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:

l. 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 X.J. Braken
2. P. Wilson and O. J. Rousses 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 tho this Court in the manner prescribe
by law.

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

Probate Judge.

DECREE

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.

Recorded in Proboto Record O 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 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 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:

- l. 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 Seventysix (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 22 day of December, 1950.

Jelfair g. Madliberry Jr.

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:

VEC 20 1950

ALICE J. DOCK, Registry

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 aaid Block 21.1 feet to a point; thence South 85 degrees hl 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 hl 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 Minettte, 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 B'y 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.

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 aaid 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 theuses 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) intheh 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,
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 they 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 amendeed 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 lime of the said their oath did flx 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 herstofore deposited with the Judge of Probate of Baldwin County, Alabama, the sum of Two Thousand One Hundred Two and 57/100 Bollars (\$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 beimning; thence Northwardly along the West line of the said Block 21.1 feet to a point; thence South 85 degrees 11 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 11 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 rum 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 minutem 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 3h feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.h feet to a point; thence South 79 degrees 26 minutes East 1h? 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.h feet to a point; thence North 79 degrees 26 minutes West 1h? feet to the point or place 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 lk 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 lk minutes West 35k 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 Additon to the Town of Bay Minette, Alabama, is recorded in Deed Book L N. S. at pages 158 et seq., Ealdwin 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 paraddelBuitwithGounty, likebeniathecound, Bandkrun thereofthewdlyuthonine thereofththineconathwardly Block 125 forththinecontables corner thereof; thence Northwardly along

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 North-wardly 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 Minettte, 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 B'y Minette, Alabama, and run thence Northwardly along the West line of the said Block 3h feet to a point or place of beginning; thence Northwardly along the West line of the said Block 20.h feet to a point; thence South 79 degrees 26 minutes East 1h7 feet to a point on the East line of Lot One (1) in the said Lot 20.h feet to a point; thence North 79 degrees 26 minutes West 1h7 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 ling of the said Block 339 feet to a point or place of beginning; thence South 80 degrees 14 min tes 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 theuses 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) int en 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 set. 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 Westwardly 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 Eard 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 paralled 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 Northwardly along the West line of the said Block; thence Northwardly along the West line of the said Block; thence Northwardly along the West line of the said Block; thence Northwardly along the West line of the said Block; thence Northwardly along the West line of the said Block; thence Northwardly along the West line of the said Block; thence Northwardly along the West line of the said Block; the Northwardly along the West line of the said Block; the Northwardly along the West line of the said Block; the Northwardly along the West line of the said Block; the Northwardly along the West line of the said Block; the Northwardly along the Northwardly along the West line of the Southwardly along the Northwardly along the West line of the Southwardly along the West line of the So

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 small 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.

TELFATR J. MASHBURN, JR. JUDGE

CITY OF BAY MINETTE, ALABAMA A Municipal Corporation,

Plaintiff.

VS.

BAY MINETTE LAND COMPANY 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 // / 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 114 day of January, 1950.

CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation,

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 // day of January, 1950.

WITNESS my hand this the //// day of January, 1950.

Alabama.

Judge of Probate, Baldwin County,

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 $1/\sqrt{h}$ day of January, 1950.

Judge of the Probate Court of Baldwin County, Alabama.

461

VS.

NOTICE OF APPEAL

Received in Sheriff's Office this // day of July, 1950
TAYLOR WILKINS, Sheriff

Executed 1-12 1950.

by serving copy of within Sammons and notice of appeal

Ladre Chapen

Tayla Wilhins 3

CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation,

Plaintiff,

• •

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

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:

- l. 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,

 \mathcal{M}

As its Mayor.

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

Notary Public, Baldwin County, Alabama

The above amount said to the Joury Bay Minites on May 17, 1981 by check # 149, and out by the Fiduciary account. CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation,

VS.

Plaintiff,

BAY MINETTE LAND GOMPANY, A Corporation, JAMES D. EWÍNG 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.

Sworn to and subscribed before me on this the 3 day of January, 1950.

Westins

Judge of Probate, Baldwin County, Ala.

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 Menute Record "M".
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 // the day of January, 1950.

CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation,

As its Mayor.

Affix Corporate Sgal.

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 1/the day of January, 1950.

CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation,

Ву

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As its Ma

ATTEST:	
ADI -	
- H. Komartie	
As its Clerk.	

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

By Wolfe h. L. Dio

As its Attorney in Fact.

Affix Corporate Seal.

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

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 Probete Record P. at Page 10

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

CITY OF BAY MINETTE, ALABAMA,

A Municipal Corporation,

Plaintiff,

IN THE PROBATE COURT OF

WS.

BALDWIN COUNTY, ALABAMA.

BAY MINETTE LAND COMPANY,

A Corporation, JAMES D. EWING,

and HAMPTON D. EWING, JR.,

Defendants.

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:-

- l. 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 unit 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.

Attorneys for Defendants.

Filed 17/21/29 andge of Order Ce

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 Ministe Record No. Pages 426 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 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, acopy 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. RWING and HAMPTON D. EVING, 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, New York, own one or more mortgages and have acquired an interest in the property hereinafter described by tax sale.

It is necessary that Patitioner 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 Alabame, 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 Bast 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 et 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 thence Southwardly along the East line of the said Block 23.2 feet to a point; thence North S2 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 (75) in the Eard Lend 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 25 minutes 20.4 feet to a point on the East line of Loe One (1) East 147 feet to a point on the East line of Loe 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 Lend Company's Addition to the Seventy-six (76) in the Hand Lend Company's Addition to the Town of Bay Winette, Alabama, and run thence Northwardly along the West line 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 62 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 Mineste, Alahame, 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 23.7 feet to a point on the West line of the said Lot 1 west 354 feet to a point on the West line of the said Block 82; thence Northwardly along the West line of 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 Winette, Alabama is recorded in Beed Book & 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 61 degrees 36 minutes West 20 feet to a point;
thence North 08 degrees 24 minutes West 266 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;
thence North 19 degrees 09 minutes West 110 feet to a point;
in Section 9, Township 2 South, Range 3 East; thence South
in Section 9 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 & 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 Worthwardly 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 Minety-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 essement 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.

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 oken

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

Notery Jublic, Baldwin County, Alabama.

SETTETT A.

A RESOLUTION.

THAT, WHEREAS, the present sever 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,

WHITEAS, the City of Bay Minette, Alabama has herotofore 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:

Bogin 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 Block 35 feet to 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.

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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 North79 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 Worthwardly along the West line of the said Lot L.5 feet to a point or place of beginning; thence Worthwardly along the West line of the said Lot, 20.8 feet to a point; thence South 83 degrees 36 minutes East 82 feet to 2 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 Worth 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 2 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 82; thence Northwardly along the West line of 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 Winette, Alabama is recorded in Beed Book & N. S. at pages 158 et seq., Baldwin County, Alabama Records, and all of the above described property is situated within the said addition.

Segin 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 Sorth 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 66 degrees 09 minutes East 21.5 feet to a point; thence South 19 degrees 09 minutes East 21.5 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 Beed Book & 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 94.

and,

WHEREAS, all of the above described property is owned by the Bay Minette Land Company, a Corporation, except for a mort-gage 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 POLICIES:

l. 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. Bwing 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. No. 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 lat day of December, 1949

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

Received in Shaiff's Office this 2 day of Dec; 1949 TANLOG WILKINS, Sherry

ORIGINAL NOTICE TO BAY MINETTE LAND COMPANY.

CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation,

VS. Plaintiff,

BAY MINETTE LAND COMPANY, ET ALS, Refendants.

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

Recorded in Probate Record "9" 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. Bradles, and O. C. Laures that in a proceeding in this Court by City of Bay Minette, Alabama, a Municipal Corporation, to condemn certain lands in this County belonging 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 entitled to receive.

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

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

Probate Judge.

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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. D. Bradley, J. B. Dislam and

You are hereby notified that on the 2/2 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

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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; 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, main taining, and operating thereon a sewage disposal plant, together with all necessary appurtenances thereto.

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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 dimished 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.

Wastund

Probate Judge.

Received in Sheriff's Office this Aday of All: 1048 TAYLOR WILKINS, Sheriff

Executed 3-Voc 19 42 by serving copy of within Summons and Complaint on

Lord en full

By D. Jay Deputy Sheriff

COMMISSION.

CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation,

VS.

Plaintiff,

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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 . Onges 1-8

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 Compa ny, 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 the day of December, 1949.

Probate Judge.

ORDER SETTING DAY FOR HEARING PETITION.

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

12/1/49 Res mine 12 Paga 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 UN-KNOWN 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 thesaid 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

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R. STUART

JUDGE OF PROBATE, BALDWIN COUNTY

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W. R. STUART

JUDGE OF PROBATE, BALDWIN COUNTY

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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;
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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.

Pages 8-10

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CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation, Plaintiff, vs.	I IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAM A
BAY MINETTE LAND COMPANY, A Corporation, JAMES D. EWING and HAMPTON D. EWING, JR., Defendants.	i de la companya da series de la companya da series de la companya

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.

Attorneys for Defendants.

. 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.

Judge of Probate.

Recorded in Menute Record
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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

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.

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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 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; 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 Que, Hampton D. Ewing, Jr., and James D. Ewing

Total damage and compensation for easement

\$ 500 00

0,0

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:

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

Total damages and compensation for said property

RECAPITULATION

Total damages and compensation for easement \$ 500000

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

Total damages and compensation to be paid by Petitioner

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.

Harry Jane

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

Mila

Judge of Probate, Baldwin County, Ala.

CITY OF BAY MINETTE, ALABAMA, A Municipal Corporation,

Plaintiff,

Y MINETTE LAND COM PANY, A Crporation, JAMES D. EWING, and HAMPTON D. EWING, JR.,

Defendants.

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

Recorded in Probeto Record 9. 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 Becreed by the Court as follows:

l. 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.

A second	t appearing to	the Court that	· V. J. Dra	<u> </u>
J. Q. Drilan	and _	<u> </u>		_ are
three citizens of			//	tions
of jurors and who	are disinterest	ed, and that t	the said abov	e named
citizens are prope	er and competent	persons to ac	t as Commiss	ioners
to view the land of	lescribed in the	application a	ind after hea	ring all
evidence offered,	to assess the c	lamages and com	pensation to	which
the said Defendant	s are entitled,	they are here	by appointed	Com-
missioners for the	purposes afore	said. The sai	d Commission	ers will
report their doing	hereunder tho	this Court in	the menner p	rescribed
by law.	and the state of the		anten 1 - January 1997 - Artista da Artista	e di desir gali este e il Più di Transporte

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

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

eys 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.

1,1160	January,	1950.
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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 AUCE A DUCK, Clerk Name Occupation Residence

JOHN DEAN AS

TRUCK DRIVER

MERCHANT

PT. CIE AR

PARTY HARMS

No. JOHN DRAN & 8 JOE A. KLUMPP PAUL HAUPP, JR. PY PARMER RI.REMTA PUPUS H. - ROBINSON & C ANDY MODANIEL

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B. N. PATTERSON

P. BAY MINETTE FARMER ROBERTSDALE FARMER ICE PLANT FAIRHOPE CHARLES HEIDELERING PJ-DON SECOUN MERCHANT FREMER SAW MILL SILVERHILL JOE STUCKEY
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Legal Notice

THE PROPERTY HEREINAFTER DESCRIB-ED:
You will take notice that on this date a petition was filed in this Court by the City of Eay 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 its 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 piece of beginning; thence Northwardly along the West line of the said Block 21.1 feet to a point or piece of beginning; thence South 85 degrees 41 minutes East 182 feet to a point on the East line of tot 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 Notheast 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 23.2 feet to a point or place of beginning. Hence 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 or the North line of lot Five (5) in the said Block 51; thence Eastwardly along the North line of the said East 22.6 feet to a point; thence Northwardly along the North line of the said East 25 feet to a point; thence Southwest Corner of Block Seventy-siz (76) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and run thence Southwest Corner of Block Seventy-siz (76) 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 20.4 feet to a point; thence Southwardly along the Cast line of Lot One (1) in the said Block 76, thence Southwardly along the East line of the said Block 20.4 feet to a point; thence Southwardly along the East line of the said Lot, 20.4 feet to a point; thence Southwardly along the East line of the said Lot, 20.4 feet to a point; thence Southwardly along the East line of the said Block 33 feet to a point; thence Southwardl

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 259 feet to a point; thence South 18 degrees 36 minutes. West 20 feet to a point; thence North 81 degrees. 36 minutes West 20 feet to a point; thence North 19 degrees. 37 minutes West 20 feet to a point; thence North 19 degrees. 38 feet to a point; thence North 19 degrees. 39 minutes West 110 feet to a point; in 3ection 9, Township 2 South, Range 3 East, thence South 86 degrees. 93 minutes East 21.5 feet to a point; thence South 86 degrees. 93 minutes East 21.5 feet to a point; thence South 19 degrees to minutes. First 107 feet to the point or place of beginning.

You will further take notice that by the said petition the City of Bay Minete, Alabama, a Municipal Co.paration discossis forth its desire to condemn, for certain purposes therein stated, certain lands belonging to the Defendants, or in which they are interested, which lands as a following described property situated in Baldwin County, Alabama, a coording to the Official map or plat thereof, which is recorded in Deed Book 4 N. 5. at pages 158 ei seq., Ealdwin County, Alabama Records, and run thence Westwardly along the North line of the said Block 125 feet to a point; thence run Southwardly along the South line of the said Block 125 feet to the Southeast Corner thereof, thence Eastwardly along the East line of Northwardly a

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.

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 Plaintif 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

ON THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA.

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

VS.

BAY MINETTE LAND COMPANY A CORPORATION, IR. Defendants.
TON D. EWING, IR., Defendants.
TO JAMES D. EWING, 120 BROADWAY, NEW YORK 5, NEW YORK HAMPTON D. EWING, IR., 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 DESCRIB.

ED:

Of beginning, being otherwise described as the East 125 feet of Lot Two (2) in the said Block or point on the Block in the Morthwest Corner of Block Ninety-two (3) in the Hand Land Company's Addition to the Town to flow Minette, Alabama, according to the official map or plat thereof, thence Westward to the official map or plat thereof, thence Westward to the official map or plat thereof, thence Westward to the official map or plat thereof, thence Westward to the official map or plat thereof, thence Westward to the official map or plat thereof, thence Westward to the official map or plat thereof, thence Westward to the official map or plat thereof, thence Westward to the official map or plat thereof, thence Westward to the official map or plat thereof, thence Westward to the order which is recorded in Deed Book 4 N. S. at pages 158 at seq., Baldwin West line of the said to the official map or plat thereof, thence Northward which is recorded in Deed Book 4 N. S. at pages 158 at seq., Baldwin West line of the said to the official map or plat thereof.

South line of the said to the Company A. Block, in the Hand Land Company A. Block in the control of the said to the official map or plat thereof.

Block Ninety-two (32) in the Hand Land Company A. A. Block in the Company A. A. Block in the control of the said to the official map or plat thereof.

The property of the said sector of the said to the official map or plat thereof.

The property of the said sector of the said to the order of the said to the order of the said to the order of the said to BEST NEWSPAPER BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLIC	ATION
STATE OF ALABAMA, BALDWIN COUNTY.	
that he is the PUBLISHER of THE BALDWIN TIMES lished at Bay Minette, Baldwin County, Alabama; that	5, a Weekly Newspaper pub-
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Date of 4th publication,	194 Vol No
Subscribed and sworn before the undersigned this	day of, 194
Notary Public, Baldwin County.	
- Janny	Mulkay
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