath did fix the compensation and damages to the owners of the easements and property described in the amended application in this cause at One Thousand Dollars (\$1000.00).

It further appears to the court that the applicant heretofore deposited with the Judge of Probate of Baldwin County, Alabama, the sum of Two Thousand One Hundred Two and 57/100 Dollars (\$2,102.57) for such Defendants as damages and compensation for the condemnation of the easements and property described in the said amended application, which said sum of money has not been paid by the Probate Court of Baldwin County, Alabama, to the Clerk of this court, and that thereafter and on to-wit, December 20, 1950, the applicant paid to the Clerk of this court the sum of One Thousand One Hundred Thirty and 57/100 Dollars (\$1,130.57) being the amount of compensation and damages allowed to the Defendants and the costs of this proceeding in this court and in the Probate Court of Baldwin County, Alabama.

Upon consideration of all of which it is Ordered, Adjudged and Decreed by the court as follows:

1. The Defendants, Bay Minette Land Company, a Corporation James D. Ewing and Hampton D. Ewing, are entitled to have and receive of the Clerk of this court the sum of One Thousand Dollars (\$1000.00) and that the applicant, the City of Bay Minette, Alabama, a Municipal Corporation, is entitled to have and receive from the Probate Court a refund of the said sum of Two Thousand One Hundred Two and 57/100 (\$2,102.57) heretofore deposited in the Probate Court of this cause.

2. A permanent and perpetual easement for the purpose of constructing and maintaining a sewer line over, under and across the following described property of the Defendants situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest corner of Block Thirty-three (33) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run Thence Northwardly along the West line of the said Block 37.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 21.1 feet to a point; thence South 85 degrees 41 minutes East 152 feet to a point on the East line of the Lot One (1) in the said Block 33; thence Southwardly along the East line of the said Lot 13.5 feet to the Southeast corner thereof; thence Westwardly along the South line of the said Block, 25 feet to a point; thence North 85 degrees 41 minutes West 123.2 feet to the point or place of beginning.

Begin at the Northeast corner of Block Fifty-one (51) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the East line of the said Block 140 feet to a point or place of beginning; thence Southwardly along the East line of the said Block, 23.2 feet to a point; thence North 82 degrees 09 minutes West 129 feet to a point on the North line of Lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said Lot 5, 39.6 feet to a point; thence South 82 degrees 09 minutes East 82 feet to the point or place of beginning.

Begin at the Southwest corner of Block Seventy-Six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 34 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.4 feet to a point; thence South 79 degrees 26 minutes East 147 feet to a point on the East line of Lot One (1) in the said Block 76; thence Southwardly along the East line of the said Lot 20.4 feet to a point; thence North 79 degrees 26 minutes West 147 feet to the point or place of beginning.

Begin at the Southwest corner of Lot Four (4) in the Block Seventy-Six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Lot 1.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Lot 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line of the said Lot; thence Westwardly along the South line of the said Lot 72 feet to a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of beginning.

Begin at the Northwest corner of Block Eight-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 354 feet to a point on the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama, is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition,

is condemned, granted and awarded to the said applicant, the City of Bay Minette, Alabama, a Municipal Corporation, for the uses and purposes sought by it in the said amended application.

3. A fee simple title in and to the following described property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N.S. at pages 158 parallel Baldwin County, Alabama Records, Block run thence Northwardly along the North line of the said Block 125 feet to a point on the East line of the said Block 81; thence Southwardly along the Southeast corner thereof; thence Northwardly along

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Begin at the Northeast corner of Block Fifty-one (51) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the East line of the said Block 110 feet to a point or place of beginning; thence Southwardly along the East line of the said Block, 23.2 feet to a point; thence North 82 degrees 09 minutes West 129 feet to a point on the North line of Lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said Lot 5, 39.6 feet to a point; thence South 82 degrees 09 minutes East 82 feet to the point or place of beginning.

Begin at the Southwest corner of Block Seventy-Six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 34 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.4 feet to a point; thence South 79 degrees 26 minutes East 147 feet to a point on the East line of Lot One (1) in the said Lot 20.4 feet to a point; thence North 79 degrees 26 minutes West 147 feet to the point or place of beginning.

Begin at the Southwest corner of Lot Four (4) in the Block Seventy-Six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Lot 1.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Lot 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line of the said Lot; thence Westwardly along the South line of the said Lot 72 feet to a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of beginning.

Begin at the Northwest corner of Block Eighty-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 254 feet to a point on the West line of the said Lot 1 in the said Block 82; thence Northwardly along the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama, is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition,

is condemned, granted and awarded to the said applicant, the City of Bay Minette, Alabama, a Municipal Corporation, for the uses and purposes sought by it in the said amended application.

3. A fee simple title in and to the following described property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. At pages 158 et seq. Baldwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly and parallel with the East line of the said Block to a point on the South line thereof; thence Eastwardly along the South line of the said Block 125 feet to the Southeast corner thereof; thence Southwardly along

the East line of the said Block to the point or place of beginning, being otherwise described as the East 125 feet of Lot Two (2) in the said Block 81.

Begin at the Northwest Corner of Block Ninety-two (92) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Eastwardly along the North line of the said Block 125 feet to a point; thence Southwardly and parallel with the West line of the said Block to a point on the South line thereof; thence Westwardly along the South line of the said Block 125 feet to the Southwest corner of the said Block; thence Northwardly along the West line of the said Block; ~~thence~~ to the point or place of beginning, being otherwise described as the West 125 feet of Lot One (1) in the said Block 92,

shall be and it is hereby condemned, granted and awarded to the applicant, the City of Bay Minette, Alabama, a Municipal Corporation, for the uses and purposes sought by it in the said amended application.

4. The Clerk of this court shall file a certified copy of this Judgment for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

5. The costs of this proceeding are hereby taxes against the applicant.

ORDERED, ADJUDGED AND DECREED on this the 22 nd. day of December, 1950.

TELEATE J. MASHBURN, JR.
JUDGE

CITY OF BAY MINETTE, ALABAMA
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, A
Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

NOTICE OF APPEAL.

Comes the City of Bay Minette, Alabama, a Municipal Corporation, the Petitioner in the above entitled cause, and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama from the Order of Condemnation in this cause on the 11th day of January, 1950, insofar as the said Order of Condemnation relates to the lands described in the petition filed in this cause and to Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, the owners thereof.

The City of Bay Minette, Alabama, a Municipal Corporation, does herewith file in the Court of Probate of Baldwin County, Alabama, the Court rendering such Order of Condemnation, this, its written notice of said appeal.

This the 11th day of January, 1950.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

By

J. B. Blalock
As its Attorney.

TO BAY MINETTE LAND COMPANY, A CORPORATION, HAMPTON D. EWING, JR.
AND JAMES D. EWING, DEFENDANTS, OR HYBART, CHASON & STONE, ATTORNEYS
FOR THE SAID DEFENDANTS:

You are hereby notified that the above Notice of Appeal was filed in the office of the Judge of the Probate Court of Baldwin County, Alabama on the 11th day of January, 1950.

WITNESS my hand this the 11th day of January, 1950.

W. R. Stewart
Judge of Probate, Baldwin County,
Alabama.

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to serve the foregoing Notice of Appeal upon Hybart, Chason & Stone, Attorneys for Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, Defendants, and make return to this Court of such service.

This the 11th day of January, 1950.



Judge of the Probate Court of Baldwin
County, Alabama.

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NOTICE OF APPEAL

Received in Sheriff's Office
this 11 day of Jan., 1950
TAYLOR WILKINS, Sheriff

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, a
Corporation, HAMPTON D. EWING, JR.
and JAMES D. EWING,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

Recorded in Probate Record "P"
on Page 2

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Executed 1-12 1950
by serving copy of within ~~Summons and~~
Complaint on *notice of appeal*

John Chason

Taylor Wilkins
1st J. Hall

TO THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA AND TO THE HONORABLE W. R. STUART, JUDGE OF SAID COURT:

Your Petitioner, The City of Bay Minette, Alabama, a Municipal Corporation, respectfully represents unto the Court and your Honor as follows:

1. Heretofore in connection with the condemnation suit of the City of Bay Minette, Alabama vs. Bay Minette Land Company et al, there was paid into this court the sum of \$2,102.57.

2. After payment of the said sum of \$2,102.57, the case, which had been appealed to the Circuit Court of Baldwin County, Alabama, was tried in the said Circuit Court and a judgment rendered therein in favor of the Bay Minette Land Company, fixing its damages at \$1,000.00. The said damages amounting to \$1,000.00, the costs incurred in the Circuit Court and the costs incurred in the Probate Court were paid to the Register of the Circuit Court, because of which the said sum of \$2,102.57 should now be refunded to the City of Bay Minette, Alabama.

WHEREFORE, Petitioner prays that the said sum be paid to it.

CITY OF BAY MINETTE, ALABAMA,

By M. S. Reid

As its Mayor.

Sworn to and subscribed before me
on this the 17th day of May, 1951.

Mary Lee Blackburn

Notary Public, Baldwin County, Alabama

*The above amount paid to the Town of Bay Minette
on May 17, 1951 by Check # 149, and out of the
Fiduciary account.*
JMS.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, A
Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

OATH OF COMMISSIONERS

STATE OF ALABAMA,)
BALDWIN COUNTY.)

We, and each of us, do solemnly swear that we will and truly try the case now pending, and submitted to our decision, between the City of Bay Minette, Alabama, a Municipal Corporation, plaintiff, and Bay Minette Land Company, a Corporation, James D. Ewing, and Hampton D. Ewing, Jr., defendants, and that we are not directly nor indirectly interested in the issue to be tried, and that we are not biased nor 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 premises. So help us God.

J. L. Bradley
J. R. Wilson
J. Lowry

Sworn to and subscribed before me on
this the 23 day of January, 1950.

W. R. L. L. L.
Judge of Probate, Baldwin County, Ala.

OATH OF COMMISSIONERS.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,
Plaintiff,

VS.

BAY MINETTE LAND COMPANY, A
Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

*Recorded in Minutes Record "N"
Page 425.*

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, A
Corporation, HAMPTON D. EWING,
JR. and JAMES D. EWING,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

SUPERSEDEAS BOND OF PETITIONER
ON APPEAL.

STATE OF ALABAMA)
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That we, the City of Bay Minette, Alabama, a Municipal Corporation, as principal, and the Fidelity and Casualty Company of New York, a Corporation, as surety, are held and firmly bound unto the Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing in the sum of Four Thousand Dollars (\$4,000.00) for the payment of which, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, by these presents.

THAT, WHEREAS, the City of Bay Minette, Alabama, a Municipal Corporation, heretofore filed its application in the Probate Court of Baldwin County, Alabama against Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, seeking to condemn the lands, rights, interests and easements therein described; and,

WHEREAS, the said Probate Court did, in and by a decree dated December 21, 1949, grant the prayer of the said application and appoint Commissioners, as required by law, to assess the damages and compensation of the Defendants, as owners of the lands described in the said application; and,

WHEREAS, the said Commissioners did ascertain and assess such damages and compensation of the said Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, in accordance with the relevant statutes of the State of Alabama, at the sum of Two Thousand Dollars (\$2,000.00), as shown in the Report

of the said Commissioners; and,

WHEREAS, an order was thereafter made by the Probate Court of Baldwin County, Alabama condemning the said lands belonging to the said Defendants, Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, according to the prayer of the said Petition; and,

WHEREAS, the said City of Bay Minette, Alabama, a Municipal Corporation, has taken an appeal from such Order of Condemnation to the Circuit Court of Baldwin County, Alabama; and,

WHEREAS, the said City of Bay Minette, Alabama, a Municipal Corporation, has paid into the Probate Court of Baldwin County, Alabama the said sum of \$2,000.00, which was the amount of the said damages and compensation so assessed by the said Commissioners for the said Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, and is desirous that the said judgment or Order of Condemnation be not suspended during such appeal and desires to enter upon said lands for the uses and purposes stated in the said application pending the said appeal:

NOW, THEREFORE, the condition of the above obligation is such that if the City of Bay Minette, Alabama, a Municipal Corporation, shall pay such damages as the said Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing may sustain, this obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the City of Bay Minette, Alabama, a Municipal Corporation, has caused its Corporate Seal to be hereto affixed and this instrument to be executed by M. D. Reid, as its Mayor, and attested by A. R. Cromartie, as its Clerk, they being duly authorized in the premises, and the Fidelity and Casualty Company of New York, a Corporation, has caused its Corporate Seal to be hereto affixed and this instrument to be executed by Walter M. Lindsey, as its Attorney in Fact, he being duly authorized in the premises, on this the 11th day of January, 1950.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

By M D Reid
As its Mayor.

Affix Corporate Seal.

of the said Commissioners; and,

WHEREAS, an order was thereafter made by the Probate Court of Baldwin County, Alabama condemning the said lands belonging to the said Defendants, Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, according to the prayer of the said Petition; and,

WHEREAS, the said City of Bay Minette, Alabama, a Municipal Corporation, has taken an appeal from such Order of Condemnation to the Circuit Court of Baldwin County, Alabama; and,

WHEREAS, the said City of Bay Minette, Alabama, a Municipal Corporation, has paid into the Probate Court of Baldwin County, Alabama the said sum of \$2,000.00, which was the amount of the said damages and compensation so assessed by the said Commissioners for the said Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, and is desirous that the said judgment or Order of Condemnation be not suspended during such appeal and desires to enter upon said lands for the uses and purposes stated in the said application pending the said appeal:

NOW, THEREFORE, the condition of the above obligation is such that if the City of Bay Minette, Alabama, a Municipal Corporation, shall pay such damages as the said Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing may sustain, this obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the City of Bay Minette, Alabama, a Municipal Corporation, has caused its Corporate Seal to be hereto affixed and this instrument to be executed by M. D. Reid, as its Mayor, and attested by A. R. Cromartie, as its Clerk, they being duly authorized in the premises, and the Fidelity and Casualty Company of New York, a Corporation, has caused its Corporate Seal to be hereto affixed and this instrument to be executed by Walter M. Lindsey, as its Attorney in Fact, he being duly authorized in the premises, on this the 11th day of January, 1950.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

By M D Reid
As its Mayor.

Affix Corporate Seal.

ATTEST:

A. R. Martin

As its Clerk.

THE FIDELITY AND CASUALTY COMPANY OF
NEW YORK, a Corporation,

By

Walter M. Lindsey

As its Attorney in Fact.

Affix Corporate Seal.

Filed, taken and approved on this the
11th day of January, 1950.

W. R. Stewart

Judge of Probate, Baldwin County,
Alabama.

SUPERSEDEAS BOND OF PETITIONER
ON APPEAL.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, A
Corporation, HAMPTON D. EWING, JR.
and JAMES D. EWING,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

*Recorded in Probate Record P.
at Page 10*

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

vs.

BAY MINETTE LAND COMPANY,
A Corporation, JAMES D. EWING,
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

Come the Defendants in the above styled cause and object to the granting of the Petition for Order of Condemnation filed in the above styled cause and assign the following separate and several grounds, viz:-

1. That it is not necessary for Petitioner to acquire a permanent and perpetual easement over the lands described on page two of such Petition for the purpose of constructing and maintaining a sewer line across, over and under said lands.

2. That the strips of land described on page two of said Petition crosses the different lots belonging to the Bay Minette Land Company, a Corporation, one of the Defendants in said cause, in such a way as to largely destroy the value of said lots when such sewer line could be located in such a manner as to follow the streets abutting said lots without injury to the Plaintiff and which said streets have heretofore been dedicated for public use.

3. That an examination of the sewer lines to be erected by the Plaintiff show that such line largely follows the streets until it reaches the land of these Defendants at which time it crosses such lands of the Defendants in such a way as to seriously impair the value of said lands and to render the title thereto unmarketable.

4. That the sewage disposal plant to be erected on a part of Block 81 and a part of Block 92 as described on page three of the Petition will largely destroy the value of the remaining part of said Blocks which are the property of the Bay Minette Land Company, a Corporation, one of the Defendants herein named.

5. That the construction, maintenance and operation of a sewage disposal plant, together with all necessary appurtenances thereto, on that part of Blocks 81 and 92, which is sought to be condemned are practically destroying the value of the remaining part of such Blocks which belong to the Bay Minette Land Company, a Corporation.

Hyatt, Rosen & Stone
Attorneys for Defendants.

Filed
12/21/49
W.R. Stewart
Judge of Probate

OBJECTION TO GRANTING PETITION

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

vs.

BAY MINETTE LAND COMPANY,
A Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

Filed December 21, 1949.

Judge of Probate

Recorded in Minute Record No.
Pages 4 & 26

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

BAY MINETTE LAND COMPANY,
A Corporation, JAMES D. EWING,
and HAMPTON D. EWING, JR.,

Defendants.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to serve the following notice
upon the Bay Minette Land Company, a Corporation:

You will take notice that on the first day of December
1949, an application or petition, a copy of which is hereto attached
was filed in this Court by the City of Bay Minette, Alabama, setting
forth its desire to condemn for certain purposes therein stated,
certain lands belonging to Bay Minette Land Company, a Corporation,
and others which is specifically described in the attached petition.

You will further take notice that this Court has
appointed the 21st day of December, 1949 at 10 o'clock A. M., to
hear the said application or petition, at which time you may appear
and contest the same if you so desire to do.

WITNESS my hand this 2 day of December, 1949.



Judge of Probate.

This notice should be served on
Hugh M. Caffey, as Secretary of
the Bay Minette Land Company, a
Corporation, who resides at Brewton,
Alabama.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY,
A Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

PETITION FOR ORDER OF CONDEMNATION

TO THE HONORABLE PROBATE COURT OF BALDWIN COUNTY, ALABAMA AND TO
THE HONORABLE W. R. STUART, JUDGE OF THE SAID COURT:

Your Petitioner, the City of Bay Minette, Alabama, respectfully represents and shows unto the Court and your Honor that it is a Municipal Corporation, organized and existing under the laws of the State of Alabama, and that it is given the right of eminent domain by the relevant statutes of the State of Alabama.

Petitioner has adopted a resolution declaring that the acquisition of the property hereinafter described is in the public interest and necessary for public use, a copy of which resolution is hereto attached, marked "Exhibit A", and by reference made a part hereof as though fully incorporated herein.

The Bay Minette Land Company, a Corporation, organized and existing under the laws of the State of Alabama, is the owner in fee of all of the property hereinafter described. James D. Ewing, who is over twenty-one years of age and a non-resident of the State of Alabama, whose address is C/o of Alexander and Green, 120 Broadway, New York 5, New York, and Hampton D. Ewing, Jr., who is over twenty-one years of age and a non-resident of the State of Alabama, whose address is C/o Cadwalader, Wickersham and Taft, 14 Wall Street, New York 5, New York, own one or more mortgages and have acquired an interest in the property hereinafter described by tax sale.

It is necessary that Petitioner acquire a permanent and perpetual easement for the purpose of constructing and maintaining a sewer line across, over and under the following described property situated in the City of Bay Minette, County of Baldwin and

State of Alabama, to-wit:

Begin at the Southwest Corner of Block Thirty-three (33) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 37.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 21.1 feet to a point; thence South 85 degrees 41 minutes East 152 feet to a point on the East line of Lot One (1) in the said Block 33; thence Southwardly along the East line of the said Lot 13.5 feet to the Southeast Corner thereof; thence Westwardly along the South line of the said Block 25 feet to a point; thence North 85 degrees 41 minutes West 123.2 feet to the point or place of beginning.

Begin at the Northeast Corner of Block Fifty-one (51) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the East line of the said Block 140 feet to a point or place of beginning; thence Southwardly along the East line of the said Block 23.2 feet to a point; thence North 82 degrees 09 minutes West 129 feet to a point on the North line of Lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said Lot 5, 39.6 feet to a point; thence South 82 degrees 09 minutes East 82 feet to the point or place of beginning.

Begin at the Southwest Corner of Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 34 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.4 feet to a point; thence South 79 degrees 26 minutes East 147 feet to a point on the East line of Lot One (1) in the said Block 76; thence Southwardly along the East line of the said Lot 20.4 feet to a point; thence North 79 degrees 26 minutes West 147 feet to the point or place of beginning.

Begin at the Southeast Corner of Lot Four (4) in Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Lot 1.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Lot 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line of the said Lot; thence Westwardly along the South line of the said Lot 72 feet to a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of beginning.

Begin at the Northwest Corner of Block Eighty-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 354 feet to a point on the West line of the said Lot 1 in the said Block 82; thence Northwardly along the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition.

Begin at the Northeast Corner of Section 16, Township 2 South, Range 3 East in Baldwin County, Alabama, and run thence West 321.7 feet to the point or place of beginning; thence South 19 degrees 9 minutes East 258 feet to a point; thence South 08 degrees 24 minutes East 297 feet to a point; thence North 81 degrees 36 minutes West 20 feet to a point; thence North 08 degrees 24 minutes West 286 feet to a point; thence North 19 degrees 09 minutes West 278 feet to a point; thence North 19 degrees 09 minutes West 110 feet to a point in Section 9, Township 2 South, Range 3 East; thence South 86 degrees 09 minutes East 21.5 feet to a point; thence South 19 degrees 09 minutes East 107 feet to the point or place of beginning.

It is further necessary that Petitioner acquire all right, title and interest of every kind and nature, for the purpose of constructing, maintaining and operating thereon a sewage disposal plant, together with all necessary appurtenances thereto, the following described property situated in the City of Bay Minette, County of Baldwin and State of Alabama, to-wit:

Begin at the Northeast Corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly and parallel with the East line of the said Block to a point on the South line thereof; thence Eastwardly along the South line of the said Block 125 feet to the Southeast Corner thereof; thence Northwardly along the East line of the said Block to the point or place of beginning, being otherwise described as the East 125 feet of Lot Two (2) in the said Block 81.

Begin at the Northwest Corner of Block Ninety-two (92) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Eastwardly along the North line of the said Block 125 feet to a point; thence Southwardly and parallel with the West line of the said Block to a point on the South line thereof; thence Westwardly along the South line of the said Block 125 feet to the Southwest Corner of the said Block; thence Northwardly along the West line of the said Block to the point or place of beginning, being otherwise described as the West 125 feet of Lot One (1) in the said Block 92.

Petitioner acknowledges itself as security for the costs of this proceeding.

WHEREFORE, Petitioner prays that the Court will make and enter an order appointing a day for the hearing of this said petition; that notice of the filing of the said petition and of the date set for hearing same be issued to the said Bay Minette Land Company, a Corporation, James D. Ewing and Hampton D. Ewing, Jr., and any and all other persons interested in the said matter in the manner provided by Title 19, Section 4 of the 1940 Code of Alabama; that on the date set for hearing the said petition or the date to which it may be continued, that the Court will make and enter a proper order or decree granting the said application and appointing Commissioners in the manner provided by Title 19, Section 11 of the 1940 Code of Alabama, and that thereafter such other orders be made and decrees rendered as may be necessary and proper to vest the above described easement and title to the above described property in Petitioner.

Petitioner further prays for such other, further and general relief as it may be lawfully entitled to, the premises considered.

J. B. Blackburn
Attorney for Petitioner.

STATE OF ALABAMA }
BALDWIN COUNTY }

Before me, the undersigned authority, within and for said County in said State, personally appeared M. D. Reid, who, after being by me first duly and legally sworn, deposes and says: That he is Mayor of the City of Bay Minette, Alabama, a Municipal Corporation, and that, as such officer, he is fully authorized to make this affidavit on behalf of the Petitioner. Affiant further deposes and says that he has read over the foregoing petition and

that the facts stated therein are true.

M Reid

Sworn to and subscribed before me on
this the 1st day of December, 1949.

Mary Lee Blackburn

Notary Public, Baldwin County, Alabama.

EXHIBIT A.

A RESOLUTION.

THAT, WHEREAS, the present sewer system of the City of Bay Minette, Alabama is inadequate to properly care for the present inhabitants of the city of Bay Minette, Alabama; and,

WHEREAS, the City of Bay Minette, Alabama has heretofore employed J. B. Converse and Company as its engineers to design additions and extensions to its present sewer system, lift stations, and a sewage disposal plant to be used and operated in connection with the sewer system of the said city; and,

WHEREAS, the said engineers have made extensive surveys plans and specifications at the direction of the said city and for and on its behalf; and,

WHEREAS, after the plans for the said additions and extensions to the said sewer system of the said city, lift stations and disposal plant to be used and operated in connection therewith were completed and filed with the said city, a contract was let by the said city to Arthur Pew Construction Company, which was the low bidder therefor, to construct for the said city the said sewer lines, lift stations and appurtenances thereto, but not including the sewage disposal plant, and a contract for the construction of the said sewage disposal plant was let to Sullivan, Long and Haggerty; and,

WHEREAS, because of all of the above, it is necessary that the City of Bay Minette, Alabama acquire a permanent and perpetual easement across, over and under the following described property situated in the City of Bay Minette, County of Baldwin and State of Alabama, to-wit:

Begin at the Southwest Corner of Block Thirty-three (33) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 37.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 21.1 feet to a point; thence South 85 degrees 41 minutes East 152 feet to a point on the East line of Lot One (1) in the said Block 33; thence Southwardly along the East line of the said Lot 13.5 feet to the Southeast Corner thereof; thence Westwardly along the South line of the said Block 25 feet to a point; thence North 85 degrees 41 minutes West 123.2 feet to the point or place of beginning.

Begin at the Northeast Corner of Block Fifty-one (51) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the East line of the said Block 140 feet to a point or place of beginning; thence Southwardly along the East line of the said Block 23.2 feet to a point; thence North 82 degrees 09 minutes West 129 feet to a point on the North line of Lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said Lot 5, 39.6 feet to a point; thence South 82 degrees 09 minutes East 82 feet to the point or place of beginning.

Begin at the Southwest Corner of Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 34 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.4 feet to a point; thence South 79 degrees 26 minutes East 147 feet to a point on the East line of Lot One (1) in the said Block 76; thence Southwardly along the East line of the said Lot, 20.4 feet to a point; thence North 79 degrees 26 minutes West 147 feet to the point or place of beginning.

Begin at the Southeast Corner of Lot Four (4) in Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Lot 1.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Lot, 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line of the said Lot; thence Westwardly along the South line of the said Lot, 72 feet to a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of beginning.

Begin at the Northwest Corner of Block Eighty-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 354 feet to a point on the West line of the said Lot 1 in the said Block 82; thence Northwardly along the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition.

Begin at the Northeast Corner of Section 16, Township 2 South, Range 3 East in Baldwin County, Alabama, and run thence West 321.7 feet to the point or place of beginning; thence South 19 degrees 09 minutes East 258 feet to a point; thence South 08 degrees 24 minutes East 297 feet to a point; thence North 81 degrees 36 minutes West 20 feet to a point; thence North 08 degrees 24 minutes West 286 feet to a point; thence North 19 degrees 09 minutes West 278 feet to a point; thence North 19 degrees 09 minutes West 110 feet to a point; in Section 9, Township 2 South, Range 3 East; thence South 86 degrees 09 minutes East 21.5 feet to a point; thence South 19 degrees 09 minutes East 107 feet to the point or place of beginning.

It is also necessary that the said city acquire all right, title and interest, for the purpose of constructing and operating thereon a sewage disposal plant and all necessary appurtenances thereto, in and to the following described property situated in the City of Bay Minette, County of Baldwin, State of Alabama, to-wit:

Begin at the Northeast Corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly and parallel with the East line of the said Block to a point on the South line thereof; thence Eastwardly along the South line of the said Block 125 feet to the Southeast Corner thereof; thence Northwardly along the East line of the said Block to the point or place of beginning, being otherwise described as the East 125 feet of Lot Two (2) in the said Block 81.

Begin at the Northwest Corner of Block Ninety-two (92) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Eastwardly along the North line of the said Block 125 feet to a point; thence Southwardly and parallel with the West line of the said Block to a point on the South line thereof; thence Westwardly along the South line of the said Block 125 feet to the Southwest Corner of the said Block; thence Northwardly along the West line of the said Block to the point or place of beginning, being otherwise described as the West 125 feet of Lot One (1) in the said Block 92.

and,

WHEREAS, all of the above described property is owned by the Bay Minette Land Company, a Corporation, except for a mortgage or mortgages thereon and a tax title to the said property, all of which are owned by James D. Ewing and Hampton D. Ewing, Jr.; and,

WHEREAS, the said city has been unable to acquire the said property from the said owners and, as one of contractors named above has moved his equipment into the said city for the purpose of completing his contract with it, the said property must be acquired by the exercise of the rights of eminent domain;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, AS FOLLOWS:

1. That the said city immediately file a condemnation suit in the Probate Court of Baldwin County, Alabama against the Bay

Minette Land Company, a Corporation, James D. Ewing and Hampton D. Ewing, Jr. for the purpose of acquiring the above described easement and property.

2. J. B. Blackburn, as Attorney for the said city, shall be and he is hereby fully and completely authorized and empowered to file and prosecute the said condemnation suit on behalf of the said city.

3. M. D. Reid, as Mayor of the said city, shall be and he is hereby authorized to acknowledge the said city as security for the costs of the said condemnation proceeding and take any and all such other further action as may be or become necessary and proper to file and prosecute the said suit.

ADOPTED on this the 15th day of November, 1949.

M. D. Reid,
Mayor.

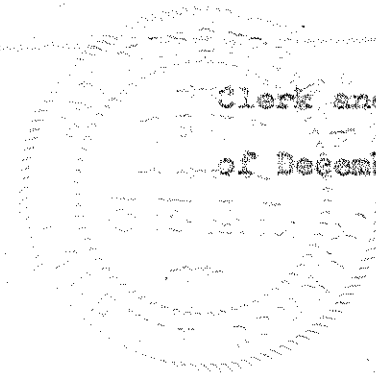
ATTEST:

A. R. Cromartie,
City Clerk.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, A. R. Cromartie, as City Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing instrument is a true and correct copy of a resolution adopted by the City Council of the City of Bay Minette, Alabama at a regular meeting thereof held on November 15, 1949.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk and affixed the seal of the said city on this the 1st day of December, 1949


A. R. Cromartie
As Clerk of the City of Bay Minette,
Alabama, a Municipal Corporation.

Executed on this the 6th day of December,
1949 by return of a copy of within
on Hugh M. Caffery Attorney
F. F. Fountain, Sheriff
By R. A. E. Moore, Deputy

Received in Sheriff's Office
this 2 day of Dec, 1949
TAYLOR WILKINS, Sheriff

ORIGINAL NOTICE TO BAY MINETTE
LAND COMPANY.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, ET ALS,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

Recorded in Probate
Record "P" at
Pages 3-7

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO THE SHERIFF OF SAID COUNTY:

You are commanded to notify O. J. Brallier,
J. B. Wilson, and J. B. Lawrence that
in a proceeding in this Court by City of Bay Minette, Alabama, a
Municipal Corporation, to condemn certain lands in this County be-
longing to Bay Minette Land Company, a Corporation, Hampton D.
Ewing, Jr., and James D. Ewing, 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 owner of said property is en-
titled 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.

Dated on this the 21st day of December, 1949.

W. R. Short

Probate Judge.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

VS.

Plaintiff,

BAY MINETTE LAND COMPANY, A
Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

COMMISSION.

TO J. J. Bradley, J. B. Wilson and
J. L. Lawrence:

75
You are hereby notified that on the 21st day of
December, 1949, the Probate Court of said County and State made and
entered an order and decree condemning certain lands belonging to
Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr., and
James D. Ewing for certain purposes set forth in the Petition in
the said cause said lands condemned being the following described
property in Baldwin County, Alabama, to-wit:

Begin at the Southwest Corner of Block Thirty-three (33) in
the Hand Land Company's Addition to the Town of Bay Minette,
Alabama, and run thence Northwardly along the West line of
the said Block 37.5 feet to a point or place of beginning;
thence Northwardly along the West line of the said Block
21.1 feet to a point; thence South 85 degrees 41 minutes
East 152 feet to a point on the East line of Lot One (1)
in the said Block 33; thence Southwardly along the East line
of the said Lot 13.5 feet to the Southeast Corner thereof;
thence Westwardly along the South line of the said Block
25 feet to a point; thence North 85 degrees 41 minutes West
123.2 feet to the point or place of beginning.

Begin at the Northeast Corner of Block Fifty-one (51) in
the Hand Land Company's Addition to the Town of Bay Minette,
Alabama, and run thence Southwardly along the East line of
the said Block 140 feet to a point or place of beginning;
thence Southwardly along the East line of the said Block
23.2 feet to a point; thence North 82 degrees 09 minutes
West 129 feet to a point on the North line of Lot Five (5)
in the said Block 51; thence Eastwardly along the North
line of the said Lot 5, 39.6 feet to a point; thence South
82 degrees 09 minutes East 82 feet to the point or place of
beginning.

Begin at the Southwest Corner of Block Seventy-six (76) in
the Hand Land Company's Addition to the Town of Bay Minette,
Alabama, and run thence Northwardly along the West line of
the said Block 34 feet to a point or place of beginning;
thence Northwardly along the West line of the said Block
20.4 feet to a point; thence South 79 degrees 26 minutes

East 147 feet to a point on the East line of Lot One (1) in the said Block 76; thence Southwardly along the East line of the said Lot 20.4 feet to a point; thence North 79 degrees 26 minutes West 147 feet to the point or place of beginning.

Begin at the Southwest Corner of Lot Four (4) in Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Lot 1.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Lot 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line of the said Lot; thence Westwardly along the South line of the said Lot 72 feet to a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of beginning.

100
Begin at the Northwest Corner of Block Eighty-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 354 feet to a point on the West line of the said Lot 1 in the said Block 82; thence Northwardly along the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama, is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition.

Begin at the Northeast Corner of Section 16, Township 2 South, Range 3 East in Baldwin County, Alabama, and run thence West 321.7 feet to the point or place of beginning; thence South 19 degrees 09 minutes East 258 feet to a point; thence South 08 degrees 24 minutes East 297 feet to a point; thence North 81 degrees 36 minutes West 20 feet to a point; thence North 08 degrees 24 minutes West 286 feet to a point; thence North 19 degrees 09 minutes West 278 feet to a point; thence North 19 degrees 09 minutes West 110 feet to a point in Section 9, Township 2 South, Range 3 East; thence South 86 degrees 09 minutes East 21.5 feet to a point; thence South 19 degrees 09 minutes East 107 feet to the point or place of beginning.

The Petitioner desires to acquire a permanent and perpetual easement for the purposes of constructing and maintaining a sewer line over, under, and across the above described property.

Begin at the Northeast Corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly and parallel with the East line of the said Block to a point on the South line thereof; thence Eastwardly along the South line of the said Block 125 feet to the Southeast Corner thereof; thence Northwardly along the East line of the said Block to the point or place of beginning, being otherwise described as the East 125 feet of Lot Two (2) in the said Block 81.

Begin at the Northwest Corner of Block Ninety-two (92) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Eastwardly along the North line of the said Block 125 feet to a point; thence Southwardly and parallel with the West line of the said Block to a point on the South line thereof; thence Westwardly along the South line of the said Block 125 feet to the Southwest Corner of the said Block; thence Northwardly along the West line of the said Block to the point or place of beginning, being otherwise described as the West 125 feet of Lot One (1) in the said Block 92.

Petitioner desires to acquire the entire title to the above described property for the purpose of constructing, maintaining, and operating thereon a sewage disposal plant, together with all necessary appurtenances thereto.

60
You are further notified that after entering the order granting the application in this cause, you were appointed commissioner to assess the damages and compensation to which the owner of said land is entitled. Before entering upon the discharge of your duties, you must be sworn 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 owner of said lands will sustain and the amount of compensation he is entitled to receive, which must not be reduced or diminished because of any incidental benefits which may accrue to him or to his remaining lands in consequence of the uses to which the land proposed to be taken, or to which the easement is proposed to be acquired, will be appropriated.

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



Probate Judge.

Received in Sheriff's Office
this 22 day of Dec, 1948
TAYLOR WILKINS, Sheriff

Executed 23-Dec 19 48
by serving copy of within Summons and
Complaint on

Served in full

Taylor Wilkins Sheriff
By D. D. Jaze Deputy Sheriff

COMMISSION.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,
VS.

BAY MINETTE LAND COMPANY, A
Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

12/21/49
Recorded in Probate Record P.
Pages 7-8

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

VS.

Plaintiff,

BAY MINETTE LAND COMPANY,
A Corporation, JAMES D. EWING,
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

ORDER SETTING DAY FOR HEARING PETITION.

This day came City of Bay Minette, Alabama, a Municipal Corporation, and filed its petition in writing under oath, for the condemnation of certain lands therein described for and on behalf of the said City of Bay Minette, Alabama, a Municipal Corporation, for the purposes therein stated, said lands belonging to Bay Minette Land Company, a Corporation, James D. Ewing, and Hampton D. Ewing, Jr., and praying that a day be set for hearing said petition and that upon said hearing an order be made appointing three Commissioners to assess the damages and compensation to which the owner of the said land may be entitled for the taking of said land and for the injury to the remaining land lying contiguous to said real estate sought to be condemned.

It is therefore ordered by the Court that the 21st day of December, 1949, at 10 o'clock A. M., be set as a day for hearing said petition and the proof to be submitted in support of same.

It is further ordered that notice of the filing of said application and of the day set for hearing thereof be given to Bay Minette Land Company, a Domestic Corporation, by service by the sheriff or other legal officer at least ten days before the day appointed for the hearing and to James D. Ewing, and Hampton D. Ewing, Jr., who are nonresidents of the State of Alabama, by publication once a week for three successive weeks in the Baldwin Times a newspaper published in this County, at which time Bay Minette

Land Company, a Corporation, James D. Ewing and Hampton D. Ewing, Jr., or any other parties interested in said cause may appear and contest the same if they think proper.

Ordered, Adjudged, and Decreed this 1st day of December, 1949.

W R Stuart

Probate Judge.

ORDER SETTING DAY FOR HEARING
PETITION.

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,
Plaintiff

VS

BAY MINETTE LAND COMPANY, A
Corporation, JAMES D. EWING,
and HAMPTON D. EWING, JR.

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

12/1/49
Rec. Mr. N
Page 274

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY,
A Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

TO JAMES D. EWING, 120 BROADWAY, NEW YORK 5, NEW YORK, HAMPTON D. EWING, JR., 14 WALL STREET, NEW YORK 5, NEW YORK, AND TO ANY UNKNOWN PARTY OR PARTIES WHO MIGHT CLAIM ANY RIGHT, TITLE OR INTEREST IN OR ANY LIEN OR ENCUMBRANCE UPON THE PROPERTY HEREINAFTER DESCRIBED:

You will take notice that on this date a petition was filed in this Court by the City of Bay Minette, Alabama, a Municipal Corporation, setting forth its desire to condemn an easement, for the purposes therein stated, over and across the following described real property belonging to the Defendants, or in which they are interested, which property is the following described real property situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest Corner of Block Thirty-three (33) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 37.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 21.1 feet to a point; thence South 85 degrees 41 minutes East 152 feet to a point on the East line of Lot One (1) in the said Block 33; thence Southwardly along the East line of the said Lot 13.5 feet to the Southeast Corner thereof; thence Westwardly along the South line of the said Block 25 feet to a point; thence North 85 degrees 41 minutes West 123.2 feet to the point or place of beginning.

Begin at the Northeast Corner of Block Fifty-one (51) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the East line of the said Block 140 feet to a point or place of beginning; thence Southwardly along the East line of the said Block 23.2 feet to a point; thence North 82 degrees 09 minutes West 129 feet to a point on the North line of Lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said Lot 5, 39.6 feet to a point; thence South 82 degrees 09 minutes East 82 feet to the point or place of beginning.

Begin at the Southwest Corner of Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 34 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.4 feet to a point; thence South 79 degrees 26 minutes East 147 feet to a point on the East line of Lot One (1) in the said Block 76; thence Southwardly along the East line of the said Lot, 20.4 feet to a point; thence North 79

Bay Minette, Ala.,

Jan 10

1952

Town of Bay Minette, Ala.

Bay Minette Land Co

In Account With

W. R. STUART

JUDGE OF PROBATE, BALDWIN COUNTY

Cost Bill

Please Return Bill With Remittance

Recording

from

to

Privilege Tax

Rec. Fee

Total

Petition for Order of Condemnation - Recording	6.45	✓		
Issuing of Commission	50	✓		
Recording Commission	2.35	✓		
Recording Oath of Commrs	30	✓		
Issuing Notice to B.M. Land Co	50	✓		
Shiff Wilkins serving above notice	1.25	✓		
Rec. Objection to granting Petition	75	✓		
Rec. motion objecting to petition	25	✓		
Baldwin Times Legal Notice	57.37	✓		
1cs. Notice to B.M. Land Co. - Dated 12/1/49	50	✓		
Order Setting day for hearing petition to Condemn.	75	✓		
Re Report of Commrs	2.70	✓		
Recording Decree	1.00	✓		

Bay Minette, Ala., _____ 19____

In Account With

W. R. STUART

JUDGE OF PROBATE, BALDWIN COUNTY

Continuance

Please Return Bill With Remittance

Recording

from

to

Privilege Tax

Rec. Fee

Total

Recording order of Condemnation

390 - \$7857

Bay Minette, Ala., _____ 19__

In Account With
W. R. STUART
JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<u>Commissioners Fees</u>					
J. T. Bradley	2	Ways @ 11 ⁰⁰		5.00	
L. R. Wilson				5.00	
J. S. Lowrey				5.00	24.00

degrees 26 minutes West 147 feet to the point or place of beginning.

Begin at the Southeast Corner of Lot Four (4) in Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Lot 1.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Lot, 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line of the said Lot; thence Westwardly along the South line of the said Lot, 72 feet to a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of beginning.

Begin at the Northwest Corner of Block Eighty-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 354 feet to a point on the West line of the said Lot 1 in the said Block 82; thence Northwardly along the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition.

Begin at the Northeast Corner of Section 16, Township 2 South, Range 3 East in Baldwin County, Alabama, and run thence West 321.7 feet to the point or place of beginning; thence South 19 degrees 9 minutes East 258 feet to a point; thence South 08 degrees 24 minutes East 297 feet to a point; thence North 81 degrees 36 minutes West 20 feet to a point; thence North 08 degrees 24 minutes West 286 feet to a point; thence North 19 degrees 09 minutes West 278 feet to a point; thence North 19 degrees 09 minutes West 110 feet to a point in Section 9, Township 2 South, Range 3 East; thence South 86 degrees 09 minutes East 21.5 feet to a point; thence South 19 degrees 09 minutes East 107 feet to the point or place of beginning.

You will further take notice that by the said petition the City of Bay Minette, Alabama, a Municipal Corporation, also sets forth its desire to condemn, for certain purposes therein stated, certain lands belonging to the Defendants, or in which they

are interested, which lands are the following described property situated in Baldwin County, Alabama, to-wit:


Begin at the Northeast Corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly and parallel with the East line of the said Block to a point on the South line thereof; thence Eastwardly along the South line of the said Block 125 feet to the Southeast Corner thereof; thence Northwardly along the East line of the said Block to the point or place of beginning, being otherwise described as the East 125 feet of Lot Two (2) in the said Block 81.

Begin at the Northwest Corner of Block Ninety-two (92) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Eastwardly along the North line of the said Block 125 feet to a point; thence Southwardly and parallel with the West line of the said Block to a point on the South line thereof; thence Westwardly along the South line of the said Block 125 feet to the Southwest Corner of the said Block; thence Northwardly along the West line of the said Block to the point or place of beginning, being otherwise described as the West 125 feet of Lot One (1) in the said Block 92.

In and by the said petition, the said Plaintiff prays that this Court will make and enter an order appointing a day for the hearing of the said petition and for such other and further orders and procedures as may be necessary.

You will further take notice that the Court has appointed the 21st day of December, 1949, at ten o'clock A. M., to hear the said application or petition, at which time you may appear and contest the same, if you so desire to do.

WITNESS my hand this the 1st day of December, 1949.


W. R. STUART,
Judge of Probate.

J. B. BLACKBURN,
Attorney for Plaintiff.

NOTICE

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY,
A Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

*Recorded in Probate Record P.
Pages 8-10*

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

vs.

BAY MINETTE LAND COMPANY,
A Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

Come the Defendants in the above styled cause and move the Court to dismiss the Petition filed by the Plaintiff in said cause, and as grounds for said motion say:

1. That said Petition is not in the form required by law.
2. That said Petition affirmatively shows that the Plaintiff has not filed security for the costs as required by Section 3 of Title 19 of the 1940 Code of Alabama.
3. That it is affirmatively shown by the said Petition that it is not accompanied with security for the costs as required by law.
4. That the land sought to be condemned is erroneously described in said Petition.
5. That the land over which the Petitioner desires to acquire a permanent and perpetual easement is erroneously described in said Petition.

Hyatt, Rasmussen & Stone
Attorneys for Defendants.

MOTION

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

Plaintiff,

vs.

BAY MINETTE LAND COMPANY,
A Corporation, JAMES D. EWING,
and HAMPTON D. EWING,

Defendants.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

Filed December 21, 1949.

W.R. Stuart
Judge of Probate.

Recorded in Minute Record
"N" Page 425

File d 12/21/49
W.R. Stuart
Judge of
Probate Judge

CITY OF BAY MINETTE, ALABAMA,
A Municipal Corporation,

VS. Plaintiff,

BAY MINETTE LAND COMPANY, A
Corporation, JAMES D. EWING
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

REPORT OF COMMISSIONERS

40
We, the undersigned Commissioners, appointed by this Honorable Court on the 21st day of December, 1949, to assess the damages and compensation to which the owners of the lands hereinafter described are entitled, respectfully report to the court that having viewed the lands, and having received the evidence offered by the parties, we ascertain and assess the damages and compensation to which the owners of the lands hereinafter described should receive in the following manner:

The damages and compensation which the Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr., and James D. Ewing shall receive for the permanent and perpetual easement to be acquired by the Petitioner for the purpose of constructing and maintaining a sewer line over, under, and across the following described property in Baldwin County, Alabama, to-wit:

Begin at the Southwest Corner of Block Thirty-three (33) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 37.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 21.1 feet to a point; thence South 85 degrees 41 minutes East 152 feet to a point on the East line of Lot One (1), in the said Block 33; thence Southwardly along the East line of the said Lot 13.5 feet to the Southeast Corner thereof; thence Westwardly along the South line of the said Block 25 feet to a point; thence North 85 degrees 41 minutes West 123.2 feet to the point or place of beginning.

Begin at the Northeast Corner of Block Fifty-one (51) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the East line of the said Block 140 feet to a point or place of beginning; thence Southwardly along the East line of the said Block 23.2 feet to a point; thence North 82 degrees 09 minutes West 129 feet to a point on the North line of Lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said Lot 5, 39.6 feet to a point; thence South 82 degrees 09 minutes East 82 feet to the point or place of beginning.

Begin at the Southwest Corner of Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 34 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.4 feet to a point; thence South 79 degrees 26 minutes East 147 feet to a point on the East line of Lot One (1) in the said Block 76; thence Southwardly along the East line of the said Lot 20.4 feet to a point; thence North 79 degrees 26 minutes West 147 feet to the point or place of beginning.

Begin at the Southwest Corner of Lot Four (4) in Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the west line of the said Lot 1.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Lot 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line of the said Lot; thence Westwardly along the South line of the said Lot 72 feet to a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of beginning.

Begin at the Northwest Corner of Block Eighty-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 354 feet to a point on the West line of the said Lot 1 in the said Block 82; thence Northwardly along the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama, is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition.

Begin at the Northeast Corner of Section 16, Township 2 South, Range 3 East in Baldwin County, Alabama, and run thence West 321.7 feet to the point or place of beginning; thence South 19 degrees 09 minutes East 258 feet to a point; thence South 08 degrees 24 minutes East 297 feet to a point; thence North 81 degrees 36 minutes West 20 feet to a point; thence North 08 degrees 24 minutes West 286 feet to a point; thence North 19 degrees 09 minutes West 278 feet to a point; thence North 19 degrees 09 minutes West 110 feet to a point in Section 9, Township 2 South, Range 3 East; thence South 86 degrees 09 minutes East 21.5 feet to a point; thence South 19 degrees 09 minutes East 107 feet to the point or place of beginning,

shall be as follows:

Bay Minette Land Company *and*
Hampton D. Ewing, Jr., and
James D. Ewing

Total damage and compensation for
easement

\$ 500⁰⁰

~~~~~

\$ 500<sup>00</sup>

The damages and compensation which the Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr., and James D. Ewing shall receive for the property to be acquired by the Petitioner for the purpose of constructing, maintaining, and operating thereon a sewage disposal plant, together with all necessary appurtenances thereto, which property is the following described property in Baldwin County, Alabama, to-wit:

90  
Begin at the Northeast Corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly and parallel with the East line of the said Block to a point on the South line thereof; thence Eastwardly along the South line of the said Block 125 feet to the Southeast Corner thereof; thence Northwardly along the East line of the said Block to the point or place of beginning, being otherwise described as the East 125 feet of Lot Two (2) in the said Block 81.

Begin at the Northwest Corner of Block Ninety-two (92) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Eastwardly along the North line of the said Block 125 feet to a point; thence Southwardly and parallel with the West line of the said Block to a point on the South line thereof; thence Westwardly along the South line of the said Block 125 feet to the Southwest Corner of the said Block; thence Northwardly along the West line of the said Block to the point or place of beginning, being otherwise described as the West 125 feet of Lot One (1) in the said Block 92.

Bay Minette Land Company  
Hampton D. Ewing, Jr., and  
James D. Ewing

*and* \$ 1500.00

\$ 1500.00

Total damages and compensation for  
said property

\$ 1500.00

#### RECAPITULATION

Total damages and compensation for easement \$ 500.00

Total damages and compensation for property  
to which entire title is acquired \$ 1500.00

Total damages and compensation to be paid  
by Petitioner \$ 2000.00

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 appointments.

J. L. Bradley  
J. H. Shively  
J. R. Wilson

Sworn to and subscribed before me  
this 5th day of January, 1950.

W. R. Stuart  
Judge of Probate, Baldwin County, Ala.

REPORT OF COMMISSIONERS.

CITY OF BAY MINETTE, ALABAMA,  
A Municipal Corporation,

Plaintiff,

BAY MINETTE LAND COMPANY, A  
Corporation, JAMES D. EWING,  
and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

*Recorded in Probate Record P.  
Pages 11-12*

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

CITY OF BAY MINETTE, ALABAMA,  
A Municipal Corporation,

Plaintiff,

VS.

BAY MINETTE LAND COMPANY, A  
Corporation, JAMES D. EWING and  
HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA.

#### DECREE

This being the day appointed by the Court for hearing the application heretofore filed in this Court praying that this Court condemn certain lands described in the said application for the purposes set forth therein, now comes the City of Bay Minette, Alabama, by its Mayor and Attorney, and comes also Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing, owners of the said land, by their Attorneys, and all parties interested in this proceeding being present or represented, the Court proceeds to hear the 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 said Bay Minette Land Company, a defendant in this case, as required by law, and also that notice was given to Hampton D. Ewing, Jr. and James D. Ewing, non-residents of the State of Alabama, by publication once a week for three successive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama; that the allegations of the said petition are true and that the said Bay Minette Land Company, a Corporation, Hampton D. Ewing, Jr. and James D. Ewing are the owners of the said property and that it is necessary that the said land be condemned for the purposes mentioned in the said petition, upon consideration of all of which, it is Ordered, Adjudged and Decreed by the Court as follows:

1. The motion to dismiss the petition filed in this cause by the Defendants on this date shall be and it is hereby denied.

2. The written objections filed in this cause by the Defendants to the granting of the said petition filed in this cause on this date shall be and they are hereby denied.

3. The petition for condemnation filed by the Petitioner in this cause shall be and the same is hereby granted.

4. It appearing to the Court that J. J. Bradley,  
J. R. Wilson and J. S. Lawrence are  
three citizens of the county, each possessing the qualifications  
of jurors and who are disinterested, and that the said above named  
citizens are proper and competent persons to act as Commissioners  
to view the land described in the application and after hearing all  
evidence offered, to assess the damages and compensation to which  
the said Defendants are entitled, they are hereby appointed Com-  
missioners for the purposes aforesaid. The said Commissioners will  
report their doing hereunder to this Court in the manner prescribed  
by law.

ORDERED, ADJUDGED AND DECREED by the Court on this  
the 21st day of December, 1949.

W. C. Street

Probate Judge.

CITY OF BAY MINETTE, ALABAMA  
A Municipal Corporation,

Plaintiff,

vs.

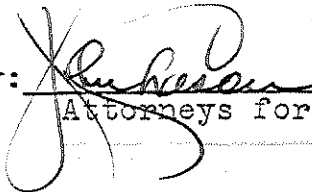
BAY MINETTE LAND COMPANY,  
A Corporation, JAMES D. EWING  
and HAMPTON D. EWING, JR.,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE.

Come the Defendants in the above styled cause  
and demand a trial of this cause by a Jury.

Hybart, Chason & Stone

By:   
Attorneys for Defendants.

DEMAND FOR JURY TRIAL

CITY OF BAY MINETTE, ALABAMA,  
A Municipal Corporation,

Plaintiff,

vs.

BAY MINETTE LAND COMPANY,  
A Corporation, JAMES D. EWING  
and HAMPTON D. EWING, JR.

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE.

Filed January \_\_\_\_, 1950.

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Clerk.

FILED

JAN 18 1950

ALICE A. DUCK, Clerk



DEMAND FOR JURY TRIAL

CITY OF BAY MINETTE, ALABAMA,  
A Municipal Corporation,

Plaintiff,

vs.

BAY MINETTE LAND COMPANY,  
A Corporation, JAMES D. EWING  
and HAMPTON D. EWING, JR.

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Filed January \_\_\_\_, 1950.

\_\_\_\_\_  
Clerk.

FILED

JAN 18 1950

ALICE J. DUCK, Clerk

# City of Bay Minette vs. Bay Minette Land Co.

## JURY LIST

| No. | Name                          | Occupation              | Residence                   |
|-----|-------------------------------|-------------------------|-----------------------------|
| 1.  | JOHN DEAN <i>D 8</i>          | TRUCK DRIVER            | STAPLETON                   |
| 2.  | JOE A. KLUMPP                 | MERCHANT                | PT. CHAS.                   |
| 3.  | PAUL MAUPY, JR. <i>P 4</i>    | FARMER                  | ELBERTA                     |
| 4.  | BRETT M. ROBINSON <i>D 5</i>  | FARMER                  | BAY MINETTE                 |
| 5.  | ANDY McDANIEL                 | FARMER                  | ROBERTSDALE                 |
| 6.  | HERLEY V. STREET <i>P 8</i>   | ICE PLANT               | FAIRHOPE                    |
| 7.  | B. N. PATTERSON               | MERCHANT                | BON SECOUR                  |
| 8.  | CHARLES HEIDELBERG <i>P 5</i> | FARMER                  | SILVERHILL                  |
| 9.  | JOE STUCKEY                   | SAW MILL                | BAY MINETTE                 |
| 10. | HOWARD BEAKINDALE             | FORRESTER               | STAPLETON                   |
| 11. | <del>JUDSON M. STERN</del>    | <del>FARMER</del>       | <del>MAGNOLIA SPRINGS</del> |
| 12. | WOODROW WILKS <i>D 12</i>     | TRUCK DRIVER            | ROBERTSDALE                 |
| 13. | JOLIO CORTE <i>P 1</i>        | FARMER                  | ROSINTON                    |
| 14. | WILLIE R. COOPER <i>D 11</i>  | FARMER                  | ROSINTON                    |
| 15. | MAXWELL JEWELL                | MERCHANT                | FOLEY                       |
| 16. | MACK VINES <i>D 3</i>         | STATE EMPLOYEE          | BAY MINETTE                 |
| 17. | HARRY DECKER <i>P 9</i>       | ELECTRICIAN             | BON SECOUR                  |
| 18. | WARD MAURER <i>P 3</i>        | FARMER                  | MAG. SPRGS.                 |
| 19. | EVAN S. HIGBEE                | FARMER                  | BELFOREST                   |
| 20. | FRANK SMITH                   | MERCHANT                | FOLEY                       |
| 21. | PAT BRICK <i>D 1</i>          | LIVESTOCK DEALER        | LOXLEY                      |
| 22. | RAY SURVANT <i>P 7</i>        | LINESMAN                | FOLEY                       |
| 23. | GEORGE E. FULLER <i>D 10</i>  | THEATRE OPERATOR        | FAIRHOPE                    |
| 24. | <del>MARSHALL CROSETT</del>   | <del>TURPENTINE</del>   | <del>MAGNOLIA SPRINGS</del> |
| 25. | FRANK STURMA                  | MERCHANT                | FOLEY                       |
| 26. | FRED COUSINS <i>P 6</i>       | FISHERMAN               | FOLEY                       |
| 27. | JOHN HESSE                    | SEAFOOD DEALER          | FOLEY                       |
| 28. | JOHN DECK <i>P 12</i>         | DEFENSE                 | FOLEY                       |
| 29. | MORTON D. COX <i>D 4</i>      | CONTRACTOR              | ORANGE BEACH                |
| 30. | CLARENCE WALKER               | MERCHANT                | ORANGE BEACH                |
| 31. | BLAINE DICKMAN <i>D 6</i>     | SALESMAN                | BAY MINETTE                 |
| 32. | A. C. MOTT                    | HOTEL OWNER             | BAY MINETTE                 |
| 33. | <del>CHAMBERLAIN WHITE</del>  | <del>BANK CASHIER</del> | <del>BAY MINETTE</del>      |
| 34. | J. CLAY DICKMAN <i>D 7</i>    | FARMER                  | BAY MINETTE                 |
| 35. | ALMA VINES <i>D 2</i>         | MERCHANT MECHANIC       | BAY MINETTE                 |
| 36. | HENRY PIPKIN <i>P 2</i>       | WOODSMAN                | BAY MINETTE                 |
| 37. | JAMES BRYANS <i>P 10</i>      | CLEANERS                | BAY MINETTE                 |

38. *D. B. Byrd* *P 11*

39. *C. R. Ellis* *D 9*

*P. + + + + + + + + + +*

*D. + + + + + + + + + +*

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## Legal Notice

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA.  
CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation, Plaintiff,  
VS.

BAY MINETTE LAND COMPANY, A corporation, JAMES D. EWING and HAMPTON D. EWING, JR., Defendants.  
TO JAMES D. EWING, 120 BROADWAY, NEW YORK 5, NEW YORK, HAMPTON D. EWING, JR., 14 WALL STREET, NEW YORK 5, NEW YORK, AND TO ANY UNKNOWN PARTY OR PARTIES WHO MIGHT CLAIM ANY RIGHT, TITLE OR INTEREST IN OR ANY LIEN OR ENCUMBRANCE UPON THE PROPERTY HEREINAFTER DESCRIBED:

You will take notice that on this date a petition was filed in this Court by the City of Bay Minette, Alabama, a Municipal Corporation, setting forth its desire to condemn an easement, for the purposes therein stated, over and across the following described real property belonging to the Defendants, or in which they are interested, which property is the following described real property situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest Corner of Block Thirty-three (33) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 37.3 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 21.1 feet to a point; thence South 85 degrees 41 minutes East 152 feet to a point on the East line of Lot One (1) in the said Block 33; thence Southwardly along the East line of the said Lot 13.5 feet to the Southeast Corner thereof; thence Westwardly along the South line of the said Block 25 feet to a point; thence North 85 degrees 41 minutes West 123.2 feet to the point or place of beginning.

Begin at the Northeast Corner of Block Fifty-one (51) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the East line of the said Block 140 feet to a point or place of beginning; thence Southwardly along the East line of the said Block 23.2 feet to a point; thence North 82 degrees 09 minutes West 129 feet to a point on the North line of Lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said Lot 5 39.6 feet to a point; thence South 82 degrees 09 minutes East 82 feet to the point or place of beginning.

Begin at the Southwest Corner of Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Block 34 feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.4 feet to a point; thence South 79 degrees 26 minutes East 147 feet to a point on the East line of Lot One (1) in the said Block 76; thence Southwardly along the East line of the said Lot 20.4 feet to a point; thence North 79 degrees 26 minutes West 147 feet to the point or place of beginning.

Begin at the Southeast Corner of Lot Four (4) in Block Seventy-six (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Northwardly along the West line of the said Lot 1.5 feet to a point or place of beginning; thence Northwardly along the West line of the said Lot 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to a point on the South line of the said Lot; thence Westwardly along the South line of the said Lot 72 feet to a point; thence North 83 degrees 36 minutes West 7 feet to the point or place of beginning.

Begin at the Northwest Corner of Block Eighty-two (82) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwardly along the West line of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 minutes East 334.5 feet to a point on the East line of Lot One (1) in the said Block 82; thence Southwardly along the East line of the said Lot 23.7 feet to a point; thence North 80 degrees 14 minutes West 354 feet to a point on the West line of the said Lot 1 in the said Block 82; thence Northwardly along the West line of the said Block 23.7 feet to the point or place of beginning.

The official map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition.

Begin at the Northeast Corner of Section 16, Township 2 South, Range 3 East in Baldwin County, Alabama, and run thence West 321.7 feet to the point or place of beginning; thence South 13 degrees 9 minutes East 258 feet to a point; thence South 08 degrees 24 minutes East 297 feet to a point; thence North 81 degrees 36 minutes West 26 feet to a point; thence North 08 degrees 24 minutes West 286 feet to a point; thence North 19 degrees 09 minutes West 278 feet to a point; thence North 19 degrees 03 minutes West 110 feet to a point in Section 8, Township 2 South, Range 3 East; thence South 88 degrees 09 minutes East 215 feet to a point; thence South 19 degrees 03 minutes East 197 feet to the point or place of beginning.

You will further take notice that by the said petition the City of Bay Minette, Alabama, a Municipal Corporation, also sets forth its desire to condemn, for certain purposes therein stated, certain lands belonging to the Defendants, or in which they are interested, which lands are the following described property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast Corner of Block Eighty-one (81) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly and parallel with the East line of the said Block to a point on the South line thereof; thence Eastwardly along the South line of the said Block 125 feet to the Southeast Corner thereof; thence Northwardly along the East line of

the said Block to the point or place of beginning, being otherwise described as the East 125 feet of Lot Two (2) in the said Block 81.  
Begin at the Northwest Corner of Block Ninety-two (92) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin

County, Alabama Records, and run thence Eastwardly along the North line of the said Block 125 feet to a point; thence Southwardly and parallel with the West line of the said Block to a point on the South line thereof; thence Westwardly along the South line of the said Block 125 feet to the Southwest Corner of the said Block; thence Northwardly along the West line of the said Block to the

point or place of beginning, being otherwise described as the West 125 feet of Lot One (1) in the said Block 92.

In and by the said petition, the said Plaintiff prays that this Court will make and enter an order appointing a day for the hearing of the said petition and for such other and further orders and procedures as may be necessary.  
You will further take notice that the

Court has appointed the 21st day of December, 1949, at ten o'clock A. M., to hear the said application or petition, at which time you may appear and contest the same, if you so desire to do.  
WITNESS my hand this the 1st day of December, 1949.

W. R. STUART,  
Judge of Probate.  
J. B. BLACKBURN,  
Attorney for Plaintiff.

45-31c.

## BALDWIN TIMES BEST COUNTY'S- BAY MINETTE, ALABAMA

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.  
BALDWIN COUNTY.

Jimmy Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

City of Bay Minette, Ala.  
Bay Minette Land Co.

#### COST STATEMENT

1639 WORDS @ 3 1/2 cents — — — \$ 57.37

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner  
Publisher.

Was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Dec. 1, 1949 Vol. 60 No. 45

Date of 2nd publication Dec. 8, 1949 Vol. 60 No. 46

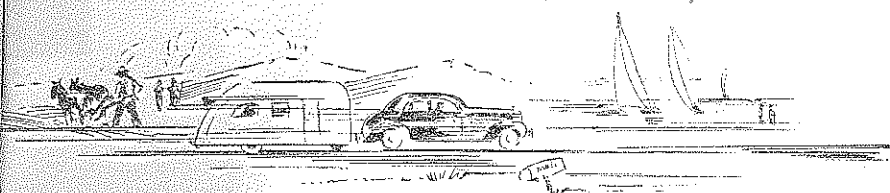
Date of 3rd publication Dec. 15, 1949 Vol. 60 No. 47

Date of 4th publication \_\_\_\_\_, 194\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_

Subscribed and sworn before the undersigned this 15 day of Dec, 1949.

Dorothy Martin  
Notary Public, Baldwin County.

Jimmy Faulkner  
Publisher.



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