

HOLT STUART, JR., AND
JEANETTE STUART,

CONDEMNORS,

-VS-

CAMELLA N. HOOPER, et al,

CONDEMNNEES.

9629
IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6315

NOTICE OF APPEAL

Comes now the Condemnees in above-styled cause, by their attorney of record, Kenneth Cooper, and appeal from the DECREE OF CONDEMNATION BY PROBATE COURT of Baldwin County, Alabama, in this cause, dated the 4th day of May, 1970, and appeal to the Circuit Court of Baldwin County, Alabama.

The Condemnees herein demand a trial by jury in this cause.

Kenneth Cooper
ATTORNEY FOR CONDEMNNEES

I certify that I have mailed a copy of the foregoing NOTICE OF APPEAL TO Wilters & Brantley, Attorneys At Law, Bay Minette, Alabama, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 27th day of May, 1970.

Kenneth Cooper
ATTORNEY FOR CONDEMNNEES

STATE OF ALABAMA, BALDWIN COUNTY
Filed May 27, 1970
Recorded Harry D. Oliver
Judge of Probate

HOLT STUART, JR. AND
JEANETTE STUART

Condemnors

VS.

ALICE M. JOHNSON AND
CAMELLA N. HOOPER

Condemnees

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IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

Probate Court

6315

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

Comes now Holt Stuart, Jr. and Jeanette Stuart and
respectfully shows unto the Court:

1.

That they are over the age of twenty-one years and re-
side in Atmore, Escambia County, ~~Alabama~~ *Florida*.

2.

That the Condemnee, Alice M. Johnson, is over the age of
twenty-one years and resides in Silverhill, Baldwin County, Alabama.

That the Condemnee, Camella N. Hooper, is over the age of
twenty-one years and resides on the Mobile Highway, in Bay Minette,
Baldwin County, Alabama.

3.

That Your Condemnors are the owners of the following des-
cribed land in Baldwin County, Alabama, to-wit:

Begin at the Northwest Corner of the West Half
of the Southwest Quarter of the Northwest Quarter
of Section 4, Township 9 South, Range 5 East, and
run East 496 feet to the point or place of beginning
(which point of beginning is the Northeast corner of
the Phoebe E. Anderson lot); thence South 162 feet,
more or less; thence East 55 feet, more or less;
thence North 162 feet, more or less, thence West 55
feet to the point of beginning, intending to describe
and convey the same property as that conveyed by
Emery Johnson and Alice Johnson to Phoebe E. Anderson
by deed dated July 29, 1952, which is recorded in
Deed Book 204 at page 210 and in Deed Book 245, page
396, together with the rights of ingress and egress
and subject to the rights of ingress and egress for
others as provided in the said deed.

That this land is outside the corporate limits of any muni-
cipality and no part of said tract of land is adjacent or conti-
guous to any public road or highway.

4.

That the land intervening and lying between the above said
land and the public road nearest or more convenient, without passing

BOOK 050 PAGE 761

STATE OF ALABAMA, BALDWIN COUNTY
Filed June 6, 1968
Recorded May 1968
Judge of Probate

through a yard or curtilage is described as follows:

Tract No. 1:

Begin at the Northwest Corner of the West Half of the Southwest Quarter of the Northwest Quarter of Section 4, Township 9 South, Range 5 East run East 334 feet, thence run South 262 feet, more or less, thence run East 89 feet, more or less to the point of beginning, thence run East 73 feet to a point, thence run North 112 feet to a point, thence run West 73 feet to a point, thence run South 112 feet to the point or place of beginning. Ingress and egress to said property is provided by a street 16 feet in width leading from the West side of said property to a paved highway.

Tract No. 2:

Begin at the Northwest Corner of the West Half of the Southwest Quarter of the Northwest Quarter of Section 4, Township 9 South, Range 5 East, run thence East 551 feet to a point or place of beginning, thence run South 162 feet to a point, thence run West 55 feet to a point, run South 436 feet more or less to a point on the North margin of the paved highway as described in deed of May 4, 1956 and recorded at Deed Book 126 N.S. pages 341-2, Baldwin County Probate records; thence East along said North Margin 165 feet to a point, thence North 598 feet, more or less, to a point on the South margin of Bay LaLaunch; thence West and along said South margin of Bay LaLaunch to a point directly North of the point of beginning; thence South to the point of beginning.

Tract No. 1 is owned by Alice M. Johnson. Tract No. 2 is owned by Camella N. Hooper.

That the Condemnors propose to acquire an easement for road purposes over Tract No. 1 which is described as follows:

Begin at the Northwest Corner of the West Half of the Southwest Quarter of the Northwest Quarter of Section 4, Township 9 South, Range 5 East in Baldwin County, Alabama, run East 334 feet, thence South 262 feet, thence East 89 feet to point of beginning; run East 73 feet, run North 20 feet, run West 73 feet, run South 20 feet to point of beginning, containing .034 acres, more or less.

That the Condemnors propose to acquire an easement for road purposes over Tract No. 2 which is described as follows:

Begin at the Northwest Corner of the West Half of the Southwest Quarter of the Northwest Quarter Section 4, Township 9 South, Range 5 East in Baldwin County, Alabama, run East 334 feet, thence South 262 feet, thence East 162 feet to point of beginning; thence run North 100 feet, thence East 20 feet, South 100 feet, West 20 feet to point of beginning, containing .046 acres, more or less.

That the Condemnors do not know of any other person, firm or corporation who owns any right, title or interest in or to the above described property other than the ones named herein.

BOOK 050 PAGE 762

Premises considered, your Applicants pray that Your Honor will enter an order appointing a day for the hearing of this application and will give Alice M. Johnson and Camella N. Hooper due notice of the day and time this matter will be heard.

Your Applicants pray further that on the day set for the hearing of this matter, Your Honor will enter an order appointing three citizens of this County to assess damages and compensation, if any, to which the said Alice M. Johnson and Camella N. Hooper are entitled.

Your Applicants pray further that when the Commissioners make their report and certificate to this Court, that Your Honor 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 out.

Your Applicants pray for such other, further or different relief as they in equity may be entitled to receive.

Respectfully submitted

Holt Stuart, Jr.
Holt Stuart, Jr.

Jeanette Stuart
Jeanette Stuart

WILTERS, BRANTLEY & NESBIT

BY: Thyphus S. Nesbit

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, in and for said County and State, personally Holt Stuart, Jr. and Jeanette Stuart, who are known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:

That they have read the allegations contained in the foregoing application for condemnation and the same are true and correct.

Holt Stuart, Jr.
Holt Stuart, Jr.

Jeanette Stuart
Jeanette Stuart

Sworn to and subscribed before me on this the 15th day of May, 1968.

Eleanor Byrd
Notary Public

BOOK 050 PAGE 763

HOLT STUART, JR. and	)	IN THE PROBATE COURT OF
JEANNETTE STUART,	)	BALDWIN COUNTY, ALABAMA
Condemnors,)	
VS.)	
CAMELLA N. HOOPER and)	
ALICE M. JOHNSON,)	
Condemnees.	)	CASE NO. 6315


O R D E R

And now comes Holt Stuart, Jr. and Jeannette Stuart, Condemnors, and files in this Court a petition in writing and under oath, setting forth their desire to condemn certain properties therein stated, belonging to Camella N. Hooper and Alice M. Johnson; a description of said land is specifically set forth in said application;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the 16th day of July, 1968, at 9:30 A.M., be, and the same hereby is, appointed as the day and time for hearing said application.

It is further ordered by the Court that notice of the said hearing be given to the condemnees, as prescribed by law.

WITNESS my hand this the 20th day of June, 1968.


 Judge of Probate

BOOK 050 PAGE 764

HOLT STUART, JR. and
JEANNETTE STUART,

Condemnors,

VS.

CAMELLA N. HOOPER and
ALICE M. JOHNSON,

Condemnees.

)

) IN THE PROBATE COURT OF

) BALDWIN COUNTY, ALABAMA

) CASE NO. 6315

)

)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to serve the following notice upon:
Camella N. Hooper and Alice M. Johnson.

You will take notice that on the 6th day of June,
1968, an application or petition was filed in the Court by Holt
Stuart, Jr. and Jeannette Stuart, setting forth their desire to
condemn for certain ^{properties} ~~purposes~~ therein stated certain lands belong-
ing to Camella N. Hooper and Alice M. Johnson, a description of
said land is specifically set forth in said application or peti-
tion filed in this Court and said application and petition prays
that this Court will make and enter an order appointing a day for
hearing of said application and for such other and further orders
and procedures as may be necessary. You will take further notice
that the Court has appointed the 16th day of July, 1968,
at 9:30 A.M.
to hear said application or petition, at which time you may appear
and contest the same if you so desire to do.

WITNESS my hand this 20th day of June, 1968.

Harry D'Oliver
Judge of Probate

BOOK 050 PAGE 765

246-21-70

0 PAGE 51

11419

BOOK 050 PAGE 766

Received 20 day of June 1968
and on 21 day of June 1968
I served a copy of the within Notice
on Camella A. Hooper

By service on:

TAYLOR, WILKINS, Sheriff
By Sellert D. S.
2 mi. Ho. Bay Minette 4 mi

Received 20 day of June 1968
and on 21 day of June 1968
I served a copy of the within Notice
on Alice M. Johnson

By service on:

TAYLOR WILKINS, Sheriff
By Deborah L. Williams D. S.

Deborah L. Williams

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, CLAIM \$1.50 EACH

FOR SERVING 2 PROCEDES AND

TRAVEL EXPENSE ON EACH OF \$

PROCEDES CLAIM TOTAL \$

6.40
9.40

HOLT STUART, JR., and
JEANETTE STUART,

Ø

Condemnors
(Petitioners)

Ø

VS.

IN THE PROBATE COURT OF

Ø

BALDWIN COUNTY, ALABAMA

ALICE M. JOHNSON and
CAMELLA N. HOOPER,

Ø

Condemnees
(Defendants)

Ø

DEMURRER TO PETITION FOR CONDEMNATION

Now comes the defendant, ALICE M. JOHNSON, by her attorney,
and demurs to the petition heretofore filed in this cause and as
grounds of such demurrer assigns, separately and severally, the
following:

1. It does not state a cause of action.
2. No facts are alleged to show that the right of way
which the petitioners are seeking to condemn across the property
of this defendant leads from the property of the petitioners to a
public road.
3. No facts are alleged to show that there is a public
road abutting on or adjoining the property of this defendant on
the west.
4. The allegations of the petition are conclusions of
the pleaders.
5. The petition is vague, indefinite and uncertain in
that the tract of land described in the petition as belonging to
the petitioners is a part of Tract 2 alleged in the petition as
belonging to the defendant Camella N. Hooper.
6. No facts are alleged to show that the property of this
defendant which the petitioners are seeking to condemn does not
pass, go through or across the curtilage of this defendant's resi-
dence.

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FILED 7/16/68

Hany D'Almeida
Judge

BOOK 050 PAGE 767

7. No facts are alleged to show that this defendant has consented to the condemnation by the petitioners of the alleged easement or right of way across her property.

J. B. Blackburn
Attorney for defendant, Alice M. Johnson

BOOK 050 PAGE 768

HOLT STUART, JR. and
JEANNETTE STUART,

CONDEMNORS

VS

CAMELLA N. HOOPER and
ALICE M. JOHNSON,

CONDEMNNEES

) IN THE PROBATE COURT OF
)
) BALDWIN COUNTY, ALABAMA
)
) CASE NO. 6315
)
)
)
)
)
)

Comes now Camella N. Hooper, Condemnee in the above
styled cause and demurrs to the petition filed heretofore says:

1. It affirmatively appears that Condemnors have a way
or exit to the nearest public road.
2. It does not appear that the condemnation prayed in
the petition will reach the public road.
3. It affirmatively appears that Condemnee, Camella
N. Hooper is the owner of Condemnors' property.

W. L. Hay
Attorney for Condemnee

*Filed 7/16/68
Harry D. Oliver
Judge*

HOLT STUART, JR. AND
JEANETTE STUART

0

IN THE PROBATE COURT OF

Condemnors

1

BALDWIN COUNTY, ALABAMA

VS.

0

ALICE M. JOHNSON AND
CAMELLA N. HOOPER

1

1

Condemnees

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

Comes now Holt Stuart, Jr. and Jeanette Stuart and amends
their petition filed heretofore in this cause, by striking Alice M.
Johnson as party-condemnee and amends their petition to read as
follows:

HOLT STUART, JR. AND
JEANETTE STUART

1

IN THE PROBATE COURT OF

Condemnors

1

BALDWIN COUNTY, ALABAMA

VS.

1

CAMELLA N. HOOPER

1

Condemnee

1

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

Comes now Holt Stuart, Jr. and Jeanette Stuart and respectfully
shows unto the Court:

1.

That they are over the age of twenty-one years and reside in
Atmore, Escambia County, Alabama.

2.

That the Condemnee, Camella N. Hooper, is over the age of
twenty-one years and resides on the Mobile Highway, in Bay Minette,
Baldwin County, Alabama.

3.

That your Condemnors are the owners of the following described
property and in Baldwin County, Alabama, to-wit:

Begin at the Northwest Corner of the West Half
of the Southwest quarter of the Northwest quarter
of Section 4, Township 9 South, Range 5 East, and
run East 496 feet to the point or place of beginn-
ing; thence South 162 feet, more or less; thence
East 55 feet, more or less; thence North 162 feet,
more or less, thence West 55 feet to the point of
beginning, intending to describe and convey the same
property as that conveyed by Emery Johnson and Alice

STATE OF ALABAMA, BALDWIN COUNTY

Filed Oct. 9, 1968

Recorded Minutes book 50 page 770

Harry D'Olive
Index of Embars

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PAGE

55

050 770

Johnson to Phoebe E. Anderson by deed dated July 29, 1952, which is recorded in Deed Book 204 at page 210 and in Deed Book 245, page 396, together with the rights of ingress and egress and subject to the rights of ingress and egress for others as provided in the said deed.

That this land is outside the corporate limits of any municipality and no part of said tract of land is adjacent or contiguous to any public road or highway. That the nearest public road to the petitioners' property is Alabama Highway #180.

4.

That the land intervening and lying between the above said land and the public road nearest or more convenient, without passing through a yard or curtilage is described as follows:

Begin at the Northwest Corner of the West half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 551 feet to a point or place of beginning, thence run South 162 feet to a point, thence run West 55 feet to a point, run South 436 feet, more or less to a point on the North margin of the paved highway as described in Deed of May 4, 1965 and recorded at Deed Book 126, N.S. pages 341-2, Baldwin County Probate records; thence East along said North margin 165 feet to a point, thence North 598 feet, more or less, to a point on the South margin of Bay LaLaunch; thence West and along said South margin of Bay LaLaunch to a point directly North of the point of beginning; thence South to the point of beginning.

and this property is owned by Camella N. Hooper.

That the Condemnors propose to acquire an easement for road purposes which is described as follows:

Beginning at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning.

That the Condemnors do not know of any other person, firm or corporation who owns any right, title or interest in or to the above described property other than the ones named herein.

Premises considered, your Applicants pray that your Honor will enter an order appointing a day for the hearing of this application

BOOK 050 PAGE 771

and will give Camella N. Hooper due notice of the day and the time this matter will be heard.

Your Applicants pray further that on the day set for the hearing of this matter, your Honor will enter an order appointing three citizens of this County to assess damages and compensation, if any, to which the said Camella N. Hooper is entitled.

Your Applicants pray further that when the Commissioners make their report and certificate to this Court, that your Honor 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 out.

Your Applicants pray for such other, further or different relief as they in equity may be entitled to receive.

Respectfully submitted

Holt Stuart, Jr.
Holt Stuart, Jr.

Jeanette Stuart
Jeanette Stuart

WILTERS, BRANTLEY & NESBIT

BY:

Robert M Brantley

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, in and for said County and State, personally appeared Holt Stuart, Jr. and Jeanette Stuart, who are known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:

That they have read the allegations contained in the foregoing application for condemnation and the same are true and correct.

Holt Stuart, Jr.
Jeanette Stuart

Sworn to and subscribed before me on this the 9th day of Oct., 1968.

Robert M Brantley
Notary Public

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 9th day of Oct., 1968, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

WILTERS, BRANTLEY & NESBIT

By: Robert M Brantley

Joe Hathaway
Rt. 1 Box 320
Elberta, Ala. 36530
January 30, 1970

*Re: Case No. 6315
your letter dated Jan 28 1970*

Office of Probate Judge
Bay Minette, Alabama 36507

Dear Sir:

Received your copy yesterday of report of Commissioners which is to be filled out.

I am keeping this copy and sending the original form which Paul Mueller and I filled out at the time because we lived close together and Paul Mueller was to mail it to Emel Calloway for his signature. Instead of mailing he made two trips over to Orange Beach but did not contact Amel Calloway.

Today I find Paul Mueller still has the original which I am mailing to Amel Calloway with the self addressed envelope for him to sign and return to you.

I would suggest any further business be directed to ^{me} and I will try to take care of it more promptly.

Yours truly,



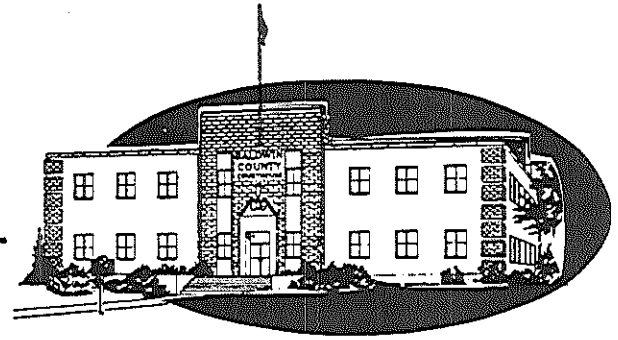
Joe Hathaway

STATE OF ALABAMA, BALDWIN COUNTY

Filed Feb. 3, 1970

Recorded Harry D. Deane book page
Judge of Probate

PROBATE JUDGE
BALDWIN COUNTY
BAY MINETTE, ALABAMA



Harry D'Olive
Probate Judge

December 18, 1969

Mr. Paul Mueller
Pirates Cove
Elberta, Alabama 36530

Dear Mr. Mueller:

We are sending herewith a proper report to be filled out and signed by you, Joe Hathaway and Amel Calloway. Please fill out and sign at your earliest convenience; then return to us in the enclosed, self-addressed envelope.

Very truly yours,

Harry D'Olive

Harry D'Olive

HD/lis
Enclosure

January 28, 1970

Mr. Paul Mueller
Pirates Cove
Elberta, Alabama 36530

Dear Mr. Mueller:

On December 18, 1969, we wrote to you, and enclosed a proper report to be filled out and signed by you, Amel Calloway of Orange Beach, and Joe Hathaway of Elberta. This was the assessment you made on the Hooper property.

It is very necessary that we have this report properly fill out and returned to us as soon as possible.

Very truly yours,

Harry D'Olive

Harry D'Olive

HD/lr

cc: Amel Calloway
Orange Beach, Ala. 36561

Joe Hathaway ✓
Elberta, Alabama 36530

HOLT STUART, JR. and
JEANETTE STUART,

Condemnors,

VS.

CAMELLA N. HOOPER, et al,

Condemnees.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6315

Come now the Condemnors in the above styled cause and show unto the Court that this matter is now at issue and respectfully request the Court to set this down for a final hearing on a day certain.

WILTERS, BRANTLEY & NESBIT

BY: *Thyler S. Nesbit*

ORDER

Having read and understood the foregoing petition, the Court is of the opinion that the Condemnors are entitled to the relief they seek therein. It is therefore:

ORDERED, ADJUDGED and DECREED that this case be and the same is hereby set for the taking of testimony and final hearing on the 11th day of Nov., 1969, in chambers.

This 21st day of Oct., 1969.

Harry D. Olive
Probate Judge

COMPLAINT AS LAST AMENDED

HOLT STUART, JR. and
JEANETTE STUART

Condemnors

VS.

CAMELLA N. HOOPER

Condemnee

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

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

Comes now Holt Stuart, Jr. and Jeanette Stuart and amends
their petition filed heretofore in this cause, by adding Leonard
J. Hooper, William J. Hooper, Glen S. Hooper, and Thomas N. Hooper
as party-condemnees and amends their petition to read as follows:

Holt Stuart, Jr. and
Jeanette Stuart

Condemnors

VS.

Camella N. Hooper
Leonard J. Hooper
William J. Hooper
Glen S. Hooper
Thomas N. Hooper

Condemnees

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

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

Comes now Holt Stuart, Jr. and Jeanette Stuart and respect-
fully shows unto the Court:

1.

That they are over the age of twenty-one years and reside in
Atmore, Escambia County, Alabama.

2.

That the Condemnees, Camella N. Hooper, Leonard J. Hooper,
William J. Hooper, Glen S. Hooper and Thomas N. Hooper, are over the
age of twenty-one years.

3.

That the Condemnee, Camella N. Hooper resides on Mobile Highway, in Bay
Minetta, Baldwin County, Alabama; that the Condemnee, William J. Hooper, is a
resident of Baldwin County, Alabama and maintains an office on 112 West 3rd Street,
Bay Minetta, Alabama; that Leonard J. Hooper, Glen S. Hooper and Thomas N. Hooper

are all residents of the State of Alabama as far as your Condemnors have been able to ascertain, their places of residences could not be found by the Condemnors after reasonable diligence and inquiry, but will be furnished when the enclosed attached interrogatories are answered.

4.

That your Condemnors are the owners of the following described property in Baldwin County, Alabama, to-wit:

Begin at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, and run East 496 feet to the point or place of beginning; thence South 162 feet, more or less; thence East 55 feet, more or less; thence North 162 feet, more or less, thence West 55 feet to the point of beginning, intending to describe and convey the same property as that conveyed by Emery Johnson and Alice Johnson to Phoebe E. Anderson by deed dated July 29, 1952, which is recorded in Deed Book 204 at page 210 and in Deed Book 245, page 396, together with the rights of ingress and egress for others as provided in the said deed.

That this land is outside the corporate limits of any municipality and no part of said tract of land is adjacent or contiguous to any public road or highway. That the nearest public road to the petitioner's property is Alabama Highway #180.

5.

That the land intervening and lying between the above said land and the public road nearest or more convenient, without passing through a yard or curtilage is described as follows:

Begin at the Northwest Corner of the West half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 551 feet to a point or place of beginning, thence run South 162 feet to a point, thence run West 55 feet to a point, run South 436 feet, more or less to a point on the North margin of the paved highway as described in Deed of May 4, 1965 and recorded at Deed Book 126, N.S. pages 341-2, Baldwin County Probate records; thence East along said North margin 165 feet to a point, thence North 598 feet, more or less, to a point on the South margin of Bay LaLanch; thence West and along said South margin of Bay LaLanch to a point directly North of the point of beginning; thence South to the point of beginning.

and this property is owned by Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper.

That the Condemnors propose to acquire an easement for road purposes which is described as follows:

Beginning at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved Highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning.

That the Condemnors do not know of any other person, firm or corporation who owns any right, title or interest in or to the above described property other than the ones named herein.

PREMISES CONSIDERED, your Applicants pray that your Honor will enter an order appointing a day for the hearing of this application and will give Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper due notice of the day and the time this matter will be heard.

Your Applicants pray further that on the day set for the hearing of this matter, your Honor will enter an order appointing three citizens of this County to assess damages and compensation, if any, to which the said Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled.

Your Applicants pray further that when the Commissioners make their report and certificate to this Court, that your Honor 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 out.

Your Applicants pray for such other, further or different relief as they in Equity may be entitled to receive.

Respectfully submitted:

WILKINS, BRANTLEY & NESBITT

BY: Robert M. Brantley

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, in and for said County and State, personally appeared Folbert M. Brantley who is known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:

That he has read the allegations contained in the foregoing application for condemnation and the same are true and correct.

Robert M. Brantley
Sworn to and subscribed before me on this the 25th day of June, 1969.

Carroll J. Stallings
Notary Public, Baldwin County, Ala.

HOLT STUART, JR. and
JEANETTE STUART,

Condemnors,

VS.

CAMELLA N. HOOPER, et al,

Condemnees.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6315

Come now the Condemnors in the above styled cause and
show unto the Court that this matter is now at issue and
respectfully request the Court to set this down for a final
hearing on a day certain.

WILTERS, BRANTLEY & NESBIT

BY: Thurston S. Nesbit

ORDER

Having read and understood the foregoing petition, the
Court is of the opinion that the Condemnors are entitled to
the relief they seek therein. It is therefore:

ORDERED, ADJUDGED and DECREED that this case be and the
same is hereby set for the taking of testimony and final
hearing on the 11th day of Nov., 1969,
in chambers.

This 21st day of Oct., 1969.

Probate Judge

Copies sent Cert. mail 10-21-69
Copies sent to Mrs. Hooper 10-22-69 Given to Sheriff

No. 6315 In the matter of Holt Stuart, Jr. & Jeannette Stuart vs
Oliver M. Johnson & Camilla N. Taylor
Administrator, Executor, or Guardian. Residence _____
Attorneys Phyllis Nesbit Docket _____ Page _____ Fee Book _____ Page _____

DATE		FEEBOOK	AMOUNT	DATE		FEEBOOK	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	900
		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 Making Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c Filing Claims and Giving Receipt, 15c INSOLVENCY—Affidavit in Report, 25c Recording Report and State., per 100 words, 15c Order Appointing Day for Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Issuing Notice to Creditors, Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c Appointing, Notifying Guardian ad Litem, 25c	
7-16-68	Record Petition, Order, Summons, etc		600				
10-9-68	Rec. Amended pet.		300				
	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	
	APPRAISEMENT—Order Approving Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Issuing Order of Appraisement, 25c Recording Warrant, per 100 words, 15c Order to Approve Appraisement, 50c Affidavit to Appraisement, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c					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	
	SALE OF PERISHABLE PROPERTY— Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Appointing, Notifying Guardian ad Litem, 50c Affidavit to Report, 25c Recording, per 100 words, 15c						

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	

Exhibit "B"

NW 1/4
W 1/2
SW 1/4
NW 1/4
Sec 4 955

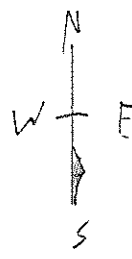
491'
551'

162'

30, 55

Proposed 436' Road

578



30'

591

VOL

0

PAGE

60

HOLT STUART, JR. and
JEANETTE STUART,

Condemnors,

VS.

CAMELLA N. HOOPER,

Condemnee.

)

)

)

)

)

)

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6315

Comes now the Condemnors in the above styled cause and show unto the Court that this matter is now at issue and respectfully request the Court to set this down for a final hearing on a day certain.

WILTERS, BRANTLEY & NESBIT

BY:

Solomon M Brantley

ORDER

Having read and understood the foregoing petition, the Court is of the opinion that the Condemnors are entitled to the relief they seek therein. It is therefore:

ORDERED, ADJUDGED and DECREED that this case be and the same is hereby set for the taking of testimony and final hearing on the 9th day of May, 1969, in chambers.

This 25th day of April, 1969, at 9:30 a.m.

Harry D'Olive
Probate Judge

1419

2

HOLT STUART, JR. and
JEANETTE STUART

IN THE PROBATE COURT OF

Condemnors

BALDWIN COUNTY, ALABAMA

VS.

CAMELLA N. HOOPER
LEONARD J. HOOPER
WILLIAM J. HOOPER
GLEN S. HOOPER
THOMAS N. HOOPER

Condemnees

To: Camella N. Hooper & William J. Hooper

INTERROGATORIES

Comes now the Condemnors in the above entitled cause and propounds the following interrogatories to the Condemnees:

1. Who is the owner of the following described property?

Beginning at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved Highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning.

2. If your answer to Interrogatory No. 1 includes the names of Leonard J. Hooper, Glen S. Hooper and Thomas N. Hooper, please state their present addresses.

WILTERS, BRANTLEY & NESBIT

BY:

Tolbert M. Brantley

STATE OF ALABAMA

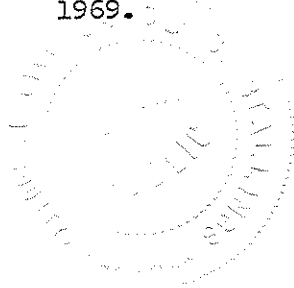
BALDWIN COUNTY

Personally appeared before me, the undersigned authority, Tolbert M. Brantley, who being by me first duly sworn deposes and says that he is one of the attorneys of record for the Condemnors in the above entitled cause, and that the answers to the above and foregoing interrogatories, if well and truly made, will be material evidence for the Condemnors on a trial of this cause.

Tolbert M. Brantley

Sworn to and subscribed before me this 25th day of June, 1969.

Carol L. Stallings
Notary Public, Baldwin Co., Ala.



Book 055 p. 429

COMPLAINT AS LAST AMENDED

HOLT STUART, JR. and
JEANETTE STUART

Condemnors

VS.

CAMELLA N. HOOPER

Condemnee

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

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

Comes now Holt Stuart, Jr. and Jeanette Stuart and amends
their petition filed heretofore in this cause, by adding Leonard
J. Hooper, William J. Hooper, Glen S. Hooper, and Thomas N. Hooper
as party-condemnees and amends their peition to read as follows:

Holt Stuart, Jr. and
Jeanette Stuart

Condemnors

VS.

-Camella N. Hooper
Leonard J. Hooper
-William J. Hooper
Glen S. Hooper
Thomas N. Hooper

Condemnees

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

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

Comes now Holt Stuart, Jr. and Jeanette Stuart and respect-
fully shows unto the Court:

1.

That they are over the age of twenty-one years and reside in
Atmore, Escambia County, Alabama.

2.

That the Condemnees, Camella N. Hooper, Leonard J. Hooper,
William J. Hooper, Glen S. Hooper and Thomas N. Hooper, are over the
age of twenty-one years.

3.

That the Condemnee, Camella N. Hooper resides on Mobile Highway, in Bay
Minette, Baldwin County, Alabama; that the Condemnee, William J. Hooper, is a
resident of Baldwin County, Alabama and maintains an office on 112 West 3rd Street,
Bay Minette, Alabama; that Leonard J. Hooper, Glen S. Hooper and Thomas N. Hooper

STATE OF ALABAMA, BALDWIN COUNTY

Filed June 26 1969

Recorded Minutes book 55 page 430

Harry D'Olive

Judge of Probate

Vol

Page 63

FILED
JUN 26 1969
430

are all residents of the State of Alabama as far as your Condemnors have been able to ascertain, their places of residences could not be found by the Condemnors after reasonable diligence and inquiry, but will be furnished when the enclosed attached interrogatories are answered.

4.

That your Condemnors are the owners of the following described property in Baldwin County, Alabama, to-wit:

Begin at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, and run East 496 feet to the point or place of beginning; thence South 162 feet, more or less; thence East 55 feet, more or less; thence North 162 feet, more or less, thence West 55 feet to the point of beginning, intending to describe and convey the same property as that conveyed by Emery Johnson and Alice Johnson to Phoebe E. Anderson by deed dated July 29, 1952, which is recorded in Deed Book 204 at page 210 and in Deed Book 245, page 396, together with the rights of ingress and egress for others as provided in the said deed.

That this land is outside the corporate limits of any municipality and no part of said tract of land is adjacent or contiguous to any public road or highway. That the nearest public road to the petitioner's property is Alabama Highway #180.

5.

That the land intervening and lying between the above said land and the public road nearest or more convenient, without passing through a yard or curtilage is described as follows:

Begin at the Northwest Corner of the West half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 551 feet to a point or place of beginning, thence run South 162 feet to a point, thence run West 55 feet to a point, run South 436 feet, more or less to a point on the North margin of the paved highway as described in Deed of May 4, 1965 and recorded at Deed Book 126, N.S. pages 341-2, Baldwin County Probate records; thence East along said North margin 165 feet to a point, thence North 598 feet, more or less, to a point on the South margin of Bay LaLaunch; thence West and along said South margin of Bay LaLaunch to a point directly North of the point of beginning; thence South to the point of beginning.

and this property is owned by Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper.

That the Condemnors propose to acquire an easement for road purposes which is described as follows:

Beginning at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved Highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning.

That the Condemnors do not know of any other person, firm or corporation who owns any right, title or interest in or to the above described property other than the ones named herein:

PREMISES CONSIDERED, your Applicants pray that your Honor will enter an order appointing a day for the hearing of this application and will give Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper due notice of the day and the time this matter will be heard.

Your Applicants pray further that on the day set for the hearing of this matter, your Honor will enter an order appointing three citizens of this County to assess damages and compensation, if any, to which the said Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled.

Your Applicants pray further that when the Commissioners make their report and certificate to this Court, that your Honor will enter and Order or Decree of condemnation of the interest sought to be acquired in the above described property for the uses and purposes herein set out.

Your Applicants pray for such other, further or different relief as they in Equity may be entitled to receive.

Respectfully submitted:

WILTERS, BRANTLEY & NESBIT

BY: Solomon M. Brantley

STATE OF ALABAMA
BALDWIN COUNTY

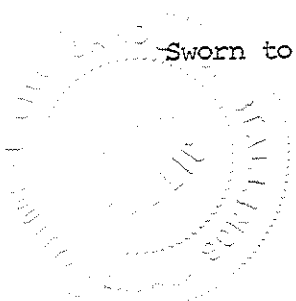
Before me, the undersigned authority, in and for said County and State, personally appeared Tolbert M. Brantley who is known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:

That he has read the allegations contained in the foregoing application for condemnation and the same are true and correct.

Solomon M. Brantley

Sworn to and subscribed before me on this the 25th day of June, 1969.

Carol J. Stallings
Notary Public, Baldwin Co., Ala



FILED
JUN 25 1969
432

Received 10 day of July 1969
and on 11 day of July 1969

I served a copy of the within Notice
on Camella T. Hooper & William
J. Hooper

By service on _____

TAYLOR WILKINS, Sheriff
By W. G. Toller

3.00

[Faint, mostly illegible text body of the document]

W. G. Toller
TAYLOR WILKINS, Sheriff

[Circular stamp or seal]

COMPLAINT AS LAST AMENDED

HOLT STUART, JR. and
JEANETTE STUART

Condemnors

VS.

CAMELLA N. HOOPER

Condemnee

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

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

Comes now Holt Stuart, Jr. and Jeanette Stuart and amends
their petition filed heretofore in this cause, by adding Leonard
J. Hooper, William J. Hooper, Glen S. Hooper, and Thomas N. Hooper
as party-condemnees and amends their petition to read as follows:

Holt Stuart, Jr. and
Jeanette Stuart

Condemnors

VS.

Camella N. Hooper
Leonard J. Hooper
William J. Hooper
Glen S. Hooper
Thomas N. Hooper

Condemnees

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

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

Comes now Holt Stuart, Jr. and Jeanette Stuart and respect-
fully shows unto the Court:

1.

That they are over the age of twenty-one years and reside in
Atmore, Escambia County, Alabama.

2.

That the Condemnees, Camella N. Hooper, Leonard J. Hooper,
William J. Hooper, Glen S. Hooper and Thomas N. Hooper, are over the
age of twenty-one years.

3.

That the Condemnee, Camella N. Hooper resides on Mobile Highway, in Bay
Minette, Baldwin County, Alabama; that the Condemnee, William J. Hooper, is a
resident of Baldwin County, Alabama and maintains an office on 112 West 3rd Street,
Bay Minette, Alabama; that Leonard J. Hooper, Glen S. Hooper and Thomas N. Hooper

are all residents of the State of Alabama as far as your Condemnors have been able to ascertain, their places of residences could not be found by the Condemnors after reasonable diligence and inquiry, but will be furnished when the enclosed attached interrogatories are answered.

4.

That your Condemnors are the owners of the following described property in Baldwin County, Alabama, to-wit:

Begin at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, and run East 496 feet to the point or place of beginning; thence South 162 feet, more or less; thence East 55 feet, more or less; thence North 162 feet, more or less, thence West 55 feet to the point of beginning, intending to describe and convey the same property as that conveyed by Emery Johnson and Alice Johnson to Phoebe E. Anderson by deed dated July 29, 1952, which is recorded in Deed Book 204 at page 210 and in Deed Book 245, page 396, together with the rights of ingress and egress for others as provided in the said deed.

That this land is outside the corporate limits of any municipality and no part of said tract of land is adjacent or contiguous to any public road or highway. That the nearest public road to the petitioner's property is Alabama Highway #180.

5.

That the land intervening and lying between the above said land and the public road nearest or more convenient, without passing through a yard or curtilage is described as follows:

★ Begin at the Northwest Corner of the West half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 551 feet to a point or place of beginning, thence run South 162 feet to a point, thence run West 55 feet to a point, run South 436 feet, more or less to a point on the North margin of the paved highway as described in Deed of May 4, 1965 and recorded at Deed Book 126, N.S. pages 341-2, Baldwin County Probate records; thence East along said North margin 165 feet to a point, thence North 598 feet, more or less, to a point on the South margin of Bay LaLaunch; thence West and along said South margin of Bay LaLaunch to a point directly North of the point of beginning; thence South to the point of beginning.

and this property is owned by Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper.

That the Condemnors propose to acquire an easement for road purposes which is described as follows:

Beginning at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved Highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning.

That the Condemnors do not know of any other person, firm or corporation who owns any right, title or interest in or to the above described property other than the ones named herein.

PREMISES CONSIDERED, your Applicants pray that your Honor will enter an order appointing a day for the hearing of this application and will give Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper due notice of the day and the time this matter will be heard.

Your Applicants pray further that on the day set for the hearing of this matter, your Honor will enter an order appointing three citizens of this County to assess damages and compensation, if any, to which the said Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled.

Your Applicants pray further that when the Commissioners make their report and certificate to this Court, that your Honor 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 out.

Your Applicants pray for such other, further or different relief as they in Equity may be entitled to receive.

Respectfully submitted:

WILKERS, BRANTLEY & NESSIT

BY: Tolbert M. Brantley

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, in and for said County and State, personally appeared Tolbert M. Brantley who is known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:

That he has read the allegations contained in the foregoing application for condemnation and the same are true and correct.

Sworn to and subscribed before me on this the 25th day of June, 1969.

Carel D. Stallings
Notary Public, Baldwin Co. Ala.

1419

HOLT STUART, JR. and JEANETTE STUART,)
)
Complainants,) IN THE PROBATE COURT OF
)
VS.) BALDWIN COUNTY, ALABAMA
)
CAMELLA N. HOOPER,) CASE NO. 6315
)
Respondent.)

Comes now the Petitioner, by his attorneys, in the above styled cause, and moves the Court to cite the Respondent, Camella N. Hooper, for contempt of court and as grounds therefor shows unto the Court as follows:

That, by her pleading, the Respondent has shown that her sons own the property involved in this suit jointly with her; that interrogatories were propounded to her requesting their names and addresses on the 26th day of June, 1969; that more than 60 days has elapsed since these interrogatories were filed and that, to date, the Respondent has failed or refused to answer said interrogatories.

PREMISES CONSIDERED, Your Petitioner prays that Your Honor will cite the said Camella N. Hooper for contempt and, upon the hearing of said citation, place such penalty upon her as the Court deems meet and just.

WILTERS & BRANTLEY
BY: Tolbert M. Brantley
Tolbert M. Brantley

ORDER

The foregoing Petition was this day presented to me and the Court having read and understood the same, is of the opinion that the Petitioner is entitled to the relief sought therein. It is

STATE OF ALABAMA, BALDWIN COUNTY
Filed Aug. 26, 1969
Recorded Harry D. Dennis
Judge of Probate

FILED
075
438

therefore,

ORDERED, ADJUDGED and DECREED that the Respondent, Camella N. Hooper, appear before this Court on the 23rd day of ~~August~~ ^{Sept.}, 1969, ^{At 9:30 A.M.} and show cause, if any she has, why the Court should not find her in contempt of Court.

Done this the 8th day of ~~August~~ ^{Sept.}, 1969.

Harry D'Oline
Probate Judge

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby commanded to serve the foregoing Petition and Order upon Camella N. Hooper instanta and make your return to this Court.

Harry D'Oline
Probate Judge

FILED
SEP 10 1969

Sheriff claims 2 miles at
 Ten Cents per mile Total \$.20
 TAYLOR WILKINS, Sheriff
 BY Colbert
 DEPUTY SHERIFF

Received 8 day of Sept 19 69
 and on 10 day of Sept 19 69
 I served a copy of the within Contempt Notice
 on Camella N. Hooper

By service on _____

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

1 mile South of B17

~~the good and safety of the community and if
 proper cause is shown the court should so
 order.~~
 TAYLOR WILKINS, Sheriff
 BY _____ D. S.

1.50
 .20
 1.70

1481

HOLT STUART, JR. and
JEANETTE STUART,

Condemnors,

VS.

CAMELLA N. HOOPER, et al,
Bay Minette, Ala.
Condemnees.

10

)
)
)
)
)
)
)

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6315

Come now the Condemnors in the above styled cause and
show unto the Court that this matter is now at issue and
respectfully request the Court to set this down for a final
hearing on a day certain.

WILTERS, BRANTLEY & NESBIT

BY: Thyler S. Nesbit

ORDER

Having read and understood the foregoing petition, the
Court is of the opinion that the Condemnors are entitled to
the relief they seek therein. It is therefore:

ORDERED, ADJUDGED and DECREED that this case be and the
same is hereby set for the taking of testimony and final
hearing on the 11th day of Nov., 1969,
in chambers.

This 21st day of Oct., 1969.

Harry D. Dine
Probate Judge

Received 22 day of Oct 1969
 and on 22 day of Oct 1969
 served a copy of the within Notice
 on Camelia N. Hooper
 By service on _____

TAYLOR WILKINS, Sheriff
 By W. C. Tolbert D. S.
2 miles South of B 17

Sheriff claims 4 miles at
 Ten Cents per mile Total \$.40
 TAYLOR WILKINS, Sheriff
 BY Tolbert
 DEPUTY SHERIFF

1.50
1.90

and, including mileage and honorarium for each day of
 or beginning two hundred and fifty miles and be at once
 returned to the sheriff's office for his return and
 his fee of two hundred and fifty miles and honorarium
 shall be paid to the sheriff's office and the sheriff's office
 shall be paid to the sheriff's office and the sheriff's office
 shall be paid to the sheriff's office and the sheriff's office

Tolbert
DEPUTY SHERIFF

ORDER OF CONDEMNATION BY PROBATE COURT

HOLT STUART, JR. and JEANETTE)
STUART,)
) IN THE PROBATE COURT OF
Condemnors,)
)
VS.) BALDWIN COUNTY, ALABAMA
)
CAMELLA N. HOOPER, et al,)
) CASE NO. 6315
Condemnees.)
)

This being the day regularly appointed for a final hearing of the Petition of Holt Stuart, Jr. and Jeanette Stuart heretofore filed in this Court, praying that the Court condemn certain lands described in their Petition for the purposes set forth therein and the said Condemnees being represented in Court by their attorney, the Honorable Wilson Hayes; there also being in Court the Condemnee, Camella N. Hooper; the other Respondents not appearing, and it appearing to the Court that all interested parties had due and legal notice of the filing of said Petition, of the day set to hear the same, the Court now proceeds to hear said Petition together with all evidence touching the same. It appearing to the Court upon the evidence of Jeanette Stuart taken orally before the Court that the allegations of said Petition are true; that Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are the owners of said land and that it is necessary that the said lands be condemned for the purposes set out in the Petition. It is therefore:

ORDERED, ADJUDGED and DECREED by the Court that the said Petition be and the same is hereby granted.

Done this the 25th day of November, 1969.




Probate Judge, Baldwin County, Alabama

HOLT STUART, JR. and JEANETTE) IN THE PROBATE COURT OF
 STUART,)
)
 Condemnors,) BALDWIN COUNTY, ALABAMA
)
 VS.)
)
 CAMELLA N. HOOPER, et al,) CASE NO. 6315
)
 Condemnees.)
)

This cause was heretofore set for the taking of testimony and
 a final hearing on this the 11th day of November, 1969. Upon the
 case being called, it appeared that the Condemnees want to offer a
 defense to this petition and the Court being of the opinion that
 this matter should be continued for this purpose, it is therefore:

ORDERED, ADJUDGED and DECREED that this matter be continued
 and the same is now reset for a final hearing in this cause on the
 25th day of November, 1969, at 9:30 A.M.


 Probate Judge

NOV 1969
 055
 440

#419

NOTICE OF APPOINTMENT OF COMMISSIONERS

HOLT STUART, JR. and JEANETTE STUART,)

Condemnors,)

VS.)

CAMELLA N. HOOPER, LEONARD J. HOOPER, WILLIAM J. HOOPER, GLEN S. HOOPER and THOMAS N. HOOPER,)

Condemnees.)

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6315

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 Joe Hathaway, Elberta,

Amel Calloway, Orange Beach and Paul Muller, Cave Point, Mobile as Commissioners to assess the damages and compensation, if any, to which Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled as the owners of the following described land situated in Baldwin County, Alabama, to-wit:

Beginning at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved Highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning, being 1/4 acre, more or less.

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 the Court stating the amount of damages and compensation ascertained and assessed by them for the owner of the above described tract of land.

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

Done this the 5th day of December, 1969.

Harry D. Oliver
Judge of Probate

Ex 12-12-69

Nov

Dec 78

RECEIVED BY SHERIFF
TAYLOR WILKINS

1.50
4.50

33.00
4.50
37.50

Received 5 day of Dec. 1913
and on 14 day of Dec. 1913
I served a copy of the within Paul M. Miller
on Paul M. Miller
By service on TAYLOR WILKINS, Sheriff
BY [Signature] DEPUTY SHERIFF

Sheriff claims 23 miles at
Ten Cents per mile Total \$ 23.00
TAYLOR WILKINS, Sheriff
BY [Signature] DEPUTY SHERIFF

6315

ORDER BY SHERIFF

Judge of Probate
Harry D'Olive
Bay Minette, Ala. 36507

December 14, 1969

We, the undersigned, appointed by your office as commissioners, to assess the value of property loss to Camella M. Hooper et al for a road through this property, proposed 30 ft wide and 436 ft long, we value this loss in damage at not less than \$5500.00 (Fiftyfive Hundred Dollars)

Attest;

Amel Calloway

Amel Calloway

Paul Mueller

Paul Mueller

Joe Hathaway

Joe Hathaway

FILED
075
442

STATE OF ALABAMA, BALDWIN COUNTY

Filed Dec. 16, 1969

Recorded Minutes book 55 page 442

Harry D'Olive

Judge of Probate

[Signature]

HOLT STUART, JR. and
JEANETTE STUART

Condemnors

VS.

CAMELLA N. HOOPER,
LEONARD J. HOOPER
WILLIAM J. HOOPER
GLEN S. HOOPER
THOMAS N. HOOPER

Condemnees

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA, BALDWIN COUNTY

Filed Jan. 8, 1970

Recorded Minutes book 55 page 443

Harry D. O'Leary
Judge of Probate

NOTICE OF APPEAL

Comes now, Holt Stuart and Jeanette Stuart, in the
above entitled cause, and prays for and takes an appeal to the
Circuit Court of Baldwin County, Alabama, from the order of con-
demnation entered in said cause on the 26th day of November,
19 69.

Holt Stuart and Jeanette Stuart does herewith file in
the Court of Probate of Baldwin County, Alabama, the court ren-
dering such order of condemnation, this its written notice of said
appeal.

This the 9th day of January, 1970.

HOLT STUART and JEANETTE STUART

BY:

Phyllis S. Nesbit
Phyllis S. Nesbit, Attorney for
Condemnors

TO: Camella N. Hooper, Leonard J. Hooper, William J. Hooper,
Glen S. Hooper and Thomas N. Hooper.

You are hereby notified that the above notice of appeal
was filed in the Office of the Judge of the Court of Probate of
Baldwin County, Alabama, on the 8th day of January, 1970.

Witness my hand this the 8th day of January, 1970.

Harry D. O'Leary
Judge of the Court of Probate of Baldwin
County, Alabama

16


STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA ---GREETINGS:

You are hereby commanded to serve the foregoing notice of appeal upon Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper and make due return to this Court of such service.

This the 8th day of January, 1970.



Judge of the Court of Probate of Baldwin
County, Alabama.

Page 055 and 444

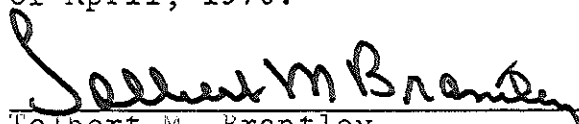
20

MOTION

HOLT STUART, JR. and JEANETTE STUART,)	
	)	IN THE PROBATE COURT OF
Condemnors,)	
VS.	)	BALDWIN COUNTY, ALABAMA
)	
CAMELLA N. HOOPER, et al,	)	CASE NO. 6315
Condemnees.)	

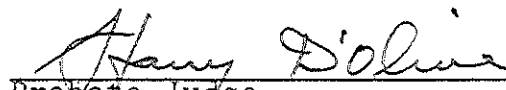
Comes now, Tolbert M. Brantley, one of the attorneys for Holt Stuart and Jeanette Stuart, Condemnors in the foregoing cause, and shows unto the Court that they filed a Notice of Appeal in this cause on the 26th day of November, 1969. That the same was based on a report of Commissioners which was legally inadequate; that the same Commissioners made a report in this cause on the 30th day of January, 1970, which was after the time allowed by law; and, because their Notice of Appeal was untimely, does now move the Court to dismiss this Notice of Appeal.

This the 1 day of April, 1970.


Tolbert M. Brantley

DECREE

The Court, having read and understood the foregoing Motion, does now on the Motion of said Condemnors, dismiss the Notice of Appeal filed by them on the 9th day of January, 1970.


Probate Judge

ORDER

HOLT STUART, JR. and JEANETTE STUART,)	
Condemnors,	)	IN THE PROBATE COURT OF
VS.)	
CAMELLA N. HOOPER, et al,	)	BALDWIN COUNTY, ALABAMA
Condemnees.	)	CASE NO. 6315
)	

It appears to the Court that on the 25th day of November, 1969, this Court entered an Order condemning certain lands for right-of-way purposes which are described in the Condemnors' Amended Bill of Complaint; that, thereafter, on the 5th day of December, 1969, this Court entered an Order appointing Joe Hathaway, Amel Calloway and Paul Mueller as Commissioners to assess damages and compensation for the property being taken. That on the 14th day of December, 1969, they made a report to this Court which is inadequate in many respects; that it does not properly describe the property being condemned. That on the 30th day of January, 1970, these Commissioners made a proper report. It further appears to the Court that on the 9th day of January, 1970, Notice of Appeal was filed by the Condemnors from the findings of said Commissioners. It further appears to the Court that Holt Stuart and Jeanette Stuart did on the 1st day of April, 1970, dismiss this Appeal.

From all of this, the Court is of the opinion that the first report of the Commissioners is inadequate; that the second report made by them is untimely in that it was filed more than 20 days after the date they were appointed as Commissioners. It is therefore:

ORDERED, ADJUDGED and DECREED that the reports of said Commissioners be and the same are hereby rejected and held for naught. The Court by separate instrument, has on this date appointed

~~New~~ Commissioners instead of those heretofore named.

This 2nd day of April, 1970.

Harry D'Oliver
Probate Judge

BOOK 157 PAGE 447

HOLT STUART, JR. and JEANETTE STUART,)
) IN THE PROBATE COURT OF
 Condemnors,)
)
 VS.) BALDWIN COUNTY, ALABAMA
)
 CAMELLA N. HOOPER, et al,) CASE NO. 6315
)
 Condemnees.)

It appears to the Court of Probate of Baldwin County that on the 25th day of November, 1969, this Court granted the Petition of Holt Stuart, Jr. and Jeanette Stuart in that cause styled Holt Stuart, Jr. and Jeanette Stuart, Condemnors, VS. Camella N. Hooper, et al, Condemnees; and, it appears to the Judge of Probate that William Eckman, Jim Casteele, and Roy E. Wilcox, who are citizens of this County, each possessing the qualifications of Jurors, and each being disinterested and are therefore proper and competent persons to act as Commissioners to view the lands described in said Petition and to assess the damages and compensation to which the Respondents are entitled.

It is therefore proper that William Eckman, Jim Casteele, and Roy E. Wilcox be and they are hereby appointed as such Commissioners to view the lands described in said Petition and after hearing all of the evidence offered, to assess the damages or compensation to which the Respondents are entitled and said Commissioners will report their doings hereunder in writing to the Probate Court in Baldwin County.

Done this the 2nd day of April, 1970.

Harry D. Oliver
 Probate Judge

NOTICE TO COMMISSIONERS

HOLT STUART, JR. and JEANETTE
STUART,)

Condemnors,)

VS.)

CAMELLA N. HOOPER, et al,)

Condemnees.)

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 6315

Eckman

TO ANY SHERIFF OF SAID COUNTY, GREETING:

You are hereby commanded to notify

Jain Casteel

and

Roy E. Wilcox

that, by an Order of the said Court of Probate, made and entered in the premises, on the *2nd* day of April, 1970, they were appointed Commissioners to ascertain and report to this Court in writing within twenty days from the date of their appointment, the amount of damages or compensation to which Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled on the application of Holt Stuart, Jr. and Jeanette Stuart for an Order of Condemnation of the following described property, to-wit:

Beginning at the Northwest corner of the West half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning, being 1/4 acre, more or less.

Now these are therefore to commission the said

William Eckman

Jain J. Casteel

and *Roy E. Wilcox*

so they may enter upon the discharge of their duties as such Commissioners so soon as they shall have taken the oath prescribed by the statute in such cases made and provided.

You will execute this notice within five days from the date hereof and make due return of your action thereon.

WITNESS Harry D'Olive, Judge of said Court of Probate, this
the 2nd day of April, 1970.

Harry D'Olive
Judge of Probate

OATH AND CERTIFICATE

STATE OF ALABAMA

BALDWIN COUNTY

We and each of us do solemnly swear as follows:

That each of us possesses the qualifications of a juror in
Baldwin County, Alabama;

That we will well and truly try the cause now pending and
submitted to our decision, said case being styled:

Holt Stuart, Jr. and Jeanette)	
Stuart,)	
Condemnors,	)	In the Probate Court of
VS.	)	Baldwin County, Alabama
Camella N. Hooper, et al,)	
Condemnees.	)	Case No. 6315
)	

That we are not directly nor indirectly interested in the
issue to be tried;

That neither of us has ever been consulted, advised with,
or approached by any person in reference to the value of said lands,
or the proceedings to condemn the same prior to the assessment of
damages, and that neither of us knew anything of the same prior
to this appointment;

That we are not biased nor prejudiced against either of said
parties, and that we will render such compensation to the Defen-
dant as to us shall seem just and proper in the premises, so help

Page 015 of 450

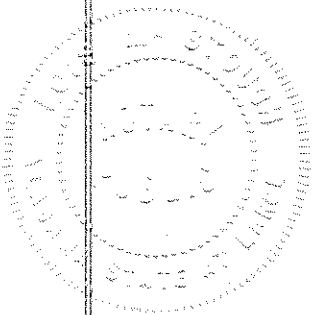
us God.

William E. Wilcox

James E. Wilcox

James E. Wilcox

Sworn to and subscribed before me this 24TH day of
April, 1970.



Lois M. Stough

Notary Public, Baldwin County, Alabama

BOOK 075 PAGE 451

REPORT OF COMMISSIONERS

HOLT STUART, JR. and JEANETTE)
STUART,)
Condemnors,) IN THE PROBATE COURT OF
VS.) BALDWIN COUNTY, ALABAMA
CAMELLA N. HOOPER, et al,)
Condemnees.) CASE NO. 6315
)

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

The undersigned, William Eckman,
Jim Casteel and Roy E. Wilcox
who were heretofore appointed by the Probate Court of Baldwin County, Alabama, as Commissioners to assess the damages and compensation to which Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled on the application of Holt Stuart, Jr. and Jeanette Stuart, for an order of condemnation of an easement for road purposes over and across the following described land situated in Baldwin County, Alabama, to-wit:

Beginning at the Northwest corner of the West half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning, being 1/4 acres, more or less.

does hereby respectfully report that, pursuant to said commission, we viewed the land after having been duly sworn as jurors are sworn, and thereafter we proceeded to assess the damages and compensation to which the said Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled by reason of the condemnation of said easement for road purposes over and across the above described land belonging to them and we, and each of us, separately assessed the damages and compensation

to the said Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper at the sum of \$ 1,000⁰⁰.

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 the damages and that we knew nothing of the same prior to our appointment as such commissioners.

IN WITNESS WHEREOF, we have hereunto set our hands on this the 24TH day of April, 1970.

William E. Schuman

Joseph E. Wilcox

John L. Lister

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 with or approached by any person in reference to the value of the land which is the subject to 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 commissioners.

And each of us do hereby certify that we were sworn as jurors are sworn and that the following oath was administered to us:
"You do solemnly swear that you will well and truly try all issues and 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."

April 2, 1970

TO: William Eckman, and Jim Casteel
Commissioners, and Roy E. Wilcox

Dear Gentlemen:

You were appointed as Commissioners to view the property owned by Camella N. Hooper, et al, which is being condemned for a private road by Holt Stuart, Jr. and Jeanette Stuart. This parcel of land is described in the Notice which is being served upon you by the Sheriff. Said land is 30 feet wide and is 436 feet long.

After you have viewed this property and have determined the damage being done to the Hooper property by this taking, please sign the oath and certificate at the foot of this Notice of Appointment, and sign this Report and Certificate of Commissioners. Return them all to this Court within 20 days after the date of your appointment.

If you have any questions about this matter, please call me collect. These papers, together with this letter, will be delivered to you by the Deputy serving you.

Please use the Report of Commissioners form which is delivered to you instead of preparing one of your own.

Sincerely,

Harry D'Olive

Harry D'Olive
Probate Judge of Baldwin County,
Alabama

055 452

2-4-6-70

Received 3 day of April 19 70
 and on 10 day of April 19 70

I served a copy of the within Notice
 on Ray C. Wilcox, William Eckman,
& Jim Castil

By service on _____

TAYLOR WILKINS, Sheriff
 BY Charles C. Linn S.

84
 50
 218 miles

156 1/2

Sincerely,
 Sheriff claims 218 miles of
 Ten Cents per mile Total \$ 46.80
 TAYLOR WILKINS, Sheriff
 BY Childress
 DEPUTY SHERIFF

218
 108
 50

218.00
 45.30
 26.70

belonged to you interest of believing one of your own.
 Please use the report of Commissioners from which is
 be delivered to you by the Deputy Sheriff you.
 we believe. These papers, together with this letter, will
 in you have any questions about this matter, please call
 within 10 days after the date of your appointment.
 citizens of Commissioners. Return upon all to this Court
 this notice of appointment, and upon this report and Cor-
 ing, please sign the oath and certificate at the foot of
 the same being done to the proper authority by this let-
 ter you have proved this property and have become
 in 1905 and is 433 feet long.
 which is being sold upon you by the Sheriff. This land
 owned. This parcel of land is described in the notice.
 owned for a private road by the State of N.Y. and is located
 owned by Charles W. Woodcock et al, which is being con-
 you were appointed as Commissioners to view the property

Dear Gentlemen:

Commissioners

TO: Ray C. Wilcox, William Eckman,
& Jim Castil

April 3, 1970

Done this the 24th day of April, 1970.

William Coleman

Tracy E. Wilcox

Emt. [Signature]

Sworn to and subscribed before me on this the 24th
day of April, 1970.

Harry D. Oline

Judge of Probate, Baldwin County, Ala.

BOOK 057 PAGE 455

Condemnees.

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
CASE NO. 6315

DECREE OF CONDEMNATION

It appears to the Court that on the 6th day of June, 1968, the Condemnors, Holt Stuart, Jr. and Jeanette Stuart, filed in this Court their Petition to condemn certain lands for an easement for road purposes over the lands of the Respondents in Baldwin County, Alabama, and described in said Petition. It further appears to the Court that this Petition was amended by striking certain parties and adding others by an instrument filed June 26, 1969; that this matter was continued from time to time and the matter was heard and a Decree entered in this cause on the 25th day of November, 1969, condemning the lands described in the Condemnors's Bill of Complaint. That thereafter, on the 5th day of December, 1969, this Court appointed Commissioners to assess damages; that they made a report on the 14th day of December which was inadequate and made a further report on the 30th day of January, 1970. The Court, finding that the second report was untimely, rejected the same and on the 2nd day of April, 1970, appointed William Eckman, Jim Casteel and Roy E. Wilcox as Commissioners in this cause to assess the damages and compensation the Respondents are entitled to receive from the Condemnors for the taking of said lands for the purposes set out in their Petition. The Court did issue Notice of the Appointment of said Commissioners and caused the same to be served upon said Commissioners as prescribed by law and on the 24th day of April, 1970, the said William Eckman, Jim Casteel and Roy E. Wilcox, Commissioners aforesaid, filed in this Court their report of their actions in this matter. It is ORDERED that the same be recorded. Said report is in writing and is as follows:

* * * * *

REPORT OF COMMISSIONERS

HOLT STUART, JR., and JEANETTE)
STUART,)
Condemnors,) IN THE PROBATE COURT OF
VS.) BALDWIN COUNTY, ALABAMA
CAMELLA N. HOOPER, et al,) CASE NO. 6315
Condemnees.)

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

The undersigned, William Eckman, Jim Casteel and Roy E. Wilcox who were heretofore appointed by the Probate Court of Baldwin County, Alabama, as Commissioners to assess the damages and compensation to which Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled on the application of Holt Stuart, Jr. and Jeanette Stuart, for an order of condemnation of an easement for road purposes over and across the following described land situated in Baldwin County, Alabama, to-wit:

Beginning at the Northwest corner of the West half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning, being 1/4 acres, more or less.

does hereby respectfully report that, pursuant to said commission, we viewed the land after having been duly sworn as jurors are sworn, and thereafter we proceeded to assess the damages and compensation to which the said Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled by reason of the condemnation of said easement for road purposes over and across the above described land belonging to them and we, and each of us, separately assessed the damages and compensation to the said Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper at the sum of \$1,000.00.

FILED
1955
JUN 15
457

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 the damages and that we knew nothing of the same prior to our appointment as such commissioners.

IN WITNESS WHEREOF, we have hereunto set our hands on this the 24th day of April, 1970.

S/ William Eckman

S/ Roy E. Wilcox

S/ Jim L. Casteel, Jr.

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 with or approached by any person in reference to the value of the land which is the subject to 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 commissioners.

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

"You do solemnly swear that you will well and truly try all issues and 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 the 24th day of April, 1970.

S/ William Eckman

S/ Roy E. Wilcox

S/ Jim L. Casteel, Jr.

055 and 458

Sworn to and subscribed before me on this the 24th day of April, 1970.

S/ Harry D'Olive
Judge of Probate, Baldwin County, Ala.

* * * * *

It appears to the satisfaction of the Court that said Commissioners were duly sworn as jurors, before they acted in this cause and that their action in the premises was regular and in all respects according to law: It is therefore ORDERED, ADJUDGED and DECREED by the Court that, upon the payment of the sum of ONE THOUSAND DOLLARS (\$1,000.00) so assessed by said Commissioners to the Respondents by said Petitioners, the said Petitioners shall have the right to appropriate said land to their own use for the purposes set out in their Petition; said tract of land being described as follows:

Beginning at the Northwest corner of the West half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning, being 1/4 acres, more or less.

The said right-of-way and easement and privileges prayed for in said Petition is hereby condemned to the use of the Petitioners, the said Holt Stuart, Jr. and Jeannette Stuart as aforesaid upon the payment of the said sum of money to-wit: ONE THOUSAND DOLLARS (\$1,000.00).

It is further ORDERED, ADJUDGED and DECREED by the Court that the Petitioners, Holt Stuart, Jr. and Jeanette Stuart, pay the cost of this proceeding, the amount being \$1257.40 ^(including for award) which let execution issue.

Done this the 4th day of May, 1970.

Harry D'Olive
Probate Judge

REPORT OF COMMISSIONERS

HOLT STUART, JR. and JEANETTE STUART,)	
Condemnors,)	
VS.	)	IN THE PROBATE COURT OF
CAMELLA N. HOOPER, LEONARD J. HOOPER, WILLIAM J. HOOPER,	)	BALDWIN COUNTY, ALABAMA
GLEN S. HOOPER and THOMAS N. HOOPER,	)	CASE NO. <u>6315</u>
Condemnees.)	

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

The undersigned, Joe Hathaway, Elberta,
Arnel Calloway, Orange Beach and Paul Mueller, Pirates Cove,
 who were heretofore appointed by the Probate Court of Baldwin County, Alabama, as Commissioners to assess the damages and compensation to which Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled on the application of Holt Stuart, Jr. and Jeanette Stuart, for an order of condemnation of an easement for road purposes over and across the following described land situated in Baldwin County, Alabama, to-wit:

Beginning at the Northwest Corner of the West Half of the Southwest quarter of the Northwest quarter of Section 4, Township 9 South, Range 5 East, run thence East 496 feet, run thence South 162 feet for point of beginning, continue South 436 feet to North edge of a paved Highway, run East 30 feet to a point, thence run North 436 feet, run thence West 30 feet to point of beginning, being 1/4 acre, more or less.

does hereby respectfully report that pursuant to said commission, we viewed the land after having been duly sworn as jurors are sworn, and thereafter we proceeded to assess the damages and compensation to which the said Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper are entitled by reason of the condemnation of said easement for road purposes over and across the above described land belonging to them and we, and each of us, separately assessed the damages and compensation to the said

18
Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper at the sum of \$ 5500⁰⁰.

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 the damages and that we knew nothing of the same prior to our appointment as such commissioners.

IN WITNESS WHEREOF, we have hereunto set our hands on this the 30th day of January, ~~1969~~ 1970

Joe Hathaway
Paul M. Smith
Arnell Callaway

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 with 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 commissioners.

And each of us do hereby certify that we were sworn as jurors are sworn and that the following oath was administered to us: "You do solemnly swear that you will well and truly try all issues and 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 the 30th day of January, ¹⁹⁷⁰~~1969~~.

Paul F. Mueller
Joe Hathaway
Carol Callaway

Sworn to and subscribed before me on this the 30th day of
January, 1969.

Harry D'Olive
Judge of Probate, Baldwin County, Ala.

Page 055 of 462

JANNETT STUART, et al.

CONDEMNORS

VS

CAMILLA N. HOOPER, et al

CONDEMNEDS

X
X
X
X
X
X
X
X
X

IN THE PROBATE COURT

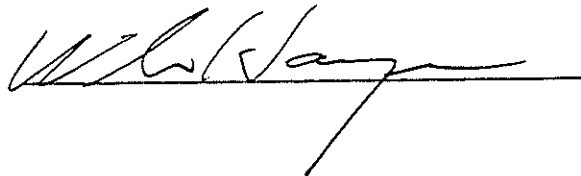
BALDWIN COUNTY, ALABAMA

NUMBER:

6315

Comes now Wilson Hayes and withdraws his appearance
as attorney of record for Condemnees this 27th day of
May, 1970.

Respectfully submitted.



STATE OF ALABAMA, BALDWIN COUNTY

Filed May 27, 1970

Recorded Minutes book 55 page 463

Henry D. Oliver

Judge of Probate

FILED
MAY 27 1970
CLERK

No. 6215

In the matter of

Holt Stuart, Jr. & Jeanette Stuart vs
Camilla N. Hooper
Administrator, Executor, or Guardian. Residence.

Attorneys

Winters, Brantley & Nesbit
(Robert M. Nesbit)

Docket

Page

Fee Book

Page

DATE	FEES	AMOUNT	DATE	FEES	AMOUNT
	WILL—Orders on Presentation, \$1.00			BROUGHT FORWARD.	21.00
	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			<u>William Eckman, Elberta</u>	25.00
	Recording Will, per hundred words, 15c			<u>Jim Casteel</u>	25.00
	Recording Testimony, per hundred words, 15c			<u>Ray E. Wilder</u>	25.00
	Certificate, without Seal, 25c			PARTIAL SETTLEMENT—Affi. in Account, 25c	
	Certificate, with Seal, 50c			Examining, Stating Acc't, and App. Hearing, \$1.00	
4-25-69	Presiding at Trial of Contested Will, per day, \$2.50			Order to Publish Notice of Sale, 50c	
	<u>Record pet. Order & Interrogatories</u>	4.75		Appointing and Notifying Guardian ad Litem, 50c	
10-21-69	<u>See. Citations & recording</u>	2.00		Examining Vouchers, 10c	
11-25-69	<u>Day set for hearing</u>	.75		Administering Affidavits, 25c	
12-15-69	<u>Rec'd. Order & Continuance</u>	1.50		Making Decree and Order to Record, \$1.50	
	<u>Appt. Comm. & Rpt.</u>	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 Appraisalment, 50c			Order to Publish Day of Settlement, 25c	
	Issuing Order of Appraisalment, 25c			Issuing Notice of Day of Settlement, 25c	
	Recording same, per hundred words, 15c			Affidavit to Amount of Claims, 25c	
	Certified Copy Letters, 50c			Appointing, Notifying Guardian ad Litem, 25c	
1-9-70	<u>Rec'd. Notice of Appeal</u>	2.00		<u>Indemnification Bond</u>	
1-30-70	<u>Rec'd. of Comm. - 1st</u>	2.25		<u>Camilla N. Hooper et al</u>	1000.00
4-1-70	<u>Notice of Appeal</u>	.75		SALE OF REAL ESTATE—Affi. in Petition, 25c	
4-2-70	<u>Rejection of Comm.</u>	1.25		Recording Petition, per 100 words, 15c	
4-2-70	<u>Appt. rec'd. Comm.</u>	.75		Order App. Day of Hearing and Notice, \$1.00	
	HOMESTEAD—Rec. Petition for Com. 100 words, 15c			Order to Publish Notice of same, 50c	
	Rec. Order for Applicant, per 100 words, 15c			Issuing Citation, entering Sheriff's Return, 50c	
	Recording Order for Com., per 100 words, 15c			Appointing and Notifying Guardian ad Litem, 50c	
	Notice to Commissioners, 50c			Issuing Commission to take Deposition, 50c	
	Recording Report of Com., per 100 words, 15c			Filing Interrogatories, per 100 words, 15c	
	Rec. Order Setting Apart, per 100 words, 15c			Copy of Interrogatories, per 100 words, 15c	
	INVENTORY—Order to App. and Rec., 50c			Appointing Com'r to Divide and Issue Writ, \$2.00	
	Affidavit to same, 25c			Affidavit in Report of same, 25c	
	Recording same, per 100 words, 15c			Order Approving Division and Report, \$1.00	
4-2-70	<u>Notice to Comm. - 1st</u>	3.00		Recording same, per 100 words, 15c	
4-24-70	<u>Rpt. of Comm.</u>	2.25		Hearing Application for Dower, Issuing Writ, \$4.00	
	APPRAISEMENT—Order Approving Rec., 50c			Exam. Testimony and Granting Order to Sell, \$2.00	
	Affidavit to same, 25c			Recording Depositions, per 100 words, 15c	
	Recording same, per 100 words, 15c			Recording Relinquishment of Dower, 100 wds., 15c	
	Issuing Order of Appraisalment, 25c			Recording Report, per 100 words, 15c	
	Recording Warrant, per 100 words, 15c			Rec. Payment Purchase Money, per 100 words, 15c	
	Order to Approve Appraisalment, 50c			Making Order on Report Sale of Land, 75c	
5-4-70	<u>Affidavit to Appraisalment</u>	4.00		<u>Joe Hathaway, Elberta</u>	25.00
	<u>Recording same, per 100 words, 15c</u>			<u>Amel Calloway, Orange Beach</u>	25.00
	<u>Recording Decree, per 100 words, 15c</u>	4.50		<u>Paul Muggley, Elberta</u>	25.00
	<u>Out of State Notices</u> ③			FINAL SETTLEMENT—Affidavit in Acc's, 25c	
	SALE OF PERISHABLE PROPERTY—Petition, 25c			Examining, Stating, and Reporting Account, \$1.00	
	Recording same, per 100 words, 15c			Order to Publish Notice of same, 50c	
	Granting Order of Sale, 50c			Appointing and Notifying Guardian ad Litem, 50c	
	Issuing Order of Sale, 25c			Examining Vouchers, 10c	
	Appointing, Notifying Guardian ad Litem, 50c			Administering Affidavits, 25c	
	Affidavit to Report, 25c			Recording same, per 100 words, 15c	
	Recording, per 100 words, 15c			Decrees in Final Settlement, 50c	
				<u>Jaylen Wilkins, Jr.</u>	70.40
	CARRIED FORWARD:	31.00			1251.40

