

CITY OF FAIRHOPE, ALABAMA
A Municipal Corporation,

Plaintiff

VS

ROBERT R. NAHRGANG

Defendant

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

We, Robert R. Nahrgang, as principal and the undersigned as sureties
acknowledge ourselves security for the costs of appeal to the Circuit
Court of Baldwin County, Alabama, of the above styled, case, by Robert R.
Nahrgang, the Defendant against whom a judgment was rendered in the Probate
Court of Baldwin County, Alabama on the 27th day of Aug., 1956.

Robert Nahrgang (SEAL)

Caroline Nahrgang (SEAL)

Robert Foster (SEAL)

Taken and approved this the 26th day of Sept, 1956.

W. R. Stuart
Judge of Probate

STATE OF ALABAMA, BALDWIN COUNTY

Filed Sept. 26, 1956 M

Recorded Pro in book 10 page 477

W. R. Stuart
Judge of Probate HD

CITY OF FAIRHOPE

PLAINTIFF

VS

ROBERT R. NAHRGANG

DEFENDANT

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NOTICE OF APPEAL

Comes Robert R. Nahrgang in the above entitled cause, and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama, from the order of condemnation entered in said cause on the 27 day of Aug, 1956, insofar as said order of condemnation relates to the lands described in said petition as set forth in the application filed in said cause.

Robert R. Nahrgang does herewith file in the Court of Probate of Baldwin County, Alabama, the court rendering such order of condemnation, this his written notice of said appeal.

STATE OF ALABAMA, BALDWIN COUNTY This the 26 day of Sept, 1956.

Filed Sept. 26, 1956 M

Recorded Prot Min book 10 page 478

W. R. Stuart

Judge of Probate W.R.

Appellant demands a trial by jury.

C. L. Davis
Attorney for Defendant

C. L. Davis
Attorney for Defendant

TO W. C. BEEBE, ATTORNEY FOR THE CITY OF FAIRHOPE, ALABAMA, AND E. B. OVERTON, AS AGENT OF SAID CITY OF FAIRHOPE, ALABAMA:

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 26th day of Sept, 1956.

W. R. Stuart
Judge of the Court of Probate of
Baldwin County, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

Notice of the above appeal is hereby accepted on behalf of the City of Fairhope.

Witness my hand this the 26 day of Sept, 1956.

W. C. Beebe
Attorney

CITY OF FAIRHOPE, ALABAMA

IN THE PROBATE COURT OF

VS

ROBERT R. NAHRGANG

BALDWIN COUNTY, ALABAMA.


In the matter of the application to condemn land for right of way for construction of a street;

This day came the City of Fairhope, a municipal corporation by E. B. Overton, its Mayor, duly qualified and authorized thereto, and filed its application to have condemned for public street purposes those lands belonging to Robert R. Nahrgang, the owner of the said lands described as follows, to-wit:

Lot 18 of Fairwood Subdivision number 2, according to map or plat thereof recorded in Map Book 3, page 53 of the Baldwin County records;

And in said petition the City of Fairhope alleges that is is necessary and proper and to the interest of the City of Fairhope that the City have and own in fee simple the said lands for the purpose of a right of way for a street and the petitioner desires to have said lands condemned in fee simple and as a street for the use of the said city as a right of way for a public street; and praying that this Honorable Court will make an order appointing a day for the hearing of this petition; that due and legal notice of the same be given to Robert R. Nahrgang, the owner of the said lands, in the manner and for the time required by law, and that such other, further and general orders and decrees be made in the premises as may be necessary and proper for the acquirement by the petitioner of the property herein described for the purposes herein stated.

It is therefore ordered by the court that the 19th day of JANUARY, 1956^{at 10 A.M.}, be and the same is hereby appointed for hearing said application, and it is further ordered that notice be given Robert R. Nahrgang, whose residence is Fairhope, Alabama, by personal service.


Judge

STATE OF ALABAMA
BALDWIN COUNTY

IN THE PROBATE COURT

Whereas the City of Fairhope, Alabama, did file in this Court a petition praying for a condemnation proceeding to acquire the fee simple title for public ^{across} street purposes, a right of way/certain lands belonging to Robert R. Nahrgang, and,

Whereas the Court did set the said petition down for hearing on January 19, 1956, and at the time a continuance was granted by the Court,

Now, Therefore, It is ORDERED, ADJUDGED AND DECREED by the Court that the said petition be, and it hereby is set down for hearing on the 22nd day of March, 1956, at 10 A.M.

It is further ORDERED by the Court that notice of the said hearing be given as prescribed by law.

Witness my hand this the 6th day of March, 1956.



Judge of Probate.

CITY OF FAIRHOPE, ALABAMA

VS

ROBERT R. NAHRGANG

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

April 27, 1956

In the matter of the petition to condemn certain lands
for rights of way for street purposes;

This being the day appointed by the Court for hearing the application heretofore filed in this court praying that this court condemn certain land described in said application for the purposes set forth therein, now come the parties by their attorneys of record, the court proceeds to hear said application, together with all legal evidence touching the same; and it appearing to the court that notice has been given to the defendants in this cause as required by law, and that the allegations of said petition are true, and that Robert R. Nahrgang is the owner of said land and that it is necessary that the said land be condemned for the purposes mentioned in said application, and the same being considered by this court, the court is of the opinion that the petition should be granted; it is therefore ordered, adjudged and decreed by the court that the petition be and the same is hereby granted.

And it appearing to the court that VINSON J. Klein, CLAUDE ARNOLD WALTER R. BYERS and CLARKE C. TAYLOR, are three citizens of the county possessing the qualifications of jurors, and who are disinterested, and that the said above named citizens are proper and competent persons to act as Commissioners to view the land described in said application, and after hearing all evidence offered to assess the damages and compensation to which Robert R. Nahrgang is entitled, they are hereby appointed commissioners for the purposes aforesaid. And the said Commissioners will report their doings to this court.

W. R. Street
Judge of Probate

CITY OF FAIRHOPE, ALABAMA | IN THE PROBATE COURT OF
VS |
ROBERT R. NAHRGANG | BALDWIN COUNTY, ALABAMA,
|

It appearing that the report filed in this cause by the appraisors heretofore appointed namely: Vinson J. Klein, Walter J. Byers and Clarke C. Taylor, on to-wit: 28th day of July, 1956 was not made within the time and in the manner provided by the Statutes relating thereto;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said report be and the same is hereby set aside;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Vinson J. Klein, Walter J. Byers and Clarke C. Taylor be and they are hereby reappointed as appraisors in the said cause and that they be and are hereby required to make their appraisalment and report the same to this court within twenty days hereof.

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED~~ that notice of such appointment issue forthwith to them.

This the 13th day of August, 1956.



Judge of Probate

STATE OF ALABAMA
BALDWIN COUNTY

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE OF BALDWIN COUNTY,
ALABAMA:

Your petitioner, the City of Fairhope, a municipal corporation, by E. B. Overton, its mayor, duly qualified and authorized hereto respectfully shows unto your Honor as follows:

FIRST: That under the laws of the State of Alabama, your petitioner, the City of Fairhope, Alabama, is charged with the duty of providing rights of way for streets constructed within said city; that the said City of Fairhope proposes to construct a public street over and across the lands hereinafter described and the said lands are needed and desired by the City for public purposes, namely, as a right of way for a public street; that it is necessary and proper and to the best interest of said city that the city acquire the fee simple title for a right of way for public street purposes to the following described lands, to-wit:

Lot 18 of Fairwood Subdivision number 2, according to map or plat thereof recorded in Map Book 3, page 53 of the Baldwin County records;

SECOND: That Robert R. Nahrgang, who is over the age of twenty-one years, and whose residence and post office address is Fairhope, Alabama is the owner of and is in the peaceable possession and control of the lands described above.

THIRD: That the said City of Fairhope further alleges that it is necessary and proper and to the interest of the City of Fairhope that it have and own the said lands for the purpose of a right of way for a street and this petitioner desires to have said lands condemned for and as a right of way for a public street for the said City of Fairhope.

Premises considered, your petitioner prays this Honorable Court will make an order appointing a day for the hearing of this petition; that due and legal notice of the same be given to the said Robert R. Nahrgang and that such other, further and general

orders and decrees be made in the premises as may be necessary and proper for the acquirement by the petitioner of the property herein described for the purposes herein stated.

City of Fairhope

By E. B. Overton
Mayor

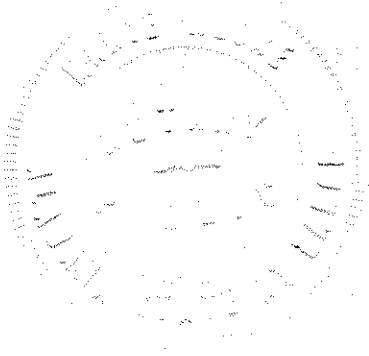
STATE OF ALABAMA
BALDWIN COUNTY

Personally appeared before me Marie Moore
a Notary Public, in and for said State and County, E. B. Overton,
who being by me first duly sworn upon oath, says that he is Mayor
of the City of Fairhope, a municipal corporation, duly qualified
and authorized; that he has carefully read and understands the
facts alleged in the foregoing petition and knows that the facts
alleged therein are true.

E. B. Overton

Sworn to and subscribed before me this the 10 day of Oct.,
1955.

Marie Moore
Notary Public, Baldwin County, Ala.



STATE OF ALABAMA, BALDWIN COUNTY
Filed Oct. 10, 1955 11:34 AM
Recorded Pro & Min book 10 page 467
W. R. Stuart
Judge of Probate HS

CITY OF FAIRHOPE

VS

ROBERT R. NAHGANG

CONDEMNATION

NO. 3184

BEEBE & SWEARINGEN

LAWYERS

BAY MINETTE, ALABAMA

CITY OF FAIRHOPE, ALABAMA

VS.

ROBERT R. NAHRGANG

IN THE PROBATE COURT
OF BALDWIN COUNTY, ALABAMA.TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE OF BALDWIN COUNTY,
ALABAMA.

The undersigned,

Vincent J. Klein and Clark C. Taylor

who were heretofore appointed by said court as Commissioners to assess the damages and compensation to which Robert R. Nahrgang is entitled to on the application of the City of Fairhope, Alabama, for an order of condemnation of the following described land situated in Baldwin County, Alabama, to-wit:

Lot 18 of Fairwood Sub-division Number 2, According to map or plat thereof recorded in Map Book 3, page 53 of the Baldwin County records;

respectfully report that pursuant to said commission we viewed said parcel of land after having been duly sworn as jurors are sworn and thereafter we proceeded to assess the damages and compensation to which the said Robert R. Nahrgang is entitled by reason of the taking of the parcel above described as belonging to him, and they, each of them separately, assessed the damages and compensation to be as follows: To Robert R. Nahrgang, the owner of the above described parcel of land we do hereby assess the damages and compensation at the sum of \$ 750⁰⁰

We further certify that neither of us have been consulted, advised or approached by any person in reference to the sale of land or the proceedings to condemn the same, prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

IN WITNESS WHEREOF, we have hereunto set our hands this the 24 day of Aug, 1956.

Vincent J. Klein
Clark C. Taylor

STATE OF ALABAMA, BALDWIN COUNTY

Filed Aug 27, 1956

Recorded

W. R. Stuart

Judge of Probate

SWORN to and subscribed before me this the 24 day of Aug, 1956.

Frank Wood
Judge of Probate, Baldwin
County, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY.

We and each of us do solemnly swear that none of us have been consulted, advised with, or approached by any person in reference to the value of the lands, or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment, and that we possess the qualifications of jurors.

Vincent H. Klein
Earl L. Taylor

Sworn to and subscribed before me this 24 day of Aug, 1956.

Frank Wood
Judge of Probate, Baldwin County
Alabama.
Notary Public

CITY OF FAIRHOPE, ALABAMA,

VS

ROBERT R. NAHRGANG

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA;

You are hereby commanded to notify ^{Cent} ~~Vincent~~ J. Klein, Walter J. Byers and Clarke C. Taylor that, by order of the Probate Court of Baldwin County, Alabama, made and entered on the 13th day of August, 1956, they were appointed commissioners to ascertain and report to this court, in writing, within twenty days from this date the amount of damages and compensation which Robert R. Nahrgang is entitled to on the application of the City of Fairhope, Alabama, for an order of condemnation of the following described land situated in Baldwin County, Alabama, to-wit:

Lot 18 of Fairwood Subdivision number 2, according to map or plat thereof recorded in Map Book 3, page 53 of the Baldwin County Records;

Now there are therefore the commissioners, the said ^{Cent} ~~Vincent~~ J. Klein, Walter K. Byers and Clarke C. Taylor, so that they may enter upon the discharge of their duties as such commissioners as soon as they shall be directed as 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 the action thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Court on this the 13th day of August, 1956.

M. N. Stewart
Judge of Probate, Baldwin County, Ala.

We hereby acknowledge receipt of copy of the foregoing notice of appointment as appraisors in the matter of the City of Fairhope vs Robert R. Nahrgang, pending in Probate Court of Baldwin County, and waive service thereon.

Vincent J. Klein
Walter K. Byers
Clarke C. Taylor

STATE OF ALABAMA

IN THE PROBATE COURT

BAIDWIN COUNTY


TO: ROBERT R. NAHRGANG, Fairhope, Alabama.

You will take notice that on the 10th day of October 1955, petition was filed in this Court by the City of Fairhope, Alabama, by E. B. Overton, its Mayor, setting forth that it desires to have condemned for a right of way for a public street, certain lands which are specifically set forth and described in said petition;

And the said petitioner prays this Court appoint a day for hearing of said petition and for such orders and decrees as may be necessary and proper for the acquirement by the said petitioner, for public street purposes, the fee simple title to the property therein described for the purposes stated;

You will please take notice that the Court has appointed the 22nd day of March, 1956, at 10 A.M., as the day and time for hearing said petition, at which time you may appear and contest the same if you choose to do so.

Witness my hand this the 6th day of March, 1956.


Judge of Probate.

STATE OF ALABAMA

BALDWIN COUNTY

IN THE PROBATE COURT

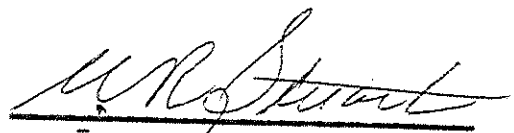
TO: ROBERT R. NAHRGANG, Fairhope, Alabama.

You will take notice that on the 10th day of October 1955, petition was filed in this Court by the City of Fairhope, Alabama, by E. B. Overton, its Mayor, setting forth that it desires to have condemned for a right of way for a public street, certain lands which are specifically set forth and described in said petition;

And the said petitioner prays this Court appoint a day for hearing of said petition and for such orders and decrees as may be necessary and proper for the acquirement by the said petitioner, for public street purposes, the fee simple title to the property therein described for the purposes stated;

You will please take notice that the Court has appointed the 22nd day of March, 1956, at 10 A.M., as the day and time for hearing said petition, at which time you may appear and contest the same if you choose to do so.

Witness my hand this the 6th day of March, 1956.


Judge of Probate.

BOOK 004 PAGE 221

CITY OF FAIRHOPE | IN THE PROBATE COURT OF
 | BALDWIN COUNTY, ALABAMA
ROBERT R. NAHRGANG | CONDEMNATION PROCEEDINGS

TO ROBERT R. NAHRGANG AND ANY AND ALL OTHER PERSONS:

Notice is hereby given that the City of Fairhope did on the 10th day of October, 1955 file its petition in the Probate Court of Baldwin County under the constitution and statutes made and provided relating thereto to acquire by condemnation Lot 18 of Fairwood Subdivision number 2, according to map or plat thereof recorded in Map Book 3, page 53 of the Baldwin County records, alleging that the City of Fairhope is charged with the duty of providing rights of way and constructing streets within the City of Fairhope and it proposes to construct a public street over and across the said lands and the City of Fairhope needs and desires the said lands for such purpose; that it is necessary and proper and to the interest of the people that the City acquire the same for the said purpose; that Robert R. Nahrgang is the owner of the said land; that he is over the age of twenty one years; and prays that the said Honorable Court make an order appointing a day for hearing the said petition; that notice thereof be given to the said Robert R. Nahrgang and that a decree be made and entered condemning the said land for such purpose.

Witness, this the 10th day of October 1955.

City of Fairhope

By E. B. [Signature]
Mayor

STATE OF ALABAMA, BALDWIN COUNTY
Filed 10-10-55 11:45 A.M.
Recorded Lis. [Signature] book 4 page 221
Judge of Probate [Signature] 6

STATE OF ALABAMA
BALDWIN COUNTY

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

TO: ROBERT R. NAHRGANG, Fairhope, Alabama

You will take notice that on the 10th day of October,

1955, petition was filed in this court by the City of Fairhope, Alabama, by E. B. Overton, its mayor, setting forth that it desires to have condemned for a right of way for a public street, certain lands which are specifically set forth and described in said petition as follows, to-wit:

Lot 18 of Fairwood Subdivision number 2, according to map or plat thereof recorded in Map Book 3, page 53 of the Baldwin County records;

And the said petitioner prays this court appoint a day for hearing of said petition and for such orders and decrees as may be necessary and proper for the acquirement by the said petitioner, for public street purposes, the fee simple title to the property herein described for the purposes therein stated.

You will please take notice that the court has appointed the 19th day of JANUARY, 1956^{10 A.M.} as a suitable day upon which to hear said petition, at which time you may appear and contest the same if you choose to do so.

Done this the 4th day of JANUARY, 1956.

M. R. Stuart
Judge

STATE OF ALABAMA

IN THE PROBATE COURT

BALDWIN COUNTY


TO: ROBERT R. NAHRGANG, FAIRHOPE, ALABAMA.

You will hereby take notice that on the 10th day of October, 1955, a petition was filed in this Court by the City of Fairhope, Alabama, by E. B. Overton, its Mayor, setting forth that it desires to have condemned for a right of way for a public street, certain lands which are specifically set forth and described in said petition;

And the said Petitioner prays this Court appoint a day for hearing of the said petition and for such orders and decrees as may be necessary and proper for the acquirement by the said petitioner, for public street purposes, the fee simple title to the property therein described for the purposes stated;

You will please take notice that the Court has appointed the 27th day of April, 1956, at 10 A.M., as the day and time for hearing said petition, at which time you may appear and contest the same if you choose to do so.

Witness my hand this the 13th day of April, 1956.


Judge of Probate.

CITY OF FAIRHOPE, ALABAMA

VS

ROBERT R. NAHRGANG

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby commanded to notify VINSON J. Klein,
~~WALTER R. BYERS~~ and CLARKE C. Taylor that,
by order of the Probate Court of Baldwin County, Alabama, made and
entered on the 27th day of April, 1956, they were ap-
pointed Commissioners to ascertain and report to this court, in
writing, within twenty days from this date the amount of damages
and compensation which Robert R. Nahrgang is entitled to on the
application of the City of Fairhope, Alabama, for an order of con-
demnation of the following described land situated in Baldwin County,
Alabama, to-wit:

Lot 18 of Fairwood Subdivision number 2, accord-
ing to map or plat thereof recorded in Map Book
3, page 53 of the Baldwin County records;

Now these are therefore the Commissioners, the said _____
VINSON J. Klein, WALTER R. BYERS
~~CLAUDE ARNOLD~~ and _____
CLARKE C. Taylor, so that they may enter upon the discharge of their
duties as such commissioners as soon as they shall be directed as
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 the action thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal
of said Court on this the 27th day of April, 1956.

W. R. Street
Judge of Probate, Baldwin County, Ala.

CITY OF FAIRHOPE, ALABAMA

VS

ROBERT R. NAHRGANG

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

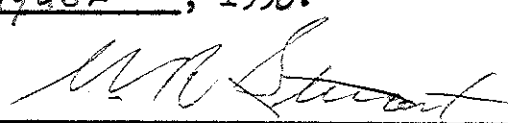
This cause coming on to be heard and it appearing to the court that the commissioners heretofore appointed on the 13th day of August, 1956, in this cause to assess the damages and compensation which Robert R. Nahrgang should receive for the condemnation of the lands described in said petition as owned by him, or in which he has an interest, and the commissioners having reported to this court their assessment of the compensation and damages which he should receive as follows: to Robert R. Nahrgang, the sum of \$ 750⁰⁰, as the owner of the following described land situated in Baldwin County, Alabama, to-wit:

Lot 18 of Fairwood Subdivision number 2, according to map or plat thereof recorded in Map Book 3, page 53 of the Baldwin County records;

And it appearing that the City of Fairhope, Alabama, the petitioner in this cause has paid into this court the sum of \$ 750⁰⁰, the sum total of the awards made by the said commissioners in their report of the assessment of compensation and damages to which the said defendant is entitled for the condemnation of the said lands for the purposes stated in said petition, the said report of the said commissioners ought to be approved and confirmed;

It is therefore ordered, adjudged and decreed by the court that the report of said commissioners be recorded and that the same is hereby approved and confirmed and the lands above described be and the same are hereby condemned for the use of the City of Fairhope, Alabama, as a public road way as prayed for in its petition filed in this court on the 10th day of OCTOBER, 1955, by virtue of which the City of Fairhope, Alabama, and its successors may construct and perpetually maintain a public roadway over the said lands and each parcel thereof as hereinabove described without further liability to the said named respective owners thereof.

Done this 27th day of August, 1956.


Judge of Probate