

STATE OF ALABAMA,	Ø	
Petitioner	Ø	
-VS-	Ø	IN THE CIRCUIT COURT OF
LAKE FOREST, INC., an Alabama Corporation, Daphne, Alabama, [Claimant of Tract 0135, Project S-635(2)] and BALDWIN COUNTY, ALABAMA, a Political Subdivision of the State of Alabama,	Ø	BALDWIN COUNTY, ALABAMA
	Ø	AT LAW
	Ø	CASE NO. 10,309
Respondents	Ø	

FINAL JUDGMENT BY CONSENT

This cause coming on to be heard by the Court, 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 March 31, 1972, and filed in this cause, that on the fourteenth day of March, 1968, the State of Alabama entered into possession of the lands hereinafter described for the uses and purposes therein averred and that all acts and proceedings required to be done or held had been performed, and that this cause was set for trial only on and as to the valuation issue, the just compensation, if any, to be paid by the petitioner, the State of Alabama, to the respondent, Lake Forest, Inc., an Alabama Corporation, for the lands or interest in lands sought to be acquired in this proceeding, and that an order of condemnation should be entered condemning the fee title to the lands hereinafter described for the uses and purposes set forth in the application for condemnation which is now on file in this Court.

And now come the attorneys for the respective parties hereto, to wit: Kenneth Cooper for the State of Alabama and Ben H. Kilborn and T. K. Jackson, III for the respondent Lake Forest, Inc., an Alabama Corporation, and each attorney agrees and consents that a fair and reasonable amount to be paid by the petitioner to the respondent for the lands involved in this

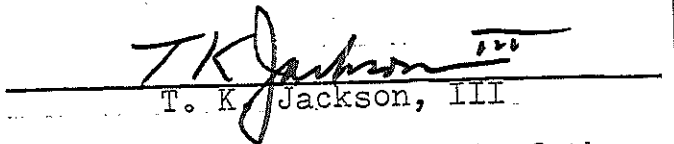
proceeding is the sum of Twenty-eight Thousand Three Hundred Fifty (\$28,350) Dollars, which said sum includes land value, damages and interest to the date of this decree. And each of said attorneys has indicated his consent hereto by his following signature, to wit:

ATTORNEY FOR PETITIONER


Kenneth Cooper

ATTORNEYS FOR RESPONDENT
LAKE FOREST, INC.


Ben H. Kilborn


T. K. Jackson, III

And the Court having considered all of the above, is of the opinion and judgment that an order or judgment of condemnation should be entered conditioned upon the payment by the State of Alabama to the Clerk of this Court for the use and benefit of the respondent landowner; it is, therefore,

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

1. That the application of the State of Alabama for the condemnation of the lands, rights and construction hereinafter described be and the same are hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part hereof as though fully set forth herein, be and the same is hereby condemned in fee for the use by the State of Alabama as a right-of-way for a public road as set forth in the application aforesaid, and the rights therein are hereby divested out of the landowner and into the State of Alabama upon the payment by the State of Alabama of the sums hereinafter ordered and decreed to be paid.

2. That the respondent landowner, Lake Forest, Inc., an Alabama Corporation, is entitled to damages in this cause, which said sum is hereby fixed at Twenty-eight Thousand Three Hundred Fifty (\$28,350.00) Dollars, which includes all interest on the said sum; and that upon the payment of said amount by the State of Alabama to the said landowner, the condemnation of the lands hereinabove described shall be and become effective to pass fee simple title to the said lands to the State of Alabama.

3. That the State of Alabama pay the costs of this proceeding.

DONE this 3rd day of April, 1972.

John A. Madole
CIRCUIT JUDGE
28th Judicial Circuit

FILED

APR 8 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

EXHIBIT "A"

TRACT NO. 0135:

and as shown on the right-of-way map of Project No. S-635(2)
as recorded in the Office of the Judge of Probate of Baldwin County:

PARCEL NO. 001: Beginning at Station 488+74.6 of Project No. S-635(2), the south property line and the point of beginning of the parcel of land hereinafter described; thence westerly along the south property line a distance of 100 feet to a point; thence N 00° 20' 12" E, a distance of 426.7 feet to a point which is 100 feet westerly of and at right angles to the centerline of Station 493+00; thence N 89° 39' 48" W, a distance of 30 feet to a point which is 130 feet westerly of and at right angles to the centerline of Station 493+00; thence N 00° 20' 12" E, a distance of 354.8 feet to a point which is 130 feet westerly of and at right angles to the centerline of P. C. Station 496+54.78 of said project; thence northeasterly parallel with and 130 feet distance from the centerline of project along the arc of a curve to the right having a radius of 11,589.16 feet a distance of 551.2 feet to a point which is 130 feet westerly of and at right angles to the centerline of Station 502+00 of said project; thence N 86° 26' 14" W, a distance of 20 feet to a point which is 150 feet westerly of and at right angles to the centerline of Station 502+00 of said project; thence northeasterly parallel with and 150 feet distance from the centerline of project along the arc of a curve to the right having a radius of 11,609.16 feet a distance of 258 feet to a point which is 150 feet westerly of and at right angles to the centerline of P. T. Station 504+54.78 of said project; thence N 04° 20' 12" E, a distance of 45.22 feet to a point which is 150 feet westerly of and at right angles to the centerline of Station 505+00 of said project; thence S 85° 39' 48" E a distance of 20 feet to a point which is 130 feet westerly of and at right angles to the centerline of Station 505+00 of said project; thence N 04° 20' 12" E, a distance of 200 feet to a point which is 130 feet westerly of and at right angles to the centerline of Station 507+00 of said project; thence N 85° 39' 48" W, a distance of 20 feet to a point which is 150 feet westerly of and at right angles to the centerline of Station 507+00 of said project; thence N 04° 20' 12" E, a distance of 700 feet to a point which is 150 feet westerly of and at right angles to the centerline of Interstate 10 connection at Station 514+00; thence turn an angle of 90° 00' to the right (crossing the centerline of Interstate 10 connection at Station 514+00) and run a distance of 157 feet, more or less, to

the present west right-of-way line of U. S. Highway No. 98; thence southwesterly along said present west right-of-way line a distance of 2504 feet, more or less, to the southeast corner of said property; thence westerly along the south property line a distance of 41.4 feet to the point of beginning.

Said parcel of land lying in Section 6, T-5-S, R-2-E, and Section 37, T-4-S, R-2-E and containing 8.51 acres, more or less.

As a part of the condemnation hereinabove described, there is also condemned for the benefit of the Condemnor all existing, future or potential common law or statutory rights of access between the right-of-way of the public way identified as Project No. S-635 (2), County of Baldwin, and all of Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the Condemnee, along a line described as follows; beginning at a point that is 150 feet west of and perpendicular to centerline Station 514+00 of said project; thence southerly along a curve to the right having a radius of 6725.751 feet to a point on the north bank of C'Olive Creek; thence easterly along the meanders of the said north bank to the point of ending at the north abutment of the southbound bridge of said project.

PARCEL NO. 002: Beginning at the southwest corner which is 116.4 feet easterly of and at right angles to the centerline of Station 488+74.6 of Project No. S-635(2); thence northerly along the west property line which is also the existing east right-of-way line of a paved road a distance of 705.7 feet to the northwest corner of said property; thence easterly along the north property line a distance of 12.6 feet, more or less, to a point; thence S 00° 20' 12" W, a distance of 705.8 feet to a point on the south property line of said property; thence westerly along the south property line a distance of 3.6 feet, more or less, to the point of beginning.

Said parcel of land lying in Section 6, T-5-S, R-2-E, and Section 37, T-4-S, R-2-E and containing 0.13 acres, more or less.

PARCEL NO. 003: Beginning at the southwest corner which is 103.3 feet easterly of and at right angles to the centerline of Station 498+20.4 of Project No. S-635(2); thence northerly along the west property line which is also the existing east right-of-way line of a paved road a distance of 225 feet to a point; thence S 89° 54' E, a distance of 2.5 feet to a point; thence northerly along the existing east right-of-way line a distance of 609.4 feet to a point of curvature; thence northeasterly along the arc of a curve to the right having a radius of 1105.9 feet a distance of 182.4 feet to the point of tangency; thence N 9° 03' E, along the existing east right-of-way of said road a distance of 334.0 feet to a point; thence southwesterly along the existing west right of way of a paved road a distance of 174.4 feet to a point which is 120 feet easterly of and at right angles to the centerline of Station 510+05.4 of said project; thence southwesterly parallel with and 120 feet distant from said centerline of project along the arc of a curve to the right having a radius of 6995.751 feet a distance of 54.2 feet to a point which is 120 feet easterly of and at right angles to the centerline of P. C. Station 509+51.20; thence S 84° 20' 12" W, a distance of 496.4 feet to a point which is 120 feet easterly of and at right angles to the centerline of P. T. Station 504+54.78 of said project; thence southwesterly parallel with and 120 feet distant from the centerline of said project along the arc of a curve to the left having a radius of 11,339.16 feet, a distance of 624.1 feet to a point on the south property line of said property; thence westerly along the south property line a distance of 16.7 feet, more or less, to the point of beginning.

Said parcel of land lying in Section 37, T-4-S, R-2-E, and containing 1.34 acres, more or less.

STATE OF ALABAMA,	Ø	
Petitioner	Ø	
-VS-	Ø	IN THE CIRCUIT COURT OF
LAKE FOREST, INC., an Alabama Corporation, Daphne, Alabama, [Claimant of Tract 0135, Project S-635(2)] and BALDWIN COUNTY, ALABAMA, a Political Subdivision of the State of Alabama,	Ø	BALDWIN COUNTY, ALABAMA
	Ø	AT LAW
	Ø	CASE NO. 10,309
Respondents	Ø	

STIPULATION

It is hereby stipulated by and between the petitioner (appellant) and Lake Forest, Inc., an Alabama Corporation, (appellee), parties to the above-styled cause, through their respective attorneys of record, each acting with full authority, as follows:

1. That the petitioner is authorized to institute and prosecute this proceeding to acquire the fee to the property or interest for order of condemnation filed in the Probate Court of Baldwin County, Alabama, on the seventh day of October, 1971, for the public purposes stated in said application or petition.
2. That all proceedings in the Probate Court of Baldwin County, Alabama, in this cause were regular, and an appeal has been duly and properly perfected within the time allowed and entered in said Probate Court in this cause on the twenty-eighth day of January, 1972, and trial by jury on the issue of valuation has been properly demanded.
3. That the application or petition for order of condemnation correctly sets out the uses and purposes for which the property and rights herein sought is to be devoted, used or applied and the petitioner has the right to obtain said property in this proceeding for the purposes stated.

4. That the respondent herein is the only party known to either petitioner or respondent who has or asserts any right, title or interest in or to the lands or interest therein sought to be acquired.

5. That the respondent has had due notice of the trial set and all proceedings herein and expressly enters appearance in this Court.

6. That only those lands belonging to Lake Forest, Inc., an Alabama Corporation, lying East of U.S. Highway No. S-635 and West of U.S. Highway No. S-635, comprising 9.98 acres, are affected by this proceeding and all testimony will be limited to said lands.

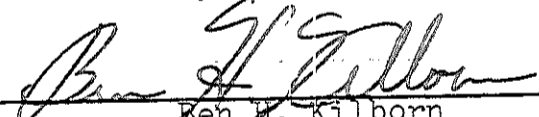
7. That the only issue in this proceeding is the damages and compensation, if any, to which the respondent is entitled.

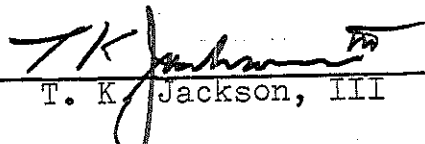
8. That the time of taking in this proceeding is the date on which the respondent granted the State the right of entry on March 14, 1968.

ATTORNEY FOR PETITIONER


Kenneth Cooper

ATTORNEYS FOR RESPONDENT
Lake Forest, Inc.


Ben H. Kilborn


T. K. Jackson, III

FILED

MAR 31 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

STATE OF ALABAMA,

Petitioner

-VS-

LAKE FOREST, INC., an Alabama Corporation, Daphne, Alabama, [Claimant of Tracts 0131 and 0135, Project S-635(2) and Tract 14, Project I-10-1(19)] and GEORGE RUSSELL HORN, Daphne, Alabama, [Claimant to Portion of Parcel 008, Tract 0131, Project S-635(2)] and BALDWIN COUNTY, ALABAMA, a Political Subdivision of the State of Alabama,

Respondents

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. 7,365

NOTICE OF APPEAL

Comes now the State of Alabama, petitioner in above-styled cause, acting by Kenneth Cooper, Duly Appointed Special Assistant Attorney General, State of Alabama, and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama, from the Final Order of Condemnation entered in this cause on the thirtieth day of December, 1971, from the condemnation awards against Tract 0135 of Project S-635(2) owned by Lake Forest, Inc., an Alabama Corporation, et al.

The State of Alabama does file in the Probate Court of Baldwin County, Alabama, the court rendering such final order of condemnation, this its written notice of appeal.

Done this 28th day of January, 1972.

WILLIAM J. BAXLEY
ATTORNEY GENERAL, STATE OF ALABAMA

By: Kenneth Cooper
DULY APPOINTED SPECIAL ASSISTANT
ATTORNEY GENERAL, STATE OF ALABAMA

I hereby accept service of Notice
of Appeal taken by the State of
Alabama, in the above-styled cause.

Dated this 2nd day of February, 1972

Ben Elton

STATE OF ALABAMA, BALDWIN COUNTY

Filed Jan. 28, 1972 M

Recorded _____ book _____ Page _____

Harry D. Oliver
Judge of Probate

Petitioner, State of Alabama, hereby
demands a trial by jury in this cause.

Kenneth Cooper
DULY APPOINTED SPECIAL ASSISTANT
ATTORNEY GENERAL, STATE OF ALABAMA

The undersigned hereby acknowledges himself as security for
costs in this cause.

Kenneth Cooper
DULY APPOINTED SPECIAL ASSISTANT
ATTORNEY GENERAL, STATE OF ALABAMA

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Petitioner, State of Alabama, hereby
demands a trial by jury in this cause.

Kenneth Cooper
DULY APPOINTED SPECIAL ASSISTANT
ATTORNEY GENERAL, STATE OF ALABAMA

The undersigned hereby acknowledges himself as security for
costs in this cause.

Kenneth Cooper
DULY APPOINTED SPECIAL ASSISTANT
ATTORNEY GENERAL, STATE OF ALABAMA

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