

BALDWIN COUNTY, ALABAMA,	X	
Condemnor,	X	IN THE PROBATE COURT OF
	X	
vs.	X	
	X	
JOSEPH C. CIGANEK, also	X	
known as JERRY CIGANEK,	X	BALDWIN COUNTY, ALABAMA
	X	
Condemnee.	X	

APPLICATION TO CONDEMN LANDS

TO THE HONORABLE PROBATE COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE HARRY D'OLIVE, JUDGE THEREOF:

Comes your Applicant, Baldwin County, Alabama, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That under the laws of the State of Alabama, Baldwin County, Alabama, is charged with the duty of providing right-of-way for public roads constructed or to be constructed within said County; it has, acting by and through the State Highway Department, surveyed and proposes to construct a public road over and across the land hereinabove described.

SECOND:

That the County Commission of Baldwin County, Alabama, has by resolution determined that it is necessary that a right-of-way be acquired over and across the land hereinabove described, and it has been requested to acquire such right-of-way by the State Highway Department of the State of Alabama, acting by and

STATE OF ALABAMA, BALDWIN COUNTY

Filed Feb. 11, 1970
Recorded Minutes book 54 page 892
Harry D. Olive
Judge of Probate

page 54 page 892

through D'Olive Bill, its Resident Engineer, all as shown by a certified copy of a resolution of the County Commission of Baldwin County, Alabama, attached hereto and marked "EXHIBIT A" and by reference made a part hereof, in which resolution is incorporated the request from the State Highway Department of the State of Alabama, hereinabove referred to.

THIRD:

That the land over which it is necessary that Baldwin County, Alabama, acquire right-of-way for public roads is described as follows:

Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 33, Township 5 South, Range 4 East, the point of beginning, thence run South $86^{\circ}45'$ West a distance of 678.9 feet; thence run North $00^{\circ}07'$ West a distance of 40.0 feet; thence run North $86^{\circ}45'$ East a distance of 588.9 feet; thence run North $43^{\circ}00'$ East 71 feet to a point; thence run North $00^{\circ}07'$ West a distance of 586.6 feet; thence run North $86^{\circ}45'$ East a distance of 40.0 feet; thence run South $00^{\circ}07'$ East a distance of 676.6 feet to the point of beginning.

Said right-of-way being in the Northwest Quarter of the Northeast Quarter of Section 33, Township 5 South, Range 4 East of Baldwin County.

FOURTH:

That the above described land is owned by Joseph C. Ciganek, also known as Jerry Ciganek, who is over the age of twenty-one years and a resident of Baldwin County, Alabama, residing at Rural Route, Robertsedale, Alabama.

FIFTH:

That Baldwin County, Alabama, proposes to acquire an easement of right-of-way over and across the above described land

for public road purposes.

SIXTH:

That Baldwin County, Alabama, does not know of any other person, firm or corporation who owns or claims any right, title or interest in and to the above described land and has used reasonable diligence to ascertain if any other person, firm or corporation other than the one named claim to own or own any right, title or interest in said land.

WHEREFORE, the premises considered, your Applicant respectfully prays that this Honorable Court will, on the filing of this application, make and enter an order appointing a day for the hearing hereof and will cause notice of the filing hereof and of the day set for the hearing hereof to be given to the above named person in accordance with the statutes in such cases made and provided. And your Applicant further prays that on the day set for the hearing of this application that this Honorable Court will enter an order granting this application in and by the terms of which order three citizens of this County will be appointed to assess the damages and compensation, if any, to which the said Condemnee is entitled. And your Applicant further prays that upon the receipt by this Court of the Report of the Commissioners and the Certificate in connection therewith that this Honorable Court will enter an order or decree of condemnation of the interest sought to be acquired in the above described property for the uses and purposes herein set forth; and your Applicant prays for such other, further and different orders and decrees as may be necessary and proper for the acquisition by it of the interest in the property sought to be

BOOK 54 PAGE 894

condemned for the uses and purposes herein stated.

Respectfully submitted,

BALDWIN COUNTY, ALABAMA,

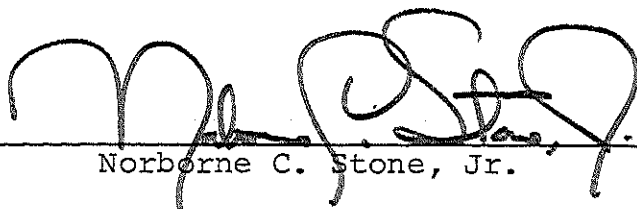
By: 
As Its Agent and Attorney

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is the duly authorized agent and attorney of the County Commission of Baldwin County, Alabama. That he executed the foregoing application as such, and he is informed and believes and upon such information and belief states that the facts alleged in the foregoing application are true and correct.


Norborne C. Stone, Jr.

Sworn to and subscribed before

me this 3rd day of February,

1970.


Notary Public, Baldwin County, Alabama

BALDWIN COUNTY, ALABAMA

Condemnor,

VS.

JOSEPH C. CIGANEK, also
known as JERRY CIGANEK,

Condemnee.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO.

9230

MOTION TO SET ASIDE JUDGMENT

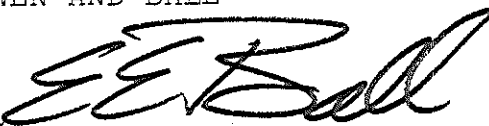
Comes now, Joseph C. Ciganek, a/k/a Jerry Ciganek, the Condemnee in the above styled cause and moves this Honorable Court to set aside the purported consent judgment entered in this cause on March 13, 1974, and for grounds therefore, would show unto Your Honor and this Honorable Court as follows:

1. That the amount of money stated therein is not the amount which the condemnee was informed by his attorney would be the amount of the settlement forthcoming to him.

2. The said condemnee has a meritorious defense to the action filed by Baldwin County, Alabama in that the amount awarded by the commissioners is much lower than that value placed on the condemned property by independent appraisers.

OWEN AND BALL

BY

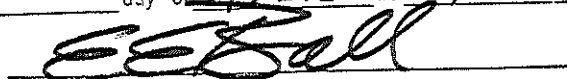


E. E. BALL

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the above and foregoing pleading upon counsel for the opposing party by mailing a copy thereof to him, postage prepaid and properly addressed to his office in BAY MINETTE, Alabama.

This 4 day of APRIL 19 74



FILED

APR 4 1974

EUNICE B. BLACKMON CIRCUIT
CLERK

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

BALDWIN COUNTY, ALABAMA

)

Condemnor,

)

VS.

)

CIVIL ACTION NO. 9230

JOSEPH CIGANEK a/k/a

)

JERRY CIGANEK,

)

Condemnee.

)

CONSENT JUDGMENT AND ORDER OF CONDEMNATION

This cause coming on to be heard by the Court on this the 16th day of July, 1974, it appears to the Court that said cause was submitted to this Court under a stipulation filed by the respective attorneys of record and that the only issue in this proceedings is damages and compensation which the Condemnee/Landowner is entitled to and that an Order of Condemnation should be herein entered condemning the lands described as follows:

Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter of Section 33, Township 5 South, Range 4 East, the point of beginning, thence run South 86°45' West a distance of 678.9 feet; thence run North 00°07' West a distance of 40.0 feet; thence run North 86°45' East a distance of 588.9 feet; thence run North 43°00' East 71 feet to a point; thence run North 00°07' West a distance of 586.6 feet; thence run North 86°45' East a distance of 40.0 feet; thence run South 00°07' East a distance of 676.6 feet to the point of beginning.

Said right of way being in the Northwest quarter of the Northeast quarter of Section 33, Township 5 South, Range 4 East of Baldwin County.

It is ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, as follows:

1. That the application of the County of Baldwin for condemnation of the lands hereinabove described be granted and that the property is hereby condemned for the use of the County of Baldwin for the uses as set out in the application for condemnation and the rights therein are hereby divested out of the Landowner and into the County of Baldwin upon payment by the County of Baldwin of the sum hereinafter ordered and decreed to be paid.

2. That the damages and compensation to which the Condemnee/Landowner in this cause, Joseph Ciganek a/k/a Jerry Ciganek, is

entitled has been agreed upon by the parties hereto and their respective attorneys of record to be the sum of FIVE HUNDRED DOLLARS (\$500.00), which said sum is hereby ordered to be paid by the County of Baldwin to the said Landowner and, upon payment of said amount by the County of Baldwin, the condemnation of the land hereinabove described shall be and become effective.

3. That the County of Baldwin shall pay the cost of this proceedings.

ORDERED and ADJUDGED this the 16th day of July, 1974.

Telfair A. Madelbourn
Circuit Judge

FILED

JUL 16 1974

EUNICE B. BLACKMON CIRCUIT
CLERK

BALDWIN COUNTY, ALABAMA,

VS.

Condemnee.

E. E. Ball, Attorney for Condemnee

BALDWIN COUNTY, ALABAMA,

X

Condemnor,

X

IN THE PROBATE COURT OF

X

vs.

X

BALDWIN COUNTY, ALABAMA

JOSEPH C. CIGANEK, also
known as JERRY CIGANEK,

X

X

Condemnee.

X

ORDER OF CONDEMNATION

The Commissioners heretofore appointed by the Court to assess the damages and compensation to which Joseph C. Ciganek, also known as Jerry Ciganek, is entitled as the owner of the hereinafter described land, having heretofore, on the 26th day of March, 1970, filed their report in writing, to which was attached their certificate as required by law in and by the terms of which report it appears that said Commissioners have determined the said Joseph C. Ciganek, also known as Jerry Ciganek, as the owner of the land hereinafter described is entitled to the sum of \$ 200⁰⁰ and it further appearing to the Court that Baldwin County, Alabama, has this day paid into Court the costs in this proceeding and the amount assessed to the owner of the said land, and that an order should be entered condemning an easement or right-of-way over and across the land hereinafter described in favor of Baldwin County, Alabama; and the Court having considered all of the above, it is, therefore,

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that an easement or right-of-way for public roads be, and the same is hereby condemned, granted and awarded to Baldwin County, Alabama, over and across the following described parcel of real property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 33, Township 5 South, Range 4 East, the point of beginning, thence run South 86°45' West a distance of 678.9 feet; thence run North 00°07' West a distance of 40.0 feet; thence run North 86°45' East a distance of 588.9 feet; thence run North 43°00' East 71 feet to a point; thence run North 00°07' West a distance of 586.6 feet; thence run North 86°45' East a distance of 40.0 feet; thence run South 00°07' East a distance of 676.6 feet to the point of beginning.

Said right-of-way being in the Northwest Quarter of the Northeast Quarter of Section 33, Township 5 South, Range 4 East of Baldwin County.

and that such easement be, and the same is, divested out of the Condemnee and in Baldwin County, Alabama.

It is further ORDERED, ADJUDGED and DECREED by the Court that all of the papers now on file in this Court, including the Report of Commissioners, be recorded.

Done this 26th day of March, 1970.

Harry D'Oliver
Judge of Probate

BOOK 54 PAGE 965

STATE OF ALABAMA

BOND

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS that we, Baldwin County, Alabama, as Principal, and the undersigned as Surety, are held and firmly bound unto Joseph C. Cijanek, also known as Jerry Cijanek, in the penal sum of Four Hundred Dollars (\$400.00) for the payment of which, well and truly to be made, we do hereby, separately and severally, bind ourselves and our respective successors and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that whereas the above named Joseph C. Cijanek, also known as Jerry Cijanek, has appealed from an order of condemnation entered by the Probate Court of Baldwin County, Alabama, on the 26th day of March, 1970, to the Circuit Court of Baldwin County, Alabama; NOW, THEREFORE, if the said Baldwin County, Alabama, shall pay such damages as the above named obligee as property owner may sustain, then this obligation to be null and void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have caused these presents to be executed on this the 30th day of April, 1970.

BALDWIN COUNTY, ALABAMA

By: John B. Hadley
As Chairman of the County Commission

FIDELITY & DEPOSIT COMPANY OF MARYLAND, a corporation,

By: Walter Lindsey
As Its Attorney-in-Fact

Taken and approved this 30th day of April, 1970.

Harry D'Oliver
Judge of Probate

MOORE PRINTING COMPANY

COMMERCIAL PRINTING

Office Supplies——Legal Forms

TELEPHONE 937-7171

P. O. BOX 36

Bay Minette, Alabama

*To Vicent Quist
after
over*

No. 6812 In the matter of Baldwin County vs Joseph C. Ciganek
 Administrator, Executor, or Guardian. Residence 1414 1/2 Jerry Ciganek
 Attorneys Chason Stone & Chason Docket Page Fee Book Page

DATE	FEES	AMOUNT	DATE	FEES	AMOUNT
	WILL—Orders on Presentation, \$1.00			BROUGHT FORWARD,	12.50
	Affidavit in Petition for Probate, 25c			SALE OF PERSONAL PROP.—Petition, 25c	
	Recording Petition, per 100 words, 15c			Recording same, per 100 words, 15c	
	Issuing Citation, entering Sheriff's Returns, 50c			Granting Order of Sale, 50c	
	Appointing, Notifying Guardian ad Litem, 50c			Issuing Order of Sale, 25c	
	Issuing Subpoena for Witnesses, 50c			Order to Publish Notice of Sale, 50c	
	Affidavit of Witnesses, 25c			Affidavit to Report, 25c	
	Examining Witnesses and Order Probating, \$2.00			Recording, per 100 words, 15c	
	Issuing Commission to take Deposition, 50c			Appointing Com'r to Divide, and Writ, \$2.00	
	Filing Interrogatories, 10c			Appointing and Notifying Guardian ad Litem, 50c	
	Copy of same, per hundred words, 15c				45.00
	Recording Will, per hundred words, 15c				45.00
	Recording Testimony, per hundred words, 15c				45.00
	Certificate, without Seal, 25c			PARTIAL SETTLEMENT—Affi. in Account, 25c	
	Certificate, with Seal, 50c			Examining, Stating Acc't, and App. Hearing, \$1.00	
	Presiding at Trial of Contested Will, per day, \$2.50			Order to Publish Notice of Sale, 50c	
2-11-70	Application to Condemn	3.75		Appointing and Notifying Guardian ad Litem, 50c	
2-12-70	Order set Day & rec'd.	1.00		Examining Vouchers, 10c	
3-12-70	Notice to Condemnee	1.00		Administering Affidavits, 25c	
3-2-70	" Appl. of Comm.	1.50		Making Decree and Order to Record, \$1.50	
	Order Grant Appl. etc	1.25		Recording same, per 100 words, 15c	
	LETTERS—Affidavit in Petition, 25c			Filing Claims and Giving Receipt, 15c	
	Recording Petition, per hundred words, 15c			INSOLVENCY—Affidavit in Report, 25c	
	Granting Letters of Administration, 50c			Recording Report and State., per 100 words, 15c	
	Issuing and Recording same, 50c			Order Appointing Day for Hearing, 25c	
	Granting Letters of Guardianship, 75c			Order to Publish Notice of same, 25c	
	Issuing, Filing, and Recording same, 50c			Order for Citations, 25c	
	Taking App., Filing, Rec. Adm. Bond, \$1.50			Issuing Notice to Creditors, Day of Hearing, 50c	
	Taking App., Filing, Rec. Guard. Bond, \$1.00			Order Sustaining Report, 25c	
	Affidavit of Justification, 50c			Order for Settlement, 25c	
	Granting Order of Appraisement, 50c			Order to Publish Day of Settlement, 25c	
	Issuing Order of Appraisement, 25c			Issuing Notice of Day of Settlement, 25c	
	Recording same, per hundred words, 15c			Affidavit to Amount of Claims, 25c	
3-26-70	Certified Copy Letters, 50c	2.50		Appointing, Notifying Guardian ad Litem, 25c	
3-26-70	Rec'd. of Comm.	1.50			200.00
	Decree	12.50		SALE OF REAL ESTATE—Affi. in Petition, 25c	
	HOMESTEAD—Rec. Petition for Com. 100 words, 15c			Recording Petition, per 100 words, 15c	
	Rec. Order for Applicant, per 100 words, 15c			Order App. Day of Hearing and Notice, \$1.00	
	Recording Order for Com., per 100 words, 15c			Order to Publish Notice of same, 50c	
	Notice to Commissioners, 50c			Issuing Citation, entering Sheriff's Return, 50c	
	Recording Report of Com., per 100 words, 15c			Appointing and Notifying Guardian ad Litem, 50c	
	Rec. Order Setting Apart, per 100 words, 15c			Issuing Commission to take Deposition, 50c	
	INVENTORY—Order to App. and Rec., 50c			Filing Interrogatories, per 100 words, 15c	
	Affidavit to same, 25c			Copy of Interrogatories, per 100 words, 15c	
	Recording same, per 100 words, 15c			Appointing Com'r to Divide and Issue Writ, \$2.00	
	Recording Decree, per 100 words, 15c			Affidavit in Report of same, 25c	
	APPRAISEMENT—Order Approving Rec., 50c			Order Approving Division and Report, \$1.00	
	Affidavit to same, 25c			Recording same, per 100 words, 15c	
	Recording same, per 100 words, 15c			Hearing Application for Dower, Issuing Writ, \$4.00	
	Issuing Order of Appraisement, 25c			Exam. Testimony and Granting Order to Sell, \$2.00	
	Recording Warrant, per 100 words, 15c			Recording Depositions, per 100 words, 15c	
	Order to Approve Appraisement, 50c			Recording Relinquishment of Dower, 100 wds., 15c	
	Affidavit to Appraisement, 25c			Recording Report, per 100 words, 15c	
	Recording same, per 100 words, 15c			Rec. Payment Purchase Money, per 100 words, 15c	
	Recording Decree, per 100 words, 15c			Making Order on Report Sale of Land, 75c	
	SALE OF PERISHABLE PROPERTY—Petition, 25c			FINAL SETTLEMENT—Affidavit in Acc's, 25c	
	Recording same, per 100 words, 15c			Examining, Stating, and Reporting Account, \$1.00	
	Granting Order of Sale, 50c			Order to Publish Notice of same, 50c	
	Issuing Order of Sale, 25c			Appointing and Notifying Guardian ad Litem, 50c	
	Appointing, Notifying Guardian ad Litem, 50c			Examining Vouchers, 10c	
	Affidavit to Report, 25c			Administering Affidavits, 25c	
	Recording, per 100 words, 15c			Recording same, per 100 words, 15c	
				Decrees in Final Settlement, 50c	
					26.00
	CARRIED FORWARD:				372.50

Paid 4-22-70 by Baldwin County
373 50
Harry O. Oliver

No. _____

The State of Alabama

COUNTY _____

PROBATE COURT

In the Matter of _____

PROBATE FEE BILL

Received of _____

Dollars _____

in payment of the above.

This _____, 19____

Judge of Probate _____

Probate Docket _____ Page _____

Fee Book _____ Page _____

Attorneys _____

DATE	FEES OF SHERIFF	AMOUNT	DATE	FEES OF WITNESSES	AMOUNT
	Gulledge - Roberts sale Finate - " Bennington. "				
				I have received the amount opposite my name	
	FEES OF PRINTER				
	FEES OF GUARDIAN AD LITEM				
	FEES OF COMMISSIONERS				

BALDWIN COUNTY, ALABAMA,	X	
Condemnor,	X	IN THE PROBATE COURT OF
vs.	X	
JOSEPH C. CIGANEK, also	X	BALDWIN COUNTY, ALABAMA
known as JERRY CIGANEK,	X	
Condemnee.	X	

TO: JOSEPH C. CIGANEK, also known as JERRY CIGANEK, Robertsdale, Alabama:

YOU ARE HEREBY NOTIFIED that on the 11th day of February, 1970, Baldwin County, Alabama, acting by and through Norborne C. Stone, Jr., as its Attorney, filed an application in writing for the condemnation of an easement or right-of-way for public road purposes over and across the following described real property situated in Baldwin County, Alabama, alleged to be owned by you:

Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 33, Township 5 South, Range 4 East, the point of beginning, thence run South 86°45' West a distance of 678.9 feet; thence run North 00°07' West a distance of 40.0 feet; thence run North 86°45' East a distance of 588.9 feet; thence run North 43°00' East 71 feet to a point; thence run North 00°07' West a distance of 586.6 feet; thence run North 86°45' East a distance of 40.0 feet; thence run South 00°07' East a distance of 676.6 feet to the point of beginning.

Said right-of-way being in the Northwest Quarter of the Northeast Quarter of Section 33, Township 5 South, Range 4 East of Baldwin County.

and that the 3rd day of March, 1970, at 9:00 A.M. has been appointed as the day for the hearing of said application, at which time you may appear and contest the same if you so desire.

Done this 12th day of February, 1970.

Harry D. Dine
Judge of Probate

CHASON, STONE & CHASON
Attorneys for Condemnor

VOL: VOL 0 PAGE 0 1

42-21-70

Received 12 day of January 19 70
and on 21 day of Feb. 19 70
I served a copy of the within Extradition
on Joseph C. Cigars
By service on _____

TAYLOR WILKINS, Sheriff
By H. H. Brown
50 miles R-T.
R-dale.

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Brown
DEPUTY SHERIFF

5.00
1.50
6.50

BALDWIN COUNTY, ALABAMA,

X

Condemnor,

X

IN THE CIRCUIT COURT OF

X

vs.

X

BALDWIN COUNTY, ALABAMA

X

JOSEPH C. CIGANEK, also
known as Jerry Ciganek,

X

#9230

X

Condemnee.

X

PETITION

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE THEREOF:

Comes now Baldwin County, Alabama, by its attorney, and
respectfully represents and shows unto this Honorable Court as
follows:

1. That this case is now pending in this Court by
virtue of an appeal by the Condemnee taken on April 22, 1970.
2. That Baldwin County, Alabama, in accordance with
the statutes in such cases made and provided, has paid the amount
of the award in the Probate Court of Baldwin County, Alabama, into
Court and, in addition thereto, has made bond in double the amount
of said award in accordance with the provisions of Title 19,
Section 18 of the Code of Alabama of 1940.
3. That Baldwin County, Alabama, acting by and through
the Alabama State Highway Department, as its agent, did, on the
11th day of May, 1970, attempted to exercise its right of entry
and the Condemnee refused to let the Condemnor, acting by and through
its agents, enter said property for the purpose of clearing the
right-of-way condemned for the purpose of constructing a public
road.
4. That the Condemnee is represented by counsel and has
been informed, through his counsel, by the Condemnor and by the

Probate Judge of Baldwin County, Alabama, that the Condemnor has paid into Court the amount of the award in the Probate Court and has made bond in accordance with the statutes in such cases made and provided.

WHEREFORE, the premises considered, the Condemnor respectfully prays that this Honorable Court will, upon the filing of this petition, enter an order or decree enjoining the Condemnee from in any way or manner interfering with or obstructing Baldwin County, Alabama, its agents, servants or employees, from exercising its right of entry into, over and across the lands described in the Order of Condemnation and will, in and by the terms of said order, direct the Sheriff of Baldwin County, Alabama, to serve a copy of said Order on the Condemnee. And your Petitioner prays for such other, further and different relief as in the premises will be meet and proper.

FILED

MAY 11 1970

ALICE J. DUCK CLERK
REGISTER

Respectfully Submitted,

BALDWIN COUNTY, ALABAMA,

By: [Signature]
As Its Attorney

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is one of the attorneys for Baldwin County, Alabama, and the facts alleged in the foregoing petition are true and correct.

Sworn to and subscribed
before me this 11th day of
May, 1970.

[Signature]
Norborne C. Stone, Jr.

[Signature]
Notary Public, Baldwin County, Alabama

BALDWIN COUNTY, ALABAMA,	X	
Condemnor,	X	
	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
JOSEPH C. CIGANEK, also	X	
known as JERRY CIGANEK,	X	# 9230
Condemnee.	X	

ORDER:

This day came Baldwin County, Alabama, by its attorney, and filed its sworn petition for an order enjoining the Condemnee from in any way or manner interfering with or obstructing Baldwin County, Alabama, from exercising its right of entry into, over, upon and across the lands described below; and said petition having been called to the attention of the Court and it appearing to the Court that the facts alleged therein are true and correct and that such order should be entered; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, that Joseph C. Ciganek, also known as Jerry Ciganek, be, and he is hereby, enjoined and restrained from in any way or manner interfering with or obstructing Baldwin County, Alabama, its agents, servants or employees from entering onto, for the purpose of constructing a public road, the following described lands situated in Baldwin County, Alabama:

Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 33, Township 5 South, Range 4 East, the point of beginning, thence run South 86°45' West a distance of 678.9 feet; run thence North 00°07' West a distance of 40.0 feet; thence run North 86°45' East a distance of 588.9 feet; thence run North 43°00' East 71 feet to a point; thence run North 00°07' West a distance of 586.6 feet; thence run North 86°45' East a distance of 40.0 feet; thence run South 00°07' East a distance of 676.6 feet to the point of beginning.

It is further ORDERED, ADJUDGED and DECREED by the Court that a copy of this Order be served immediately upon the said Joseph C. Ciganek by the Sheriff of Baldwin County, Alabama, and that the Sheriff of Baldwin County, Alabama be, and he is hereby, ordered and directed to see that the purpose and intent of this order is carried out and that Baldwin County, Alabama, is able to freely exercise its right of entry into the above described lands.

Done this 11th day of May, 1970.

Jeffery J. Mashburn
Circuit Judge

FILED

MAY 11 1970

ALICE J. DUCK CLERK
REGISTER

Received 11 day of May 1970
and on 11 day of May 1970
I served a copy of the within Pet + Order
on Jos. Ciganeck

By service on _____

Sheriff claims 56 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Baldwin
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff
H. F. B. Town
50 miles RT
Resentor.

9230

Baldwin County, Ala.

20.

Joseph C. Ciganeck

Petition + Order

FILED

MAY 11 1970

ALICE J. DUCK
CLERK
REGISTER

Chason, Stone & Chason

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19.....

To any Sheriff of the State of Alabama, Greetings:

WHEREAS, at a regular..... Term, 19....., of the Circuit Court of Baldwin County, to-wit: On the 20th day of March, 1974, being a regular day of said term, SILVERHILL FARMERS, INC.

recovered judgment against JOSEPH CIZANEK

for the sum of ONE THOUSAND ONE HUNDRED SEVENTY and 10/100 Dollars, and cost of suit, and affidavit having been made by Phyllis S. Nesbit, Attorney that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, viz:

EUNICE BLACKMON, CIRCUIT CLERK
BALDWIN COUNTY, BAY MINETTE, ALABAMA.

has or believed to have in her possession, or under her control money or effects belonging to said defendant Joseph Cizanek or that she is, or is believed to be indebted to said defendant or to be liable to them, or to one of them on a contract for the delivery of personal property, on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Commanded to Summon

EUNICE BLACKMON, CIRCUIT CLERK

to file an answer in duplicate to the Circuit Court for Baldwin County, at the Court House thereof, in the city of Bay Minette, within 30 days from Service of this writ

the service of the garnishment, or at the making her answer, or at any time intervening the time of serving the garnishment, and making the answer she was indebted to said defendant Cizanek and whether she will not be indebted in future to said defendant Cizanek by a contract then existing, and whether by a contract then existing she

is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property and whether she has not in her possession or under her control money or effects belonging to the defendant JOSEPH CIZANEK

Herein fail not, and have you then and there this Writ.

Witness, Eunice B. Blackmon, Clerk of said Court, this 4th day of April, A. D., 1974.
issued 4th day of April, A. D., 19.....

ATTEST:

Eunice B. Blackmon Clerk

CIRCUIT COURT, BALDWIN COUNTY

No. 11,482 1/2

Silverhill Farmers, Inc.

VS. } GARNISHMENT ON JUDGMENT

Joseph Gizeanek

Issued 4th day of April 19 74

Returnable day of 19

Phyllis S. Nesbit

Attorney

Moore Printing Co. — Bay Minette, Ala

BALDWIN COUNTY, ALABAMA,

Condemnor,

VS.

JOSEPH C. CIGANEK a/k/a
Jerry Ciganek,

Condemnee.

)
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
) CASE NO. 9230
)
)

DECREE

On the 30 day of November, 1970, came into open court the applicant, Baldwin County, Alabama, by its attorney, and also came the Condemnee, Joseph C. Ciganek, a/k/a Jerry Ciganek by his attorney, John Beebe.

Thereupon, the court proceeded to hear the allegations of the application of Baldwin County, Petitioner, and upon consideration of said application, it appears to the court that the Condemnee consents that said application be granted.

It is therefore CONSIDERED and ORDERED by the court and it is the judgment of the court that the application of Baldwin County for condemnation of said right of way and easement over and across the lands of the Condemnee be and the same is hereby granted.

It further appears to the Court that the Petitioner and the Condemnee reached a settlement of this matter and it was agreed by and between the respective attorneys representing the parties that the Condemnee was entitled to the sum of TWO HUNDRED DOLLARS (\$200.00) as damages and compensation for the lands described in the application for condemnation.

Now therefore, it is ORDERED, ADJUDGED and DECREED by the court that the said Condemnee is entitled to have and receive of the Clerk the sum of TWO HUNDRED DOLLARS (\$200.00).

Now therefore, it is ORDERED, ADJUDGED and DECREED by the court that the right of way and easement sought under the application in this cause be condemned over, on and across the following described land of the Condemnee:

Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter of Section 33,

Township 5 South, Range 4 East, the point of beginning; thence run South 86°45' West a distance of 678.9 feet; run thence North 00°07' West a distance of 40.0 feet; thence run North 86°45' East a distance of 588.9 feet; thence run North 43°00' East 71 feet to a point; thence run North 00°07' West a distance of 586.6 feet; thence run North 86°45' East a distance of 40.0 feet; thence run South 00°07' East a distance of 676.6 feet to the point of beginning.

for the purpose of the construction and maintenance of a public road.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Condemnee, Joseph C. Ciganek, a/k/a Jerry Ciganek, recover of Baldwin County, Alabama, the cost in this case for which let execution issue.

DONE this the 13th day of March m, 1974.

/s/ Telfair J. Mashburn
Circuit Judge

I, Eunice B. Blackmon, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of Judge's Order entered in the above styled cause and the original of same appears on record in this office.

Witness my hand and seal this 15 day of March, 1974

Eunice B. Blackmon
Clerk of the Circuit Court
of Baldwin County, Alabama

BALDWIN COUNTY, ALABAMA,)	
Condemnor,)	
VS.)	IN THE CIRCUIT COURT OF
JOSEPH C. CIGANEK a/k/a)	BALDWIN COUNTY, ALABAMA
Jerry Ciganek,)	CASE NO. 9230
Condemnee.)	

DECREE

On the 30 day of November, 1970, came into open court the applicant, Baldwin County, Alabama, by its attorney, and also came the Condemnee, Joseph C. Ciganek, a/k/a Jerry Ciganek by his attorney, John Beebe.

Thereupon, the court proceeded to hear the allegations of the application of Baldwin County, Petitioner, and upon consideration of said application, it appears to the court that the Condemnee consents that said application be granted.

It is therefore CONSIDERED and ORDERED by the court and it is the judgment of the court that the application of Baldwin County for condemnation of said right of way and easement over and across the lands of the Condemnee be and the same is hereby granted.

It further appears to the Court that the Petitioner and the Condemnee reached a settlement of this matter and it was agreed by and between the respective attorneys representing the parties that the Condemnee was entitled to the sum of TWO HUNDRED DOLLARS (\$200.00) as damages and compensation for the lands described in the application for condemnation.

Now therefore, it is ORDERED, ADJUDGED and DECREED by the court that the said Condemnee is entitled to have and receive of the Clerk the sum of TWO HUNDRED DOLLARS (\$200.00).

Now therefore, it is ORDERED, ADJUDGED and DECREED by the court that the right of way and easement sought under the application in this cause be condemned over, on and across the following described land of the Condemnee:

Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter of Section 33,

for the purpose of the construction and maintenance of a public road.

DONE this the 5th day of March, 1974.

J. L. J. A. M. M. M.
Circuit Judge

FILED

MAR 15 1974

EUNICE B. BLACKMON CIRCUIT
CLERK

OFFICE PHONE
(205) 928-5827

MIKE FORD REALTY CO.

P. O. BOX 317
BATTLES WHARF, ALA. 36533

HOME PHONE
(205) 928-5436

Please advise if this is still good or
have I already signed. I remember the day of
the court submitting it but for some reason
was told to wait.

Thank You
Mike Ford



BALDWIN COUNTY, ALABAMA,	X	
Condemnor,	X	IN THE PROBATE COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
JOSEPH C. CIGANEK, also	X	
known as JERRY CIGANEK,	X	
Condemnee.	X	

ORDER GRANTING APPLICATION AND
APPOINTING COMMISSIONERS

This being the day appointed by the Court for the hearing on the Application heretofore filed in this Court praying that this Court condemn certain land described therein for the purpose set forth therein, now comes said Applicant, by its attorney, and the Condemnee having had due notice as required by law, the Court proceeds to hear said Application, together with all legal evidence touching the same; and it appearing to the Court that the allegations of said Application are true and that it is necessary that said land be condemned for the purpose mentioned in said Application, and the Court having considered all of the above; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that said Application be, and the same is hereby, granted.

And it further appearing to the Court that Robert I. Gullledge, EARL Pennington and Sherman Kinote, are three citizens of the County possessing the qualifications of jurors, and who are disinterested, and that the above named citizens are proper and competent persons to act as Commissioners to view the land described in said Application, and, after hearing all evidence offered, to assess the damages and

compensation to which the owner of the land is entitled, and they are hereby appointed as Commissioners for the purpose aforesaid.

DONE this 3RD day of MARCH, 1970.

Harry D'Oliver
Judge of Probate

BOOK 54 PAGE 106

BALDWIN COUNTY, ALABAMA,

X

Condemnor,

X

IN THE PROBATE COURT OF

vs.

X

JOSEPH C. CIGANEK, also
known as JERRY CIGANEK,

X

BALDWIN COUNTY, ALABAMA

Condemnee.

X

X

NOTICE OF APPOINTMENT OF COMMISSIONERS

TO: TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA:

YOU ARE HEREBY NOTIFIED that the undersigned Judge of
Probate of Baldwin County, Alabama, has, in the above styled cause
now pending in said Court, appointed Robert I. Gullett,
Earl Pennington and Sherman Wingo
all of Baldwin County
as Commissioners to assess the damages and compensation, if any, to
which Joseph C. Ciganek, also known as Jerry Ciganek, as the owner
of the following described land situated in Baldwin County, Alabama,
to-wit:

Beginning at the Southeast corner of the
Northwest Quarter of the Northeast Quarter
of Section 33, Township 5 South, Range 4
East, the point of beginning, thence run
South 86°45' West a distance of 678.9 feet;
thence run North 00°07' West a distance of
40.0 feet; thence run North 86°45' East a
distance of 588.9 feet; thence run North
43°00' East 71 feet to a point; thence run
North 00°07' West a distance of 586.6 feet;
thence run North 86°45' East a distance of
40.0 feet; thence run South 00°07' East a
distance of 676.6 feet to the point of be-
ginning.

Said right-of-way being in the Northwest
Quarter of the Northeast Quarter of Section
33, Township 5 South, Range 4 East of Baldwin
County.

is entitled.

And you are hereby required to serve a copy of this notice upon each of the persons designated herein as Commissioners within five days of the receipt of this notice, which said Commissioners must, within twenty days from this date, make a report in writing, to this Court stating the amount of damages and compensation ascertained and assessed by them for the owner of the above described land.

And you are required to make due return on this notice to this Court.

Done this 12th day of March, 1970.

Harry DeLuie
Judge of Probate

24 3-167

nmw
FM
899

Received 12 day of March 19 70
and on 16 day of March 19 70

I served a copy of the within Notice

on Carl Ruppington, Robert
Gillidge, & Herman Winsto

By service on _____

TAYLOR WILKINS, Sheriff

By H. Brown D. S.

55 miles N. T.
P. Dale

Sheriff's claim 1.50 miles at

Ten Cents per mile Total \$ 15.00

TAYLOR WILKINS, Sheriff

BY Brown DEPUTY SHERIFF

15.00
4.50
19.50

BALDWIN COUNTY, ALABAMA, X
Condemnor, X IN THE PROBATE COURT OF
vs. X
JOSEPH C. CIGANEK, also X BALDWIN COUNTY, ALABAMA
known as JERRY CIGANEK, X
Condemnee. X

REPORT OF COMMISSIONERS

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

The undersigned, Robert D. Gullett,
Earl Pennington and Sherman Winst

who were heretofore appointed by the Probate Court of Baldwin
County, Alabama, as Commissioners to assess the damages and com-
pensation to which Joseph C. Ciganek, also known as Jerry Ciganek,
as the owner of the land hereinafter described, is entitled on the
Application of Baldwin County, Alabama, for an order of condemnation
of an easement for road purposes over and across the following de-
scribed land situated in Baldwin County, Alabama, to-wit:

Beginning at the Southeast corner of the
Northwest Quarter of the Northeast Quarter
of Section 33, Township 5 South, Range 4
East, the point of beginning, thence run
South 86.45' West a distance of 678.9 feet;
thence run North 00°07' West a distance of
40.0 feet; thence run North 86°45' East a
distance of 588.9 feet; thence run North
43°00' East 71 feet to a point; thence run
North 00°07' West a distance of 586.6 feet;
thence run North 86°45' East a distance of
40.0 feet; thence run South 00°07' East a
distance of 676.6 feet to the point of be-
ginning.

Said right-of-way being in the Northwest
Quarter of the Northeast Quarter of Section
33, Township 5 South, Range 4 East of Baldwin
County.

do hereby respectfully report that pursuant to said commission we

viewed the said land after having been sworn as jurors are sworn, and thereafter we proceeded to assess the damages and compensation to which the owner of the above described property is entitled by reason of condemnation of said easement for road purposes over and across the above described land belonging to him, and we, and each of us, separately assessed the damages and compensation to Joseph C. Ciganek, also known as Jerry Ciganek, owner of the above described land at the sum of \$ 200.00.

We further certify that we have not been consulted, advised or approached by any person in reference to the value of the land 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 as such commissioners.

Done this 26th day of March, 1970.

Earl Pennington
Sherman White
Cliff Pendergast

CERTIFICATE OF COMMISSIONERS

We, the undersigned, as Commissioners heretofore appointed by the Judge of Probate of Baldwin County, Alabama, in the above styled cause, do hereby certify that we each possess the qualifications of jurors, that we have never been consulted, advised or approached by any person in reference to the value of the land which is the subject of this proceeding, or the proceedings to condemn the same prior to the assessment of the damages, and that we and each of us, knew nothing of the same prior to our appointment as such.

And each of us do hereby certify that we were sworn as jurors are sworn and that the following oath was administered to

BOOK 54 PAGE 903

us:

"You do solemnly swear that you will well and truly try all issues, execute all writs of inquiry which may be submitted to you during the present session, and true verdicts render according to the evidence --- so help you God".

Done this 26th day of March, 1970.

Earl Pennington

Sherman Thistle

Robert [unclear]

Sworn to and subscribed before me

this 26th day of March,

1970.

Louis M. Stough

Notary Public, Baldwin County, Alabama

NOT
54
911

BALDWIN COUNTY, ALABAMA,

X

IN THE PROBATE COURT OF

Condemnor,

X

vs.

X

JOSEPH C. CIGANEK, also
known as JERRY CIGANEK,

X

BALDWIN COUNTY, ALABAMA

Condemnee.

X

X

ORDER SETTING DAY

This day came Baldwin County, Alabama, acting by and through Norborne C. Stone, Jr., as its Attorney, and filed its application to have condemned an easement of right-of-way for public road purposes over and across the land therein described; and it appearing to the Court from the allegations of said application that it is necessary that Baldwin County, Alabama, acquire such easement or right-of-way and that Baldwin County, Alabama, desires to have such easement or right-of-way condemned; and the Court having considered the same is of the opinion that an order should be entered appointing a day for the hearing of said application and that notice should be given to the owner of the land as shown by said application; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that the 3rd day of March, 1970, at 9:00 A. M., be, and the same is hereby, appointed as the day for the hearing of said application and that notice of the filing of said application and of the day set for the hearing of said application be given to Joseph C. Ciganek, also known as Jerry Ciganek, who resides in the State of Alabama, his more particular address being R.F.D., Robertsdale, Alabama.

Done this 12th day of February, 1970.

Harry D. Oliver
Judge of Probate

BOOK 54 PAGE 844

BALDWIN COUNTY, ALABAMA,	X	
Condemnor,	X	IN THE PROBATE COURT OF
vs.	X	
JOSEPH C. CIGANEK, also	X	BALDWIN COUNTY, ALABAMA
known as JERRY CIGANEK,	X	
Condemnee.	X	

TO: JOSEPH C. CIGANEK, also known as JERRY CIGANEK, Robertsdale, Alabama:

YOU ARE HEREBY NOTIFIED that on the 11th day of February, 1970, Baldwin County, Alabama, acting by and through Norborne C. Stone, Jr., as its Attorney, filed an application in writing for the condemnation of an easement or right-of-way for public road purposes over and across the following described real property situated in Baldwin County, Alabama, alleged to be owned by you:

Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 33, Township 5 South, Range 4 East, the point of beginning, thence run South 86°45' West a distance of 678.9 feet; thence run North 00°07' West a distance of 40.0 feet; thence run North 86°45' East a distance of 588.9 feet; thence run North 43°00' East 71 feet to a point; thence run North 00°07' West a distance of 586.6 feet; thence run North 86°45' East a distance of 40.0 feet; thence run South 00°07' East a distance of 676.6 feet to the point of beginning.

BOOK 54 PAGE 897

Said right-of-way being in the Northwest Quarter of the Northeast Quarter of Section 33, Township 5 South, Range 4 East of Baldwin County.

and that the 3rd day of March, 1970, at 9:00 A.M. has been appointed as the day for the hearing of said application, at which time you may appear and contest the same if you so desire.

Done this 12th day of February, 1970.

Harry D. Deline
Judge of Probate

CHASON, STONE & CHASON VOL
Attorneys for Condemnor

0 PAGE

8 to Sheriff
2-12-70

CIVIL SUBPOENA — COPY — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

THE STATE OF ALABAMA, Baldwin County.

S. D. Page No. _____

Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: Case No. 9230 Term, 19__

YOU ARE HEREBY COMMANDED TO SUMMON _____

Mike Ford

if to be found in your County, at the instance of the (Condemner) Wegb
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House
thereof, by 9:00 o'clock of the forenoon, on the 30 day of Nov, 1910, and from day to day
and term to term of said Court until discharged by law, then and there testify, and the truth to say, in a certain
cause pending, wherein Baldwin County Plaintiff and Joseph C. Ciganek Defendant.
Herein fail not, and have you then and there this writ.

Given under my hand and seal, this 23 day of Nov, 1910

_____, Clerk

Moore Printing Co. - Bay Minette, Ala.

May 8, 1973

Walters, Brantley & Nesbit
Attorneys at Law
Robertsdale, Alabama

Attention: Hon. Tolbert M. Brantley

Re: Baldwin County, Alabama
vs: Joseph G. Giganek a/k/a Jerry Giganek
Case No. 9230

Dear Mr. Brantley:

Per our conversation in reference to the above styled case, there has been no decree entered in the above styled cause for the disposing of \$200.00 deposited in said case.

Your help in this matter will greatly appreciated.

Yours truly,

Circuit Clerk of Baldwin County

0
m
n
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9230

May 8, 1978

Winters, Brantley & Nesbit
Attorneys at Law
Tomball, Alabama

Attention: Hon. Robert M. Brantley

Re: Baldwin County, Alabama
vs: Joseph C. Ciganek aka Jerry Ciganek
Case No. 9230

Dear Mr. Brantley:

For our convenience in reference to the above styled case,
there has been no decree entered in the above styled cause for
the disposing of \$100.00 deposited in said case.

Your help in this matter will greatly be appreciated.

Yours truly,

Circuit Clerk of Baldwin County