

8869

THE HOUSING AUTHORITY OF THE) IN THE PROBATE COURT OF
CITY OF BAY MINETTE, BALDWIN)
COUNTY, ALABAMA)

CONDEMNOR) BALDWIN COUNTY, ALABAMA

VS)

MARY RUTH STUCKEY)

CONDEMNEE)

Now comes the Housing Authority of the City of Bay Minette, Baldwin County, Alabama, a body corporate, as Petitioner, and files this, its application in the Probate Court of Baldwin County, Alabama, for an Order of Condemnation to acquire and obtain the fee simple title to the lands hereinafter described and as a basis for the relief sought, respectfully shows unto the Court as follows:

1. Your Petitioner is a duly constituted Housing Authority organized existing and acting under the provisions of Chapter 2 of Title 25, Code of Alabama of 1940, and is authorized thereby and under and by virtue of Act No. 491 of the General Acts of Alabama 1949, and Chapter 1 of Title 19, Code of Alabama of 1940, and by the Constitution of Alabama to institute and prosecute this proceedings and to acquire the lands hereinafter described for the purposes stated.

2. At a special meeting of the Housing Authority of the City of Bay Minette, Baldwin County, Alabama, duly and regularly held on February 26, 1969, a resolution was duly and legally adopted by the Commissioners of said Authority finding and determined that the acquisition of the hereinafter described lands, and other lands, is in the public interest and necessary for public use for the uses and purposes set out in and authorized by Act No. 491 of the General Acts of Alabama of 1949, and by the provisions of Title 42, U.S.C.A. Sections 1401-1435, and 1441-1460 as amended, in connection with the carrying out of an urban renewal or redevelopment project known as the Neighborhood Development Program, Project # A-1 according to a redevelopment plan previously duly and legally adopted and approved by your Petitioner and by the governing body of the City of Bay Minette, Baldwin County, Alabama, as by law required. A true and

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STATE OF ALABAMA, BALDWIN COUNTY
Filed May 29, 1969
Recorded Minutes book 52 page 817
Harry D. Oliver
Judge of Probate

VOL

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correct copy of said resolution is attached hereto marked Exhibit "A" with leave herein prayed to refer to the same as often as may be necessary.

3. That the parcels of land necessary for public use and the uses and purposes as set forth herein and is authorized as herein set forth above which the Petitioner seeks to condemn are set out and described as follows:

Lots 20 and 21 in C. A. Thompson's Subdivision #5
according to the official map or plat thereof
which is recorded in Map Book 3 at page 98 Baldwin
County, Alabama Probate Records.
Owner: Mary Ruth Stuckey

Lienholder: First National Bank of Bay Minette
Bay Minette, Alabama
Mortgage dated June 25, 1960, recorded at
Mortgage Book 343 page 586-8 and;
Mortgage dated April 19, 1967, recorded at
Mortgage Book 517 page 409 et seq. Baldwin
County, Alabama Probate Records.

4. That Petitioner further shows that diligent search has been made of the records of Baldwin County, Alabama, and diligent inquiry made to ascertain the names, ages, and places of residence of the parties owning or claiming some right, title or interest in the said lands, and according to the best of Petitioner's information, knowledge, and belief the said lands are owned or some right, title or interest is claimed by the persons and parties as are named as Defendants in this cause and set forth in Paragraph 3 above, and described herein and that all of said parties and persons named as owners, lienholders and claimants are over the age of twenty-one (21) years and are under no legal disability unless and except as stated under each separate parcel described herein and that each of said Defendants own or claim said property, or some right, title or interest herein.

5. That Petitioner further shows that it has made bona fide efforts to agree with the parties owning or claiming some right, title or interest in each of said tracts of land described in said Paragraph 3 above, described herein as to the fair and reasonable market value of said property and compensation to be allowed and paid to them for their interests in said lands to be condemned hereby, and that it has failed to come to any such agreement with all of said parties, or that the title to such tract or parcel of

land was such that it could not be acquired by direct purchase, and that your Petitioner has heretofore taken all steps necessary and all proceedings required by law necessary to initiate these proceedings.

6. Your Petitioner alleges that it seeks to condemn the fee simple title to said lands hereinabove described by acquiring all the right, title and interest in and to said property hereinabove described now owned by the persons or parties herein made Defendants, together with any other party or parties herein made Defendants, together with any other party or parties claiming to hold any right, title, or interest therein or to hold any lien against said property hereinabove described for the purpose of carrying out an urban renewal or redevelopment project known as the Neighborhood Development Program, Project # A-1 and which said lands when condemned will be devoted to the uses and purposes authorized by the statutes and acts hereinabove set out for which purposes your Petitioner has already acquired title or options to purchase other property in the immediate vicinity necessary to complete this project, and that the tracts of land described herein cannot be acquired as set forth above, and that said tracts are necessary to complete this project, and the Housing Authority of the City of Bay Minette, Baldwin County, Alabama, did heretofore, at the meeting held on February 26, 1969 aforesaid adopted a resolution authorizing the acquisition of the tracts referred to above by condemnation proceedings and its Executive Director has instructed and authorized Wilson Hayes as Attorney for the Housing Authority of the City of Bay Minette, Alabama to institute and prosecute such proceedings for the condemnation of said tracts or any part thereof included in said project area where said Authority is unable to acquire the same by purchase or for title reasons. A copy of the resolution, properly certified thereto by the Secretary of the Housing Authority of the City of Bay Minette marked Exhibit "B" and made a part hereof with leave to refer to as often as may be necessary, and your Petitioner acknowledges itself as security for the costs of this proceedings.

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52 2nd 819

THE PREMISES CONSIDERED, Petitioner prays that this Court will make and enter an order appointing a day for the hearing of this Petition and that the Court give notice to the above Defendants who are residents of the State of Alabama by personal service, and to all other Defendants in such form and manner as is required by law, and that the Court will appoint a guardian ad litem to represent the interest of any minor Defendants, and that upon final hearing of this Petition that this Court will order and enter a decree that the hearing of this Petition, that this Court will order and enter a decree that the Petitioner is entitled to acquire the fee simple title to the lands herein for the purpose as set forth herein and will appoint Commissioners to ascertain and report the fair and reasonable market value and compensation to be allowed the Defendants as their interest may appear for such taking and that upon payment into Court of the fair and reasonable market value and compensation for such lands as assessed by the Commissioners, a judgement or decree be rendered vesting the fee simple title to the said lands free and clear of all liens and encumbrances, in the Housing Authority of the City of Bay Minette, Alabama, a Corporation, and will make and enter in this cause all such other and further orders and decrees as may be necessary or proper in the premises.

HOUSING AUTHORITY OF THE CITY OF
BAY MINETTE, A CORPORATION

By: W. L. Hagen
Lawyer for Housing Authority
of the City of Bay Minette

Exhibit "A"

MINUTES OF A SPECIAL MEETING OF THE COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF BAY MINETTE, ALABAMA HELD ON FEBRUARY 26, 1969.

A Special Meeting of the Commissioners of the Housing Authority of the City of Bay Minette, Alabama was called to order by Chairman Faulkner at 4:45 P.M. on Wednesday, February 26, 1969 in the office of the Authority.

Upon roll call all Commissioners were present. Also present was Attorney Taylor Wilkins Jr.

The Secretary stated to the meeting that the following notice had been served on each Commissioner and that each Commissioner had, prior to the meeting, accepted such notice and consented to the holding of the meeting, by signing a waiver of notice and consent to a special meeting hereinafter set forth, which notice, with the certificate as to service thereof, and which waiver and consent, as signed by the Commissioners of the Authority, were ordered spread upon the minutes of this meeting.

NOTICE OF SPECIAL MEETING:

TO THE COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF
BAY MINETTE, ALABAMA:

You are hereby notified that a Special Meeting of the Commissioners of The Housing Authority of the City of Bay Minette, Alabama has been called for 4:30 P.M. on Wednesday, February 26, 1969 at the office of the Authority for the following purposes:

1. To concur in prices to be offered for property in Douglasville;
2. To execute a Contract for Architectural Services with Dietz, Prince & Fischrupp Architects;
3. To transact any and all other business which may legally come before the meeting.

Dated this 21st day of February, 1969.

/s/ J. H. Faulkner
Chairman


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CERTIFICATE AS TO SERVICE OF
NOTICE OF SPECIAL MEETING:


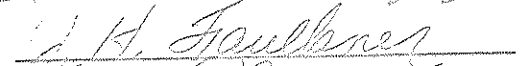
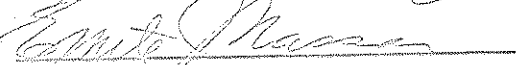
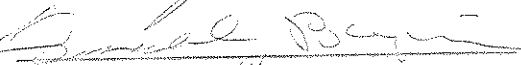

I, Huston Carter, the duly appointed, qualified and acting Secretary of the Housing Authority of the City of Bay Minette, Alabama, do hereby certify that on February 26, 1969, I served in the manner provided in the By-Laws of said Authority, upon each of the Commissioners thereof, a true and correct copy of the foregoing Notice of Special Meeting.

Witness my signature this 26th day of February, 1969.


Secretary

WAIVER OF NOTICE OF AND CONSENT TO
SPECIAL MEETING:

We, the undersigned Commissioners of the Housing Authority of the City of Bay Minette, Alabama do hereby accept service of the foregoing notice of special meeting, waiving any and all irregularities in such service and in said notice, and we do hereby consent and agree that said Commissioners shall meet at the time and place named in said notice and for the purposes therein stated.

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The Secretary stated to the Commissioners that the purpose of the meeting was to execute the Contract for Architectural Services with the firm of Dietz, Prince & Fischrupp Architects. He stated that this contract would provide free architectural service to families whose homes are scheduled for rehabilitation and that it was authorized and funded by the NDP Application. The maximum amount of this contract is \$1,500.00 and 22 families are to receive assistance at an estimated cost of \$100.00 to \$125.00 per family. If the funds provided for this service are not sufficient, additional funds can be transferred from contingencies. A motion for approval of the contract was offered by Commissioner Nassar, seconded by Commissioner Boykin and declared by the Chairman to be unanimously approved.

The Secretary stated that we are now ready to start acquiring property and that the Commissioners needed to authorize the Executive Director to offer certain sums of money for property. He stated that an appraisal of each parcel had been made by Mr. D. C. Solomon fourteen months ago and by Mr. M. D. Bell less than thirty days ago. The Secretary and Mr. Wilbur Edwards from the Acquisition Department of HUD had inspected each property individually and discussed prices to be offered to the property owners. The Commissioners were shown a tabulation sheet (See Attachment). Commissioner Boykin introduced the following resolution which was read in full:

Be it resolved that the Commission of the Housing Authority of the City of Bay Minette, Alabama finds, determines and declares that the acquisition of the lands listed on the attached real estate appraisal tabulation and identified by parcel numbers which may be further identified by the land ownership map of the Urban Renewal Plan, is in the public interest and the acquisition is necessary for public use and for the uses and purposes set out in and authorized by the Code of Alabama of 1940 as amended, recompiled 1958 and as amended and by the provisions of Title 42, U.S.C.A. Sections 1401-1435, and 1441-1460 as amended and other sections as made and provided, in connection with the execution of the Urban Renewal Program known as Neighborhood Development Program, Project Number Alabama A-1, according to the plan previously duly and legally adopted and approved by the Commissioners of the Housing Authority at a special meeting on October 16, 1968 and by the governing body of the City of Bay Minette, Alabama in regular session on October 15, 1968 and that the Executive Director is hereby authorized to acquire these properties, except parcels numbered 3-3 and 3-4, at the price listed on the form as the LPA's recommended price or at any lower price concurred in by the Regional Office of the Department of Housing and Urban Development by whatever means he deems appropriate in order to carry out the orderly execution of the Urban Renewal Plan.

Commissioner Boykin moved the adoption of the resolution and his motion was seconded by Commissioner Nassar. Following a discussion,

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Chairman Faulkner called for the vote and all Commissioners voted aye. The Chairman declared the motion carried and the resolution adopted unanimously.

Commissioner Boykin excused himself from the room. Commissioner Nassar introduced the following resolution which was read in full:

Be it resolved that the Commission of the Housing Authority of the City of Bay Minette, Alabama finds, determines and declares that the acquisition of the lands listed on the attached real estate appraisal tabulation and identified by parcel numbers 3-2 and 3-4 which may be further identified by the land ownership map of the Urban Renewal Plan, is in the public interest and the acquisition is necessary for public use and for the uses and purposes set out in and authorized by the Code of Alabama of 1940 as amended, recompiled 1958 and as amended and by the provisions of Title 42, U.S.C.A. Sections 1401-1435, and 1441-1460 as amended and other sections as made and provided, in connection with the execution of the Urban Renewal Program known as Neighborhood Development Program, Project Number Alabama A-1, according to the plan previously duly and legally adopted and approved by the Commissioners of the Housing Authority at a special meeting on October 16, 1968 and by the governing body of the City of Bay Minette, Alabama in regular session on October 15, 1968 and that the Executive Director is hereby authorized to acquire these properties at the price listed on the form as the IPA's recommended price or at any lower price concurred in by the Regional Office of the Department of Housing and Urban Development by whatever means he deems appropriate in order to carry out the orderly execution of the Urban Renewal Plan.

Commissioner Nassar moved the adoption of the resolution and his motion was seconded by Commissioner Page. Following a discussion, Chairman Faulkner called for the vote and all Commissioners voted aye. The Chairman declared the motion carried and the resolution adopted unanimously.

The Executive Director stated that court cases would not delay the program because the Housing Authority could post bond or cash and take possession of the property.

There being no further business to come before the meeting, it was declared by the Chairman to be adjourned at 5:25 P.M.

Chairman

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REPORT OF THE COMMISSIONERS

THE HOUSING AUTHORITY OF THE)	IN THE PROBATE COURT OF
CITY OF BAY MINETTE, BALDWIN)	
COUNTY, ALABAMA)	BALDWIN COUNTY, ALABAMA
)	
CONDEMNOR)	
)	
VS)	
)	
MARY RUTH STUCKEY)	
)	
)	
CONDEMNEE)	

TO: The Honorable Harry M. D'Olive, Judge of Probate

The undersigned Commissioners who were heretofore appointed by the Probate Court of Baldwin County, Alabama to assess the damages and compensation to which Mary Ruth Stuckey, as owners, ~~is~~ entitled by reason of the condemnation of certain lands by the Housing Authority of the City of Bay Minette, Alabama for public use in its Neighborhood Development Program Project # A-1, do hereby report as follows:

That after being sworn as required by law, that after viewing the lands and after receiving all the evidence offered by any of the parties touching the amount of damages and compensation to which the owners of same will sustain, and thereby assessing the amount of damages and compensation to which the owners of the said lands described in the petition in this cause are entitled, they do report the damages and compensation as follows:

The amount of damages awarded to the said Mary Ruth Stuckey, as owners of the lands described in the said petition being \$ 12,100⁰⁰

The above award is subject to Mortgage to First National Bank of Bay Minette

The undersigned do further state that in making such assessments, they have proceeded in strict conformity to the commission heretofore issued to and served upon them as such Commissioners and the undersigned do further file with this report and award a certificate showing that the undersigned Commissioners

have no interest in the said proceeding.

Done this 3rd day of July, 1969.

James H. Lindsey
Frank Hunt
William R. Lindsey

Sworn to and subscribed to before me this the 3rd day of
July, 1969.

Harry D. Oline
Judge of Probate

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DECREE OF CONDEMNATION BY PROBATE COURT

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, BALDWIN
COUNTY, ALABAMA

CONDEMNOR

VS

MARY RUTH STUCKEY

CONDEMNEE

) IN THE PROBATE COURT OF
)
) BALDWIN COUNTY, ALABAMA
)
)
)
)
)
)
)
)
)

This cause coming on to be heard on the report of James H. Lindsey, William Culver and Frank Hunt Commissioners in this cause

And Petitioner in this cause having filed in this Court its Petition to condemn for public use in Neighborhood Development Program Project # A-1 certain lands owned by

Mary Ruth Stuckey

And the Court having heretofore made an order granting said Petition, and said order having been made only after due and legal notice of filing of said petition and of the appointment of a day for hearing the same have been given to all owners, lien holders, Lessees and mortgages and other persons alleged to have any interest in the lands described in this petition and the said order having been made only after proof by legal and competent evidence of the averments of the said petition

And the Court having in its order made on the 12th day of June, 1969 appointed James H. Lindsey, William Culver and Frank Hunt as Commissioners to assess and appraise the damages and compensation to which the owners of the said land are entitled, and the said Commissioners having filed in this Court their report showing that after having first been sworn as jurors are required to be sworn, they proceeded to assess the damages and compensation to which the owners of the tract of land described in the said report and the original petition, in this cause, for public use and as described in the said Petition, and that after they had viewed the said lands and had received all evidence offered touching on the amount of damages and compensation to which the said owners are entitled;

And it further appearing from the said report that the amount of damages and compensation awarded to: _____

Mary Ruth Stuckey On account of the land described in the original petition and the said report of the Commissioners, being required by the Housing Authority of the City of Bay Minette for the purposes described in the petition, was \$ 12, 100 ⁰⁰;

And it further appearing to the satisfaction of the Court that Petitioner is entitled to have all of the lands described in the said petition condemned for the purposes described in the said petition, in this cause, and that Petitioner is entitled to have the said lands condemned as stated in the petition in this cause;

And it appearing to the satisfaction of the Court that Petitioner has already paid into Court the amount of money awarded by the said Commissioners to the said owners, which said awards are subject to all outstanding valid claims, liens, leases and mortgages, for the condemnation of the lands described in the said report of said Commissioners and described in the original petition in this cause, and has also paid all the Court cost in this cause;

It is therefore ORDERED, ADJUDGED and DECREED by the lands described herein namely:

Lots 20 and 21 in C. A. Thompson's Subdivision
5 according to the official map or plat
thereof which is recorded in Map Book 3 at
page 98 Baldwin County, Alabama Probate Records.

And in the petition filed herein be, and the same is hereby condemned for public use and Neighborhood Development Program Project # A-1, and such other purposes as are set out in the original petition filed herein and that the Petitioner shall have the right to immediate possession and right of entry in and to the said lands and to subject said lands for uses and purposes as set forth in the original petition herein and such lands are condemned for the uses and purposes original stated in the original petition and against all parties having an interest therein, and who are made party Respondents in this proceeding and are hereby especially condemned against the interests of _____

Mary Ruth Stuckey

It is further ORDERED, ADJUDGED and DECREED by the Court
that all papers in this proceeding be recorded.

Done this 3rd day of July, 1969.

Harry D. O'Leary
Judge of Probate

FROM

52 837

No. 6588

In the matter of

Housing Authority of City of Bay Minette
vs Mary Ruth Stuckey
Administrator, Executor, or Guardian. ResidenceAttorneys Harry J. Willess, Jr.

Docket

Page

Fee Book

Page

DATE	FEES	AMOUNT	DATE	FEES	AMOUNT
	WILL—Orders on Presentation, \$1.00 Affidavit in Petition for Probate, 25c Recording Petition, per 100 words, 15c Issuing Citation, entering Sheriff's Returns, 50c Appointing, Notifying Guardian ad Litem, 50c Issuing Subpoena for Witnesses, 50c Affidavit of Witnesses, 25c Examining Witnesses and Order Probating, \$2.00 Issuing Commission to take Deposition, 50c Filing Interrogatories, 10c Copy of same, per hundred words, 15c Recording Will, per hundred words, 15c Recording Testimony, per hundred words, 15c Certificate, without Seal, 25c Certificate, with Seal, 50c Presiding at Trial of Contested Will, per day, \$2.50			BROUGHT FORWARD, <div>2.00</div> SALE OF PERSONAL PROP.—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Order to Publish Notice of Sale, 50c Affidavit to Report, 25c Recording, per 100 words, 15c Appointing Com'r to Divide, and Writ, \$2.00 Appointing and Notifying Guardian ad Litem, 50c	
	9-4-69 Record Notice of Appeal 200			PARTIAL SETTLEMENT—Affi. in Account, 25c Examining, Stating Acc't, and App. Hearing, \$1.00 Order to Publish Notice of Sale, 50c Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Making Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c Filing Claims and Giving Receipt, 15c INSOLVENCY—Affidavit in Report, 25c Recording Report and State., per 100 words, 15c Order Appointing Day for Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Issuing Notice to Creditors, Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c Appointing, Notifying Guardian ad Litem, 25c	
	LETTERS—Affidavit in Petition, 25c Recording Petition, per hundred words, 15c Granting Letters of Administration, 50c Issuing and Recording same, 50c Granting Letters of Guardianship, 75c Issuing, Filing, and Recording same, 50c Taking App., Filing, Rec. Adm. Bond, \$1.50 Taking App., Filing, Rec. Guard. Bond, \$1.00 Affidavit of Justification, 50c Granting Order of Appraisement, 50c Issuing Order of Appraisement, 25c Recording same, per hundred words, 15c Certified Copy Letters, 50c			SALE OF REAL ESTATE—Affi. in Petition, 25c Recording Petition, per 100 words, 15c Order App. Day of Hearing and Notice, \$1.00 Order to Publish Notice of same, 50c Issuing Citation, entering Sheriff's Return, 50c Appointing and Notifying Guardian ad Litem, 50c Issuing Commission to take Deposition, 50c Filing Interrogatories, per 100 words, 15c Copy of Interrogatories, per 100 words, 15c Appointing Com'r to Divide and Issue Writ, \$2.00 Affidavit in Report of same, 25c Order Approving Division and Report, \$1.00 Recording same, per 100 words, 15c Hearing Application for Dower, Issuing Writ, \$4.00 Exam. Testimony and Granting Order to Sell, \$2.00 Recording Depositions, per 100 words, 15c Recording Relinquishment of Dower, 100 wds., 15c Recording Report, per 100 words, 15c Rec. Payment Purchase Money, per 100 words, 15c Making Order on Report Sale of Land, 75c	
	HOMESTEAD—Rec. Petition for Com. 100 words, 15c Rec. Order for Applicant, per 100 words, 15c Recording Order for Com., per 100 words, 15c Notice to Commissioners, 50c Recording Report of Com., per 100 words, 15c Rec. Order Setting Apart, per 100 words, 15c INVENTORY—Order to App. and Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c			FINAL SETTLEMENT—Affidavit in Acc's, 25c Examining, Stating, and Reporting Account, \$1.00 Order to Publish Notice of same, 50c Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Recording same, per 100 words, 15c Decrees in Final Settlement, 50c Taylor Wilkins, Jr. <div>3.00</div>	
	APPRAISEMENT—Order Approving Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Issuing Order of Appraisement, 25c Recording Warrant, per 100 words, 15c Order to Approve Appraisement, 50c Affidavit to Appraisement, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c				
	SALE OF PERISHABLE PROPERTY— Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Appointing, Notifying Guardian ad Litem, 50c Affidavit to Report, 25c Recording, per 100 words, 15c				
	CARRIED FORWARD:				<div>5.00</div>

[illegible]

1474

NOTICE OF APPEAL

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, BALDWIN
COUNTY, ALABAMA

PETITIONER

VS

MARY RUTH STUCKEY

RESPONDENT

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

Comes now The Housing Authority of the City of Bay Minette,
Alabama, the Petitioner in the above styled cause and prays for
and takes an Appeal to the Circuit Court of Baldwin County, Alabama,
from the final Order and Decree of Condemnation rendered by the
Probate Court of Baldwin County, Alabama, in the above styled cause,
on the 3rd day of July, 1969, insofar as the said
final Order and Decree of Condemnation relates to the land described
in the Petition and to Mary Ruth Stuckey and as

to the amount of damages or compensation awarded to Mary Ruth Stuckey of the lands
described in the Original Petition filed in this cause and as
described in the final Order or Decree of Condemnation rendered in
this cause as referred to above which land is described as follows,
to-wit:

Lots 20 and 21 of C. A. Thompson's Subdivision
#5, according to the official map or plat
thereof which is recorded in Map Book 3 at page
98 Baldwin County, Alabama Probate Records.

The Housing Authority of the City of Bay Minette, Alabama
does herewith file in the Probate Court of Baldwin County, Alabama,
the Court rendering the final Order or Decree of Condemnation, this
It's written Notice of Appeal to the Circuit Court of Baldwin
County, Alabama and said Appeal is taken against each and all
claimants to said land described herein, namely

This the 24TH day of July, 1969.

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA

By: W. L. Hayes
Wilson Hayes, Lawyer
For Housing Authority

STATE OF ALABAMA, BALDWIN COUNTY
Pet. from Sheriff - July 28
Recorded _____ book _____ page _____

Judge of Probate

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The Housing Authority of
the City of Bay Minette,
Alabama demands a trial by
Jury of this cause.

Wilson Hayes
Wilson Hayes, Lawyer
For Housing Authority

DECREE OR ORDER ON APPEAL

Notice of Appeal in the above styled cause of action having
been presented to the Court, and the same being understood by the
Court, the Appeal above prayed for is granted to the Circuit Court
of Baldwin County, Alabama.

Done this 24th day of July, 1969.

Harry D'Oliver
JUDGE OF PROBATE

NOTICE OF APPEALS DECREE THEREON
AND SERVICE ON PARTIES
AND

TO:

You are hereby notified that the above Notice of Appeal
was filed in the Office of the Court of Probate, Baldwin County,
Alabama, on the 24th day of July, 1969.

Witness my hand and seal this the 24th day of July,
1969.

Harry D'Oliver
Judge of the Court of Probate
Baldwin County, Alabama

TO ANY SHERIFF OF ALABAMA:

Greetings:

You are hereby commanded to serve the foregoing Notice of
Appeal upon Mary Ruth Stuckey & First National Bank
of Bay Minette
and make due return to this Court of such service.

This the 24th day of July, 1969.

Harry D'Oliver
Judge of Probate
Baldwin County, Alabama

I hereby certify that I have executed the within Notice
on
by leaving a copy of the same with each of them.

Received 24 day of July 1969
and on 25 day of July 1969
I served a copy of the within Notice
on Mary Ruth Stuckey

By service on _____

TAYLOR WILKINS, Sheriff
By W A Talbert D. S.

Received 24 day of July 1969
and on 25 day of _____ 1969
I served a copy of the within Notice
on First National Bank of
Bay Minette
By service on William R Culver

TAYLOR WILKINS, Sheriff
By W A Talbert D. S.

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, BALDWIN
COUNTY, ALABAMA,

X

IN THE PROBATE COURT OF

Applicant,

X

BALDWIN COUNTY, ALABAMA

vs.

X

MARY RUTH STUCKEY,

X

Condemnee.

X

STIPULATION OF PARTIES

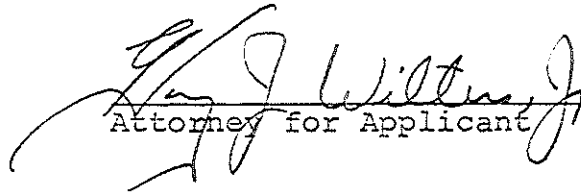
It is stipulated and agreed by and between the parties to this cause, acting by and through their respective attorneys of record, as follows:

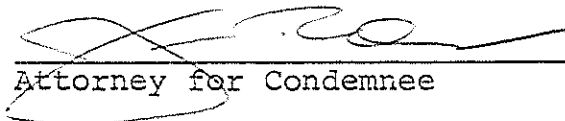
1. That the Applicant is authorized to institute and prosecute proceedings to acquire the lands or interest in lands owned by the Condemnee and situated in Baldwin County, Alabama, as more particularly described in "Exhibit A" attached hereto for the uses and purposes more particularly set forth in the application heretofore filed by the Applicant in the Probate Court of Baldwin County, Alabama.

2. That all proceedings heretofore had in the Probate Court of Baldwin County, Alabama, with respect to this condemnation proceeding were regular, and an appeal has been duly and properly perfected within the time allowed by law from the Order of Condemnation of the Probate Court of Baldwin County, Alabama, and the trial by jury of the issues presented by this appeal has been properly demanded.

3. That the only issue in this proceeding is the amount of damages and compensation, if any, to which the Condemnee is entitled for the taking of the lands and interest in lands acquired by the Applicant for the uses and purposes stated in the Application hereinabove referred to.

4. That the time of the taking of the property and the interest in property in this proceeding is the date on which the Application for Condemnation was filed in the Probate Court of Baldwin County, Alabama.


Attorney for Applicant


Attorney for Condemnee

Filed 9-10-69
Chief Clerk
clerk

EXHIBIT A

Lots 20 and 21 in C. A. Thompson's Subdivision
#5, according to the official map or plat
thereof which is recorded in Map Book 3, page
98, Baldwin County, Alabama Probate Records.

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, ALABAMA
a body, Corporation,

Plaintiff,
vs.

MARY RUTH STUCKEY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

MD. 8869

DECREE

This cause having been appealed, in the manner provided by law, from the Probate Court of Baldwin County, Alabama, came on to be heard, by trial de novo, in this Court on this day; and on this date, came the parties to this cause by their attorneys; and the Court having heard and considered the same, is of the opinion that the petition of The Housing Authority of the City of Bay Minette, Baldwin County, Alabama, a body corporation, the Plaintiff in this cause, for the condemnation of the property described in Paragraph 3 of said petition should be granted and that The Housing Authority of the City of Bay Minette, Baldwin County, Alabama, a body corporation has the legal right to condemn said property for the purposes and uses stated in said petition.

It is, therefore, ORDERED and ADJUDGED by the Court and it is the judgment of the Court, that The Housing Authority of the City of Bay Minette, Baldwin County, Alabama, a body corporation, has the legal right to condemn the following described property for use as an Urban Renewal Development, to-wit:

Lots 20 and 21 in C. A. Thompson's Subdivision #5
according to the official map or plat thereof
which is recorded in Map Book 3, at page 98 Baldwin
County, Alabama Probate Records.

It is further ORDERED and ADJUDGED by the Court, and it is the judgment of the Court, that the application and petition of The Housing Authority of the City of Bay Minette, Baldwin County, Alabama, a body corporation, in this cause for the condemnation of

the land and property hereinabove described should be, and is hereby granted; and said property and land hereinabove described is hereby condemned for the uses and purposes hereinabove stated, upon the payment into the Court of the compensation and damages assessed by the jury in this cause in the amount of FOURTEEN THOUSAND ONE HUNDRED SIXTY SEVEN AND 50/100 (\$14,167.50) DOLLARS, and the costs of this cause, which is taxed against the Plaintiff, The Housing Authority of the City of Bay Minette, Baldwin County, Alabama, a body corporation.

And a jury having been demanded for the trial of this cause, the Court did thereupon proceed to have assessed by a jury the damages and compensation to which the Defendant is entitled for the condemnation of the above described lands and property for the uses and purposes hereinabove described.

Thereupon, on this the 11th day of September, 1969, came a jury of good and lawful men, to-wit: James M. Pope, and eleven others, and having been duly impaneled and sworn according to law, upon their oaths do say: "We the jury find in favor of the land-owners, and assess the damages at \$14,167.50.

It is therefore, ORDERED and ADJUDGED by the Court and it is the judgment of the Court, that the Defendant have and recover of the Plaintiff, The Housing Authority of the City of Bay Minette, Baldwin County, Alabama, a body corporation, the sum of FOURTEEN THOUSAND ONE HUNDRED SIXTY SEVEN AND 50/100 (\$14,167.50) DOLLARS, the damages and compensation assessed as aforesaid, together with the costs in this behalf expended, for which execution may issue.

It is further ORDERED and ADJUDGED and it is the judgment of the Court, that when the damages and compensation assessed by the jury, judgment for which is hereinabove entered, is paid into the lands of the Clerk of this Court, or collected by execution or

otherwise, the Clerk shall retain said funds in her hands, subject to the terms and provision of Section 26, Title 19, 1940 Alabama Code.

It is further ORDERED and ADJUDGED, and it is the judgment of the Court, that this order and judgment of condemnation upon the payment of the sum ascertained and assessed by the verdict of the jury in this cause into the hands of the Clerk of this Court, and the costs of this cause, shall vest the title to be acquired for the uses and purposes stated in the application of The Housing Authority of the City of Bay Minette, Baldwin County, Alabama, a body corporation, and for no other uses and purposes, as is provided by law.

It is further ordered and adjudged, and it is the judgment of the Court, that the Clerk shall record this judgment and decree in the Office of the Judge of Probate of Baldwin County, Alabama, in the deed records thereof and the costs thereof be taxed as part of the costs of this cause.

Done this the 17th day of September, 1969.

Julius J. Maschbauer
Circuit Judge

FILED

JAN 20 1970

ALICE J. DUCK CLERK
REGISTER

The Housing Authority
of the City of Bay Minette

IN THE CIRCUIT COURT OF

VS:

BALDWIN COUNTY, ALABAMA

Mary Ruth Stuckey

AT LAW, CASE NO. _____

"We the jury find in favor of the landowners, and assess the damages at
\$14,167⁵⁰."

James M. Lope
Foreman.

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THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, BALDWIN
COUNTY, ALABAMA

PLAINTIFF

VS

MARY RUTH STUCKEY

RESPONDENT

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6588

TO: MARY RUTH STUCKEY

YOU WILL PLEASE TAKE NOTICE that an application was
filed in this Court by the HOUSING AUTHORITY OF THE CITY OF
BAY MINETTE, alleging that it desires to have condemned certain
parcels of land set out and described as follows:

Lots 20 and 21 in C. A. Thompson's Subdivision
#5 according to the official map or plat thereof
which is recorded in Map Book 3 at page 98
Baldwin County, Alabama Probate Records.

And the application prays that a day be appointed for
the hearing thereof and for such further, other and different
orders and decrees as may be necessary and proper for the
acquisition by the Applicant.

THIS IS TO NOTIFY YOU that the Probate Court of Baldwin
County, Alabama, has, and by an order this day made and entered,
appointed the 12th day of June, 1969, at 10:00
o'clock A.M. as the day and time upon which said application
will be heard, at which time you may appear and contest the
same, if you choose to do so.

Done this 29th day of May, 1969.

Harry D'Olive
JUDGE OF PROBATE

604 E 7th

Received 29 day of May 1969
and on 2 day of June 1969
I served a copy of the within Notice
on Mary Ruth Stucky

By service on _____

TAYLOR WILKINS, Sheriff
By W A Talbot S.

1.50

ORDER GRANTING PETITION AND
APPOINTING COMMISSIONERS

THE HOUSING AUTHORITY OF THE)	IN THE PROBATE COURT OF
CITY OF BAY MINETTE, BALDWIN)	
COUNTY, ALABAMA)	
)	
PETITIONER)	BALDWIN COUNTY, ALABAMA
)	
VS)	
)	
MARY RUTH STUCKEY)	
)	
RESPONDENT)	

This being the day appointed for hearing the petition of the Housing Authority of the City of Bay Minette to condemn certain property described in said petition, for the uses and purposes therein stated.

And it appearing to the satisfaction of the Court that:

Mary Ruth Stuckey

Respondents in said Petition, have had notice of the filing of said Petition and of the appointment of this day as a day for hearing same as required by law; and it further appearing to the satisfaction of the Court that the above named parties have had notice of the filing of said Petition and of the appointment of this day as a day for hearing same by citation personally served upon each of them by the Sheriff at least ten days prior to this day or accepted service of such notice and waived any further notice, and that:

Mary Ruth Stuckey

have had notice of the filing of said Petition by personal service on the 12th day of June, 1969 and of the appointment of this day as a day for hearing same as required by law.

And the Court having proceeded to hear said Petition, and the evidence submitted in support of same; and it appearing to the satisfaction of the Court from legal and competent evidence offered by Petitioner that the averments of said Petition are true and correct.

And it further appearing to the satisfaction of the Court

that the several tracts of land described in said Petition are owned by the persons alleged to be the owners thereof, and that such tracts of land are subject to liens, and leases as averred and shown in said Petition, and that the interest sought to be acquired by the Petitioner is an easement over, on and across said tracts of land as described in said Petition, and which lands when condemned will be devoted to such uses and purpose and that it is necessary that said lands be condemned for the purpose and uses as set forth in said Petition and it further appearing to the Court that no objections have been filed to the granting of said Petition, it is, therefore ORDERED, ADJUDGED, AND DECREED by the Court that said Petition be and the same is hereby granted.

And it further appearing to the satisfaction of the Court that James H. Lindsey, William Culver and Frank Hunt are citizens of Baldwin County, Alabama, and possess the qualifications of jurors, and are disinterested and have no interest whatever in this proceeding, and said three persons in all respect competent and qualified to serve as Commissioners to assess and appraise the damages and compensation to which the owners, lienholders, and lessees of said land are entitled.

It is therefore, ORDERED, ADJUDGED, AND DECREED by the Court that the said James H. Lindsey, William Culver and Frank Hunt be, and they are hereby appointed Commissioners to assess and appraise the damages and compensation to which the owners of each tract of land described in said Petition as amended, are entitled, which amount of damages and compensation so awarded each owner shall be subject to all outstanding valid claims, liens, and leases, and that said persons so appointed Commissioners have notice of their appointment as such Commissioners by written commission issued to them and served upon them by the Sheriff of Baldwin County, Alabama, unless they shall accept service and that they be sworn as jurors are sworn under the laws of the State of Alabama; and it is further ordered by the Court that such Commission so issued shall show a description of each tract of land and the owners, lienholders, lessees, and mortgagees of each of said

tracts of land described in said Petition, and sought to be condemned; and it is further ordered by the Court that said Commissioners proceed with the assessment of said damages and compensation in the manner acquired by law, and that they report their findings in writing under oath to this Court for confirmation.

Done this 24th day of June, 1969.

Harry D. Oliver
JUDGE OF THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

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COMMISSION TO COMMISSIONERS

THE HOUSING AUTHORITY OF THE)	IN THE PROBATE COURT OF
CITY OF BAY MINETTE, BALDWIN)	
COUNTY, ALABAMA)	
)	
PETITIONER)	BALDWIN COUNTY, ALABAMA
)	
VS)	
)	
MARY RUTH STUCKEY)	
)	
)	
RESPONDENTS)	

TO: James H. Lindsey, William Culver
AND Frank Hunt

WHEREAS, the Housing Authority of the City of Bay Minette, Alabama has filed in the Probate Court of Baldwin County, Alabama, its Petition seeking to condemn for public use certain lands claimed to be owned by the Respondents,

Mary Ruth Stuckey

which are described and set out in Paragraph 3 of said Petition and said lands being fully described and set out in said Petition and a description of the said land, the owners, lienholders, lessees, and mortgagees of each tract of land described in said Petition is attached hereto and made a part hereof.

WHEREAS, said Probate Court of Baldwin County, Alabama by its order and decree made on the 12th day of June, 1969, has granted said Petition and has appointed you Commissioners to assess the damages and compensation to which said alleged owners of each of said tracts of land described in said Petition are entitled on account of the condemnation of said lands for the purposes as set out in said Petition which damages and compensation so awarded each owner shall be subject to all outstanding valid claims, liens, and leases.

Now therefore, these presents authorize and commission you to perform your duties as such Commissioners in the manner provided by law.

You are hereby directed by this Commission to be sworn as jurors are sworn under the laws of the State of Alabama, and you are further directed to file a certificate along with your award that neither of you have ever been consulted, advised or approached by any person with reference to the value of said lands described in said Petition referred herein, or the proceedings to condemn the same, prior to the assessment

BOOK 52 PAGE 829

of damages, and that you know nothing of the same prior to your appointment.

You are further commissioned and directed by these presents to assess the damages and compensation to which the owners are entitled by reason of the taking and condemnation of said land as set forth in said Petition, and you may view the lands, and must receive all legal evidence offered by any parties touching the amount of damages the said owner will sustain the amount of compensation to be awarded to the said owners, in fixing the amount to be awarded the owner for lands taken for this use.

You are further directed within twenty days from the date of this Commission to make and file in this Court a report in writing of the amount of damages and compensation ascertained and assessed by you for the said owners of said tracts of land.

Done this the 78th day of June, 1969.

Harry D. Olive
JUDGE OF THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

WAIVER OF SERVICE BY COMMISSIONERS

In the matter of the condemnation of certain lands for public use.

The undersigned James H. Lindsay, William Calver and Frank Hunt having heretofore been appointed Commissioners to fix and award damages and compensation to the owners of the lands involved in the above cause, do hereby accept service of the foregoing Commission, and do hereby waive service by the Sheriff, and do hereby consent to act as Commissioners in the above entitled cause.

This the _____ day of _____, 1969.

OATH OF COMMISSIONERS

STATE OF ALABAMA

BALDWIN COUNTY

We, and each of us, do solemnly swear that we will well and truly try all issues submitted to us in the cause now pending in the Probate Court of Baldwin County, Alabama, between the Housing Authority of the City of Bay Minette, Petitioner, and Mary Ruth Stuckey Respondents, the issue submitted to us being the amount of damages and compensation to which the said _____ and the other owners and interested parties are entitled for the condemnation of certain lands for use as a right of way for public use.

So help us, God.

Subscribed and sworn to before me this the _____ day of _____, 1969.

Judge of Probate, Baldwin County,
Alabama

Received 24 day of June 1969
and on 24 day of June 1969

I served a copy of the within
on James H. Lindsay, William Culver
Frank Hunt

By service on _____

TAYLOR WILKINS, Clerk
By W. A. Zeller D. S.

6265

THE HOUSING AUTHORITY OF THE
CITY OF BAY MINETTE, BALDWIN
COUNTY, ALABAMA

CONDEMNOR

VS

MARY RUTH STUCKEY

CONDEMNEE

) IN THE PROBATE COURT OF
)
)
)
)
)
)
)
)
)
)

BALDWIN COUNTY, ALABAMA

The undersigned Commissioners do hereby file in thhe Probate Court of Baldwin County, Alabama with the foregoing report, this written certificate and do hereby state and certify that none of the undersigned Commissioners have ever been consulted with, advised with or approached by any person in reference to the value of the said lands involved in the proceeding by the Housing Authority of the City of Bay Minette, Alabama, versus _____

Mary Ruth Stuckey, and that neither of them have never been consulted with, advised with, or approached by any person with reference to the said proceedings to condemn the said lands prior to the assessment of damages and that they knew nothing of the same prior to their appointment, and that they have no interest of any kind in said proceedings to condemnation of said lands.

James H. Lindsey

Frank Hunt

William R. Ruby

Sworn to and subscribed to before me this the 3rd day of

July

, 1969.

Harry D'Olive
Judge of Probate