

We the jury find for the
landowner and assess his
damages as \$750.00.

Lloyd Meane
Foreman

BALDWIN COUNTY, ALABAMA,	X	
Condemnor,	X	IN THE PROBATE COURT OF
	X	
vs.	X	
	X	
CLARENCE VAUGHN and LILLIAN VAUGHN,	X	
Condemnees.	X	BALDWIN COUNTY, ALABAMA
	X	

APPLICATION TO CONDEMN LANDS

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

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

FIRST:

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

SECOND:

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

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2-3-71

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Harry D'Olive
Judge of Probate

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

THIRD:

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

Beginning at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 4 East, run West a distance of 85 feet to the point of beginning thence run North 01° 45' East a distance of 1,292.0 feet, thence run North 88°45' West a distance of 20.0 feet, thence run South 01°45' West a distance of 1,292.0 feet, thence run South 88°45' East a distance of 20.0 feet to the point of beginning.

Said Right-of-way being in the Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 4 East of Baldwin County, Alabama.

FOURTH:

That the above described land is owned by Clarence Vaughn and Lillian Vaughn, who are over the age of twenty-one years and residents of Baldwin County, Alabama, residing at Robertsdale, Alabama.

FIFTH:

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

for public road purposes.

SIXTH:

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

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

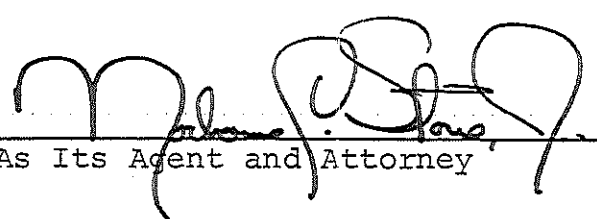
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the uses and purposes herein stated.

Respectfully submitted,

BALDWIN COUNTY, ALABAMA,

By:

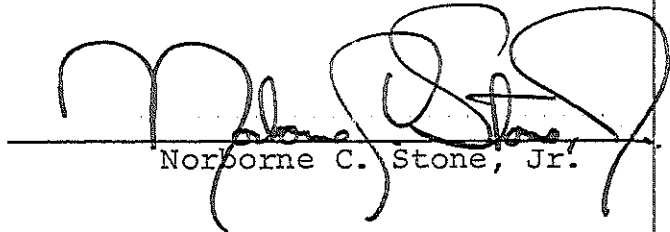

As Its Agent and Attorney

STATE OF ALABAMA

BALDWIN COUNTY


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

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


Norborne C. Stone, Jr.

Sworn to and subscribed before me

this 3rd day of FEBRUARY, 1971.


Notary Public, Baldwin County, Alabama

BALDWIN COUNTY, ALABAMA,	X	
Condemnor,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
CLARENCE VAUGHN and	X	CASE NO. 9880
LILLIAN VAUGHN,		
	X	
Condemnees.		

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 11th day of October, 1971, 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 date and filed in this cause, that on the 3rd day of February, 1971, an application was filed in the Probate Court of Baldwin County, Alabama, by Baldwin County, Alabama, seeking to condemn certain lands therein described for the uses and purposes therein averred, and that subsequent thereto, proceedings were had in the Probate Court of Baldwin County, Alabama, and that the necessary action to properly effect an 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 the said Probate Court did enter an Order of Condemnation of the lands described in said application and which are hereinafter described, on the 10th day of March, 1971, and that thereafter, on the 7th day of April, 1971, Clarence Vaughn and Lillian Vaughn, the Condemnees herein, appealed from said Order of Condemnation to this Court and demanded a trial by jury; and it further appearing to the Court from the Stipulation of the parties hereinabove referred to that the only issue in this proceeding is the damages and compensation,

if any, to which the landowners are entitled and that an Order of Condemnation should be 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 the jury of twelve good and lawful men, to-wit: Frank M. Means, Jr. and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowners are entitled having been submitted to them, did return a verdict in words and figures as follows:

"We, the jury, find for the landowners and assess their damages as \$750.00.

s/Frank M. Means, Jr.
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 on the payment by Baldwin County, Alabama to the Clerk of this Court for the use and benefit of the 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 Baldwin County, Alabama for the condemnation of the lands, rights and construction hereinafter described, be, and the same are hereby, granted, and that the following described property be, and the same is hereby, condemned for the use by Baldwin County, Alabama as a right-of-way for a public road as set forth in the application and that the rights therein are hereby divested out of the landowners and into Baldwin County, Alabama, upon the payment by Baldwin County, Alabama, of the sum hereinafter ordered and decreed to be paid:

Beginning at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 4 East, run West a distance of 85 feet to the point of beginning, thence run North 01°45' East a distance of 1,292.0 feet, thence run North 88°45'

West a distance of 20.0 feet, thence run South, 01°45' West a distance of 1,292.0 feet, thence run South 88°45' East a distance of 20.0 feet to the point of beginning.

2. That the damages and compensation to which the landowners in this case, Clarence Vaughn and Lillian Vaughn, are entitled is hereby fixed at the sum of Seven Hundred Fifty Dollars (\$750.00), which said sum is hereby ordered to be paid by Baldwin County, Alabama to the said landowners and that upon the payment of said amount by Baldwin County, Alabama, to the said landowners, the condemnation of the lands hereinabove described shall be, and become effective.

3. That Baldwin County, Alabama pay the costs of this proceeding.

Dated this the 11th day of October, 1971.

William J. MacArthur
Circuit Judge

Filed

10-11-71

Ernie B. Blackburn
Clerk