

Case No. 9112
State of Ala. vs. Myrl Jordan

We the jury find for
the land owner Myrl
Jordan and assess
his damages at \$575.00

Verdict
Foreman

STATE OF ALABAMA,	Ø	IN THE CIRCUIT COURT OF
PETITIONER,	Ø	BALDWIN COUNTY, ALABAMA
VS.	Ø	CASE NO. 9112
MYRL E. JORDAN	Ø	
(Claimant to Tract	Ø	
No. 48, Project S-	Ø	
60-E)	Ø	
RESPONDENT.	Ø	

STIPULATION

It is hereby stipulated by and between the Petitioner and Myrl E. Jordan, parties to the above-styled cause, through their respective attorneys of record, each acting with full authority as follows:

1. That the Petitioner is authorized to institute and prosecute this proceeding to acquire the property or interest for order of condemnation filed in the Probate Court of Baldwin County, Alabama, on the 7th day of November, 1969, for the public purposes stated in said application or petition.

2. That all proceedings in the Probate Court of Baldwin County, Alabama, in this cause were regular, and an appeal has been duly and properly perfected within the time allowed and entered in said Probate Court in this cause on the 21st day of January, 1970, and trial by jury on the issue of valuation has been properly demanded.

3. That the application or petition for order of condemnation correctly sets out the uses and purposes for which the property and rights herein sought is to be devoted, used or applied and the Petitioner has the right to obtain said property in this proceeding for the purposes stated.

4. That the Respondent herein is the only party known to either Petitioner or Respondent who have or assert any right title or interest in or to the lands or interests therein sought to be acquired.

5. That the Respondent has had due notice of this trial and all proceedings herein, and expressly enters his appearances in this Court.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the Respondents are entitled for the lands and interest in lands sought to be acquired by the Petitioner for the uses and purposes stated.

7. That the time of taking in this proceeding is the date on which the application for order of condemnation was filed in the Probate Court, to-wit, 7th November, 1969, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, 23rd day of December, 1969.


ATTORNEY FOR PETITIONER


ATTORNEY FOR RESPONDENT

FILED

MAR 16 1970

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6747

FRED DEMPSEY and PEARLIE DEMPSEY,
and/or their heirs; MYRL E. JORDAN,
and/or his heirs; A. B. McDILL and
RALPHINE McDILL, and/or their heirs;
and BALDWIN COUNTY, ALABAMA, A
POLITICAL SUBD. OF THE STATE OF ALA.,

RESPONDENTS.

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the 25th
day of Nov., 1969, at 9:00 A.M. o'clock, as set
forth in the application of the State of Alabama to condemn the
right of way or easement on Parcels Numbers 41, 48 and 49, Project
S-60-E, as specified in said application for condemnation over
the lands therein described for the uses and purposes of a public
road or highway for the State of Alabama, and it appearing to
the Court that notice of the filing of said application for con-
demnation and of the day set for the hearing of the same has been
given to the owners and interested parties by service of a notice
upon them for more than ten (10) days prior to this date.

WHEREUPON, after examination of said application and after
hearing the evidence in support thereof, the Court is of the
opinion that the allegations contained in said application are
true and that it is necessary to condemn the easement or right of
way over the lands as described in said application, all for the
uses and purposes of a public road or highway in and for the State
of Alabama, and no cause having been shown why such application
should not be granted;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court

that the prayer of said application for condemnation be granted and that the easement or right of way over the lands described in said application is hereby condemned for the uses and purposes of a public road or highway in Baldwin County, Alabama.

IT IS FURTHER ORDERED by the Court that W. E. Long,
William Culver and Milton Wilson,
who are resident citizens of Baldwin County, Alabama, possessing the qualifications of jurors and who are disinterested in these proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed commissioners to view said property and hear any evidence offered by interested parties and report to the Court within twenty days after their appointment the amount of damages and compensation to which the owners and interested parties are entitled to receive for the condemnation of said right of way.

IT IS FURTHER ORDERED by this Court that a notice of their appointment be at once issued to said commissioners, and that the Sheriff of said County serve notice of said appointment upon each of the commissioners as required by law.

Done this 8th day of December, 1969.

JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,
PETITIONER,
VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 6747

FRED DEMPSEY and PEARLIE DEMPSEY,
and/or their heirs; MYRL E. JORDAN,
and/or his heirs; A. B. McDILL and
RALPHINE McDILL, and/or their heirs;
and BALDWIN COUNTY, ALABAMA, A
POLITICAL SUBD. OF THE STATE OF ALA.,

RESPONDENTS.

COMMISSIONERS

TO: W. E. Long, William
Culver, and Milton Wilson.

KNOW YE, that having full faith and confidence in your integrity and competency, you have been by order and decree of the Probate Court of Baldwin County, Alabama, designated and appointed as commissioners in the above-styled cause, with all the power, authority and duties vested in or which may devolve on you as such commissioners under and by virtue of the provisions of Chapter I of Title 19 of the Code of Alabama of 1940, as amended.

You will be sworn as jurors and you or a majority of you shall assess the damages and compensation to which the owners and interested parties are entitled by virtue of and on account of the condemning of the right of way or easement over the tracts of land described in the application for condemnation filed in this cause, all for the uses and purposes of a public road or highway in and for the State of Alabama. A description of the lands and the names of the owners and the easement sought are specifically set out in the application for condemnation filed in this cause.

You may view the lands to be subjected and you must receive all legal evidence offered by any party touching the amount of damages or compensation the owner of said lands and interested parties will sustain and are entitled to receive. Any person interested in the proceedings may be present in person or by attorney at any of these proceedings which you may have.

You must within twenty days from the day of your appointment, which is this date, make a report in writing to the Court stating the amount of damage and compensation ascertained and assessed by you for the owners and parties interested in the tracts of land, and file a certificate along with your award that none of you have been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages, and that you knew nothing of the same prior to your appointment.

Given under my hand and seal of office this 8th day of December, 1969.

JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA
BALDWIN COUNTY

We, and each us ^{of} do solemnly swear that we will well and truly try the cause now pending and submit it to our decision, said case being styled STATE OF ALABAMA vs. FRED DEMPSEY, et al, and Baldwin County, a political subdivision of the State of Alabama, and that we are not directly, nor indirectly, interested in the issues to be tried, and that we are not biased or 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 presence, so help us God.

W. L. Long
W. C. Wilman
Willie R. Ruler

Sworn to and subscribed before me
this 8th day of December, 1969.

JUDGE OF PROBATE

1 VOL

0 PAGE 731

STATE OF ALABAMA)	
)	IN THE PROBATE COURT OF
VS)	
)	BALDWIN COUNTY, ALABAMA
MYRL E. JORDAN, CASE #6747)	
)	

This is to certify that the following transactions took place in Probate Court, in said County and State, with regard to the above condemnation award, concerning Tract No. 48:

Jan. 26, 1970 - State paid into Probate Court	- \$7,220.00
Jan. 27, 1970 - Probate Court paid 75% of condemnation award to Myrl E. Jordan	- <u>5,415.00</u>
Apr. 1, 1970 - Balance transferred to Circuit Court (Receipt No. 7785)	- <u>1,805.00</u>
	<u> </u>

Witness my hand this 7th day of April, 1970.

Harry D. Oliver
 Judge of Probate
 By: Louis Stough
 Secretary

3160.00
 5415.00
8575

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6747

FRED DEMPSEY and PEARLIE DEMPSEY,
and/or their heirs; MYRL E. JORDAN;
and/or his heirs; A. B. McDILL and
RALPHINE McDILL, and/or their heirs;
and BALDWIN COUNTY, ALABAMA, A
POLITICAL SUBD. OF THE STATE OF ALA.,

RESPONDENTS.

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the 25th
day of Nov., 1969, at 9:00 A.M. o'clock, as set
forth in the application of the State of Alabama to condemn the
right of way or easement on Parcels Numbers 41, 48 and 49, Project
S-60-E, as specified in said application for condemnation over
the lands therein described for the uses and purposes of a public
road or highway for the State of Alabama, and it appearing to
the Court that notice of the filing of said application for con-
demnation and of the day set for the hearing of the same has been
given to the owners and interested parties by service of a notice
upon them for more than ten (10) days prior to this date.

WHEREUPON, after examination of said application and after
hearing the evidence in support thereof, the Court is of the
opinion that the allegations contained in said application are
true and that it is necessary to condemn the easement or right of
way over the lands as described in said application, all for the
uses and purposes of a public road or highway in and for the State
of Alabama, and no cause having been shown why such application
should not be granted;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court

that the prayer of said application for condemnation be granted and that the easement or right of way over the lands described in said application is hereby condemned for the uses and purposes of a public road or highway in Baldwin County, Alabama.

IT IS FURTHER ORDERED by the Court that W. E. Long,
William Culver, and Milton Edilson,
who are resident citizens of Baldwin County, Alabama, possessing the qualifications of jurors and who are disinterested in these proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed commissioners to view said property and hear any evidence offered by interested parties and report to the Court within twenty days after their appointment the amount of damages and compensation to which the owners and interested parties are entitled to receive for the condemnation of said right of way.

IT IS FURTHER ORDERED by this Court that a notice of their appointment be at once issued to said commissioners, and that the Sheriff of said County serve notice of said appointment upon each of the commissioners as required by law.

Done this 8th day of December, 1969.

JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,
PETITIONER,
VS.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 6747

FRED DEMPSEY and PEARLIE DEMPSEY,
and/or their heirs; MYRL E. JORDAN,
and/or his heirs; A. B. McDILL and
RALPHINE McDILL, and/or their heirs;
and BALDWIN COUNTY, ALABAMA, A
POLITICAL SUBD. OF THE STATE OF ALA.,

RESPONDENTS.

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the 25th
day of Nov., 1949, at 9:00 A.M. o'clock, as set
forth in the application of the State of Alabama to condemn the
right of way or easement on Parcels Numbers 41, 48 and 49, Project
S-60-E, as specified in said application for condemnation over
the lands therein described for the uses and purposes of a public
road or highway for the State of Alabama, and it appearing to
the Court that notice of the filing of said application for con-
demnation and of the day set for the hearing of the same has been
given to the owners and interested parties by service of a notice
upon them for more than ten (10) days prior to this date.

WHEREUPON, after examination of said application and after
hearing the evidence in support thereof, the Court is of the
opinion that the allegations contained in said application are
true and that it is necessary to condemn the easement or right of
way over the lands as described in said application, all for the
uses and purposes of a public road or highway in and for the State
of Alabama, and no cause having been shown why such application
should not be granted;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court

that the prayer of said application for condemnation be granted and that the easement or right of way over the lands described in said application is hereby condemned for the uses and purposes of a public road or highway in Baldwin County, Alabama.

IT IS FURTHER ORDERED by the Court that W. E. Long,
William Culver, and Milton Wilson,

who are resident citizens of Baldwin County, Alabama, possessing the qualifications of jurors and who are disinterested in these proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed commissioners to view said property and hear any evidence offered by interested parties and report to the Court within twenty days after their appointment the amount of damages and compensation to which the owners and interested parties are entitled to receive for the condemnation of said right of way.

IT IS FURTHER ORDERED by this Court that a notice of their appointment be at once issued to said commissioners, and that the Sheriff of said County serve notice of said appointment upon each of the commissioners as required by law.

Done this 8th day of December, 1969.

JUDGE OF PROBATE

BY:_____

KENNETH COOPER
ATTORNEY AT LAW
109 EAST 1ST STREET
BAY MINETTE, ALABAMA 36507
TELEPHONE 937-7412

6 April, 1970

Alice J. Duck
Clerk, Circuit Court
Bay Minette, Alabama 36507

Re: Project S-60-E
Tract No. 48 (Myrl E. Jordan)
Circuit Court Case No. 9112

Dear Mrs. Duck:

Please be advised the STATE OF ALABAMA, Petitioner in above-case, accepts the jury's award of \$8,575.00 in said case, and will not appeal from the FINAL JUDGMENT in said cause.

You are therefore authorized to pay to Hon. Harry J. Wilters, Attorney for Mr. Jordan, the above-said sum, provided the land-owner, Mr. Jordan, does not appeal in the said cause.

Respectfully submitted,


Kenneth Cooper

KC/ap
CC: Hon. Harry J. Wilters
Mr. C. W. Coleman

1.	Akers, Mrs. R. M., Collector, Bay Minette	
2.	Anderson, Evar, Civil Service, Elberta	
3.	Beverly, Ernie, Farmer, Robertsedale	57
4.	Booker, L. H., Operator, Foley	58
5.	Brooks, Frank, Mechanic, Foley	59
6.	Carlisle, D. G., Newport, Bay Minette	60
7.	Cowling, W. B., Farmer, Robertsedale	61
8.	Crawford, Hanny E., Operator, Elberta	62
9.	Easley, Mabry T., Millman, Bay Minette	63
10.	Fell, Frank, Mechanic, Elberta	64
11.	Gantt, Charles E., Farmer, Little River	65
12.	Gilbert, B. B., Mechanic, Bay Minette	66
13.	Green, Harold Keo, Mechanic, Bay Minette	67
14.	Gwila, E. B., Merchant, Fairhope	68
15.	Good, John, Jr., Farmer, Elberta	69
16.	Helms, Kenneth B., Civil Service, Elberta	70
17.	Hilton, Robert Franklin, Contractor, Foley	71
18.	Henry, Reuben, Mill Worker, Stockton	72
19.	Hirz, Donald, Civil Service, Elberta	73
20.	Hobbs, Tom, Farmer, Rosinton	74
21.	Hodges, Willie Lee, Sawmill, Bay Minette	75
22.	Hodgeson, Robert M., Factoryman, Bay Minette	76
23.	Hollard, Louis, Laborer, Foley	77
24.	Hoffman, Winfred C., Gov't. Employee, Bay Minette	78
25.	James, William H., Farmer, Foley	79
26.	Johnston, Jessie, Retired, Bon Secour	80
27.	Jones, Chester, Western Auto, Robertsedale	81
28.	Lanham, Tommy M., Merchant, Bay Minette	82
29.	Lipscomb, Wilmer, Farmer, Foley	83
30.	Little, William, Farmer, Fairhope	84
31.	Newman, Paul F., Fairhope	85
32.	Noonan, Edward D., Jr., Newport, Bay Minette	86
33.	Norrell, Lamar, Clerk, Foley	87
34.	Peavy, Thelma, Housewife, Bon Secour	88
35.	Rayborn, Cecil David, Fairhope	89
36.	Thompson, Herman, Public Work, Daphne	90
37.	Turk, Thera W., Gateswood	91
38.	Ulrich, Julius, City Emp., Elberta	92
39.	Underwood, Verne, Farmer, Magnolia Springs	93
40.	King, Drphens, N., Jr., Clerk, Bay Minette	94
41.	Quaites, Orlis, Fairhope	95
42.	Norsworthy, John C., Clerk, Bay Minette	96
43.	Hall, O. C., Club Operator, Bay Minette	97

P XXXXX XXXXX XXXXX E
D XXXXX XXXXX XXXXX

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6747

FRED DEMPSEY and PEARLIE DEMPSEY,
and/or their heirs; MYRL E. JORDAN,
and/or his heirs; A. B. McDILL and
RALPHINE McDILL, and/or their heirs;
and BALDWIN COUNTY, ALABAMA, A
POLITICAL SUBD. OF THE STATE OF ALA.,

RESPONDENTS.

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the 25th
day of Nov., 1969, at 9:00 A.M. o'clock, as set
forth in the application of the State of Alabama to condemn the
right of way or easement on Parcels Numbers 41, 42 and 49, Project
S-60-E, as specified in said application for condemnation over
the lands therein described for the uses and purposes of a public
road or highway for the State of Alabama, and it appearing to
the Court that notice of the filing of said application for con-
demnation and of the day set for the hearing of the same has been
given to the owners and interested parties by service of a notice
upon them for more than ten (10) days prior to this date.

WHEREUPON, after examination of said application and after
hearing the evidence in support thereof, the Court is of the
opinion that the allegations contained in said application are
true and that it is necessary to condemn the easement or right of
way over the lands as described in said application, all for the
uses and purposes of a public road or highway in and for the State
of Alabama, and no cause having been shown why such application
should not be granted;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court

that the prayer of said application for condemnation be granted and that the easement or right of way over the lands described in said application is hereby condemned for the uses and purposes of a public road or highway in Baldwin County, Alabama.

IT IS FURTHER ORDERED by the Court that W. E. Long,
William Culver, and Milton Wilson,
who are resident citizens of Baldwin County, Alabama, possessing the qualifications of jurors and who are disinterested in these proceedings (each of these facts being ascertained by the Court) be and they are hereby appointed commissioners to view said property and hear any evidence offered by interested parties and report to the Court within twenty days after their appointment the amount of damages and compensation to which the owners and interested parties are entitled to receive for the condemnation of said right of way.

IT IS FURTHER ORDERED by this Court that a notice of their appointment be at once issued to said commissioners, and that the Sheriff of said County serve notice of said appointment upon each of the commissioners as required by law.

Done this 8th day of December, 1969.

JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,

PETITIONER,

BALDWIN COUNTY, ALABAMA

CASE NO. 6747

VS.

FRED DEMPSEY and PEARLIE DEMPSEY,
and/or their heirs; MYRL E. JORDAN,
and/or his heirs; A. B. MODILL and
RALPHINE MODILL, and/or their heirs;
and BALDWIN COUNTY, ALABAMA, A
POLITICAL SUBD. OF THE STATE OF ALA.;

RESPONDENTS.

COMMISSIONS

TO:

W. E. Long

William

and Milton Wilson

KNOW YE, that having full faith and confidence in your integri-

ty and competency, you have been by order and decree of the Probate

Court of Baldwin County, Alabama, designated and appointed as com-

missioners in the above-styled cause, with all the power, authority

and duties vested in or which may devolve on you as such commission-

ers under and by virtue of the provisions of Chapter I of Title 19

of the Code of Alabama of 1940, as amended.

You will be sworn as juror and you or a majority of you shall

assess the damages and compensation to which the owners and inte-

rested parties are entitled by virtue of and on account of the

condemning of the right of way or easement over the tracts of land

described in the application for condemnation filed in this cause,

all for the uses and purposes of a public road or highway in and

for the State of Alabama. A description of the lands and the names

of the owners and the easement sought are specifically set out in

the application for condemnation filed in this cause.

You may view the lands to be subjected and you must receive

all legal evidence offered by any party touching the amount of

damages or compensation the owner of said lands and interested

parties will sustain and are entitled to receive. Any person in-

terested in the proceedings may be present in person or by attor-

ney at any of these proceedings which you may have.

Given in
open court
this 12th day of 1949

You must within twenty days from the day of your appointment, which is this date, make a report in writing to the Court stating the amount of damage and compensation ascertained and assessed by you for the owners and parties interested in the tracts of land, and file a certificate along with your award that none of you have been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages, and that you knew nothing of the same prior to your appointment.

Given under my hand and seal of office this 8th day of December, 1969.

JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA
BALDWIN COUNTY

of
We, and each us do solemnly swear that we will well and truly try the cause now pending and submit it to our decision, said case being styled STATE OF ALABAMA vs. FRED DEMPSEY, et al, and Baldwin County, a political subdivision of the State of Alabama, and that we are not directly, nor indirectly, interested in the issues to be tried, and that we are not biased or 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 presence, so help us God.

W. L. Long
W. C. Wilson
Wilbur R. Lohr

Sworn to and subscribed before me
this 8th day of December, 1969.

JUDGE OF PROBATE

KENNETH COOPER
ATTORNEY AT LAW
109 EAST 1ST STREET
BAY MINETTE, ALABAMA 36507
TELEPHONE 937-7412

7 April, 1970

Alice J. Duck
Clerk, Circuit Court
Bay Minette, Alabama 36507

Re: Project S-60-E
Tract No. 48 (Myrl E. Jordan)
Circuit Court Case No. 9112

Dear Mrs. Duck:

Reference my letter of 6 April, 1970, concerning payment in this case to the property owner, Myrl E. Jordan.

I am advised Mr. Jordan did receive a draw down, but the exact figures I do not have. Such information should have been furnished you from the Probate Court when the records of his case were forwarded to your office.

Please completely disregard the instructions I gave you in my above-mentioned letter of 6 April, and act in accordance as follows:

Pay to Harry J. Wilters, attorney of record for Myrl E. Jordan, the difference in the amount of draw down, which Mr. Jordan has previously been paid, and the jury's award of \$8,575.00. In other words, Mr. Jordan's attorney should be given the sum of \$8,575.00 LESS any draw downs previously paid.

Respectfully submitted,

Kenneth Cooper
Kenneth Cooper

KC/ap
cc: Hon. Harry J. Wilters
Mr. C. W. Coleman

Dunton Waller
vs
Harvey Smith
6787
6-15-67

9112.

STATE OF ALABAMA

PETITIONER,

VS

MYRL E. JORDAN
(Claimant to Tract
No. 48, Project S-
60-E)

RESPONDENT.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6747

NOTICE OF APPEAL

Comes now the State of Alabama, acting by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, State of Alabama, petitioner in above entitled cause, and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama, from the Final Order Of Condemnation entered in said cause on the 23rd day of December, 1969, which said condemnation was against Tract No. 48 of State Highway Project S-60-E.

The State of Alabama does herewith file in the Probate Court of Baldwin County, Alabama, the Court rendering such Final Order of Condemnation, this its written notice of Appeal.

Done this 21 day of January, 1970.

McDONALD GALLION
ATTORNEY GENERAL,
STATE OF ALABAMA

BY: Kenneth Cooper
Duly Appointed Special
Assistant Attorney General,
State of Alabama

Appellant, State of Alabama, hereby demands a trial by jury
in this cause.

Kenneth Cooper
Duly Appointed Special
Assistant Attorney General,
State of Alabama

STATE OF ALABAMA, BALDWIN COUNTY
Filed Jan. 22, 1970
Recorded Harry D. Lewis book page
Judge of Probate

VOL. 0 PAGE 732

The undersigned hereby acknowledges himself as security for costs in this cause.

Kenneth Cooper
Duly Appointed Special
Assistant Attorney General,
State of Alabama

TO: Myrl E. Jordan and Baldwin County, Alabama:

You are hereby notified that the above notice of Appeal was filed in this office of Judge of Probate, Baldwin County, Alabama, on the 21 day of January, 1970.

Witness my hand this 21 day of January, 1970.

Harry D'Olive
JUDGE OF PROBATE COURT,
BALDWIN COUNTY, ALABAMA

Received 1-23-70 by Harry Wilkins, Jr.
Harry J. Wilkins, Jr., atty
for Myrl E. Jordan

STATE OF ALABAMA	Ø	IN THE CIRCUIT COURT OF
PETITIONER,	Ø	BALDWIN COUNTY, ALABAMA
VS.	Ø	CASE NO. 9112
MYRL E. JORDAN,	Ø	
(Claimants to Tract	Ø	
No. 48, Project S-	Ø	
60-E)	Ø	
RESPONDENT.	Ø	

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 16th day of March, 1970, now come the parties and their respective attorneys of record and it appearing to the Court from the stipulation of the parties made and entered into on this day and filed in this cause, that on the 7th day of November, 1969, an application was filed in the Probate Court of Baldwin County, Alabama, by the State of Alabama, seeking to condemn certain lands therein described for the uses and purposes therein averred, and that subsequent thereto proceedings were had in the Probate Court of Baldwin County, Alabama, and that the necessary action to properly effect the appeal from the Probate Court of Baldwin County, Alabama, in accordance with all the statutes and laws in such cases made and provided, to the Circuit Court of Baldwin County, Alabama, were made, and that said Court did enter an order of condemnation of the lands described in said application and which are hereinafter described, and that on the 21st day of January, 1970, the State of Alabama, appealed from said order of condemnation to this Court and demanded a trial by jury; and it further appearing to the Court from the stipulation of the parties hereinabove referred to that the only issue in this proceeding is the damages and compensation, if any, to which the Defendant landowner is entitled and that an order of condemnation should be here entered condemning the lands hereinafter described for the uses and purposes set forth in the application, which is now on file in this Court.

And now comes a jury of twelve good and lawful men, to-wit, Vern Underwood, and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowner is entitled having been submitted to them, did return a verdict in words and figures as follows:

"We, the Jury, find for the landowner, Myrl Jordan, and assess his damages at \$8,575.00."

VERNON UNDERWOOD
Foreman

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

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

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

2. That the damages and compensation to which the Defendant landowner in this case, Myrl E. Jordan, is entitled is hereby fixed at the sum of \$8,575.00, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowner, and that upon the payment of said amount by the State of Alabama to said landowner the condemnation of the lands hereinabove described shall be and become effective.

3. That the State of Alabama pay the costs of this proceeding.

DATED THIS 16th ~~22nd~~ day of March, 1970.

Justin G. Mansbourn
CIRCUIT JUDGE

FILED

MAR 16 1970

ALICE J. DUCK CLERK
REGISTER

EXHIBIT "A"

The following described property, lying and being in Baldwin County, Alabama, and more particularly described as follows: and as shown on the right-of-way map of Project no. S-60-E as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the northwest corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 5, Township 2 South, Range 3 East; thence easterly along the north line of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$, a distance of 842 feet, more or less, to the present southwest right-of-way line of McMillian Avenue; thence southeasterly along said present southwest right-of-way line a distance of 560 feet, more or less, to a point that is 65 feet northwesterly of and at right angles to the construction centerline of Project No. S-60-E and the point of beginning of the property herein to be conveyed; thence continuing southeasterly along said present southwest right-of-way line (crossing the construction centerline of said project at approximate Station 694+38) a distance of 135 feet, more or less, to a point that is 65 feet southeasterly of and at right angles to the construction centerline of said project; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 3,209.05 feet, parallel to the construction centerline of said project, a distance of 100 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line (crossing the construction centerline of said project at approximate Station 691+25) a distance of 315 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line a distance of 35 feet, more or less, to a point that is 65 feet northwesterly of and at right angles to the construction centerline of said project; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 3,339.05 feet, parallel to the construction centerline of said project, a distance of 423 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 5, Township 2 South, Range 3 East and containing 0.89 acres, more or less.

STATE OF ALABAMA	Ø	IN THE CIRCUIT COURT OF
PETITIONER,	Ø	BALDWIN COUNTY, ALABAMA
VS	Ø	CASE NO. <u>9112</u>
A. B. McDILL and	Ø	
RALPHINE McDILL,	Ø	
(Claimants to Tract	Ø	
No. 49, Project S-	Ø	
60-E)	Ø	
RESPONDENTS.	Ø	

STIPULATION

It is hereby stipulated by and between the Petitioner and A. B. McDill and Ralphine McDill, parties to the above-styled cause, through their respective attorneys of record, each acting with full authority as follows:

1. That the Petitioner is authorized to institute and prosecute this proceeding to acquire the property or interest for order of condemnation filed in the Probate Court of Baldwin County, Alabama, on the 7th day of November, 1969, for the public purposes stated in said application or petition.

2. That all proceedings in the Probate Court of Baldwin County, Alabama, in this cause were regular, and an appeal has been duly and properly perfected within the time allowed and entered in said Probate Court in this cause on the 21st day of January, 1970, and trial by jury on the issue of valuation has been properly demanded.

3. That the application or petition for order of condemnation correctly sets out the uses and purposes for which the property and rights herein sought is to be devoted, used or applied and the Petitioner has the right to obtain said property in this proceeding for the purposes stated.

4. That the Respondents herein, together with The Federal Land Bank of New Orleans, at New Orleans, Louisiana, and the Baldwin County Bank, of Bay Minette, Alabama, are the only parties known to either Petitioner or Respondents who have or assert any

right, title or interest in or to the lands or interests therein sought to be acquired.

5. That the Respondents have had due notice of this trial and all proceedings herein, and expressly enters their appearance in this Court.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the Respondents are entitled for the lands and interest in lands sought to be acquired by the Petitioner for the uses and purposes stated.

7. That the time of taking in this proceeding is the date on which the application for order of condemnation was filed in the Probate Court, to-wit, 7th November, 1969, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, 23rd day of December, 1969.


ATTORNEY FOR PETITIONER


ATTORNEY FOR RESPONDENTS

FILED

MAR 9 1970

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA

PETITIONER,

VS

A. B. McDILL and
RALPHINE McDILL;
(Claimants to Tract
No. 49, Project S-
60-E)

RESPONDENTS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6747

NOTICE OF APPEAL

Comes now the State of Alabama, acting by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, State of Alabama, petitioner in above entitled cause, and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama, from the Final Order Of Condemnation entered in said cause on the 23rd day of December, 1969, which said condemnation was against Tract No. 49 of State Highway Project S-60-E.

The State of Alabama does herewith file in the Probate Court of Baldwin County, Alabama, the Court rendering such Final Order of Condemnation, this its written notice of Appeal.

Done this 21 day of January, 1970.

McDONALD GALLION
ATTORNEY GENERAL,
STATE OF ALABAMA

BY: Kenneth Cooper
Duly Appointed Special
Assistant Attorney General,
State of Alabama

Appellant, State of Alabama, hereby demands a trial by jury in this cause.

Kenneth Cooper
Duly Appointed Special
Assistant Attorney General,
State of Alabama

The undersigned hereby acknowledges himself as security for costs in this cause:

Kenneth Cooper
Duly Appointed Special
Assistant Attorney General,
State of Alabama

TO: A. B. McDill and Ralphine McDill, and Baldwin County, Alabama:

You are hereby notified that the above notice of Appeal was filed in this office of Judge of Probate, Baldwin County, Alabama, on the 21 day of January, 1970.

Witness my hand this 21 day of January, 1970.

Harry D. Davis
JUDGE OF PROBATE COURT,
BALDWIN COUNTY, ALABAMA

Received 1-23-70 by Harry J. Walters,
Walter D. Brantley
as Harry J. Walters
Atty for A. B. McDill
& Ralphine McDill

STATE OF ALABAMA	Ø	IN THE CIRCUIT COURT OF
PETITIONER,	Ø	BALDWIN COUNTY, ALABAMA
VS	Ø	CASE NO. _____
A. B. McDILL and	Ø	
RALPHINE McDILL,	Ø	
(Claimants to Tract	Ø	
No. 49, Project S-	Ø	
60-E)	Ø	
RESPONDENTS.	Ø	

AMENDMENT TO PETITION

Comes now the Petitioner in this cause, the State of Alabama, by Kenneth Cooper, Special Assistant Attorney General, and amends its application For Condemnation, heretofore filed in this cause, and adds as party Respondents to said Tract No. 49, the following:

The Federal Land Bank of New Orleans; and

Baldwin County Bank, An Alabama Corporation.

In all other respects the petition remains unchanged.

STATE OF ALABAMA

By: Kenneth Cooper
SPECIAL ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA

Filed
3-9-70
Alice Duck
clerk