

STATE OF ALABAMA

IN THE PROBATE COURT OF

PETITIONER,

BALDWIN COUNTY, ALABAMA

VS.

CASE NO. 6747

- A. FRED DEMPSEY and
PEARLIE DEMPSEY,
(Claimants to
Tract No. 41, Pro-
ject S-60-E);
- B. MYRL E. JORDAN
(Claimant to Tract
No. 48, Project S-
60-E);
- C. A. B. McDILL and
RALPHINE McDILL
(Claimants to Tract
No. 49, Project S-
60-E); and
- D. BALDWIN COUNTY,
ALABAMA, A POLITICAL
SUBDIVISION OF THE
STATE OF ALABAMA,

RESPONDENTS.

APPLICATION FOR CONDEMNATION

TO THE HONORABLE HARRY M. D'OLIVE, JUDGE OF PROBATE,
BALDWIN COUNTY, ALABAMA:

Comes now the State of Alabama, Petitioner in the
above-styled cause and files this, its application in
the Probate Court of Baldwin County, Alabama, for order
of condemnation of a right of way over the lands here-
inafter described for a public road or highway, and as
a basis for the relief sought shows unto the Court as
follows:

(1) Petitioner is authorized under the Constitu-
tion of Alabama, 1901, and under the provisions of Title
19, Section 1, Code of Alabama 1940, as amended, to in-
stitute and prosecute these proceedings in its own name
for the purposes of a public road or highway.

(2) That said public highway has been designated
by the State Highway Director as a part of the State

STATE OF ALABAMA, BALDWIN COUNTY

Filed Nov. 7, 1969

Recorded

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Harry M. D'Olive

Judge of Probate

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Highway System and also known as Project No. S-60-E, Baldwin County, Alabama.

(3) That said public highway begins at D'Olive Street, in Bay Minette, Alabama, and runs North to the intersection of Alabama Highway No. 59 and the Rabon Road, known as Highway No. 47, about two miles north of Bay Minette, Alabama, all in Baldwin County, Alabama.

(4) The right of way over the property and lands hereinafter described as Tracts No. 41, 48, and 49, and as set out in the right of way map of Project No. S-60-E on file in the State Highway Department, Montgomery, Alabama, and in the office of the Judge of Probate of Baldwin County, Alabama, at Bay Minette, Alabama, has been deemed necessary by the State Highway Director, State of Alabama, in order to facilitate the flow of traffic and promote public safety.

(5) That fee simple title to said tracts of land is necessary for use by Petitioner as a right of way for such public highway, and in which Petitioner seeks to condemn fee simple title, is located wholly within Baldwin County, Alabama, and is so described in Exhibits A, B, and C, attached hereto, and made a part hereof as if fully set forth herein.

(6) That the fee simple title which Petitioner seeks to condemn for highway purposes is set out and described in the right of way map on Project No. S-60-E, which is on file in the State Highway Department, Montgomery, Alabama, and in the office of the Judge of Probate of Baldwin County, Alabama, at Bay Minette, Alabama.

(7) That a diligent search has been made of the records of Baldwin County, Alabama, and diligent inquiry made to ascertain the names and addresses of the parties

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owning said tracts of land and according to the best of Petitioner's information, knowledge and belief, the said lands are owned and interest in said lands are claimed by the parties named as Respondents in this cause, EXCEPT for BALDWIN COUNTY, ALABAMA.

(8) That Baldwin County, Alabama, a body corporate under the laws of the State of Alabama with its county seat in the City of Bay Minette, Alabama, may have or claim an interest in said tracts by reason of taxes and easements due and chargeable, and is hence made a party Respondent herein.

WHEREFORE, the premises considered, your Petitioner respectfully prays:

(1) That an order be made appointing a day for the hearing of this application and that notice of the filing thereof and of the day set for the hearing thereof be given to the Respondents.

(2) That this Court will appoint commissioners to ascertain and report the compensation and damages occasioned by such taking.

(3) That upon a final hearing of this petition, an order and decree be made by this Court condemning the lands for the right of way, as set out in the right of way map on Project No. S-60-E, over the lands as set out in Exhibits A B. and C (for Tracts No. 41, 48, and 49) of this application, all for the uses and purposes of a public highway for the State of Alabama.

MACDONALD GALLION, ATTORNEY
GENERAL, STATE OF ALABAMA

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Kenneth Cooper, Special Assistant Attorney General of the State of Alabama, who is personally known to me, and who is known to me in his official capacity, a Special Assistant Attorney General of the State of Alabama and also being first duly sworn, deposes and says that the allegations of the foregoing application for condemnation are true and correct.

Kenneth Cooper
AFFIANT

Sworn and subscribed before me on this 7th day of
November 1969.

James H. Lindsey
NOTARY PUBLIC, BALDWIN COUNTY,
ALABAMA

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ORDER OF PROBATE COURT

The foregoing application for condemnation having been presented to the Probate Court of Baldwin County, Alabama and considered by the Court,

It is ORDERED that the same be and is hereby set for hearing on the 25th day of Nov., 1969, at 9:00 A.M. o'clock.

It is, further, ORDERED that notice of the application for condemnation and of the date set for the hearing thereof be given to Respondents at least ten (10) days before the hearing of this application.

DATED this 7th day of Nov., 1969.

Harry D. D'Almeida
PROBATE JUDGE

EXHIBIT A

TRACT NO. 41

The following described property, lying and being in Baldwin County, Alabama. and more particularly described as follows:

And as shown on the right-ofway map of Project NO. S-60-E as recorded in the office of the Judge of Probate of Baldwin County:

Commencing at the northeast corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T-2-S, R-3-E; thence southerly along the east line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$, the east property line a distance of 975 feet, more or less, to a point that is 35 feet northeasterly 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 southerly along said east property line a distance of 150 feet, more or less, to the South property line; thence westerly along said south property line (crossing the centerline of said project at approximate Station 643+53) a distance of 124 feet, more or less to a point that is 90 feet southwesterly of and at right angles to the centerline of said project; thence N 23° 44' 30" W, parallel to the centerline of said project, a distance of 55 feet, more or less, to a point that is 90 feet southwesterly of and at right angles to the centerline of said project at Station 644+50.05 said point also being 90 feet southwesterly of and at right angles to the construction centerline of said project at Station 644+50.05; thence northwesterly along a curve to the right (concave easterly) having a radius of 4,018.98 feet, parallel to the construction centerline of said project, a distance of 152 feet, more or less, to a point that is 90 feet southwesterly of and at right angles to the construction centerline of said project at Station 646+00; thence turn an angle of 90° 00' to the right and run a distance of 25 feet; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 3,998.98 feet parallel to the construction centerline of said project, a distance of 938 feet, more or less to the north line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$, the north property line; thence easterly along said north property line (crossing the construction centerline of said project at approximate Station 655+15) a distance of 182 feet, more or less, to a point that is 120 feet northeasterly of and at right angles to the construction centerline of said project; thence southeasterly along a curve to the left (concave easterly) having a radius of 3,808.98 feet, parallel to the construction centerline of said project, a distance of 3 feet more or less to a point that is 120 feet northeasterly of and at right angles to the construction centerline of said project at Station 655+00; thence turn an angle of 90° 00' to the right and run a distance of 55 feet, more or less, to a point that is 65 feet northeasterly of and at right angles to the construction centerline of said project at Station 655+00; thence southeasterly along a curve to the left (concave easterly) having a radius of 3,866.98 feet, parallel to the construction centerline of said project, a

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distance of 890 feet, more or less, to a point that is 65 feet northeasterly of and at right angles to the construction centerline of said project at Station 646+00; thence turn an angle of $90^{\circ} 00'$ to the left and run a distance of 20 feet; thence southeasterly along a curve to the left (concave easterly) having a radius of 3,843.98 feet, parallel to the construction centerline of said project, a distance of 118 feet, more or less to the point of beginning.

Said strip of land lying in the $SE\frac{1}{4}$ of $SW\frac{1}{4}$, Section 5, T-2-S, R-3-E and containing 3.61 acres, more or less.

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EXHIBIT B

TRACT NO. 48

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 # 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, T-2-S, R-3-E; 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 McMillan 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, T-2-S, R-3-E and containing 0.89 acres, more or less.

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EXHIBIT C

TRACT NO. 49:

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 NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 5, T-2-S, R-3-E; thence southerly along the west line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 358 feet, more or less, to a point that is 50 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 northeasterly along a curve to the right (concave southeasterly) having a radius of 3,324.05 feet, parallel to the construction centerline of said project, a distance of 615 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the construction centerline of said project at Station 703+54.04 "Back" said point also being 50 feet northwesterly of and at right angles to the survey centerline of said project at Station 704+28.15 "Ahead"; thence northeasterly along a straight line a distance of 127 feet, more or less, to a point on the present southwest right-of-way line of Alabama Highway Number 59 that is southwesterly of and at right angles to the centerline of said highway at Station 26+25; thence southeasterly along said present southwest right-of-way line (crossing the survey centerline of said project at approximate Station 705+10) a distance of 317 feet, more or less, to a point that is southwesterly of and at right angles to the centerline of said highway at Station 29+42; thence northwesterly along a straight line a distance of 130 feet, more or less, to a point that is 65 feet southeasterly of and at right angles to the survey centerline of said project at Station 704+28.15 "Ahead" said point also being 65 feet southeasterly of and at right angles to the construction centerline of said project at Station 703+54.04 "Back"; 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 860 feet, more or less, to the present northeast right-of-way line of McMillan Avenue; thence northwesterly along said present northeast right-of-way line (crossing the construction centerline of said project at approximate Station 695+02) a distance of 122 feet, more or less, to a point that is 50 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 3,224.05 feet, parallel to the construction centerline of said project, a distance of 248 feet, more or less, to the point of beginning.

Said strip of land lying in the N $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 5, T-2-S, R-3-E and to SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 32, T-1-S, R-3-E and containing 2.65 acres, more or less.

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STATE OF ALABAMA

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6747

- A. FRED DEMPSEY and
PEARLIE DEMPSEY,
(Claimants to Tract
No. 41, Project S-
60-E);
- B. MYRL E. JORDAN
(Claimant to Tract
No. 48, Project S-
60-E);
- C. A. B. McDILL and
RALPHINE McDILL,
(Claimants to Tract
No. 49, Project S-
60-E); and
- D. BALDWIN COUNTY,
ALABAMA, A POLITICAL
SUBDIVISION OF THE
STATE OF ALABAMA,

RESPONDENTS.

TO: A). Fred Dempsey and Pearlle Dempsey, (Bay Minette
Alabama); B). Myrl E. Jordan (Bay Minette, Ala-
bama); C). A. B. McDill and Ralphine McDill (Bay
Minette, Alabama); and D). Baldwin County, Ala-
bama, A Political Subdivision Of The State of
Alabama.

YOU WILL PLEASE TAKE NOTICE that an application
was filed in this Court by the State of Alabama, a copy
of which said application is attached hereto, alleging
that it desires to have condemned fee simple title for
a right of way for a public road across lands belong-
ing to above-named Respondents, which said lands are
particularly described in the said application;

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 of the fee

simple title for the right of way over and across the above-mentioned property.

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 25th day of Nov., 1969, at 9:00 A.M. O'clock 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 7th day of Nov., 1969.

Harry D'Olina
JUDGE OF PROBATE

BY: _____

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I served a copy of the within Notice
on Fred Dempsey, Pearl Dempsey,
Myrl E. Jordan, A. B. McDill
~~By service on~~ Ralphine McDill

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

I served a copy of the within Notice
on Baldwin County

By service on John Hadley, chairman

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

$$\begin{array}{r} 1.50 \\ \times 6 \\ \hline 9.00 \end{array}$$

67-1081-23


STATE OF ALABAMA,	Ø	IN THE PROBATE COURT OF
Petitioner,	Ø	BALDWIN COUNTY, ALABAMA
Vs.	Ø	CASE NO. <u>6747</u>
A. FRED DEMPSEY AND	Ø	
PEARLIE DEMPSEY,	Ø	
(CLAIMANTS to	Ø	
Tract No. 41, Pro-	Ø	
jects-60-E, et al,	Ø	
Respondent.	Ø	

AMENDMENT TO APPLICATION FOR CONDEMNATION

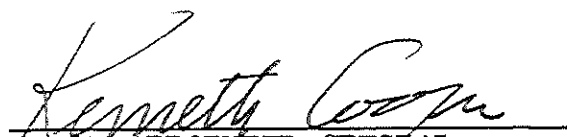
TO HONORABLE HARRY M. D'OLIVE, JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

Come now the STATE OF ALABAMA, Petitioner in above styled cause, and mends its APPLICATION FOR CONDEMNATION heretofore filed in this cause, on the 7th day of November, 1969, by deleting EXHIBIT "A" (For Tract No. 41) therefrom, and substituting, in lieu thereof, the attached "AMENDED EXHIBIT A".

In all other respects, the APPLICATION FOR CONDEMNATION remains unchanged.


 DULY APPOINTED SPECIAL
 ASSISTANT ATTORNEY GENERAL
 FOR STATE OF ALABAMA

I certify that I have mailed a copy of the foregoing AMENDMENT TO APPLICATION FOR CONDEMNATION to Hon. Norborne C. Stone, Attorney for Respondents FRED DEMPSEY and PEARLIE DEMPSEY, Bay Minette, Alabama, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 25 day of November, 1969.


 DULY APPOINTED SPECIAL
 ASSISTANT ATTORNEY GENERAL
 FOR STATE OF ALABAMA

STATE OF ALABAMA, BALDWIN COUNTY

Filed Nov. 25, 1969

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Harry D'Olive
 Judge of Probate

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:

PARCEL NO. 1: Commencing at the northeast corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T-2-S, R-3-E; thence southerly along the east line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$, the east property line, a distance of 975 feet, more or less, to a point that is 85 feet northeasterly 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 southerly along said east property line a distance of 150 feet, more or less, to the south property line; thence westerly along said south property line (crossing the centerline of said project at approximate Station 643+53) a distance of 124 feet, more or less, to a point that is 90 feet southwesterly of and at right angles to the centerline of said project; thence N 23°44'30" W, parallel to the centerline of said project, a distance of 55 feet, more or less, to a point that is 90 feet southwesterly of and at right angles to the centerline of said project at Station 644+50.05, said point also being 90 feet southwesterly of and at right angles to the construction centerline of said project at Station 644+50.05; thence northwesterly along a curve to the right (concave easterly) having a radius of 4,018.98 feet, parallel to said construction centerline, a distance of 152 feet, more or less, to a point that is 90 feet southwesterly of and at right angles to said construction centerline at Station 646+00; thence turn an angle of 90°00' to the right and run a distance of 25 feet; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 3,998.98 feet, parallel to said construction centerline, a distance of 938 feet, more or less, to the north line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$, the north property line; thence easterly along said north property line (crossing said construction centerline at approximate Station 655+15) a distance of 182 feet, more or less, to a point that is 120 feet northeasterly of and at right angles to said construction centerline; thence southeasterly along a curve to the left (concave easterly) having a radius of 3,808.98 feet, parallel to said construction centerline, a distance of 3 feet, more or less, to a point that is 120 feet northeasterly of and at right angles to said construction centerline at Station 655+00; thence turn an angle of 90°00' to the right and run a distance of 55 feet, more or less, to a point that is 65 feet northeasterly of and at right angles to said construction centerline at Station 655+00; thence southeasterly along a curve to the left (concave easterly) having a radius of 3,866.98 feet, parallel to said construction centerline, a distance of 890 feet, more or less, to a point that is 65 feet northeasterly of and at right angles to said construction centerline at Station 646+00; thence turn an angle of 90°00' to the left and run a distance of 20 feet; thence southeasterly along a curve to the left (concave easterly) having a radius of 3,843.98 feet, parallel to said construction centerline, a distance of 118 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T-2-S, R-3-E and containing 3.61 acres, more or less.

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PARCEL NO. 2: Commencing at the northeast corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T-2-S, R-3-E; thence southerly along the east line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 1,125 feet, more or less, to the south property line; thence westerly along said south property line (crossing the centerline of Project No. S-60-E at approximate Station 643+53) a distance of 210 feet to the east property line; thence southerly along said east property line a distance of 164 feet, more or less, to a point that is 35 feet northerly of and at right angles to the centerline of a County Road and the point of beginning of the property herein to be conveyed; thence westerly, parallel to the centerline of said County Road, a distance of 89 feet, more or less, to a point that is 35 feet northerly of and at right angles to the centerline of said County Road at Station 6+50; thence turn an angle of 90°00' to the left and run a distance of 5 feet to the present north right-of-way line of said County Road; thence easterly along said present north right-of-way line a distance of 89 feet, more or less, to the east property line; thence northerly along said east property line a distance of 5 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T-2-S, R-3-E and containing 0.01 acre, more or less.

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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.

Harry D'Oliver
JUDGE OF PROBATE

BY: _____

STATE OF ALABAMA,

PETITIONER,

VS.

1517
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.

COMMISSIONS

TO: W. E. Long, William (Billy)
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.

Harry D'Ollive
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. Colne

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

Harry D'Ollive
JUDGE OF PROBATE

IN RE: [illegible]
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Received 16 day of Dec 1967
and on 17 day of Dec 1967
I served a copy of the within Notice
on W. E. Long, William Culver
Milton Wilson
By service on _____

1.57
4.80

TAYLOR WILKINS, Sheriff
By W. A. Tolbert, Jr.

1517

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.

REPORT OF THE COMMISSIONERS

TO THE HONORABLE HARRY M. D'OLIVE, JUDGE OF PROBATE, BALDWIN
COUNTY, ALABAMA.

Come the undersigned, W. E. Long,
William R. Culver, and Milton Wilson,

the Commissioners duly appointed to assess the damages to Parcels
Nos. 41, 48 & 49 of Project No. S-60-E, to which the owner and
other parties interested in the parcel of land set forth and de-
scribed in the original application for condemnation of lands
filed in this cause, are entitled for the condemnation of such
lands, and having been duly sworn as jurors, and having viewed
the lands described in said application for condemnation, and
having set a time and place for the hearing of the evidence to
be offered by any party touching the amount of damages the owners
of the lands and other parties interested therein will sustain and
the amount of compensation they are entitled to receive, and having
received all legal evidence offered, do hereby state that the a-
mount of damages and compensation has been ascertained and assessed
by the undersigned according to law and that the said owners of
said Parcel of land and other parties interested therein are en-
titled to receive as damages and compensation for the condemnation
of their property, the following amount:

Project No. S-60-E, Parcel No. 41, \$ 6,906.

Project No. S-60-E, Parcel No. 48, \$ 7,240.

Project No. S-60-E, Parcel No. 49, \$ 14,513.

We hereby certify that we have not been consulted with, advised with or approached by any person with reference to the value of the lands other than as to the evidence submitted to and considered by us or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

W. L. Long
COMMISSIONER

W. C. Wilson
COMMISSIONER

William Rhine
COMMISSIONER

Sworn to and subscribed before me
this 23rd day of Dec.,
19 69.

Harry D. Oline
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, ALA., A POLITICAL SUBD. OF THE STATE OF ALA.

RESPONDENTS.

FINAL ORDER OF CONDEMNATION

On the 23rd day of Dec., 1969, came W. E.
Long, William R. Culver, and Milton Wilson,
commissioners heretofore appointed by this Court to assess and as-
certain the damages and compensation to which the owners and other
parties interested in the tract of land set forth in the applica-
tion for condemnation of lands heretofore filed in this cause are
entitled and filed their report in writing and under oath setting
forth that they awarded compensation and damages to the said owners
and other parties interested in Parcels Nos. 41, Project No. S-60-E,
in the amount of \$ 6,906⁰⁰; Parcel No. 48, Project No. S-60-E,
in the amount of \$ 7,220⁰⁰; and Parcel No. 49, Project No S-
60-E, in the amount of \$ 14,513⁰⁰.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that
the said report of commissioners be filed in this Court and recorded.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that
the property described in the application for condemnation heretofore
filed in this cause be and the same is hereby condemned for the pur-
poses set forth in said application for condemnation upon the payment
of the damages and compensation so ascertained, assessed and reported
or the deposit of the same in Court as provided in Section 16 of
Title 19 of the Code of Alabama, 1940.

IT IS FURTHER ORDERED by the Court that said Petitioner pay
all costs of the proceeding.

Done this 23rd day of Dec., 1969.

STATE OF ALABAMA

PETITIONER,

VS

FRED DEMPSEY and
PEARLIE DEMPSEY,
(Claimants to
Tract No. 41,
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. 41 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: Fred Dempsey and Pearlie Dempsey, 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. Saline
JUDGE OF PROBATE COURT,
BALDWIN COUNTY, ALABAMA

Service accepted 2/11/70

Malcolm P. Stone, Jr.
Attorney for Respondents

STATE OF ALABAMA,	Ø	IN THE CIRCUIT COURT OF
PETITIONER,	Ø	BALDWIN COUNTY, ALABAMA
VS.	Ø	CASE NO. 9114
FRED DEMPSEY and	Ø	
PEARLIE DEMPSEY,	Ø	
(Claimants to	Ø	
Tract No. 41	Ø	
Project S-60-E)	Ø	
RESPONDENTS.	Ø	

STIPULATION

It is hereby stipulated by and between the Petitioner and Fred Dempsey and Pearlie Dempsey, 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 the proceeding to acquire an easement or right-of-way for public road purposes over and across the land of the Respondents, designated as Tract No. 41 in Alabama Highway Department, Project S-60-E.

2. That the date of the taking of said property interest was the 7th day of November, 1969, the date on which the application for condemnation was filed in the Probate Court of Baldwin County, Alabama; and the valuation of said property has remained constant since that date.

3. That these proceedings are properly before this Court, and a trial by jury of question of damages and compensation was properly demanded.


4. That the Petitioner, notwithstanding the allegations of the original application, seeks only to acquire an easement or right-of-way for public road purposes in connection with said Project over and across said tract of land.

5. That the Respondents herein 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.

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

7. 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 as above stated.


ATTORNEY FOR PETITIONER


ATTORNEY FOR RESPONDENTS

FILED

MAR 10 1970

ALICE J. DUCK CLERK
REGISTER

State of Alabama

IN THE CIRCUIT COURT OF

VS:

BALDWIN COUNTY, ALABAMA

Fred Dempsey & Pearl Dempsey

AT LAW, CASE NO. 9114

"We the jury find in favor of the landowners, and assess the damages at
\$12000⁰⁰."

Origen Hall
Foreman.