

No. 6822

In the matter of:

History of Alabama, 1850

Administratoer, Executor, or Guardian. Residence

John King

Attorneys.

Kenneth Cooper

Docket

Page

### Free Book

Page

DATE	FEEES	AMOUNT	DATE	FEEES	AMOUNT
	WILL—Orders on Presentation, \$1.00 Affidavit in Petition for Probate, 25c Recording Petition, per 100 words, 15c Issuing Citation, entering Sheriff's Returns, 50c Appointing, Notifying Guardian ad Litem, 50c Issuing Subpoena for Witnesses, 50c Affidavit of Witnesses, 25c Examining Witnesses and Order Probating, \$2.00 Issuing Commission to take Deposition, 50c Filing Interrogatories, 10c Copy of same, per hundred words, 15c Recording Will, per hundred words, 15c Recording Testimony, per hundred words, 15c Certificate, without Seal, 25c Certificate, with Seal, 50c Presiding at Trial of Contested Will, per day, \$2.50			BROUGHT FORWARD, SALE OF PERSONAL PROP.—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Order to Publish Notice of Sale, 50c Affidavit to Report, 25c Recording, per 100 words, 15c Appointing Com'r to Divide, and Writ, \$2.00 Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Recording Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c Filing Claims and Giving Receipt, 15c IN SOLVENCY—Affidavit in Report, 25c Recording Report and State., per 100 words, 15c Order Appointing Day for Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Issuing Notice to Creditors, Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c Appointing, Notifying Guardian ad Litem, 25c	11 75
	LETTERS—Affidavit in Petition, 25c Recording Petition, per hundred words, 15c Granting Letters of Administration, 50c Issuing and Recording same, 50c Granting Letters of Guardianship, 75c Issuing, Filing, and Recording same, 50c Taking App., Filing, Rec. Adm. Bond, \$1.50 Taking App., Filing, Rec. Guard. Bond, \$1.00 Affidavit of Justification, 50c Granting Order of Appraisement, 50c Issuing Order of Appraisement, 25c Recording same, per hundred words, 15c Certified Copy Letters, 50c			PARTIAL SETTLEMENT—Affi. in Account, 25c Examining, Stating Acc't, and App. Hearing, \$1.00 Order to Publish Notice of Sale, 50c Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Recording Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c Filing Claims and Giving Receipt, 15c IN SOLVENCY—Affidavit in Report, 25c Recording Report and State., per 100 words, 15c Order Appointing Day for Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Issuing Notice to Creditors, Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c Appointing, Notifying Guardian ad Litem, 25c	125 00 125 00 125 00
	HOMESTEAD—Rec. Petition for Com. 100 words, 15c Rec. Order for Applicant, per 100 words, 15c Recording Order for Com., per 100 words, 15c Notice to Commissioners, 50c Recording Report of Com., per 100 words, 15c Rec. Order Setting Apart, per 100 words, 15c INVENTORY—Order to App. and Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c			SALE OF REAL ESTATE—Affi. in Petition, 25c Recording Petition, per 100 words, 15c Order App. Day of Hearing and Notice, \$1.00 Order to Publish Notice of same, 50c Issuing Citation, entering Sheriff's Return, 50c Appointing and Notifying Guardian ad Litem, 50c Issuing Commission to take Deposition, 50c Filing Interrogatories, per 100 words, 15c Copy of Interrogatories, per 100 words, 15c Appointing Com'r to Divide and Issue Writ, \$2.00 Affidavit in Report of same, 25c Order Approving Division and Report, \$1.00 Recording same, per 100 words, 15c Hearing Application for Dower, Issuing Writ, \$4.00 Exam. Testimony and Granting Order to Sell, \$2.00 Recording Depositions, per 100 words, 15c Recording Relinquishment of Dower, 100 wds., 15c Recording Report, per 100 words, 15c Rec. Payment Purchase Money, per 100 words, 15c Making Order on Report Sale of Land, 75c	2 170 00
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	CARRIED FORWARD:				



No. 6822

In the matter of

State of Ala. vs John Vargo & John E. Vargo

Administrator, Executor, or Guardian. Residence

Attorneys

Kenneth D. Cooper

Docket

Page

Fee Book

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2-17-70	Recd. App. to Com. & Order of Court	4.50		PARTIAL SETTLEMENT—Affi. in Account, 25c Examining, Stating Acc't, and App. Hearing, \$1.00 Order to Publish Notice of Sale, 50c Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Making Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c Filing Claims and Giving Receipt, 15c	
2-18-70	Recd. Notice to Creditors	1.00		INSOLVENCY—Affidavit in Report, 25c Recording Report and State, per 100 words, 15c Order Appointing Day for Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Issuing Notice to Creditors, Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c Appointing, Notifying Guardian ad Litem, 25c	
2-20-70	" Order App. Comm., etc. " Commission	1.50 2.00		SALE OF REAL ESTATE—Affi. in Petition, 25c Recording Petition, per 100 words, 15c Order App. Day of Hearing and Notice, \$1.00 Order to Publish Notice of same, 50c Issuing Citation, entering Sheriff's Return, 50c Appointing and Notifying Guardian ad Litem, 50c Issuing Commission to take Deposition, 50c Filing Interrogatories, per 100 words, 15c Copy of Interrogatories, per 100 words, 15c Appointing Com'r to Divide and Issue Writ, \$2.00 Affidavit in Report of same, 25c Order Approving Division and Report, \$1.00 Recording same, per 100 words, 15c Hearing Application for Dower, Issuing Writ, \$4.00 Exam. Testimony and Granting Order to Sell, \$2.00 Recording Depositions, per 100 words, 15c Recording Relinquishment of Dower, 100 wds., 15c Recording Report, per 100 words, 15c Rec. Payment Purchase Money, per 100 words, 15c Making Order on Report Sale of Land, 75c	
4-17-70	Certified Copy Letters, 50c Recd. Rep. of Comm. " Final Order	1.75 1.00		FINAL SETTLEMENT—Affidavit in Acc's, 25c Examining, Stating, and Reporting Account, \$1.00 Order to Publish Notice of same, 50c Appointing and Notifying Guardian ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Recording same, per 100 words, 15c Decrees in Final Settlement, 50c Taylor Watkins, Jr. 44.70	
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	CARRIED FORWARD:				421.45

[illegible]

ALABAMA HIGHWAY DEPARTMENT  
FIFTH DIVISION  
OFFICE OF DIVISION ENGINEER  
P. O. BOX 7158  
MOBILE, ALABAMA 36607

May 13, 1970

Baldwin County Probate Court  
Baldwin County Court House  
Bay Minette, Alabama

Re: Project Number N-RD-8(2)  
Wolf Field  
Baldwin County

Dear Sir:

Enclosed is State Warrant Number 169110 dated 5-11-70,  
in the amount of \$431.45 in your favor. This warrant  
covers payment for court costs relative to Tract No. 3, Case No.  
6822, State vs. Varoo on subject project.

Yours very truly,

W. R. Glass  
Division Engineer

By   
C. W. Coleman  
Assistant Division Engineer

FJG/pb

Attach.

cc: Mr. H. J. Lewis  
File

# STATE OF ALABAMA - DEPT. OF FINANCE - STATE COMPTROLLER

BALDWIN COUNTY PROBATE COURT

HIGHWAY  
VOUCHER NO.  
5047

FUND  
730 -36

HIGHWAY  
WARRANT NO.

REMITTANCE ADVICE

VENDOR'S INVOICE OR ACCOUNT NO.	PURCHASE ORDER NUMBER	VENDOR'S DT.			REFERENCE	AMOUNT OF INVOICE	DEDUCTIONS AMOUNT	BALANCE PAYABLE
		MO.	DAY	YR.				
N-RD-8(2) ROW		5	1	70		431.45		
TOTAL								431.45

REFER TO WARRANT NO.  
ADDRESS CORRESPONDENCE TO

STATE HIGHWAY DEPT.  
DIVISION OF ACCOUNTS  
MONTGOMERY, ALA. 36104

5000 25000 50000 75000 100000

#BXNDZDZTAA35

14707

STATE HIGHWAY DEPT.  
DIVISION OF ACCOUNTS  
ALABAMA, MOBILE

APPROXIMATELY 1960, THE FOLLOWING INFORMATION WAS OBTAINED FROM THE NEW YORK STATE DEPARTMENT OF CORRECTIONS:



# INVOICE

Payee Baldwin County Probate Court  
Address Baldwin County Court House  
City Bay Minette, Alabama  
Date April 21, 1970  
Project H-RO-8(2)  
County Baldwin

In Account With

STATE HIGHWAY DEPARTMENT OF ALABAMA

DESCRIPTION	
	Probate award in State vs. Vargo
TOTAL COST \$3,170.00	

I hereby certify that the within account is correct and just and that payment therefor has not been received.

*Harry D. Oliver*  
Probate Judge

Sworn and subscribed before me this 21 day of April, 1970

*Frederick R. Duffell*  
Notary Public

Approved: \_\_\_\_\_ Div. Engr.

Chief of Bureau

APPRAISAL & REVIEW INFO. PREVIOUSLY SUBMITTED

APPRAISED BY		REVIEWED BY	
Name	Amount	Name	Amount
1 Joseph M. Courtney	\$1,300.00	Max L. Lasater	\$1,300.00
2			
3			
4			

Type of Structure(s)	A	B	C	D	Acquired By	
						3

DISTRIBUTION											Tract & Parcel		AMOUNT
Area	Account Number	Funct.	Object	Fund	Project Number					Part.	Tract	Parcel	
2.05ac	4318	213	502		42	000	000	002	009	2	0003	601	3,170.00

Legend: Str. A-Residence

B-Commercial

C-Apartment

D-Other

Paid by State Warrant No. \_\_\_\_\_

Voucher No. \_\_\_\_\_ Date \_\_\_\_\_

Acquired By: 1-Agreement

2-Adm. Settlement

3-P. C. Award

4-C. C. Award



# INVOICE

Payee Baldwin County Probate Court  
Address Baldwin County Court House  
City Bay Minette, Alabama  
Date May 1, 1970  
Project M-80-8(2)  
County Baldwin

In Account With

STATE HIGHWAY DEPARTMENT OF ALABAMA

## DESCRIPTION

Cost of court incurred in  
Case No. 6822, State of Ala.  
vs. Vargo et al as per  
attached copy of cost bill

TOTAL COST \$ 431.45

I hereby certify that the within account is correct and just and  
that payment therefor has not been received.

Harry D'Olive  
Probate Judge

Sworn and subscribed before me this 1 day of May 1970

Franklin D. Griffith Notary Public

Approved W. R. Blanton Director

Chief of Bureau

APPRAISAL & REVIEW INFO. PREVIOUSLY SUBMITTED

## APPRAISED BY

Name	Amount
1	
2	
3	
4	

## REVIEWED BY

Name	Amount

Type of Structure(s)

A B C D

Acquired By

## DISTRIBUTION

DISTRIBUTION											Tract & Parcel		AMOUNT
Area	Account Number	Funct.	Object	Fund	Project Number					Part.	Tract	Parcel	
	4318	240	244		42	000	000	002	009	2	0003	601	431.45

Legend: Str. A-Residence

B-Commercial

C-Apartment

D-Other

Paid by State Warrant No. \_\_\_\_\_

Voucher No. \_\_\_\_\_ Date \_\_\_\_\_

Acquired By: 1-Agreement

2-Adm. Settlement

3-P. C. Award

4-C. C. Award

6822

STATE OF ALABAMA,

Petitioner,

VS.

JOHN VARGO,  
et al, and  
Tract No. 3  
(Project N-RD8 (2))

Respondents.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. ~~6822~~

9267

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 17th day of April, 1970, which said condemnation was against Tract No. 3 of State Highway Project N-RD8 (2).

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 4th day of May, 1970.

MacDonald 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 cost in this cause.

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

TO: John Vargo; John E. Vargo, Elberta, Alabama, and Tract No. 3,  
Project N-RD8 (2).

You are hereby notified that the above notice of Appeal was  
filed in this office of Judge of Probate, Baldwin County, Alabama,  
on the 4th day of May, 1970.

Witness my hand this \_\_\_\_\_ day of May, 1970.

---

Judge of Probate Court,  
Baldwin County, Alabama.

JURY LIST - JUNE TERM - JUNE 8th, 1970

- ~~1. Arnette, Roy, Carpenter, Perdido~~
- ~~2. Beaty, Raymond, Laborer, Fairhope~~
- ~~3. Brabner, Martin J., Jr., South Central Bell, Bay Minette~~
- ~~4. Bryars, C. H., Jr., Farmer, Bay Minette~~
- ~~5. Bryars, Miss Dollie M., Newport, Bay Minette~~
- ~~6. Calloway, John, Fisherman, Gulf Shores~~
- ~~7. Chastang, James, Paper Mill, Bay Minette~~
- ~~8. Day, Bernice, Stockton~~
- ~~9. Demko, Lula D., Operator, Perdido~~
- ~~10. Fackler, Charles, Mech., Loxley~~
- ~~11. Fackler, Paul W., Mechanic, Loxley~~
- ~~12. Friel, W. E., Retired, Bay Minette~~
- ~~13. Gibson, John D., Mechanic, Robertsedale~~
- ~~14. Gilbert, Annie Ree, Housewife, Bay Minette~~
- ~~15. Hasting, Evelyn, Housewife, Bay Minette~~
- ~~16. Heidelberg, Joe., Jr., Farmer, Robertsedale~~
- ~~17. Heller, Boyd O., Contractor, Foley~~
- ~~18. Hudson, Ethel, Maid, Bay Minette~~
- ~~19. Larson, Arthur, Farmer, Rosinton~~
- ~~20. Lazzari, John, Farmer, Belforest~~
- ~~21. Long, Grady, Jr., L & N R.R., Perdido~~
- ~~22. Malone, T. E., Merchant, Fairhope~~
- ~~23. McNeil, Vadin, Farmer, Gateswood~~
- ~~24. Mikkelson, Roy, Farmer, Summerdale~~
- ~~25. Myrick, T. C., Fairhope~~
- ~~26. Oswell, Charles, Timber & Oil, Spanish Fort-Daphne~~
- ~~27. Rider, Charles, Woodsman, Bay Minette~~
- ~~28. Sawyer, Mr. Lenora, Fairhope~~
- ~~29. Smith, Columbus, Retired, Stockton~~
- ~~30. Stevenson, Leona, Maid, Bay Minette~~
- ~~31. Strickland, Marvin, Laborer, Bay Minette~~
- ~~32. Swor, Mrs. Gertrude, Real Estate, Fairhope~~
- ~~33. Therrell, E. L. Doris, Housewife, Daphne~~
- ~~34. Trawick, Emma D., Stapleton~~
- ~~35. Ward, John, International Paper, Spanish Fort~~
- ~~36. Weeks, Harry J., Nurseryman, Foley~~
- ~~37. Whitten, Lewis, S., Electrician, Fairhope~~
- ~~38. Windham, Carl T., Paper Co., Robertsedale~~
- ~~39. Wolff, Burnette K., Stockton~~
- ~~40. Wrenn, Walter P., Retired, Bay Minette~~
- ~~41. Wrenn, Mrs. Wynona, Housewife, Bay Minette~~
- ~~42. Keifer, Mrs. Marion, Housewife, Lillian~~

TS XXXX XXXXX XXXX  
D XXXXX XXXXX XXXX

44  
40  
12  
28

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

14 July, 1970

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

Re: Project N-RD 8 (2)  
Tract 3  
Vargos

*MD. 9267*

Dear Mrs. Duck:

This is your authority to pay to the owners of above tract, John Vargo and John E. Vargo, the jury's award of \$6,000.00, for above tract as soon as the State forwards to you the money to pay said award. It is my understanding the balance of said sum will be forwarded to you within the next ten days. Please contact Honorable Norborne Stone as to how he wants the check made out.

Forward to me the State's cost bill in this case.

Sincerely,

*Kenneth Cooper*  
Kenneth Cooper

KC/ap  
cc: Honorable Norborne Stone  
Mr. C. W. Coleman



cc: Honorable Norborne Stone  
Mr. C. W. Coleman  
XV/ep

Re: Project M-10 8 (2)

27

St. Louis, Mo.

Forwarded to me the State's cost bill in this case.

John H. Hays and John H. Hays, the State's agent of \$6,000.00, for costs first of all the State's agent to pay the money to pay said agent. It is understood the balance of said sum will be delivered to me within ten days. Please contact Honorable Norborne Stone as to when the check made out.

Best regards, Buck

Re: Project M-10 8 (2)  
Invest 3  
Hays

36507  
Mrs. Alice J. Buck  
Clark, Circuit Court  
Fay, Alabama

16 July, 1970

9967

STATE OF ALABAMA,	§	IN THE CIRCUIT COURT OF
PETITIONER,	§	BALDWIN COUNTY, ALABAMA
-VS-	§	CASE NO. <u>9267</u>
JOHN VARGO and JOHN E.	§	
VARGO,	§	
RESPONDENTS.	§	

# FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 10th day of June, 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 17th day of February, 1970, 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 affect 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 4th day of May, 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, which the Defendant landowners are 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, Winona Wrenn, 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 in favor of the landowners,  
and assess the compensation and damages at  
\$6,000.00."

WINONA WRENN  
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 landowners 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 landowners in this case, John Vargo and John E. Vargo are entitled is hereby fixed at the sum of \$6,000.00, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowners, and that upon the payment of said amount by the State of Alabama to said landowners 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 10th day of June, 1970.

Julius G. Massam  
CIRCUIT JUDGE

FILED

JUN 26 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. N-RD-8(2) as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the northeast corner of Section 22, T-8-S, R-5-E; thence westerly along the north line of said Section 22 a distance of 700 feet, more or less, to a point that is 40 feet easterly of and at right angles to the centerline of Project No. N-RD-8(2) and the point of beginning of the property herein to be conveyed; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 1,001.74 feet, parallel to the centerline of said project, a distance of 745 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said project at Station 10+63.69; thence southeasterly, parallel to the centerline of said project, a distance of 289.65 feet; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 1,081.74 feet, parallel to the centerline of said project, a distance of 388 feet, more or less, to the present west right of way line of Baldwin County Road Number 95; thence southerly along said present west right of way line (crossing the centerline of said project at Station 2+92.76) a distance of 410 feet, more or less, to a point that is westerly of and at right angles to the centerline of said project at Station 0+03.14; thence northwesterly along a curve to the left, (concave southwesterly) having a radius of 1,001.74 feet, parallel to the centerline of said project, a distance of 738 feet, more or less, to a point that is 40 feet southwesterly of and at right angles to the centerline of said project at Station 7+74.04; thence northwesterly, parallel to the centerline of said project, a distance of 289.65 feet; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 1,081.74 feet, parallel to the centerline of said project, a distance of 812 feet, more or less, to the north line of said Section 22, the north property line; thence easterly along said north property line (crossing the centerline of said project at approximate Station 18+50) a distance of 80 feet, more or less, to the point of beginning.

Said strip of land lying in the E $\frac{1}{2}$  of NE $\frac{1}{4}$ , Section 22, T-8-S, R-5-E and containing 2.85 acres, more or less.

STATE OF ALABAMA,

Petitioner,

VS.

JOHN VARGO,  
et al, and  
Tract No. 3  
(Project N-RD8 (2))

Respondents.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6822

### 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 17th day of April, 1970, which said condemnation was against Tract No. 3 of State Highway Project N-RD8 (2).

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 4th day of May, 1970.

MacDonald 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 cost in this cause.

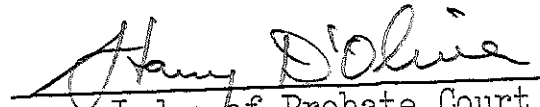
*Kenneth Cooper*  
Duly Appointed Special  
Assistant Attorney General  
State of Alabama

BOOK 55 PAGE 822

TO: John Vargo; John E. Vargo, Elberta, Alabama, and Tract No. 3,  
Project N-RD8 (2).

You are hereby notified that the above notice of Appeal was  
filed in this office of Judge of Probate, Baldwin County, Alabama,  
on the 4th day of May, 1970.

Witness my hand this 4<sup>th</sup> day of May, 1970.

  
\_\_\_\_\_  
Judge of Probate Court,  
Baldwin County, Alabama.

PROK 55 PM 823

STATE OF ALABAMA,

PETITIONER,

-VS-

JOHN VARGO and  
JOHN E. VARGO,

Tract No. 3,  
Project N-RDS (2)

RESPONDENTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 9267

STIPULATION

It is hereby stipulated by and between the Petitioner and John Vargo and John E. Vargo, 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. 3 in Alabama Highway Department, Project N-RDS (2).

2. That the date of the taking of said property interest was the 17th day of February, 1970, 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 6-10-70*  
*Lucinda J. Bush*  
*clerk*

STATE OF ALABAMA

IN THE CIRCUIT COURT OF

VS:

BALDWIN COUNTY, ALABAMA

JOHN VARGO, et al

AT LAW, CASE NO. 9267

"We the jury find in favor of the landowners, and assess the <sup>compensation and</sup> damages at  
\$ 6,000."

William W. Wren  
Foreman.



STATE OF ALABAMA,

PETITIONER,

VS.

JOHN VARGO,  
et al

RESPONDENTS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6822

REPORT OF THE COMMISSIONERS

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

Comes the undersigned, JOHN M. BEASLEY, Fairhope, SIDNEY  
CHANDLER, Silverhill, and GUS SCHULTZ, Foley,

the Commissioners duly appointed to assess the damages to Tract No. 3,  
of Project No. N-RD8 (2), to which the owner and other parties interest-  
ed in the parcel of land set forth and described in the original ap-  
plication for condemnation of alnds 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 land 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 amount 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 entitled to receive  
as damages and compensation for an easement or right-of-way for public  
road purposes for the condemnation of their property, the following  
amount:

Project No. N-RD8 (2), Parcel No. 3,	\$ 1,140.00	Land
	\$ 2,030.00	Damages
	\$ 3,170.00	Total

We hereby certify that we have not been consulted with, advised with or approached by any person with reference to the value of the land 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 know nothing of the same prior to our appointment.

John M. Beasley  
COMMISSIONER

Sidney Chandler  
COMMISSIONER

James Schults  
COMMISSIONER

Sworn to and subscribed before me  
this 17<sup>th</sup> day of April,  
1970.

Harry D. Love  
JUDGE OF PROBATE

BY: \_\_\_\_\_

STATE OF ALABAMA,

PETITIONER,

VS.

JOHN VARGO,  
et al

RESPONDENTS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 6822

FINAL ORDER OF CONDEMNATION

On the 17<sup>th</sup> day of April, 1970, came John M. Beasley,  
Sidney Chandler, Gene Schultz,  
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 application  
for condemnation of land 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 Tract No. 3, Project No. N-RD8 (2), in the  
amount of \$ 3,170.00 (\$1,140.00 Land + \$2,030.00 Damages)

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 is the application for condemnation heretofore  
filed in this cause be and the same is hereby condemned for the pur-  
pose of an easement or right-of-way for public road purposes 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 17<sup>th</sup> day of April, 1970.

Harry D. Oliver  
JUDGE OF PROBATE

STATE OF ALABAMA

PETITIONER,

VS

JOHN VARGO and  
JOHN E. VARGO,

RESPONDENTS.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 6822

TO: John Vargo and John E. Vargo, Elberta, Alabama 36530

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 land belonging to above-named Respondents, which said land is 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 10<sup>th</sup> day of March, 1970, at 10:00 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 18<sup>th</sup> day of Feb., 1970.

Harry Doline  
JUDGE OF PROBATE

BY: \_\_\_\_\_

CASE NO. \_\_\_\_\_

RESPONDENT'S ADDRESS

ELBERTA - ALA.  
JOSEPHINE ROUTE

STATE OF ALABAMA  
PETITIONER

vs

JOHN VARGO AND  
JOHN E. VARGO  
RESPONDENT

PETITION TO CONDEMN.

STATE OF ALABAMA

PETITIONER,

VS

JOHN VARGO and JOHN E.  
VARGO,

RESPONDENTS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6822

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 hereinafter 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 Constitution of Alabama, 1901, and under the provisions of Title 19, Section 1, Code of Alabama 1940, as amended, to institute 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 Highway System and also known as Project No. N-RD8(2), Baldwin County, Alabama.

(3) That said public highway begins at a point approximately one-half mile north of SE corner S15, T8S, R5E, Baldwin County, Alabama and run in a southwesterly direction approximately one-quarter of a mile, thence run south approximately one-quarter of a mile, to a point, run thence in a southeasterly direction approximately one-quarter of a mile, to a point where existing Baldwin County Road # 95 is intersected by said project N-RD8(2), in Baldwin County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY

Filed Feb. 17, 1970

Recorded Harry D. Olive book        page       

Judge of Probate

EVOL

0 PAGE 23

BOOK 55 PAGE 309

(4) The right of way over the property and lands hereinafter described as Tract No. 3, and as set out in the right of way map of Project No. N-RD8(2) 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 tract 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 as follows, to-wit:

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. N-RD-8(2) as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the northeast corner of Section 22, T-8-S, R-5-E; thence westerly along the north line of said Section 22 a distance of 700 feet, more or less, to a point that is 40 feet easterly of and at right angles to the centerline of Project No. N-RD-8(2) and the point of beginning of the property herein to be conveyed; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 1,001.74 feet, parallel to the centerline of said project, a distance of 745 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said project at Station 10+63.69; thence southeasterly, parallel to the centerline of said project, a distance of 289.65 feet; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 1,081.74 feet, parallel to the centerline of said project, a distance of 388 feet, more or less, to the present west right of way line of Baldwin County Road Number 95; thence southerly along said present west right of way line (crossing the centerline of said project at Station 2+92.76) a distance of 410 feet, more or less, to a point that is westerly of and at right angles to the centerline of said project at Station 0+03.14;

thence northwesterly along a curve to the left, (concave southwesterly) having a radius of 1,001.74 feet, parallel to the centerline of said project, a distance of 738 feet, more or less, to a point that is 40 feet southwesterly of and at right angles to the centerline of said project at Station 7+74.04; thence northwesterly, parallel to the centerline of said project, a distance of 289.65 feet; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 1,081.74 feet, parallel to the centerline of said project, a distance of 812 feet, more or less, to the north line of said Section 22, the north property line; thence easterly along said north property line (crossing the centerline of said project at approximate Station 18+50) a distance of 80 feet, more or less, to the point of beginning.

Said strip of land lying in the E $\frac{1}{2}$  of NE $\frac{1}{4}$ , Section 22, T-8-S, R-5-E and containing 2.85 acres, more or less.

(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. N-RD-8(2), 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 owning said tract of land and according to the best of Petitioner's information, knowledge and belief, the said land is owned and interest in said land is claimed by the parties named as Respondents in this cause.

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.

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(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 land for the right of way, as set out in the right of way map on Project No. N-RD-8(2), over the land as set out in the foregoing description, for the uses and purposes of a public highway for the State of Alabama.

MACDONALD GALLION, ATTORNEY  
GENERAL, STATE OF ALABAMA.

BY: *Kenneth Cooper*  
DULY APPOINTED SPECIAL  
ASSISTANT ATTORNEY GENERAL  
FOR THE STATE OF ALABAMA.

BOOK

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PAGE 212

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 after 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 17<sup>th</sup> day of February, 1970.

W. Neal Smith  
NOTARY PUBLIC, BALDWIN COUNTY,  
ALABAMA

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 10<sup>th</sup> day of March, 1970, at 10:00 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 Condemnees at least ten (10) days before the hearing of this application.

Dated this 18<sup>th</sup> day of February, 1970.

Harry D'Oliver  
PROBATE JUDGE

BY: \_\_\_\_\_

Received 18 day of February 1970  
and on 23 day of Feb 1970

I served a copy of the within Cordoned  
on John Largo & Ophelia  
Chargo

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By [Signature] D. S.

180

Sheriff claims 180 miles at  
Ten Cents per mile Total \$ 18.00  
TAYLOR WILKINS, Sheriff  
BY [Signature] DEPUTY SHERIFF

18.00  
3.00  
21.00

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6822

JOHN VARGO and  
JOHN E. VARGO,

Tract No. 3,  
Project N-RD8 (2)

RESPONDENTS.

ORDER OF PROBATE JUDGE GRANTING APPLICATION FOR  
CONDEMNATION AND APPOINTING COMMISSIONERS

This cause having heretofore been set for hearing on the 9th day of March, 1970, at 10:00 A.M. o'clock, as set forth in the application of the State of Alabama to condemn the right of way or easement on Tract No. 3, Project N-RD8 (2), 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 condemnation 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 John Beasley,  
Sidney Chandler, Gus Schultz,  
who are resident citizens of Baldwin County, Alabama, possessing the  
qualifications of jurors and who are disinterested in these proceed-  
ings (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 compen-  
sation 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 30<sup>th</sup> day of March, 1970.

Harry D. Oliver  
JUDGE OF PROBATE

BY: \_\_\_\_\_

STATE OF ALABAMA,

PETITIONER,

VS.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6822

JOHN VARGO and  
JOHN E. VARGO,

Tract No. 3  
Project N-RD8 (2)

RESPONDENTS.

COMMISSIONS

TO: John Beasley, Fairhope, Sidney Chandler,  
Silverhill, Gus Schultz, Foley.

KNOW YE, that having 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 tract 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 land 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 30<sup>th</sup> day of March, 1970.

Harry D'Olive  
JUDGE OF PROBATE

BY: \_\_\_\_\_

STATE OF ALABAMA  
BALDWIN COUNTY

We, and each of 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. JOHN VARGO, et al, 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.

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John M. Beasley  
Sidney Chandler  
James D. Smith

Sworn to and subscribed before me  
this 30<sup>th</sup> day of March,  
1970.

Harry D'Olive  
JUDGE OF PROBATE

Received 4 day of March 1970  
and on 9 day of April 1970

I served a copy of the within Notice  
on Joe Bishop

By service on John Beaster

TAYLOR WILKINS, Sheriff  
By [Signature]

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY Creed DEPUTY SHERIFF

70 miles  
Fairplay, Ar

7.00  
1.50  
8.50

Received 9 day of April 1970

and on 1 day of May 1970

I served a copy of the within Notice  
on Joe Bishop

By service on \_\_\_\_\_

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By [Signature] D. S.

Sheriff claims 72 miles at

Ten Cents per mile Total \$ 7.20

TAYLOR WILKINS, Sheriff

BY Childress DEPUTY SHERIFF

7.20  
1.50  
8.70

Received 31 day of March 1970

and on 10 day of April 1970

I served a copy of the within Notice  
on Madry Chandler

By service on \_\_\_\_\_

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By W J Brown D. S.

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY W J Brown DEPUTY SHERIFF

5.00  
1.50  
6.50

Received in probate 4-13-70

8.50  
8.70  
6.50  
23.70

33



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