

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama

TO: Hugh Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

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

Harry

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Hugh Weeks
personally, on the 17 day of

June, 1958

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Carl L. Anderson
Deputy Sheriff

Sheriff claims 88 miles at

Ten Cents per mile Total \$ 8.80

TAYLOR WILKINS, Sheriff

BY Childress
DEPUTY SHERIFF

Hugh Weeks
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

County, Alabama


W. H. ESTOUP, ET AL.

TO: Riley Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.


Judge of the Court of Probate of
Baldwin County, Alabama

2/18/60

72

6/24

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Mobile County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Riley Weeks

personally, on the 11th day of
June, 1958.

Rayd Budger
Sheriff Mobile County
Alabama

By J. Adams
Deputy Sheriff

Riley Weeks
400 Government Street
Mobile, Alabama

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama

W. H. ESTOUP, ET AL.

TO: Amilie Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.


Judge of the Court of Probate of
Baldwin County, Alabama

206900
R 6/24 72

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Mobile County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Amilie Weeks

personally, on the 11th day of

June, 1958.

Ray D. Bridges
Sheriff Mobile County
Alabama

By J Adams
Deputy Sheriff

Amilie Weeks
100 Government Street

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY,		IN THE PROBATE COURT OF
a corporation,		
APPLICANT		
VS.		BALDWIN COUNTY, ALABAMA
W. H. ESTOUP, et al.		
DEFENDANTS		

Alabama Power Company having on to-wit, the 1st day of August, 1958, amended its petition against W. H. Estoup, et al., for the condemnation of certain lands;

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that said petition, as amended, be and the same is hereby set down for hearing on August 20, 1958, at 9 o'clock A. M.

Done this the 1st day of AUGUST, 1958.

W. R. Stuart
Judge of Probate

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama

TO: D. S. Evans

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.


Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

St. Clair County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with D. S. Evans

personally, on the 6 day of

June, 1958

Joel N. Wood
Sheriff St. Clair County
Alabama

By Shannon
Deputy Sheriff

THE SHERIFF CLAIMS 30
MILES AT 10¢ PER MILE FOR A

TOTAL OF \$ 3.00

JOEL N. WOOD, SHERIFF

D. S. Evans
Ashville, Alabama

Par. 9

A strip of land 100 feet in width which lies within the southeast quarter of the southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 26, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 26, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 26 for a distance of 665.3 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 90 degrees 00 minutes and runs north 00 degrees 05 minutes east for a distance of 1338.9 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said D. S. Evans and Margaret Evans are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama

TO: Margaret Evans

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.


Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
St. Clair County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Margaret Evans
personally, on the 4 day of

June, 1958
Joel N. Wood
Sheriff St. Clair County
Alabama

By Thompson
Deputy Sheriff

THE SHERIFF CLAIMS 30
MILES AT 10¢ PER MILE FOR A

TOTAL OF \$ 3.00

Margaret Evans
JOEL N. WOOD, SHERIFF
Ashville, Alabama

Par. 9 A strip of land 100 feet in width which lies within the southeast quarter of the southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 26, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 26, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 26 for a distance of 665.3 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 90 degrees 00 minutes and runs north 00 degrees 05 minutes east for a distance of 1338.9 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said D. S. Evans and Margaret Evans are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama.

W. H. ESTOUP, ET AL.

TO: Baldwin Savings & Loan Company

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 1958.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA)
BALDWIN COUNTY)

I hereby certify that I have
served the within notice upon
Baldwin Savings & Loan Company, a
corporation, by leaving a copy of
the same with SIDNEY CHANDLER,
as SECRETARY AND MANAGING OFFICER of said
corporation.

This the 5 day of June,
1958.

Taylor Wilkins
Sheriff, Baldwin County, Alabama

By Edlough Steadham
Deputy Sheriff

Baldwin Savings & Loan Company
Fairhope, Alabama

sheriff claims 20 miles at

ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

Edlough Steadham
DEPUTY SHERIFF

Par. 1 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of southwest quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 15, Township 6 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way commence at the southwest corner of Section 15, Township 6 South, Range 3 East; thence run east along the south boundary line of such Section 15 a distance of 1386.1 feet to a point; thence turn an angle to the left of 90 degrees 05 minutes and proceed north 00 degrees 09 minutes east a distance of 114.7 feet to a point; thence turn an angle to the left of 00 degrees 03 minutes and proceed north 00 degrees 06 minutes east for a distance of 1882.8 feet, more or less, to a point, such point being the point of beginning of the right of way herein described; therefrom the strip of right of way lies fifty (50) feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 00 degrees 06 minutes east a distance of 666 feet, more or less, to a point, such point being the point of ending of said right of way. The said F. L. McKenzie, Mary K. McKenzie, and Baldwin Savings & Loan Company, a corporation, (mortgagee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama.

W. H. ESTOUP, ET AL.

TO: Lois D. Estoup

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May

, 19 58 .

W. H. Estoup
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Lois D. Estoup

personally, on the 5 day of

June, 1958

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Edleigh Steadham
Deputy Sheriff

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

By Steadham
DEPUTY SHERIFF

Lois D. Estoup

Wishbone, Alabama

Par. 8

A strip of land 100 feet in width which lies within the north half of the southeast quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) and the southeast quarter of the southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 23, Township 7 South, Range 3 East, thence run west along the south boundary line of such Section 23 for a distance of 664.3 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 90 degrees 17 minutes and runs north 00 degrees 05 minutes east for a distance of 1057.7 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the left of 37 degrees 37 minutes and proceeds north 37 degrees 32 minutes west for a distance of 2016 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a northeasterly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said W. H. Estoup, Lois D. Estoup, S. A. Brown (mortgagee) and Roy Norris (lessee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin

County, Alabama.

W. H. ESTOUP, ET AL.

TO: W. H. Estoup

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the

26 day of

May

, 19 58 .

W. H. Estoup
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with W. H. Estoup

personally, on the 5 day of

June, 1958

Taylor Wilkins

Sheriff Baldwin County
Alabama

By Edleigh Stoddard
Deputy Sheriff

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY Stoddard
DEPUTY SHERIFF

W. H. Estoup
Fairhope, Alabama

Par. 8

A strip of land 100 feet in width which lies within the north half of the southeast quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) and the southeast quarter of the southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 23, Township 7 South, Range 3 East, thence run west along the south boundary line of such Section 23 for a distance of 664.3 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 90 degrees 17 minutes and runs north 00 degrees 05 minutes east for a distance of 1057.7 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the left of 37 degrees 37 minutes and proceeds north 37 degrees 32 minutes west for a distance of 2016 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a northeasterly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said W. H. Estoup, Lois D. Estoup, S. A. Brown (mortgagee) and Roy Norris (lessee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama

TO: Roy Norris

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the

26 day of June, 19 58, at 2:00 o'clock, P. M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

W. H. Estoup
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Roy Norris
personally, on the 3 day of

June, 1958.

Taylor Wilkins
Sheriff Baldwin County

Alabama

By W. L. L. L. L.

Sheriff claims 86 Deputy Sheriff
miles at

Ten Cents per mile Total \$ 8.60

TAYLOR WILKINS, Sheriff

BY Childress
DEPUTY SHERIFF

Roy Norris
Route 2, Foley, Alabama

Par. 8

A strip of land 100 feet in width which lies within the north half of the southeast quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) and the southeast quarter of the southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 23, Township 7 South, Range 3 East, thence run west along the south boundary line of such Section 23 for a distance of 664.3 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 90 degrees 17 minutes and runs north 00 degrees 05 minutes east for a distance of 1057.7 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the left of 37 degrees 37 minutes and proceeds north 37 degrees 32 minutes west for a distance of 2016 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a northeasterly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said W. H. Estoup, Lois D. Estoup, S. A. Brown (mortgagee) and Roy Norris (lessee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama

TO: Millard Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

W. H. Stunt
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Millard Weeks
personally, on the 3 day of

June, 1958.

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Charles Childress
Deputy Sheriff

Sheriff claims 88 miles at

Ten Cents per mile Total \$ 8.80

TAYLOR WILKINS, Sheriff

BY

Childress
DEPUTY SHERIFF

/Millard Weeks
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama.

W. H. ESTOUP, ET AL.

To: F. L. McKenzie

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58 .

W. H. Estoup
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with F. L. McKenzie

personally, on the 30 day of

May, 1958.

Taylor Wilkins
Sheriff Baldwin County

Alabama

By Edleigh Steadham

Sheriff claims 60 Deputy Sheriff
miles at

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY Steadham
DEPUTY SHERIFF

F. L. McKenzie
Route 1, Silverhill, Alabama

Par. 1

The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of southwest quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 15, Township 6 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way commence at the southwest corner of Section 15, Township 6 South, Range 3 East; thence run east along the south boundary line of such Section 15 a distance of 1386.1 feet to a point; thence turn an angle to the left of 90 degrees 05 minutes and proceed north 00 degrees 09 minutes east a distance of 114.7 feet to a point; thence turn an angle to the left of 00 degrees 03 minutes and proceed north 00 degrees 06 minutes east for a distance of 1882.8 feet, more or less, to a point, such point being the point of beginning of the right of way herein described; therefrom the strip of right of way lies fifty (50) feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 00 degrees 06 minutes east a distance of 666 feet, more or less, to a point, such point being the point of ending of said right of way. The said F. L. McKenzie, Mary K. McKenzie, and Baldwin Savings & Loan Company, a corporation, (mortgagee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin

County, Alabama

TO: S. A. Brown

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the

26 day of May

, 19 58

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

Par. 8 A strip of land 100 feet in width which lies within the north half of the southeast quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) and the southeast quarter of the southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 23, Township 7 South, Range 3 East, thence run west along the south boundary line of such Section 23 for a distance of 664.3 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 90 degrees 17 minutes and runs north 00 degrees 05 minutes east for a distance of 1057.7 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the left of 37 degrees 37 minutes and proceeds north 37 degrees 32 minutes west for a distance of 2016 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a northeasterly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said W. H. Estoup, Lois D. Estoup, S. A. Brown (mortgagee) and Roy Norris (lessee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin

County, Alabama

W. H. ESTOUP, ET AL.

TO: H & B Realty Company

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA)
BALDWIN COUNTY)

I hereby certify that I have
served the within notice upon H & B
Realty Company, a corporation, by
leaving a copy of the same with

Mr. B. B. Bumpers,
as Pres. of H & B Realty Co. of said
corporation.

This the 3d day of May,
1958.

Taylor Wilkins
Sheriff, Baldwin County, Alabama

By Charles C. Coker
Deputy Sheriff

H & B Realty Company
Voley, Alabama

Sheriff claims 78 miles at
Ten Cents per mile Total \$ 7.80
TAYLOR WILKINS, Sheriff

DEPUTY SHERIFF

Par. 13 A strip of land 100 feet in width which lies within the east half of northeast quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 2, Township 8 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northeast corner of Section 2, Township 8 South, Range 3 East; thence run west along the north boundary line of such Section 2 for a distance of 673.7 feet to a point on the north boundary line of condemnee's property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the left of 90 degrees 13 minutes and thence runs south 00 degrees 05 minutes west for a distance of 2590.3 feet to a point; thence such center line turns an angle to the left of 02 degrees 14 minutes and runs south 02 degrees 09 minutes east for a distance of 70.8 feet, more or less, to a point on the south boundary line of condemnee's property, such point being the point of ending of the right of way sought to be condemned. The said H & B Realty Company, a corporation, is the owner of the lands described in this paragraph.

Par. 14 A strip of land 100 feet in width which lies within the southwest quarter of southwest quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 1 and the north half of northwest quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 12, all in Township 8 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southwest corner of Section 1, Township 8 South, Range 3 East; thence run north along the west boundary line of such Section 1 for a distance of 438.6 feet to a point on the west boundary line of condemnee's property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 121 degrees 01 minutes and thence runs south 58 degrees 49 minutes east for a distance of 3082.5 feet, more or less, to a point on the east boundary line of condemnee's property, such point being the point of ending of the right of way sought to be condemned. The said H & B Realty Company, a corporation, is the owner of the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

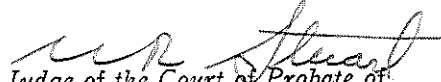
Baldwin County, Alabama

TO: Lawrence Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.


Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Lawrence Weeks
personally, on the 30 day of

May, 1958

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Charles Wilkins

Sheriff claims 90 Deputy Sheriff miles at

Ten Cents per mile Total \$ 9.00

TAYLOR WILKINS; Sheriff

BY Charles Wilkins
DEPUTY SHERIFF

Lawrence Weeks
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama

TO: Margie Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 1958.


Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Margie Weeks
personally, on the 31 day of

May, 1958,
Taylor Wilkins
Sheriff Baldwin County
Alabama

By Charles L. Wilkins
Deputy Sheriff

Sheriff claims 90 miles at

Ten Cents per mile Total \$ 9.00

TAYLOR WILKINS, Sheriff

BY Charles L. Wilkins
DEPUTY SHERIFF

Margie Weeks
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 69 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama

W. H. ESTOUP, ET AL.

TO: Alga Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the

26 day of June, 1958, at 2:00 o'clock, P.M.

, and notice of said

application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of

May

, 19 58.

W. H. Estoup
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Alga Weeks
personally, on the 30 day of

May, 1958.
Taylor Wilkins
Sheriff Baldwin County
Alabama

By Chas. A. [Signature]
Deputy Sheriff

Sheriff claims 8.80 miles at

Ten Cents per mile Total \$ 8.80

TAYLOR WILKINS, Sheriff

BY Chas. A. [Signature]
DEPUTY SHERIFF

Alga Weeks
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama

W. H. ESTOUP, ET AL.

TO: Shirley Fitzpatrick

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Shirley Fitzpatrick
personally, on the 30 day of

May, 1958.
Taylor Wilkins
Sheriff Baldwin County
Alabama

By Karl L. ...
Sheriff claims 88 miles at
Ten Cents per mile Total \$ 8.80.
TAYLOR WILKINS, Sheriff

BY _____
DEPUTY SHERIFF

Shirley Fitzpatrick
Route 2, Foley, Alabama

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama

W. H. ESTOUP, ET AL.

TO: Mrs. Edwin Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Mrs. Edwin Weeks

personally, on the 2 day of

May, 1958.

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Charles D. Dyer
Deputy Sheriff

Sheriff claims 88 miles at

Ten Cents per mile Total \$ 8.80

TAYLOR WILKINS, Sheriff

BY Charles D. Dyer
DEPUTY SHERIFF

Mrs. Edwin Weeks

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin

County, Alabama

W. H. ESTOUP, ET AL.

TO: Elliot Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Elliot Weeks

personally, on the 31 day of

May, 1958.

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Karlisle Davis

Sheriff claims 88 Deputy Sheriff
miles at

Ten Cents per mile Total \$ 8.80

TAYLOR WILKINS, Sheriff

BY Chadwick
DEPUTY SHERIFF

Elliot Weeks

Route 2, Baldw, Ala

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

TO: Murry Moore

In the Court of Probate of

Baldwin County, Alabama

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

One Hundred (100) feet in width, according to

Survey of land made by Alabama Power Company, Inc., dated June 1, 1958, and filed for record in the Office of the Clerk of the Court of Probate of Baldwin County, Alabama, on June 1, 1958.

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said

application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of

May

, 19 58 .

[Signature]
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

VS.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin

County, Alabama.

STATE OF ALABAMA,

Baldwin County,

I hereby certify that I have executed the

within notice by leaving a copy of the same

with Murray Moore

personally, on the 3rd

day of May 1938

Taylor Wilkins

Sheriff Baldwin County

Alabama

By Carl E. Green

Deputy Sheriff

Sheriff claims 88 miles at

Ten Cents per mile Total \$ 8.80

TAYLOR WILKINS, Sheriff

By Murray Moore

DEPUTY SHERIFF

Route 2, Foley, Alabama

27m.S. Mcgovern Spays

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama

W. H. ESTOUP, ET AL.

TO: Justina Moore

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 1958.

W. H. Estoup
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Justina Moore
personally, on the 31 day of
May, 1958.

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Arthur [Signature]

Sheriff claims 88 Deputy Sheriff
miles at

Ten Cents per mile Total \$ 8.80
TAYLOR WILKINS, Sheriff

BY Childress
DEPUTY SHERIFF

Justina Moore
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama

W. H. ESTOUP, ET AL.

TO: Rosemary Smith

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land Fifty (50) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

W. H. Estoup
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Rosemary Smith
personally, on the 31 day of
May, 1958.

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Charles Wilkins
Deputy Sheriff

Sheriff claims 88 miles at
Ten Cents per mile Total \$ 8.80
TAYLOR WILKINS, Sheriff

BY C. Wilkins
DEPUTY SHERIFF

Rosemary Smith
Route 2, Foley, Alabama

Par. 10 A strip of land 50 feet in width which lies within the west half of northeast quarter of northeast quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 35, Township 7 south, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the north boundary line of such Section 35 for a distance of 665.3 feet to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom the strip to be condemned lies 50 feet on the west side of a survey line and the continuations thereof which begins at such point of beginning and turns an angle to the left of 90 degrees 00 minutes and thence runs south 00 degrees 05 minutes west a distance of 1333 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, an undivided one-third interest in the lands described in this paragraph.

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin

County, Alabama

W. H. ESTOUP, ET AL.

TO: Edna Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 1958.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Edna Weeks
personally, on the 31 day of

May 1958
Taylor Wilkins
Sheriff Baldwin County
Alabama

By Charles H. Weeks

Sheriff claims 88 Deputy Sheriff
miles at

Ten Cents per mile Total \$ 8.80

TAYLOR WILKINS, Sheriff

BY Charles H. Weeks
DEPUTY SHERIFF

Edna Weeks
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama

TO: Rudolph Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Rudolph Weeks

personally, on the 3rd day of
May, 1958.

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Cecil Quince
Deputy Sheriff

Sheriff claims 88 miles at

Ten Cents per mile Total \$ 8.80

TAYLOR WILKINS, Sheriff

BY Cecil Quince
DEPUTY SHERIFF

Rudolph Weeks
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama.

W. H. ESTOUP, ET AL.

TO: D. W. Rhodes

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P. M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with D. W. Rhodes

personally, on the 31 day of
May, 1958.

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Carlton Tucker
Deputy Sheriff

Sheriff claims 90 miles at

Ten Cents per mile Total \$ 9.00

TAYLOR WILKINS, Jr.

BY Chadwick

D. W. Rhodes

Route 1, Foley, Alabama

Par. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of northwest quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach a point of beginning, commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 a distance of 1393.6 feet to a point, such point being the point of beginning of the right of way herein described, and such point being called Point A for reference hereinafter; therefrom, the strip of right of way lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 52 degrees 11 minutes 30 seconds and thence runs south 37 degrees 32 minutes east a distance of 100 feet, more or less, to a point, such point being the point of ending of said right of way. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a southwesterly direction from such right of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 7

A strip of land 100 feet in width which lies within the southwest quarter of the northeast quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 for a distance of 1393.6 feet to a point; thence turn an angle to the right of 52 degrees 11 minutes 30 seconds and run south 37 degrees 32 minutes east for a distance of 2072 feet, more or less, to a point on the west boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 37 degrees 32 minutes east for a distance of 1273 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama.

TO: Maureen Rhodes

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 1958.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Maureen Rhodes

personally, on the 30 day of

May, 1958.

Taylor Wilkins

Sheriff Baldwin County

Alabama

By [Signature]

Sheriff claims 20 Deputy Sheriff
miles at

Ten Cents per mile Total \$ 9.00

TAYLOR WILKINS, Sheriff

BY [Signature]
DEPUTY SHERIFF

Maureen Rhodes
Route 1, Foley, Alabama

Par. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of northwest quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach a point of beginning, commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 a distance of 1393.6 feet to a point, such point being the point of beginning of the right of way herein described, and such point being called Point A for reference hereinafter; therefrom, the strip of right of way lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 52 degrees 11 minutes 30 seconds and thence runs south 37 degrees 32 minutes east a distance of 100 feet, more or less, to a point, such point being the point of ending of said right of way. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a southwesterly direction from such right of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama.

TO: Myrtice T. Rhodes

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58 .

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Myrtice T. Rhodes
personally, on the 30 day of

May 1958.

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Cecil D. Dyer
Deputy Sheriff

Sheriff claims 90 miles at

Ten Cents per mile Total \$ 9.00
TAYLOR WILKINS, Sheriff

By Myrtice T. Rhodes
DEPUTY SHERIFF
Myrtice T. Rhodes
Route 1, Foley, Alabama

Par. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of northwest quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach a point of beginning, commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 a distance of 1393.6 feet to a point, such point being the point of beginning of the right of way herein described, and such point being called Point A for reference hereinafter; therefrom, the strip of right of way lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 52 degrees 11 minutes 30 seconds and thence runs south 37 degrees 32 minutes east a distance of 100 feet, more or less, to a point, such point being the point of ending of said right of way. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a southwesterly direction from such right of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 7 A strip of land 100 feet in width which lies within the southwest quarter of the northeast quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 for a distance of 1393.6 feet to a point; thence turn an angle to the right of 52 degrees 11 minutes 30 seconds and run south 37 degrees 32 minutes east for a distance of 2072 feet, more or less, to a point on the west boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 37 degrees 32 minutes east for a distance of 1273 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama.

TO: Douglas Rhodes

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

W. H. Estoup
Judge of the Court of Probate of
Baldwin County, Alabama

Par. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of northwest quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach a point of beginning, commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 a distance of 1393.6 feet to a point, such point being the point of beginning of the right of way herein described, and such point being called Point A for reference hereinafter; therefrom, the strip of right of way lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 52 degrees 11 minutes 30 seconds and thence runs south 37 degrees 32 minutes east a distance of 100 feet, more or less, to a point, such point being the point of ending of said right of way. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a southwesterly direction from such right of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama.

W. H. ESTOUP, ET AL.

TO: Emery B. Rhodes

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Emery B. Rhodes
personally, on the 30 day of

May, 1958.

Taylor Wilkins
Sheriff Baldwin County

Alabama

By Charles D. Davis
Deputy Sheriff

Sheriff claims 90 miles at

Ten Cents per mile Total \$ 9.00

TAYLOR WILKINS, Sheriff

BY Charles D. Davis
DEPUTY SHERIFF

Emery B. Rhodes

Route 1, Foley, Alabama

Par. 2 A strip of land 100 feet in width which lies within the east half of the northwest quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 14, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 14, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 14 for a distance of 1388.4 feet to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 57 minutes and thence runs south 00 degrees 09 minutes west for a distance of 2666.5 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said C. L. Rhodes and Emery B. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 4

A strip of land 100 feet in width which lies within the southeast quarter of southwest quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 14 and the northeast quarter of northwest quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, all in Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 14, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 14 for a distance of 1388.4 feet to a point; thence turn an angle to the right of 89 degrees 57 minutes and run south 00 degrees 09 minutes west for a distance of 3998.5 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 00 degrees 09 minutes west for a distance of 1327.9 feet to a point; thence such center line turns an angle to the left of 37 degrees 41 minutes and proceeds south 37 degrees 32 minutes east for a distance of 1673.1 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said C. L. Rhodes and Emery B. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 6

A strip of land 100 feet in width which lies within the southeast quarter of the northwest quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 for a distance of 1393.6 feet to a point; thence turn an angle to the right of 52 degrees 11 minutes 30 seconds and run south 37 degrees 32 minutes east for a distance of 1673.1 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 37 degrees 32 minutes east for a distance of 399 feet, more or less, to a point on the east boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said C. L. Rhodes, Emery B. Rhodes and Horace D. Blow (mortgagee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of northwest quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach a point of beginning, commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 a distance of 1393.6 feet to a point, such point being the point of beginning of the right of way herein described, and such point being called Point A for reference hereinafter; therefrom, the strip of right of way lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 52 degrees 11 minutes 30 seconds and thence runs south 37 degrees 32 minutes east a distance of 100 feet, more or less, to a point, such point being the point of ending of said right of way. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a southwesterly direction from such right of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama.

W. H. ESTOUP, ET AL.

TO: C. L. Rhodes

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May

, 1958 .

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with C. L. Rhodes

personally, on the 30 day of

May, 1958.

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Charles Rhodes
Deputy Sheriff

Sheriff claims 20 miles at

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY C. L. Rhodes
DEPUTY SHERIFF
C. L. Rhodes
Route 1, Foley, Alabama

Par. 2

A strip of land 100 feet in width which lies within the east half of the northwest quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 14, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 14, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 14 for a distance of 1388.4 feet to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 57 minutes and thence runs south 00 degrees 09 minutes west for a distance of 2666.5 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said C. L. Rhodes and Emery B. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 4 A strip of land 100 feet in width which lies within the southeast quarter of southwest quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 14 and the northeast quarter of northwest quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, all in Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 14, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 14 for a distance of 1388.4 feet to a point; thence turn an angle to the right of 89 degrees 57 minutes and run south 00 degrees 09 minutes west for a distance of 3998.5 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 00 degrees 09 minutes west for a distance of 1327.9 feet to a point; thence such center line turns an angle to the left of 37 degrees 41 minutes and proceeds south 37 degrees 32 minutes east for a distance of 1673.1 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said C. L. Rhodes and Emery B. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of northwest quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach a point of beginning, commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 a distance of 1393.6 feet to a point, such point being the point of beginning of the right of way herein described, and such point being called Point A for reference hereinafter; therefrom, the strip of right of way lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 52 degrees 11 minutes 30 seconds and thence runs south 37 degrees 32 minutes east a distance of 100 feet, more or less, to a point, such point being the point of ending of said right of way. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a southwesterly direction from such right of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 6 A strip of land 100 feet in width which lies within the southeast quarter of the northwest quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 for a distance of 1393.6 feet to a point; thence turn an angle to the right of 52 degrees 11 minutes 30 seconds and run south 37 degrees 32 minutes east for a distance of 1673.1 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 37 degrees 32 minutes east for a distance of 399 feet, more or less, to a point on the east boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said C. L. Rhodes, Emery B. Rhodes and Horace D. Blow (mortgagee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama

W. H. ESTOUP, ET AL.

TO: Paul Kaiser, Jr.

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 1958, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 1958

W. N. Stuard
Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Paul Kaiser, Jr.

personally, on the 3d day of

May, 1958

Taylor Wilkins
Sheriff Baldwin County
Alabama

By Carlisle D. Doren
Deputy Sheriff

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff

BY Charles
DEPUTY SHERIFF

Paul Kaiser, Jr.
Route 2, Foley, Alabama

Par. 11 A strip of land 100 feet in width which lies within the northeast quarter of southeast quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the north boundary line of such Section 35 for a distance of 665.3 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run south 00 degrees 05 minutes west for a distance of 2666 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 00 degrees 05 minutes west for a distance of 1333 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Paul Kaiser, Jr. and Helen Kaiser are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama

TO: Leslie Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.


Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,
Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Leslie Weeks

personally, on the 31 day of

May 1958.
Taylor Wilkins
Sheriff Baldwin County
Alabama

By Chas. R. Adams

Sheriff claims 88 Deputy Sheriff
miles at

Ten Cents per mile Total \$ 8.80
TAYLOR WILKINS, Sheriff

BY Chas. R. Adams
DEPUTY SHERIFF

Leslie Weeks
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin County, Alabama

W. H. ESTOUP, ET AL.

TO: Blanche Weeks

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land One Hundred (100) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 26 day of June, 19 58, at 2:00 o'clock, P.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.


Judge of the Court of Probate of
Baldwin County, Alabama

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Blanche Weeks

personally, on the 30 day of

May, 1958

Taylor Wilkins
Sheriff Baldwin County

By Charles Wilkins
Deputy Sheriff

Sheriff claims 100 miles at

Ten Cents per mile Total \$ 10.00

TAYLOR WILKINS, Sheriff

BY Charles Wilkins
DEPUTY SHERIFF

Blanche Weeks
Route 2, Foley, Alabama

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

ALABAMA POWER COMPANY

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of

Baldwin County, Alabama.

TO: Mary K. McKenzie

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land one hundred feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in

Baldwin

County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the
26 day of June, 1958, at 2:00 o'clock, P. M., and notice of said
application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 26 day of May, 19 58.

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

Alabama Power Company

vs.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

Mary K. McKenzie
Route 1, Silverhill, Alabama

BY W. H. Estoup
TAYLOR WILKINS, Sheriff
Ten Cents per mile Total \$ 6.00
Sheriff claims 60 miles at

W. H. Estoup
By Taylor Wilkins
Sheriff

on
of the within notes
By leaving a copy
Mary K. McKenzie

Par. 1 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of southwest quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 15, Township 6 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way commence at the southwest corner of Section 15, Township 6 South, Range 3 East; thence run east along the south boundary line of such Section 15 a distance of 1386.1 feet to a point; thence turn an angle to the left of 90 degrees 05 minutes and proceed north 00 degrees 09 minutes east a distance of 114.7 feet to a point; thence turn an angle to the left of 00 degrees 03 minutes and proceed north 00 degrees 06 minutes east for a distance of 1882.8 feet, more or less, to a point, such point being the point of beginning of the right of way herein described; therefrom the strip of right of way lies fifty (50) feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 00 degrees 06 minutes east a distance of 666 feet, more or less, to a point, such point being the point of ending of said right of way. The said F. L. McKenzie, Mary K. McKenzie, and Baldwin Savings & Loan Company, a corporation, (mortgagee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

IN THE MATTER OF THE CONDEMNATION)
APPLICATION BY ALABAMA POWER)
COMPANY)

VS)

W.H. ESTOUP, et al)

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

ANSWER

I.

The defendants, Douglas Rhodes, Maureen Rhodes, C.L. Rhodes, Emery B. Rhodes, D.W. Rhodes, and Myrtis T. Rhodes, for answer to the application of Alabama Power Company, say the matters and things alleged therein are not true.

II.

The said defendants, for further answer, say that the necessities of public service do not require condemnation of the lands described in the application; but rather, that equally convenient and more available ways across other lands are open to the applicant.

III.

The defendants, for further answer, say that the lands sought to be condemned, in which they have an interest, have already been devoted to a public use, and that the applicant has no actual necessity for the specific land in which the defendants have an interest; further that the character of use for which the applicant seeks to condemn said land will materially interfere with the public use to which said property is already devoted.

IV.

The defendants, for further answer, say that the land sought to be condemned will not be put to public use by the applicant.

Over Ruled
5

ATTORNEY For DEFENDANTS

IN THE PROBATE COURT OF
SALISBURY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF
ALABAMA POWER COMPANY
DECEASED

W. H. BROWN, et al

ALABAMA

The defendants, Douglas Rhodes, Norman Rhodes, O. L. Rhodes,
Henry E. Rhodes, W. W. Rhodes, and Lyvius T. Rhodes, for answer
to the application of Alabama Power Company, say the matters
and things alleged therein are not true.

III

The said defendants, for further answer, say that the
necessities of public service do not require condemnation of
the lands described in the application; but rather, that equally
convenient and more available ways across other lands are open
to the applicant.

IV

The defendants, for further answer, say that the lands
sought to be condemned, in which they have an interest, have
already been devoted to a public use, and that the applicant
has no actual necessity for the application for the lands.
The defendants have an interest in the lands described in the
application, and the application for the lands will
materially interfere with the public use to which the
property is already devoted.

V

The defendants, for further answer, say that the lands
sought to be condemned will not be put to public use by the
applicant.

ALABAMA POWER COMPANY, A
Corporation,

Applicant,

vs.

W. H. ESTOUP, ET AL.

Defendants.

X
X
X
X
X
X
X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Come now the Defendants W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliot Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith and H & B Realty Company, a corporation, by their attorneys, and demur to the application heretofore filed in this court and unto each article or section thereof, and assign the following separate and several grounds in support thereof:

1. The allegations of said application fail to reveal that the Alabama Power Company has the right and authority to acquire by condemnation the ways and rights of ways described in said application.

2. For aught that appears from the allegations of the application the rights of way sought to be condemned upon which to erect towers, poles or wire lines are to be used for the manufacture, supply and sale of power produced by other than water as a motive force.

3. It affirmatively appears from the allegations of the application that the right of way sought to be condemned is to be used for the transmission, distribution, supply and sale to the public of electric power produced by steam.

4. The allegations of the application fail to reveal that the condemnation of the lands of the defendants is in the interest of the public.

5. The application fails to allege any fact or facts which show any public purpose and necessity for the condemnation therein prayed for.

6. For aught that appears from the application the use which the applicant intends to put the land of the Defendants sought to be condemned is not for a public purpose.

7. The allegations of the application fail to show that the proposed rights of way across the lands of the Defendants therein described and the contemplated use thereof is for and in the public interest.

Respectfully submitted

CHASON & STONE

By: Malvina G. Stone, Jr.

Filed July 15, 1958

W. R. Stuart, Judge
HA.

Re-Filed August 20, 1958

W. R. Stuart, Judge
HA.

Re-filed March 12, 1959 as to application as last
amended
J. M. Weller, Judge

ALABAMA POWER COMPANY, A	X	
CORPORATION,	X	
	X	IN THE PROBATE COURT OF
Applicant,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
W. H. ESTOUP ET AL.,	X	
Defendants.	X	

FINAL DECREE

This cause comes before this Court on the application as last amended of Alabama Power Company, a corporation, to condemn certain lands belonging to the Defendants named in the application for ways and rights-of-way on which to construct or erect towers, poles, and wire lines for the transmission, distribution, supply and sale to the public of electric power, heat, light and electricity; and the hearing this day held has been conducted in all respects as required by Chapter 1, Title 19, Code of Alabama of 1940. The Defendants C. L. Rhodes, Emery B. Rhodes, Douglas Rhodes, Maureen Rhodes, D. W. Rhodes, Myrtice T. Rhodes, W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliot Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith and H & B Realty Company, a partnership (formerly a corporation by the same name), have appeared and filed objections to the granting of the order of condemnation and the Court, has heard the allegations of the application and the objections which had been filed to the granting thereof and received legal evidence touching the same. The evidence was taken in open Court and transcribed by the Official Court Reporter of the Circuit Court of Baldwin County, Alabama, and by a separate order entered in this cause, has been filed along with the other papers in this proceeding.

The evidence establishes that the applicant, Alabama Power Company, is a corporation organized and existing under the laws of the State of Alabama, and that such corporation is a power company

and has the right by its charter to manufacture, supply and sell to the public electric energy produced either by steam or by water as the motive force, or by both, for lighting, heating, power and for other purposes, and that the uses and purposes for which the land, rights, and interests described in the application are sought to be condemned and taken are for ways and rights-of-way on which to construct or erect towers, poles and wire lines for the transmission, distribution, supply and sale to the public of such electric power, heat, light, and energy. The Defendants, both in their answers and in the evidence adduced on the hearing of this application take the position that the applicant, Alabama Power Company, a corporation, in selecting a route for its transmission line in the neighborhood of their properties, has arbitrarily adopted a route most feasible to said Corporation without due regard for the nature of the land traversed by the route, the uses to which it is being put, the physical characteristics of the several tracts involved with relation to the location of the line and the injuries which will result to the several land owners and for which they cannot be properly compensated.

The evidence shows through the testimony of the supervising surveyor of the Alabama Power Company, and the composite photograph introduced as Defendant's Exhibit "A", that the applicant has selected a route running generally North and South and located within the center of the forty acre parcels owned by the several defendants. With the exception of a number of the forty acre tracts of the defendants Rhodes located at the Northernmost portion of the area under consideration, the route as selected by the applicant does not follow the governmental survey lines at any point. With respect to the Southern portion of the defendants Rhodes property the route follows an angle and the same is true of the route selected over the land of the defendants Estoup and approximately two-thirds of the route over the lands of the defendant H. & B Realty Company. The evidence further shows that the nature of the land generally over which this route traverses is open farm land, level and cultivated almost entirely in forty acre tracts, according to the government survey. The evidence further shows that from the

Magnolia Springs - Foley Highway South that there is a road located approximately 660 feet to the East of the proposed way or route but there is no road located to the West of said property and that there is no house, home or curtilage, with perhaps only one exception, on a line drawn North and South 660 feet West of the proposed way or route along the portion where it runs in a North and South direction.

There can be no doubt that the applicant, Alabama Power Company, a corporation, has the right, under the Constitution and Statutes of Alabama, to exercise the power of eminent domain in the manner provided by law for the purposes as set forth in its application in this proceeding. Constitution of Alabama of 1901, Section 23; Title 10, Section 71, Code of Alabama, of 1940; Title 10, Sections 178, et seq, Code of Alabama of 1940.

As this Court construes the law of eminent domain in this State the power has been delegated to corporations such as the applicant without restriction and that therefore the location of or necessity for the taking of an interest in private property is a matter within the discretion of the condemnor and its selection will not be interfered with by the Courts unless it is shown that the condemnor has not acted in good faith or that the location is capricious or wantonly injurious; or in short, unless it has abused its discretion. See Berry vs. Alabama Power Company, 257 Ala. 654, 60 So 2d, 681. If, therefore, from the evidence this Court should conclude that the applicant has grossly abused its discretion reposed in it by the legislature in selecting the location of the right-of-way sought to be condemned in this proceeding it would have no other alternative except to deny the application for the order of condemnation. On the other hand, if the evidence should show that the selection by the Power Company was made in good faith and is not capricious or wantonly injurious, then the application should be granted and an order should be made condemning the land for the purpose outlined in the application above.

The testimony of the engineer for the Power Company shows unequivocally that the route selected by it is the route most feasible to that company and that such consideration was paramount in the selection. The testimony of the several defendants and the one wit-

ness (Mr. John Evans), coupled with the testimony of the Power Company official and with the photograph now in evidence as the defendants' Exhibit "A", shows that this proposed line, except for a portion located on Rhodes property either bisects the forty acre tracts across which it will run or traverses the land at an angle and this Court feels that the applicant has not exercised sufficient diligence or effort to select a route so that its construction and maintenance of the transmission line thereon would have the least possible harmful effect on the landowners across whose property it runs. The Court does not feel that the applicant has acted in bad faith, but it does feel that in crossing or traversing property of the nature of the property herein involved that due regard should be given to the fact that this line, and the structures to be erected thereon will interfere with the farming operations in the neighborhood, and certainly such operations and their continuance are as equally important to the general public both of this County and of this State as is the orderly and economical distribution of electricity;

This Court feels that the applicant has failed to give due regard to the situation of the landowners and the character of their properties, but on the other hand has arbitrarily selected a route based solely upon its feasibility to the applicant;

It is the opinion of the Court that such action, and inaction, constitutes a clear abuse of the discretion vested in the applicant by the Legislature of Alabama.

This Court is mindful of the fact that the landowners are entitled to compensation and that the law will presume that such compensation, whether established by the Commissioners in this Court or by a Jury in the Circuit Court, is adequate and just, but where the evidence establishes, as it has in this proceeding, that the selection of the property to be taken is arbitrary and a clear abuse of discretion, then the question of compensation is not involved.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that the application of Alabama Power Company, a corporation, as last amended, be, and the same is hereby denied.

It is further ORDERED, ADJUDGED and DECREED by the Court that the applicant pay the costs of this proceeding for which execution may issue.

Done this the 20th day of August, 1958.


Judge of Probate

IN THE MATTER OF THE CONDEMNATION
APPLICATION BY ALABAMA POWER
COMPANY

VS.

W.H. ESTOUP, et al

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

DEMURRER

Come now Douglas Rhodes, Maureen Rhodes, C.L. Rhodes, Emery B. Rhodes, D.W. Rhodes, and Myrtis T. Rhodes, defendants in the above styled cause, and demur to the application heretofore filed by Alabama Power Company, and to each count and Article thereof, separately and severally, and assign separately and severally the following grounds:

1. For aught that appears from the application, the applicant is not a water-power company entitled to condemn lands or rights and interests therein as set forth by Title 10, Sections 178-187, Code of Alabama 1940.

2. For aught that appears from the application, the uses and purposes for which said land, or rights and interests therein are to be condemned are not for ways and rights of way on which to construct or erect towers, poles, and wire lines for the transmission, distribution, supply and sale to the public of electric power produced by water as a motive power or force, or for the selling and supplying such power, heat, light and electricity produced by water as a motive force as set forth in Title 10, Section 187, Code of Alabama 1940.

3. For aught that appears from the application, no demands or requests have been made by the public or any part thereof to the applicant that the applicant sell to them or any of them any electricity produced by water as a motive force as would require condemnation of said lands.

4. For aught that appears from the application, the necessities of public service do not require the condemnation of said lands.

5. For aught that appears from the application, the selection of rights of way 100 feet in width is arbitrary, and is is neither reasonable or necessary.

James A. Brine
Atty for said defendants

IN THE MATTER OF THE CONDEMN-
 NATION APPLICATION BY ALABAMA
 POWER COMPANY
 VS:
 W.H. ESTOUP, et al

)
 :
) IN THE PROBATE COURT OF
 :
)
 :
) BALDWIN COUNTY, ALABAMA
 :
)

MOTION TO STRIKE OR DISMISS

Come now Douglas Rhodes, Maureen Rhodes, C.L. Rhodes, Emery B. Rhodes, D.W. Rhodes, and Myrtis T. Rhodes, by their attorney, and move this Honorable Court to strike or dismiss the application of the Alabama Power Company to condemn land insofar as the application pertains to lands which movants own or have an interest in, said application having been filed in this Court on May 26, 1958, and assign the following separate and several grounds in support thereof:

1. By order of this Court, 2:00 p.m., June 26, 1958, was set as the time and date for the hearing of the application of said Alabama Power Company, and the applicant, Alabama Power Company has failed to be present for said hearing at the appointed time and place.

2. Said applicant, Alabama Power Company having failed to appear at the hearing of its application, and there being no evidence presented in support of said application, same insofar as the application pertains to lands which movants own or have an interest in, should be stricken and dismissed by this Court.

3. It affirmatively appears that movants were present at the appointed place, time and date for hearing said application, said appointment not having been changed by this Court, and it further affirmatively appears that the applicant Alabama Power Company was not present at said hearing so appointed, and presented no evidence, thereat; therefore the application insofar as the application pertains to lands which movants own or have an interest in should be stricken or dismissed for want of prosecution.

Respectfully submitted,

C.L. Rhodes, Emery B. Rhodes, D.W. Rhodes, Myrtice T. Rhodes, Douglas Rhodes, Maureen Rhodes

STATE OF ALABAMA, BALDWIN COUNTY

Filed June 26, 1958

Recorded Probate Book 017 page 171

W. R. Stewart

Judge of Probate

BY: *James A. B...*
 Their Attorney

IN THE MATTER IF THE CONDEMNATION
APPLICATION BY ALABAMA POWER
COMPANY

VS.

W.H. ESTOUP. et al

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

DEMURRER

Come now Douglas Rhodes, Maureen Rhodes, C.L. Rhodes, Emery B. Rhodes, D.W. Rhodes, and Myrtis T. Rhodes, defendants in the above cause, and demur to the amended application heretofore filed by Alabama Power Company, and to each count and Article thereof, separately and severally, and assign the following grounds:

1. For aught that appears from the application, the use for which applicant seeks to condemn is not a public use.
2. For aught that appears from the application, the necessities of public service do not require the condemnation of said lands.
3. For aught that appears from the application, the selection of rights of way 100 feet in width is arbitrary, and is neither reasonable nor necessary.
4. For aught that appears, the applicant seeks to condemn said lands for private uses and purposes only.
5. For aught that appears, the applicant has not alleged the right to seek condemnation of lands for the purposes it sets forth.

*over ruled
8/20/58*

James A. Dini
Attorney for Defendants

Filed: August 20, 1958

W. R. Stewart, Judge
WRS

ALABAMA POWER COMPANY, A
Corporation,

Applicant,

vs.

W. H. ESTOUP, ET AL.,

Defendants.

X

X

X

X

X

X

X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

ORDER SUSTAINING DEMURRER TO APPLICATION

This cause coming on to be heard on this, the day to which the hearing on the Application had been continued, was submitted to the Court on the demurrer of W. H. Estoup, et al., filed by Chason & Stone as their attorneys and on the demurrer of D. W. Rhodes, et al., filed on their behalf by Hon. James A. Brice, and the Court having considered the same and having heard the oral arguments of the attorneys for the Applicant and for the Defendants on whose behalf demurrers were filed is of the opinion that said demurrers should each be sustained; it is therefore

ORDERED and DECREED by the Probate Court of Baldwin County, Alabama that the demurrers heretofore filed to the Application in this cause be, and the same are hereby, sustained; and the Applicant is hereby given twenty (20) days in which to amend its Application, aforesaid.

Done this the 15th day of July, 1958.



Judge of Probate

ALABAMA POWER COMPANY,
a corporation,

APPLICANT

VS.

W. H. ESTOUP, et al.

DEFENDANTS

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

This day came Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes and Myrtice T. Rhodes, defendants in the above styled cause, and filed their motion to strike them as parties defendant in the said cause;

And the Court, after hearing and considering all the evidence presented in support of the said motion, is of the opinion that the same is not well taken and that the same should be denied.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that the motion to strike Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, D. W. Rhodes and Myrtice T. Rhodes, parties defendant in the said cause be and the same is hereby denied.

Done this the 26th day of June, 1958.


Judge of Probate

ALABAMA POWER COMPANY,
a corporation,

Applicant,

v.

W. H. ESTOUP, ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

NOTICE OF APPEAL

Now comes Alabama Power Company, a corporation, applicant in the above styled condemnation proceeding, by and through its attorneys of record, and in compliance with Title 19, Sections 17 and 20, Code of Alabama, 1940, files this its written notice of appeal from the order denying its application to condemn certain lands in Baldwin County, Alabama, which was entered by the Court of Probate of Baldwin County on August 20, 1958, and appeals to the Circuit Court, Twenty-eighth Judicial Circuit of Alabama, and further gives notice that such appeal is given in writing within thirty days after the entering of such order by the Court of Probate of Baldwin County on August 20, 1958.

PREMISES CONSIDERED, appellant prays that a copy of this notice of appeal shall be served upon Honorable Norborne Stone, as attorney for W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murray Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith, and H. & B. Realty Company;

Applicant further prays that such notice of appeal also be served upon Honorable James A. Brice, as attorney for Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes, and Myrtis T. Rhodes;

Applicant further prays that a copy of this notice of appeal be served upon F. L. McKenzie, Mary K. McKenzie, S. A. Brown, Roy Morris, D. S. Evans, Margaret Evans and Baldwin Savings and Loan, Co., a corporation.

Appellant further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-23-58 M

Recorded Prob + Misd book 017 page 232

W. R. Shaul

Judge of Probate

#5

Alabama, in accordance with Title 19, Section 20, Code of Alabama,
1940.

Beck & Swearingen
F. L. McKenzie
Martin E. Blakely
Cary J. Chitwood

Hon. Norborne Stone, as attorney for W. H. Estoup, et al.; James A.
TO: Brice, as attorney for Douglas Rhodes, et al.; F. L. McKenzie, Mary
K. McKenzie, S. A. Brown, Roy Norris, D. S. Evans, Margaret Evans and
Baldwin Savings and Loan Co.

You are hereby notified that the above notice of appeal was
filed in the office of the Judge of Probate of Baldwin County, Ala-
bama, on the 23RD day of August, 1958.

Witness my hand, this the 23RD day of August, 1958.

N. R. Stone
Judge of Probate

ALABAMA POWER COMPANY,
a corporation,

Applicant,

v.

W. H. ESTOUP, ET AL.,

Defendants.

NOTICE OF APPEAL

MARTIN & BLAKEY
600 No. 18TH STREET
BIRMINGHAM 3, ALABAMA

ALABAMA POWER COMPANY, A
CORPORATION,

Applicant,

VS.

W. H. ESTOUP ET AL.,

Defendants.

X
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X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA


ORDER

The above matter having been set down for hearing on August 20, 1958, and having been heard on that date and the Court having heard the evidence in support of the allegations of the applications and in support of the objections filed thereto and the same having been noted by Louise Dusenbury, the official Court Reporter for the Circuit Court of Baldwin County, Alabama, and the Court being of the opinion that said evidence should be transcribed and filed in said cause; it is, therefore

ORDERED, ADJUDGED and DECREED by the Probate Court of Baldwin County, Alabama, that the testimony taken orally in open court on August 20, 1958, be transcribed and that the cost of such transcription be taxed as a part of the cost of this proceeding.

It is further ORDERED, ADJUDGED and DECREED by the Court that Louise Dusenbury, the official Court Reporter of the Circuit Court of Baldwin County, Alabama, should submit her statement to be filed in this cause along with the testimony as transcribed.

Done this the 22nd day of August, 1958.


Judge of Probate

ALABAMA POWER COMPANY, A
Corporation,

Applicant,

vs.

W. H. ESTOUP, ET AL.,

Defendants.

X
X
X
X
X
X
X

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

Come now the Defendants W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliot Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith and H & B Realty Company, a corporation, by their attorneys, and for answer to the application heretofore filed in this Court and to each article or section thereof, separately and severally, allege as follows:

1. They admit the allegations of "ARTICLE FIRST" of the application insofar as those allegations refer to each of them as to their age and residence and they admit that the Applicant is a corporation organized and existing under the laws of the State of Alabama with its principal place of business at Birmingham, Jefferson County, Alabama.

2. The Defendants deny the allegations of "ARTICLE SECOND" of the application and demand strict proof thereof.

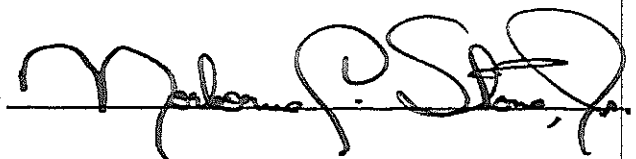
3. The Defendants deny the allegations of "ARTICLE THIRD" of the application and demand strict proof thereof.

4. The Defendants deny the allegations of "ARTICLE FOURTH" of the application and demand strict proof thereof.

Respectfully submitted

CHASON & STONE

BY:



*over ruled
5/20/55
5*

ALABAMA POWER COMPANY,
a corporation,

APPLICANT,

VS

W. H. ESTOUP, et al,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

Comes the Alabama Power Company, a corporation, applicant in the above styled cause, and moves that this Honorable Court try this case as a single case as the same is docketed and objects to this Honorable Court proceeding further to separate, for the purpose of trial, the various tracts of land in said cause, and as grounds therefor says:

1. That this cause is an appeal by the Alabama Power Company and not by any individual landowner.

2. That the court has no jurisdiction or authority to separate such tracts for the purpose of trial.

3. That the 1940 Code of Alabama makes no provision for separating the trial into individual parcels.

4. That it is prejudicial to the applicant in that certain testimony applies to the transmission line as a whole and that such testimony is unavailable when presented as to individual parcels.

5. That the statutes relative to eminent domain proceedings make no provision for the severance of the trial as to damages; that the appeal to the Circuit Court from the Probate Court is statutory in its nature and there being no provision for severance of the cause on appeal it is without the discretion of the court to separate the trial into individual parcels.

*Filed 9-17-54
Miss [unclear]
Clerk*

Carey J. Chittwood
J. B. Blackburn
J. B. Blackburn
Attorneys for the Alabama Power
Company

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

THE BALDWIN TIMES
BALDWIN COUNTY
Alabama's Best County's Best Newspaper
BAY MINETTE, ALABAMA

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says
that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published
at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Alabama Power Company vs. W. J.
Estoupe, Et. Al.

COST STATEMENT

213 WORDS @ 5 cents \$ 10.65
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.
Editor.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication September 25, 1958 Vol. 70 No. 37

Date of 2nd publication October 2, 1958 Vol. 70 No. 38

Date of 3rd publication October 9, 1958 Vol. 70 No. 39

Date of 4th publication _____, 195__ Vol. ____ No. ____

Subscribed and sworn before the undersigned this 7 day of Oct, 1958.

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette Jr.
Editor.

ALABAMA POWER COMPANY, a
corporation,

Plaintiff,

vs.

W. H. ESTOUP, ET AL.,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ORDER

This day came W. H. Estoup, et al., the Defendants in the above styled cause, by their attorneys, and filed a motion under the provisions of Title 7, Section 487 of the Code of Alabama of 1940 to require the Plaintiff to produce certain papers, maps, letters, blue-prints and photostatic copies and the same having been this day called to the attention of the Court and the Court being of the opinion that notice of the filing of the same should be given to Hon. W. C. Beebe, Attorney at Law, Bay Minette, Alabama, one of the attorneys of record for the Plaintiff, of the filing of this motion and of the day and time set for the hearing of the same; it is, therefore

ORDERED by the Court that the 10th day of March, 1959, at 8:30 o'clock A. M. be, and the same is hereby, set down as the date and time for the hearing of said motion.

It is further ORDERED that Hon. W. C. Beebe, Attorney at Law, Bay Minette, Alabama, be given notice of the filing of said motion by service upon him of a copy of the same and of the date set for the hearing of the same by service upon him of a copy of this order.

Done this the 5th day of March, 1959.


Circuit Judge

for minutes 3715 M

ALABAMA POWER COMPANY, a corporation,

Plaintiff,

vs.

W. H. ESTOUP, ET AL.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

ORDER

FILED

MAR 10 1959

ANICE J. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

Received 7 day of March 1959
and on 8 day of March 1959
served a copy of the within Order
on Duke & Associates
By service on Mr Beebe

TAYLOR WILKINS, Sheriff

By J. S. D. S.

D. S.


STATE OF ALABAMA

BALDWIN COUNTY

Before me, Blanche White, a Notary Public, 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 his name is Norborne C. Stone, Jr., and that he is one of the Attorneys of Record for the Defendants in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, At Law, wherein Alabama Power Company, a corporation, is the Plaintiff and W. H. Estoup, et al., are the Defendants; and that he is informed and believes and upon such information and belief states that the Plaintiff has in it's possession and under it's control correspondence, memoranda, field reports, maps, surveys, field notes, telegrams and other writings and books relative to the action taken by the Plaintiff in regard to the location, establishment and selection of the right-of-way sought to be condemned in this proceeding, or any other right-of-way or proposed route for which this right-of-way or route is a substitute or alternative; which said instruments, writings and books are pertinent to the issues of said cause and are necessary and will be material evidence for the Defendants in said cause.

Dated this the 6th day of February, 1959.


Norborne C. Stone, Jr.

Sworn to and subscribed before me
on this the 6th day of February,
1959.

Blanche White
Notary Public, Baldwin County, Alabama

3714 RECORDED

ALABAMA POWER COMPANY, A Corp-
oration,

Plaintiff,

VS.

W. H. ESTOUP, ET AL.,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

AFFIDAVIT

*Filed 7/10/59
10m 10u
Jury*

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

ALABAMA POWER COMPANY, A
Corporation,

Plaintiff,

vs.

W. H. ESTOUP, ET AL.,

Defendants.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

MOTION TO REQUIRE THE PRODUCTION OF
BOOKS AND WRITINGS

Come now the Defendants in the above styled cause, by their attorneys, an affidavit having been made by Norborne C. Stone, Jr., one of the Attorneys of Record for the Defendants, and moves this Honorable Court to compel by order the Plaintiff to produce before the trial of the above styled cause, at a time and place to be fixed by the Court for inspection by the Defendants, all of the documents, or writings in their possession, custody and control which contain evidence pertinent to the issues herein involved; including, but not being limited to, all original and copies of the correspondence (both inter-office and otherwise), memoranda, field reports, maps, surveys, field notes, telegrams, work orders and all other writings and books relative to any action taken by the plaintiff in regard to the location, establishment and selection of the right-of-way to be condemned in this proceeding, or any other right-of-way or proposed route for which this right-of-way or route is a substitute or alternative.

And the Defendants further move this Honorable Court to enter an order setting the day for the hearing of this motion and that notice of the filing hereof be given to Hon. W. C. Beebe, one of the attorneys for the Plaintiff in said cause, of the filing of this motion and of the day upon which the said has been set for hearing by this Court.

Respectfully submitted,

CHASON & STONE

and

JAMES R. BRICE

*Service accepted, &
notice waived —
Cary J. Chitwood
Attorney for
Alabama Power
Company*

By: Norborne C. Stone, Jr.

84

(Attorney for Defendants)

3715 RECORDED

ALABAMA POWER COMPANY, A Corpora-
tion,

Plaintiff,

vs.

W. H. ESTOUP, ET AL.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

MOTION TO REQUIRE THE PRODUCTION
OF BOOKS AND WRITINGS

Filed 2/25/57
10:00 AM

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

ALABAMA POWER COMPANY, a
corporation,

Plaintiff,

vs.

W. H. ESTOUP, ET AL.,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

MOTION TO REQUIRE PRODUCTION OF BOOKS
AND WRITINGS

Comes now the Defendants H & B Realty Company, Paul Kaiser, Jr., Leslie Weeks, John Evans, W. H. Estoup, C. L. Rhodes, Douglas Rhodes and D. W. Rhodes, by their attorneys, and moves this Honorable Court to require the Plaintiff to produce at the trial of this cause on March 13, 1959, the following prints, photos, writings and maps:

1. U. S. Coast and Geodetic Survey Map used by the Transmission Department of the Plaintiff in prescribing the route sought to be condemned.
2. A letter from the Engineering Department of the Plaintiff to the Survey Department of the Plaintiff dated November 18, 1957, in which was enclosed a photostatic copy of U. S. Coast and Geodetic Map and a blueprint designated as AX-90011.
3. A letter dated November 15, 1957, from the Engineering Department of the Plaintiff to the Land Department of the Plaintiff requesting names of owners within the area designated, in which was enclosed a map.
4. A photostatic copy of the U. S. Coast and Geodetic Map showing the proposed route in green, and which includes certain revisions and which map is marked "F".
5. Blueprint or map consisting of 7 sheets and designated AX-111745.
6. Carbon copy of a letter from J. W. Mickle to Pfc. Emery A. Smith dated May 9, 1958.
7. The following blueprints of the Plaintiff designated as follows: A-113920, A-113916, A-113917, A-113918, and A-113757, together with the letter from Mr. Boone in the Engineering Department to Mr. Smith in the Land Department dated May 13, 1958, and all attachments thereto and enclosures therewith.

Respectfully submitted,

JAMES A. BRICE

and

CHASON & STONE

By: 

Attorneys for Defendants

3715 RECORDED

ALABAMA POWER COMPANY, a corporation,

Plaintiff,

vs.

W. H. ESTOUP, ET AL.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

MOTION TO REQUIRE PRODUCTION
OF BOOKS AND WRITINGS.

FILED

MAR 16 1959

JOSE J. DICK, CLERK
REGISTERED

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

Received 7 day of March 1959
and on 8 day of March 1959
I served a copy of the within Motion
on Beck & Swearingen
By service on Mr. Beck

TAYLOR WILKINS, Clerk

By Talbert D. S.

ALABAMA POWER COMPANY,
a corporation,

Applicant,

v.

W. H. ESTOUP ET AL.,

Defendants.

IN THE CIRCUIT COURT

TWENTY-EIGHTH JUDICIAL CIRCUIT

OF ALABAMA

NO. 3715

ORDER OF DISMISSAL

This cause came on for trial before the Court sitting with a jury on September 16, 1959. The application filed by Alabama Power Company prayed for the condemnation of certain described strips or parcels of land to be used in its public utility operation and on which it proposes to erect, operate and maintain electric transmission facilities for supplying electric power to the public. The Court previously, on March 13, 1959, had ordered the land condemned. The application, as amended, consisted of twelve (12) described strips or parcels of land and specified the names of the persons owning the lands condemned. After argument, the Court determined that the question of the amount of damages to be awarded to the parcels of land should be tried separately as to each parcel.

On motion of Paul Kaiser, Jr. and wife, Helen Kaiser, owners of Parcel No. 11, by and through their attorney of record, Mr. Norborne Stone, the Court ordered the trial as to such tract to proceed. And it appearing that all parties and their attorneys were present in court and the jury having been selected, the trial was held and the jury returned an award of \$1,825.00 for the land condemned in Parcel 11.

On motion of Charles L. Rhodes and wife, Emery B. Rhodes, owners of Parcels 2, 4 and 6, by and through their attorney of record, James A. Brice, and Alabama Power Company, by and through its attorneys, Messrs. J. B. Blackburn, Floyd Swearingen and Carey Chitwood, having agreed to consolidate such parcels for trial, the Court ordered the trial to proceed as to Parcels 2, 4 and 6. It appearing to the Court that all parties and their attorneys were present, and the jury having been selected, the trial was held as to such tracts and the jury returned an award of \$5,500.00 for the land condemned in Parcels 2, 4 and 6.

On motion of Douglas L. Rhodes and wife, Myrtice T. Rhodes, owners of Parcel 7, by and through their attorney of record, James A. Brice, the Court ordered the trial to proceed as to Parcel 7. It appearing to the Court

that all parties and their attorneys were present, and the jury having been selected, the trial was begun as to Parcel 7.

During the course of the trial as to this parcel, settlement negotiations were conducted between Alabama Power Company and the respective owners of all parcels designated in the application for condemnation and an agreement was reached between Alabama Power Company and each of said owners, including Paul Kaiser, Jr. and wife, Helen Kaiser, and Charles L. Rhodes and wife, Emery B. Rhodes, as to the amount Alabama Power Company should pay each for the respective parcels of land designated in the application for condemnation. The amounts agreed upon between Alabama Power Company and Paul Kaiser, Jr. and wife, Helen Kaiser, for Parcel 11 and between Alabama Power Company and Charles L. Rhodes and wife, Emery B. Rhodes, for Parcels 2, 4 and 6 were and are to be in lieu of the awards returned by the jury for such persons, and further agreed that such jury awards are to be held of no force and effect. The signatures of the attorneys of record for such persons appear below as evidence of their agreement to this effect.

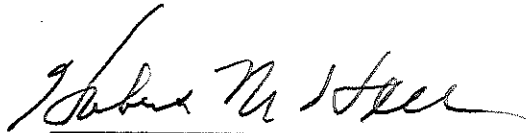
It is therefore, upon the agreed motion of the respective parties made in open court, CONSIDERED, ORDERED and ADJUDGED that the jury award to Paul Kaiser, Jr. and wife, Helen Kaiser, and judgment thereon in the amount of \$1,825.00 as to Parcel 11, and the jury award as to Charles L. Rhodes and wife, Emery B. Rhodes, and judgment thereon in the amount of \$5,500.00 for Parcels 2, 4 and 6 be, and each of them are hereby, vacated, set aside and held of no force and effect.

And Alabama Power Company, applicant in this cause, having agreed with all owners as to an amount payable for each parcel of land in such condemnation, and having represented to the Court that payment of such amounts has been made to the respective owners, and further that owners listed in this application for condemnation have executed easements or permits granting to Alabama Power Company strips of land for the construction of its electric transmission facilities,

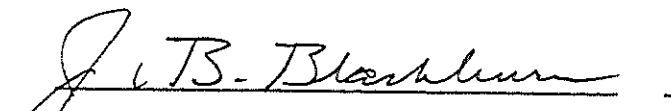
It is therefore, upon motion of Alabama Power Company made in open court, CONSIDERED, ORDERED and ADJUDGED that the order of this Court made and entered on March 13, 1959 condemning to the use of Alabama Power Company the parcels or strips of land described in the application for condemnation be, and the same is hereby, vacated, set aside and held of no force and effect.

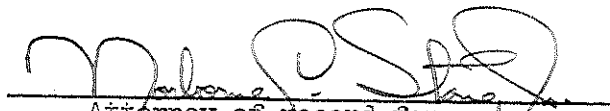
Further, upon motion of Alabama Power Company made in open court, it is CONSIDERED, ORDERED and ADJUDGED that such application for condemnation be dismissed, with costs to be taxed against the applicant.

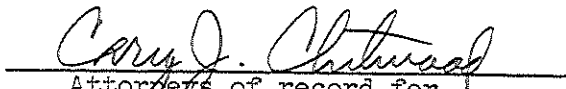
Done in open court, this the 17th day of May, 1960.


Judge, Twenty-eighth Judicial
Circuit of Alabama

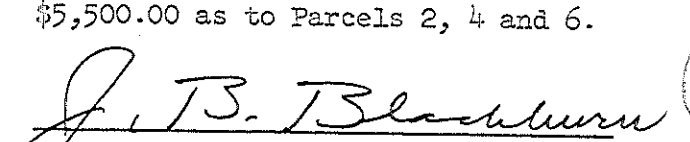
Agreed as to vacating and setting aside the jury award and judgment in favor of Paul Kaiser, Jr. and wife, Helen Kaiser, in the amount of \$1,825.00 as to Parcel 11.



Martin, Voight, Balch & Bingham

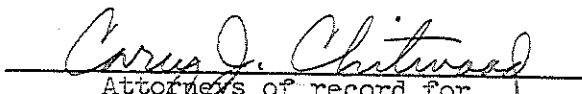

Attorney of record for
Paul Kaiser, Jr. and
wife, Helen Kaiser


Attorneys of record for
Alabama Power Company

Agreed as to vacating and setting aside the jury award and judgment in favor of Charles L. Rhodes and wife, Emery B. Rhodes, in the amount of \$5,500.00 as to Parcels 2, 4 and 6.


Martin, Voight, Balch & Bingham


Attorney of record for
Charles L. Rhodes and
wife, Emery B. Rhodes


Attorneys of record for
Alabama Power Company

FILED

MAY 17 1960

ALICE L. DUCK, CLERK
REGISTER

NO. 3715

IN THE CIRCUIT COURT
TWENTY-EIGHTH JUDICIAL CIRCUIT
OF ALABAMA

ALABAMA POWER COMPANY,
a corporation,

Applicant,

v.

W. H. ESTOUP ET AL.,

Defendants.

ORDER OF DISMISSAL

MARTIN, VOGTLE, BALCH & BINGHAM
600 No. 18TH STREET
BIRMINGHAM 3, ALABAMA

JURY LIST
FALL SESSION, SEPTEMBER 14, 1959

1. Schwartz, Edward J., Farmer, Elberta
- ~~2. Thomas, Wiley, Farmer, Robertsdale~~
- ~~3. Vines, Mack, Clerk, Bay Minette~~
4. Wallace, William, Farmer, Bay Minette
- ~~5. Weekley, Willard A., Newport, Bay Minette~~
- ~~6. Weeks, Harry J., Nurseryman, Gulf Shores~~
- ~~7. Weston, Herbert R., Bookkeeper, Bay Minette~~
- ~~8. Wren, Walter P., Fleet, Bay Minette~~
- ~~9. Lenz, William, Civil Service, Elberta~~
- ~~10. Little, Frank Eugene, Mechanic, Foley~~
- ~~11. Lunsford, Herbert L., Grower & Shipper, Foley~~
- ~~12. Malone, R., Farmer, Seminole~~
13. McDaniel, Schuler, Farmer, Robertsdale
14. Mezzaros, Michael A., Retired, Elberta
- ~~15. Parker, Samuel F., Jr., C.P.A., Foley~~
- ~~16. Parker, Wilburn, Farmer, Rabon~~
17. Parker, Willard, Farmer, Gulf Shores
- ~~18. Pittman, Henry Durwood, Farmer, Gateswood~~
19. Pluscht, Peter, Jr., Carpenter, Elberta
- ~~20. Powell, Brady L., New Port, Bay Minette~~
- ~~21. Quinley, Lyman, Farmer, Bay Minette~~
- ~~22. Resmondo, Neak, Farmer, Summerdale~~
- ~~23. Rybar, Joe, Farmer, Silverhill~~
- ~~24. Bryant, George E., Farmer, Stockton~~
25. Hlinka, George, Retired, Elberta
- ~~26. Barron, John L., Kemstrand, Bay Minette~~
27. Herron, William E., Merchant, Bay Minette
- ~~28. Hobbs, W.D., Farmer, Rosinton~~
29. Koehler, Charles G., Jr., Banker, Elberta
30. Krauss, Joseph, Retired, Elberta
31. Johnson, Coy L., Laborer, Bay Minette
- ~~32. Jones, Walter, Clerk, Bay Minette~~
- ~~33. Jones, Willie, Farmer, Bay Minette~~
- ~~34. Fank, Billy, Barber, Robertsdale~~
35. Galledge, Charles, Farmer, Summerdale
- ~~36. Hammond, Cecil C., Truck Operator, Bay Minette~~
37. Robinson, R.M., Farmer, Bay Minette
- ~~38. Miller, Henry, Farmer, Bay Minette~~
- ~~39. Rhodes, Virgil V., Farmer, Bay Minette~~

P. ~~XXXX~~ ~~XXXX~~ ~~XXXX~~

D. ~~XXXX~~ ~~XXXX~~ ~~XXXX~~

106 38
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3715

Ala Power Co

vs

C. L. Rhodes

JURY LIST
FALL SESSION, SEPTEMBER 14, 1959

- ~~1. Schwartz, Edward J., Farmer, Elberta~~
2. Thames, Miley, Farmer, Robertsdale
3. Vines, Mack, Clerk, Bay Minette
- ~~4. Wallace, William, Farmer, Bay Minette~~
- ~~5. Weekley, Willard A., Newport, Bay Minette~~ P³
6. Weeks, Harry J., Nurseryman, Gulf Shores
- ~~7. Weston, Herbert R., Bookkeeper, Bay Minette~~ 425
- ~~8. Wren, Walter P., Fleet, Bay Minette~~ P
9. Lenz, William, Civil Service, Elberta
- ~~10. Little, Frank Eugene, Mechanic, Foley~~ P⁴
11. Lunsford, Herbert L., Grower & Shipper, Foley
12. Malone, R., Farmer, Seminole
- ~~13. McDaniel, Schuler, Farmer, Robertsdale~~
- ~~14. Meszaros, Michael A., Retired, Elberta~~
- ~~15. Parker, Samuel T., Jr., C.P.A., Foley~~ P
16. Parker, Wilburn, Farmer, Rabon
- ~~17. Parker, Willard, Farmer, Gulf Shores~~
18. Pittman, Henry Durwood, Farmer, Gateswood
19. Pluscht, Peter, Jr., Carpenter, Elberta
- ~~20. Powell, Brady L., New Port, Bay Minette~~ P
21. Quinley, Lyman, Farmer, Bay Minette
22. Resmondo, Noak, Farmer, Summerdale
- ~~23. Rybar, Joe, Farmer, Silverhill~~ P⁵
- ~~24. Bryant, George E., Farmer, Stockton~~ 107
- ~~25. Hlinka, George, Retired, Elberta~~
- ~~26. Herron, John L., Kemstrand, Bay Minette~~ P⁶
- ~~27. Herron, William E., Merchant, Bay Minette~~
- ~~28. Hobbs, W.D., Farmer, Rosinton~~ P⁷
29. Koehler, Charles G., Jr., Banker, Elberta
- ~~30. Krauss, Joseph, Retired, Elberta~~
- ~~31. Johnson, Coy L., Laborer, Bay Minette~~
- ~~32. Jones, Walter, Clerk, Bay Minette~~ P²
- ~~33. Jones, Willie, Farmer, Bay Minette~~ P³
34. Faulk, Billy, Barber, Robertsdale
- ~~35. Cullledge, Charles, Farmer, Summerdale~~ P⁶
- ~~36. Hammond, Cecil C., Truck Operator, Bay Minette~~ 1043 8
- ~~37. Robinson, R.M., Farmer, Bay Minette~~ 24
- ~~38. Miller, Henry, Farmer, Bay Minette~~ 14
39. Rhodes, Virgil V., Farmer, Bay Minette

P XXXXX XX

D XXXXX XX

Alabama Power Co

vs.

Rhodes

NO. 3715 Ula Power Co. OS, Jansen
JURY LIST
FALL SESSION, SEPTEMBER 14, 1959

- ~~1. Schwartz, Edward J., Farmer, Elberta~~ P⁷
2. Thames, Miley, Farmer, Robertsdale
- ~~3. Vines, Mack, Clerk, Bay Minette~~ P²
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- ~~5. Weekley, Willard A., Newport, Bay Minette~~ P³
6. Weeks, Harry J., Nurseryman, Gulf Shores
- ~~7. Weston, Herbert R., Bookkeeper, Bay Minette~~ P¹⁰
- ~~8. Wren, Walter P., Fleet, Bay Minette~~ P¹
9. Lenz, William, Civil Service, Elberta
- ~~10. Little, Frank Eugene, Mechanic, Foley~~ P⁴
- ~~11. Lunsford, Herbert L., Grower & Shipper, Foley~~ P¹¹
- ~~12. Malone, R., Farmer, Seminole~~ P⁵
- ~~13. McDaniel, Schuler, Farmer, Robertsdale~~ P²
- ~~14. Meszaros, Michael A., Retired, Elberta~~ P⁹
15. Parker, Samuel F., Jr., C.P.A., Foley
- ~~16. Parker, Wilburn, Farmer, Rabon~~ P⁹
17. Parker, Willard, Farmer, Gulf Shores
- ~~18. Pittman, Henry Durwood, Farmer, Gateswood~~ P¹²
19. Pluscht, Peter, Jr., Carpenter, Elberta
- ~~20. Powell, Brady L., New Port, Bay Minette~~ P⁸
- ~~21. Quinley, Lyman, Farmer, Bay Minette~~ P⁶
22. Resmondo, Noak, Farmer, Summerdale
23. Rybar, Joe, Farmer, Silverhill
- ~~24. Bryant, George B., Farmer, Stockton~~ P¹¹
- ~~25. Hlinka, George, Retired, Elberta~~ P⁶
- ~~26. Herron, John L., Kemstrand, Bay Minette~~ P⁴
27. Herron, William E., Merchant, Bay Minette
- ~~28. Hobbs, W.D., Farmer, Rosinton~~ P²
- ~~29. Koehler, Charles G., Jr., Banker, Elberta~~ P⁴
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- ~~33. Jones, Willie, Farmer, Bay Minette~~ P¹
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- ~~38. Miller, Henry, Farmer, Bay Minette~~ P¹
- ~~39. Rhodes, Virgil V., Farmer, Bay Minette~~ P¹³

T XXXXX XXXXX XXXX

D XXXXX XXXXX XXX

3715

Ala. Power Co

15.

Kaiser 4/2-ae.

Sept 16

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504 28

APPLICATION FOR ORDER OF CONDEMNATION

TO THE HONORABLE COURT OF PROBATE OF BALDWIN COUNTY,

ALABAMA, AND THE HONORABLE W. R. STUART,

THE JUDGE THEREOF

Comes Alabama Power Company, a corporation, and files this its application in the Court of Probate of Baldwin County, Alabama, against the owners listed below in Article First for an order of condemnation of the lands, rights and interests therein, hereinafter described, and shows unto the Court as follows:

ARTICLE FIRST: That applicant, Alabama Power Company, is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business at Birmingham, Jefferson County, Alabama; that the places of residence or post office addresses of the persons against whom this application is filed who are over the age of twenty-one (21) years, who are of sound mind and who are residents of the State of Alabama are as follows:

<u>Name</u>	<u>Address</u>
F. L. McKenzie	Route 1, Silverhill, Alabama
Mary K. McKenzie	Route 1, Silverhill, Alabama
C. L. Rhodes	Route 1, Foley, Alabama
Emery B. Rhodes	Route 1, Foley, Alabama
Douglas Rhodes	Route 1, Foley, Alabama
Maureen Rhodes	Route 1, Foley, Alabama
D. W. Rhodes	Route 1, Foley, Alabama
Myrtice T. Rhodes	Route 1, Foley, Alabama
W. H. Estoup	Fairhope, Alabama
Lois D. Estoup	Fairhope, Alabama
S. A. Brown	7706 Second Avenue South, Birmingham, Alabama

STATE OF ALABAMA, BALDWIN COUNTY
 Filed May 26, 1958 M
 Recorded Prob + Min book 147 page 146
W. R. Stuart
 Judge of Probate JS

<u>Name</u>	<u>Address</u>	
Roy Norris	Route 2, Foley, Alabama	BOOK 017 PAGE 147
D. S. Evans	Ashville, Alabama	
Margaret Evans	Ashville, Alabama	
Paul Kaiser, Jr.	Route 2, Foley, Alabama	
Helen Kaiser	Route 2, Foley, Alabama	
Rudolph Weeks	Route 2, Foley, Alabama	
Ebna Weeks	Route 2, Foley, Alabama	
Riley Weeks	400 Government Street, Mobile, Alabama	
Anillie Weeks	400 Government Street, Mobile, Alabama	
Leslie Weeks	Route 2, Foley, Alabama	
Alga Weeks	Route 2, Foley, Alabama	
Millard Weeks	Route 2, Foley, Alabama	
Elliot Weeks	Route 2, Foley, Alabama	
Lawrence Weeks	Route 2, Foley, Alabama	
Margie Weeks	Route 2, Foley, Alabama	
Justina Moore	Route 2, Foley, Alabama	
Murry Moore	Route 2, Foley, Alabama	
Hugh Weeks	Route 2, Foley, Alabama	
Blanche Weeks	Route 2, Foley, Alabama	
Mrs. Edwin Weeks	Route 2, Foley, Alabama	
Shirley Fitzpatrick	Route 2, Foley, Alabama	
Rosemary Smith	Route 2, Foley, Alabama;	

that the following persons against whom this application is filed are over the age of twenty-one (21) years, of sound mind and nonresidents of the State of Alabama, residing at the addresses stated:

<u>Name</u>	<u>Address</u>
Elizabeth Kerr Morgan	3517 Dartmouth Avenue, Dallas, Texas
Dillon Morgan	3517 Dartmouth Avenue, Dallas, Texas
Horace D. Blow	Vero Beach, Florida;

that the following parties against which this application is filed are corporations organized under the laws of Alabama and doing business in the State of Alabama, with their principal places of business at the addresses indicated:

<u>Name</u>	<u>Address</u>
Baldwin Savings & Loan Company	Fairhope, Alabama
H & B Realty Company	Foley, Alabama;

that the following persons against whom this application is filed are over the age of twenty-one (21) years, of sound mind, and members of the Armed Forces of the United States:

<u>Name</u>	<u>Address</u>
Dick Fitzpatrick AM2	Patrol Squadron Eight Detachment "Charley" C/o F.P.O. New York, N. Y.
PFC Emery A. Smith	RA14643621 Btry. "C" 1st Obsn. Bn. APO 162 New York, N. Y.;

that the said defendants are the owners of, or the owners of an interest in, the lands hereinafter described and as hereinafter set out.

ARTICLE SECOND: That applicant is a power company, and has the right by its charter to manufacture, supply and sell to the public electric energy produced either by steam or by water as a motive force, or by both, for lighting, heating, power and other purposes to manufacture, supply and sell to the public as herein stated, and the rights, ways and rights of way herein described are sought to be condemned for its transmission lines for that purpose.

ARTICLE THIRD: That the uses and purposes for which the said land, rights and interests hereinafter described are to be condemned and taken are for ways and rights of way on which to construct or erect towers, poles and wire lines, for the transmission, distribution, supply and sale to the public of electric power, and for selling and supplying such power, heat, light and electricity in the manner required by Title 10, Section 187, Code of Alabama 1940; and it therefore seeks to acquire ways and rights of way 100 feet in width, except Par. 10 wherein the strip of land is 50 feet

in width, on, across and over the land hereinafter described, and the right to construct and erect on, across and over said land such towers, poles and wire lines, and all appliances necessary, convenient and useful in connection therewith for such purposes, together with all the rights conferred by law and all that are necessary, useful or convenient to the enjoyment of said rights, ways and rights of way for such uses and purposes, including the right and authority to clear and remove from said ways and rights of way sought to be condemned all timber and other growth thereon, and the right and authority to remove outside of said ways and rights of way such timber as may injure or endanger such towers, poles and wire lines and other appliances by shading, falling or otherwise, and including the further right and authority to place guy wires and anchors outside of said ways and rights of way as hereinafter described in Paragraphs 5 and 8 of Article Fourth of this application.

ARTICLE FOURTH: That the said rights, ways and rights of way sought to be condemned for such uses and purposes are on, across and over strips of land described hereinafter, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strips of land and the lands of which the same are a part being situated in Baldwin County, Alabama, and described as follows:

Par. 1 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of southwest quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 15, Township 6 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way commence at the southwest corner of Section 15, Township 6 South, Range 3 East; thence run east along the south boundary line of such Section 15 a distance of 1386.1 feet to a point; thence turn an angle to the left of 90 degrees 05 minutes and proceed north 00 degrees 09 minutes east a distance of 114.7 feet to a point; thence turn an angle to the left of 00 degrees 03 minutes and proceed north 00 degrees 06 minutes east for a distance of 1882.8 feet, more or less, to a point, such point being the point of beginning of the right of way herein described; therefrom the strip of right of way lies fifty (50) feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 00 degrees 06 minutes east a distance of 666 feet, more or less, to a point, such point being the point of ending of said right of way. The said F. L. McKenzie, Mary K. McKenzie, and Baldwin Savings & Loan Company, a corporation, (mortgagee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 2 A strip of land 100 feet in width which lies within the east half of the northwest quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 14, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 14, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 14 for a distance of 1388.4 feet to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 57 minutes and thence runs south 00 degrees 09 minutes west for a distance of 2666.5 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said C. L. Rhodes and Emery B. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 3 A strip of land 100 feet in width which lies within the northeast quarter of the southwest quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 14, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southwest corner of Section 14, Township 7 South, Range 3 East; thence run east along the south boundary line of such Section 14 for a distance of 1393.6 feet to a point; thence turn an angle to the left of 90 degrees 07 minutes 30 seconds and run north 00 degrees 09 minutes east for a distance of 1327.9 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 00 degrees 09 minutes east for a distance of 1332 feet, more or less, to a point on the north boundary line of the condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Elizabeth Kerr Morgan and Dillon Morgan are the owners of, or the owners of an interest in, the lands described in this paragraph.

OUT

Par. 3 A strip of land 100 feet in width which lies within the northeast quarter of the southwest quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 14, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southwest corner of Section 14, Township 7 South, Range 3 East; thence run east along the south boundary line of such Section 14 for a distance of 1393.6 feet to a point; thence turn an angle to the left of 90 degrees 07 minutes 30 seconds and run north 00 degrees 09 minutes east for a distance of 1327.9 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 00 degrees 09 minutes east for a distance of 1332 feet, more or less, to a point on the north boundary line of the condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Elizabeth Kerr Morgan and Dillon Morgan are the owners of, or the owners of an interest in, the lands described in this paragraph.

OUT

Par. 4 A strip of land 100 feet in width which lies within the southeast quarter of southwest quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 14 and the northeast quarter of northwest quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, all in Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 14, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 14 for a distance of 1388.4 feet to a point; thence turn an angle to the right of 89 degrees 57 minutes and run south 00 degrees 09 minutes west for a distance of 3998.5 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 00 degrees 09 minutes west for a distance of 1327.9 feet to a point; thence such center line turns an angle to the left of 37 degrees 41 minutes and proceeds south 37 degrees 32 minutes east for a distance of 1673.1 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said C. L. Rhodes and Emery B. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 5

The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary of the northwest quarter of northwest quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, as may injure or endanger by shading, falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach a point of beginning, commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 a distance of 1393.6 feet to a point, such point being the point of beginning of the right of way herein described, and such point being called Point A for reference hereinafter; therefrom, the strip of right of way lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 52 degrees 11 minutes 30 seconds and thence runs south 37 degrees 32 minutes east a distance of 100 feet, more or less, to a point, such point being the point of ending of said right of way. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a southwesterly direction from such right of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said Douglas Rhodes, Maureen Rhodes, C. I. Rhodes, Emery B. Rhodes, D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

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Par. 6 A strip of land 100 feet in width which lies within the southeast quarter of the northwest quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 for a distance of 1393.6 feet to a point; thence turn an angle to the right of 52 degrees 11 minutes 30 seconds and run south 37 degrees 32 minutes east for a distance of 1673.1 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 37 degrees 32 minutes east for a distance of 399 feet, more or less, to a point on the east boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said C. L. Rhodes, Emery B. Rhodes and Horace D. Blow (mortgagee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 7 A strip of land 100 feet in width which lies within the southwest quarter of the northeast quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northwest corner of Section 23, Township 7 South, Range 3 East; thence run east along the north boundary line of such Section 23 for a distance of 1393.6 feet to a point; thence turn an angle to the right of 52 degrees 11 minutes 30 seconds and run south 37 degrees 32 minutes east for a distance of 2072 feet, more or less, to a point on the west boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 37 degrees 32 minutes east for a distance of 1273 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said D. W. Rhodes and Myrtice T. Rhodes are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 8 A strip of land 100 feet in width which lies within the north half of the southeast quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) and the southeast quarter of the southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 23, Township 7 South, Range 3 East, thence run west along the south boundary line of such Section 23 for a distance of 664.3 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 90 degrees 17 minutes and runs north 00 degrees 05 minutes east for a distance of 1057.7 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the left of 37 degrees 37 minutes and proceeds north 37 degrees 32 minutes west for a distance of 2016 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a northeasterly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said towers, poles, wire lines and appliances of applicant. The said W. H. Estoup, Lois D. Estoup, S. A. Brown (mortgagee) and Roy Norris (lessee) are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 9 A strip of land 100 feet in width which lies within the southeast quarter of the southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 26, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 26, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 26 for a distance of 665.3 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 90 degrees 00 minutes and runs north 00 degrees 05 minutes east for a distance of 1338.9 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said D. S. Evans and Margaret Evans are the owners of, or the owners of an interest in, the lands described in this paragraph.

- Par. 10 A strip of land 50 feet in width which lies within the west half of northeast quarter of northeast quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 35, Township 7 south, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the north boundary line of such Section 35 for a distance of 665.3 feet to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom the strip to be condemned lies 50 feet on the west side of a survey line and the continuations thereof which begins at such point of beginning and turns an angle to the left of 90 degrees 00 minutes and thence runs south 00 degrees 05 minutes west a distance of 1333 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, an undivided one-third interest in the lands described in this paragraph.

Par. 11 A strip of land 100 feet in width which lies within the northeast quarter of southeast quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the north boundary line of such Section 35 for a distance of 665.3 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run south 00 degrees 05 minutes west for a distance of 2666 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 00 degrees 05 minutes west for a distance of 1333 feet, more or less, to a point on the south boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Paul Kaiser, Jr. and Helen Kaiser are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 12 A strip of land 100 feet in width which lies within the southeast quarter of southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 35, Township 7 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southeast corner of Section 35, Township 7 South, Range 3 East; thence run west along the south boundary line of such Section 35 for a distance of 673.7 feet to a point on the south boundary line of condemnees' property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 89 degrees 47 minutes and thence runs north 00 degrees 05 minutes east for a distance of 1333 feet, more or less, to a point on the north boundary line of condemnees' property, such point being the point of ending of the right of way sought to be condemned. The said Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick AM 2, Rosemary Smith and PFC Emery A. Smith are the owners of, or the owners of an interest in, the lands described in this paragraph.

Par. 13 A strip of land 100 feet in width which lies within the east half of northeast quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 2, Township 8 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the northeast corner of Section 2, Township 8 South, Range 3 East; thence run west along the north boundary line of such Section 2 for a distance of 673.7 feet to a point on the north boundary line of condemnee's property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the left of 90 degrees 13 minutes and thence runs south 00 degrees 05 minutes west for a distance of 2590.3 feet to a point; thence such center line turns an angle to the left of 02 degrees 14 minutes and runs south 02 degrees 09 minutes east for a distance of 70.8 feet, more or less, to a point on the south boundary line of condemnee's property, such point being the point of ending of the right of way sought to be condemned. The said H & B Realty Company, a corporation, is the owner of the lands described in this paragraph.

Par. 14 A strip of land 100 feet in width which lies within the southwest quarter of southwest quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 1 and the north half of northwest quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 12, all in Township 8 South, Range 3 East, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning commence at the southwest corner of Section 1, Township 8 South, Range 3 East; thence run north along the west boundary line of such Section 1 for a distance of 438.6 feet to a point on the west boundary line of condemnee's property, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 121 degrees 01 minutes and thence runs south 58 degrees 49 minutes east for a distance of 3082.5 feet, more or less, to a point on the east boundary line of condemnee's property, such point being the point of ending of the right of way sought to be condemned. The said H & B Realty Company, a corporation, is the owner of the lands described in this paragraph.

PREMISES CONSIDERED, applicant makes the said F. L. McKenzie, Mary K. McKenzie, C. L. Rhodes, Emery B. Rhodes, Douglas Rhodes, Maureen Rhodes, D. W. Rhodes, Myrtice T. Rhodes, W. H. Estoup, Lois D. Estoup, S. A. Brown, Roy Norris, D. S. Evans, Margaret Evans, Paul Kaiser, Jr. Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliot Weeks, Lawrence Weeks, Margie Weeks, Justina Moore, Murry Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Rosemary Smith, Elizabeth Kerr Morgan, Dillon Morgan, Horace D. Blow, Baldwin Savings & Loan Company, H & B Realty Company, Dick Fitzpatrick AM2 and PFC Emery A. Smith parties defendant to this application and prays that the court will make and enter an order appointing a day for the hearing of this application; and that notice of this application and of the day so appointed for the hearing thereof may be given to the nonresident defendants, Elizabeth Kerr Morgan, Dillon Morgan, Horace D. Blow, Dick Fitzpatrick AM2 and PFC Emery A. Smith, by advertisement in some newspaper of general circulation published in the County of Baldwin once a week for at least three consecutive weeks before the day appointed for such hearing; and that notice of this application and of the day so appointed for the hearing thereof may be issued to the resident defendants and that service thereof be had in this state in the manner required by law at least ten days before the day so appointed for such hearing; that upon such hearing an order will be made by this court condemning to the uses and purposes of your applicant all the rights, authority and power sought and described herein, and for such other and further orders as may be authorized by law.

ALABAMA POWER COMPANY

By Carey J. Chitwood
His Attorney

Robert L. Swearingen
J. D. Swearingen

Martin E. Blakey

Carey J. Chitwood
Attorneys for
Alabama Power Company

STATE OF ALABAMA)

JEFFERSON COUNTY)

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Before me, the undersigned authority, personally appeared Carey J. Chitwood, who, being by me first duly sworn, deposes and says that he is attorney for the applicant, Alabama Power Company, and has the authority to make this affidavit and to institute and prosecute the foregoing application for the condemnation of the lands, rights and interests therein described, and that the statements contained in the foregoing application are true and correct as therein alleged or upon information and belief as therein alleged.

Carey J. Chitwood

Sworn to and subscribed before
me, this 22nd day of May, 1958.

Elsie W. Roberts

Notary Public

Jefferson County, Alabama

I acknowledge myself as security for all the costs of the foregoing proceeding.

This the 22 day of May, 1958.

Carey J. Chitwood

Approved, this the 26th day of
MAY, 1958.

W. R. Stewart

Judge of Probate of
Baldwin County, Alabama

IN THE COURT OF PROBATE OF
BALDWIN COUNTY, ALABAMA

ALABAMA POWER COMPANY

v.

W. H. ESTOUP, ET AL.

APPLICATION FOR ORDER OF CONDEMNATION

Applicant,

V.

Defendants.

BALDWIN COUNTY, ALABAMA

NOTICE OF APPEAL

Now comes Alabama Power Company, a corporation, applicant in the above styled condemnation proceeding, by and through its attorneys of record, and in compliance with Title 19, Sections 17 and 20, Code of Alabama, 1940, files this its written notice of appeal from the order denying its application to condemn certain lands in Baldwin County, Alabama, which was entered by the Court of Probate of Baldwin County on August 20, 1958, and appeals to the Circuit Court, Twenty-eighth Judicial Circuit of Alabama, and further gives notice that such appeal is given in writing within thirty days after the entering of such order by the Court of Probate of Baldwin County on August 20, 1958.

PREMISES CONSIDERED, appellant prays that a copy of this notice of appeal shall be served upon Honorable Horborne Stone, as attorney for W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murray Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith, and H. & B. Realty Company;

Applicant further prays that such notice of appeal also be served upon Honorable James A. Brice, as attorney for Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes, and Myrtis T. Rhodes;

Applicant further prays that a copy of this notice of appeal be served upon F. L. McKenzie, Mary K. McKenzie, S. A. Brown, Roy Morris, D. S. Evans, Margaret Evans and Baldwin Savings and Loan, Co., a corporation.

Appellant further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of

Alabama, in accordance with Title 19, Section 20, Code of Alabama,
1940.

Becke & Swearingen
F. B. Swearingen
Martin E. Blakey
Carey J. Chittwood

TO: Honorable James A. Brice, Attorney for D. W. Rhodes, et al.
Foley, Alabama

You are hereby notified that the above notice of appeal was
filed in the office of the Judge of Probate of Baldwin County, Ala-
bama, on the 23RD day of August, 1958.

Witness my hand, this the 23RD day of August, 1958.

M. R. Stuart
Judge of Probate

ALABAMA POWER COMPANY

v.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with Hon. James A. Brice

personally, on the 26 day of
August, 1958,
Taylor Wilkins, Baldwin
Sheriff, Alabama County

By Charles Childress
Deputy Sheriff

Sheriff claims 22 miles at
Ten Cents per mile Total \$ 2.20
TAYLOR WILKINS, Sheriff

BY Charles Childress
DEPUTY SHERIFF

Foley, Alabama

ALABAMA POWER COMPANY,
a corporation,

Applicant,

v.

W. H. ESTOUP, ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

NOTICE OF APPEAL

Now comes Alabama Power Company, a corporation, applicant in the above styled condemnation proceeding, by and through its attorneys of record, and in compliance with Title 19, Sections 17 and 20, Code of Alabama, 1940, files this its written notice of appeal from the order denying its application to condemn certain lands in Baldwin County, Alabama, which was entered by the Court of Probate of Baldwin County on August 20, 1958, and appeals to the Circuit Court, Twenty-eighth Judicial Circuit of Alabama, and further gives notice that such appeal is given in writing within thirty days after the entering of such order by the Court of Probate of Baldwin County on August 20, 1958.

~~PREMISES CONSIDERED~~, appellant prays that a copy of this notice of appeal shall be served upon Honorable Norborne Stone, as attorney for W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murray Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith, and H. & B. Realty Company;

Applicant further prays that such notice of appeal also be served upon Honorable James A. Brice, as attorney for Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes, and Myrtis T. Rhodes;

Applicant further prays that a copy of this notice of appeal be served upon F. L. McKenzie, Mary K. McKenzie, S. A. Brown, Roy Morris, D. S. Evans, Margaret Evans and Baldwin Savings and Loan, Co., a corporation.

Appellant further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of

Alabama, in accordance with Title 19, Section 20, Code of Alabama,
1940.

Baker & Sweeting
F. B. Sweeting
Martin & Blake
Carey J. Chitwood

TO: Mary K. McKenzie
Route 1
Silverhill, Alabama

You are hereby notified that the above notice of appeal was
filed in the office of the Judge of Probate of Baldwin County, Ala-
bama, on the 23RD day of August, 1958.

Witness my hand, this the 23RD day of August, 1958.

Judge of Probate

Applicant,

V.

Defendants.

BALDWIN COUNTY, ALABAMA

NOTICE OF APPEAL

by the Court of Probate of Baldwin County on August 20, 1958.

Realty Company;

T. Rhodes;

a corporation.

trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of

Alabama, in accordance with Title 19, Section 20, Code of Alabama,
1940.

Betty Sweasinger
F. L. McKenzie
Martin E. Blakey
Carey J. Chitwood

TO: F. L. McKenzie
Route 1
Silverhill, Alabama

You are hereby notified that the above notice of appeal was
filed in the office of the Judge of Probate of Baldwin County, Ala-
bama, on the 23RD day of August, 1958.

Witness my hand, this the 23RD day of August, 1958.

M. R. Stewart
Judge of Probate

ALABAMA TOWER COMPANY
v.
W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin
County, Alabama

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the
within notice by leaving a copy of the same
with F. L. McKenzie

personally, on the 25 day of

August, 1958

Taylor Wilkins, Baldwin
Sheriff County

Alabama

By Eddleigh S. Steadham
Deputy Sheriff

Sheriff claims 60 miles at

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY Steadham
DEPUTY SHERIFF

Route 1

Silverhill, Alabama

~~~~~

V.

—

Alabama, in accordance with Title 19, Section 20, Code of Alabama,  
1940.

Beck & Swearingen  
E. H. Swearingen  
Martin & Blakey  
Greg J. Chetwood

TO: S. A. Brown  
7706 Second Avenue South  
Birmingham, Alabama

You are hereby notified that the above notice of appeal was  
filed in the office of the Judge of Probate of Baldwin County, Ala-  
bama, on the 23<sup>RD</sup> day of August, 1958.

Witness my hand, this the 23<sup>RD</sup> day of August, 1958.

W. C. Sturtevant  
Judge of Probate

ALABAMA POWER COMPANY

v.

W. H. ESTOUP, ET AL.

In The Court of Probate of Baldwin  
County, Alabama.

PM 3:15

STATE OF ALABAMA,

*Jefferson* County.

I hereby certify that I have executed the  
within notice by leaving a copy of the same

with *S. A. Brown*

personally, on the *27<sup>th</sup>* day of

*August*, 19*58*  
*Hettie Mae Doanell Jefferson*  
County

Sheriff

Alabama

By

*W. R. Allan*

Deputy Sheriff

*From Baldwin*

*S. A. Brown*  
*7706-2 Ave. So.*  
*Birmingham, Ala.*

ALABAMA POWER COMPANY,  
a corporation,  
  
Applicant,

V.

W. H. ESTOUP, ET AL.,  
Defendants.

# NOTICE OF APPEAL

Now comes Alabama Power Company, a corporation, applicant in the above styled condemnation proceeding, by and through its attorneys of record, and in compliance with Title 19, Sections 17 and 20, Code of Alabama, 1940, files this its written notice of appeal from the order denying its application to condemn certain lands in Baldwin County, Alabama, which was entered by the Court of Probate of Baldwin County on August 20, 1958, and appeals to the Circuit Court, Twenty-eighth Judicial Circuit of Alabama, and further gives notice that such appeal is given in writing within thirty days after the entering of such order by the Court of Probate of Baldwin County on August 20, 1958.

PREMISES CONSIDERED, appellant prays that a copy of this notice of appeal shall be served upon Honorable Horborne Stone, as attorney for W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murray Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith, and H. & B. Realty Company;

Applicant further prays that such notice of appeal also be served upon Honorable James A. Brice, as attorney for Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes, and Myrtis T. Rhodes;

Applicant further prays that a copy of this notice of appeal be served upon F. L. McKenzie, Mary K. McKenzie, S. A. Brown, Roy Morris, D. S. Evans, Margaret Evans and Baldwin Savings and Loan, Co., a corporation.

Appellant further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of



2.

Alabama, in accordance with Title 19, Section 20, Code of Alabama,  
1940.

Buck Swearingen  
Ed Swearingen  
Martin & Blakey  
Carey J. Chitwood

TO: D. S. Evans  
Ashville, Alabama

You are hereby notified that the above notice of appeal was  
filed in the office of the Judge of Probate of Baldwin County, Ala-  
bama, on the 23<sup>RD</sup> day of August, 1958.

Witness my hand, this the 23<sup>RD</sup> day of August, 1958.

W. R. Sturges  
Judge of Probate

ALABAMA POWER COMPANY

v.

W. H. ESTOUP, ET AL.

In the Court of Probate of  
Baldwin County, Alabama

STATE OF ALABAMA,

*Saint Clair* County.

I hereby certify that I have executed the  
within notice by leaving a copy of the same  
with *D. S. Evans*

personally, on the *30* day of

*August*, 19*58*.

*John Wood*, *Saint Clair*  
Sheriff County

Alabama

By *Harper*  
Deputy Sheriff

*Ashtville, Alabama*

W. H. ESTOUP, ET AL.,  
Defendants.

IN THE COURT OF PROBATE OF  
BALDWIN COUNTY, ALABAMA

NOTICE OF APPEAL

Now comes Alabama Power Company, a corporation, applicant in the above styled condemnation proceeding, by and through its attorneys of record, and in compliance with Title 19, Sections 17 and 20, Code of Alabama, 1940, files this its written notice of appeal from the order denying its application to condemn certain lands in Baldwin County, Alabama, which was entered by the Court of Probate of Baldwin County on August 20, 1958, and appeals to the Circuit Court, Twenty-eighth Judicial Circuit of Alabama, and further gives notice that such appeal is given in writing within thirty days after the entering of such order by the Court of Probate of Baldwin County on August 20, 1958.

PREMISES CONSIDERED, appellant prays that a copy of this notice of appeal shall be served upon Honorable Worborne Stone, as attorney for W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murray Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith, and H. & B. Realty Company;

Applicant further prays that such notice of appeal also be served upon Honorable James A. Brice, as attorney for Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes, and Myrtis F. Rhodes;

Applicant further prays that a copy of this notice of appeal be served upon F. L. McKenzie, Mary K. McKenzie, S. A. Brown, Roy Morris, D. S. Evans, Margaret Evans and Baldwin Savings and Loan, Co., a corporation.

Appellant further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of

2.

Alabama, in accordance with Title 19, Section 20, Code of Alabama,  
1940.

Beck & Sweeting  
E. D. Sweeting  
Martin & Blakely  
Carey J. Chittwood

TO: Margaret Evans  
Ashville, Alabama

You are hereby notified that the above notice of appeal was  
filed in the office of the Judge of Probate of Baldwin County, Ala-  
bama, on the 23<sup>RD</sup> day of August, 1958.

Witness my hand, this the 23<sup>RD</sup> day of August, 1958.

W. R. Smith  
Judge of Probate

W. H. ESTOUP, ET AL.,  
Defendants.

IN THE COURT OF PROBATE OF  
BALDWIN COUNTY, ALABAMA

NOTICE OF APPEAL

Now comes Alabama Power Company, a corporation, applicant in the above styled condemnation proceeding, by and through its attorneys of record, and in compliance with Title 19, Sections 17 and 20, Code of Alabama, 1940, files this its written notice of appeal from the order denying its application to condemn certain lands in Baldwin County, Alabama, which was entered by the Court of Probate of Baldwin County on August 20, 1958, and appeals to the Circuit Court, Twenty-eighth Judicial Circuit of Alabama, and further gives notice that such appeal is given in writing within thirty days after the entering of such order by the Court of Probate of Baldwin County on August 20, 1958.

PREMISES CONSIDERED, appellant prays that a copy of this notice of appeal shall be served upon Honorable Worborne Stone, as attorney for W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murray Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith, and H. & B. Realty Company;

Applicant further prays that such notice of appeal also be served upon Honorable James A. Brice, as attorney for Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes, and Myrtis T. Rhodes;

Applicant further prays that a copy of this notice of appeal be served upon F. L. McKenzie, Mary K. McKenzie, S. A. Brown, Roy Morris, D. S. Evans, Margaret Evans and Baldwin Savings and Loan, Co., a corporation.

Appellant further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of

Alabama, in accordance with Title 19, Section 20, Code of Alabama,  
1940.

Beebe & Sweetinger  
F. D. Sweetinger  
Martin E. Blakey  
Carey J. Chitwood

TO: Baldwin Savings and Loan Co.  
Fairhope, Alabama

You are hereby notified that the above notice of appeal was  
filed in the office of the Judge of Probate of Baldwin County, Ala-  
bama, on the 23<sup>RD</sup> day of August, 1958.

Witness my hand, this the 23<sup>RD</sup> day of August, 1958.

M. R. Stewart  
Judge of Probate

ALABAMA POWER COMPANY

v.

W. H. ESTOUP, ET AL.

In the Court of Probate of  
Baldwin County, Alabama

STATE OF ALABAMA  
BALDWIN COUNTY

I hereby certify that I have  
served the within notice upon  
Baldwin Savings and Loan Co., a  
corporation, by leaving a copy of  
the same with Baldwin Savings  
as Loan Co., of said  
corporation.

This the 26 day of aug,  
1958.

Taylor Wilkins  
Sheriff, Baldwin County,  
Alabama

Ted Fisher Sr. Dist.  
Served this on  
Buddy Cummings  
Sec. Treasura

Sheriff claims 20 miles at

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY

Fisher  
DEPUTY SHERIFF  
Fisher Sr. Ala.

Defendants.

Appellant further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of



Alabama, in accordance with Title 19, Section 20, Code of Alabama,  
1940.

Beebe & Swearingen  
F. B. Swearingen  
Martin & Blakey  
Carey J. Chitwood

TO: Honorable Norborne C. Stone, Attorney for W. H. Estoup, et al.  
Messrs. Chason & Stone  
Attorneys at Law  
Bay Minette, Alabama

You are hereby notified that the above notice of appeal was  
filed in the office of the Judge of Probate of Baldwin County, Ala-  
bama, on the 23<sup>RD</sup> day of August, 1958.

Witness my hand, this the 23<sup>RD</sup> day of August, 1958.

M. R. Stuart  
Judge of Probate

|                        |   |                            |
|------------------------|---|----------------------------|
| ALABAMA POWER COMPANY, | ) | IN THE COURT OF PROBATE OF |
| a corporation,         | ) |                            |
|                        | ) | BALDWIN COUNTY, ALABAMA    |
| Applicant,             | ) |                            |
|                        | ) |                            |
| v.                     | ) |                            |
|                        | ) |                            |
| W. H. ESTOUP, ET AL.,  | ) |                            |
|                        | ) |                            |
| Defendants.            | ) |                            |

NOTICE OF APPEAL

Now comes Alabama Power Company, a corporation, applicant in the above styled condemnation proceeding, by and through its attorneys of record, and in compliance with Title 19, Sections 17 and 20, Code of Alabama, 1940, files this its written notice of appeal from the order denying its application to condemn certain lands in Baldwin County, Alabama, which was entered by the Court of Probate of Baldwin County on August 20, 1958, and appeals to the Circuit Court, Twenty-eighth Judicial Circuit of Alabama, and further gives notice that such appeal is given in writing within thirty days after the entering of such order by the Court of Probate of Baldwin County on August 20, 1958.

PREMISES CONSIDERED, appellant prays that a copy of this notice of appeal shall be served upon Honorable Horborne Stone, as attorney for W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murray Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith, and H. & B. Realty Company;

Applicant further prays that such notice of appeal also be served upon Honorable James A. Brice, as attorney for Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes, and Myrtis T. Rhodes;

Applicant further prays that a copy of this notice of appeal be served upon F. L. McKenzie, Mary K. McKenzie, S. A. Brown, Roy Morris, D. S. Evans, Margaret Evans and Baldwin Savings and Loan, Co., a corporation.

Appellant further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of

Alabama, in accordance with Title 19, Section 20, Code of Alabama,  
1940.

Becker & Sweetinger  
T. D. Sweetinger  
Martin & Blakey  
Carey J. Chitwood

TO: Honorable Norborne C. Stone, Attorney for W. H. Estoup, et al.  
Messrs. Chason & Stone  
Attorneys at Law  
Bay Minette, Alabama

You are hereby notified that the above notice of appeal was  
filed in the office of the Judge of Probate of Baldwin County, Ala-  
bama, on the 23<sup>RD</sup> day of August, 1958.

Witness my hand, this the 23<sup>RD</sup> day of August, 1958.

N. R. Stewart  
Judge of Probate

ALABAMA POWER COMPANY

v.

W. H. ESTOUP, ET AL.

In the Court of Probate of Baldwin  
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the  
within notice by leaving a copy of the same  
with Hon. Norborne C. Stone  
personally, on the \_\_\_\_\_ day of

August, 1968.

\_\_\_\_\_, Baldwin

Sheriff

County

Alabama

By \_\_\_\_\_

Deputy Sheriff

Re Minette Ala

W. H. ESTOUP, ET AL.,  
Defendants.

IN THE COURT OF PROBATE OF  
BALDWIN COUNTY, ALABAMA

## NOTICE OF APPEAL

Now comes Alabama Power Company, a corporation, applicant in the above styled condemnation proceeding, by and through its attorneys of record, and in compliance with Title 19, Sections 17 and 20, Code of Alabama, 1940, files this its written notice of appeal from the order denying its application to condemn certain lands in Baldwin County, Alabama, which was entered by the Court of Probate of Baldwin County on August 20, 1958, and appeals to the Circuit Court, Twenty-eighth Judicial Circuit of Alabama, and further gives notice that such appeal is given in writing within thirty days after the entering of such order by the Court of Probate of Baldwin County on August 20, 1958.

PREMISES CONSIDERED, appellant prays that a copy of this notice of appeal shall be served upon Honorable Worborne Stone, as attorney for W. H. Estoup, Lois D. Estoup, Paul Kaiser, Jr., Helen Kaiser, Rudolph Weeks, Edna Weeks, Riley Weeks, Amilie Weeks, Leslie Weeks, Alga Weeks, Millard Weeks, Elliott Weeks, Lawrence Weeks, Margie Weeks, Justine Moore, Murray Moore, Hugh Weeks, Blanche Weeks, Mrs. Edwin Weeks, Shirley Fitzpatrick, Dick Fitzpatrick, Rosemary Smith, Emery A. Smith, and H. & B. Realty Company;

Applicant further prays that such notice of appeal also be served upon Honorable James A. Brice, as attorney for Douglas Rhodes, Maureen Rhodes, C. L. Rhodes, Emery B. Rhodes, D. W. Rhodes, and Myrtis T. Rhodes:

Applicant further prays that a copy of this notice of appeal be served upon F. L. McKenzie, Mary K. McKenzie, S. A. Brown, Roy Morris, D. S. Evans, Margaret Evans and Baldwin Savings and Loan, Co., a corporation.

Appellant further prays that this matter shall be set for trial de novo in the Circuit Court, Twenty-eighth Judicial Circuit of

Alabama, in accordance with Title 19, Section 20, Code of Alabama,  
1940.

Barker Swearingen  
F. B. Swearingen

Martin E. Blakely

Cary J. Chittwood

TO: Roy Norris  
Route 2  
Foley, Alabama

You are hereby notified that the above notice of appeal was  
filed in the office of the Judge of Probate of Baldwin County, Ala-  
bama, on the 23<sup>RD</sup> day of August, 1958.

Witness my hand, this the 23<sup>RD</sup> day of August, 1958.

W. B. Stewart  
Judge of Probate

ALABAMA POWER COMPANY,  
A Corporation,

Applicant,

v.

W. H. ESTOUP, ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

NOTICE OF APPEAL

TO: Horace D. Blow, Vero Beach, Florida

You are hereby notified that Alabama Power Company, a corporation, has filed its written notice of appeal in this Court from the order denying its application to condemn certain lands in Baldwin County, Alabama, which order was entered by the Court of probate of Baldwin County, Alabama, on August 20, 1958, such appeal being made to the Circuit Court, Twenty-Eighth Judicial Circuit of Alabama, within thirty days after the entering of such order by the Court of Probate of Baldwin County, Alabama, on August 20, 1958.

You are further notified that applicant, Alabama Power Company, with leave of court first had and obtained, amended in writing its notice of appeal on the 18<sup>TH</sup> day of September, 1958, by adding as party defendant thereto Horace D. Blow.

You are hereby notified that the above cause will be set for trial de novo in the Circuit Court, Twenty-Eighth Judicial Circuit of Alabama, in accordance with Title 19, Section 20, Code of Alabama 1940.

Witness my hand, this the 18<sup>th</sup> day of September, 1958.

  
\_\_\_\_\_  
Judge of Probate

IN THE COURT OF PROBATE OF  
BALDWIN COUNTY, ALABAMA

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ALABAMA POWER COMPANY,  
A Corporation,

Applicant,

v.

W. H. ESTOUP, ET AL.,

Defendants.

---

NOTICE OF APPEAL

---



ALABAMA POWER COMPANY,  
A Corporation,

Applicant,

v.

W. H. ESTOUP, ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

AMENDMENT TO NOTICE OF APPEAL

Now comes Alabama Power Company, a corporation, applicant in the above styled condemnation proceeding, by and through its attorneys of record and, with leave of court first had and obtained, amends its notice of appeal heretofore filed in this cause by adding as party defendant thereto Horace D. Blow.

PREMISES CONSIDERED, appellant prays that notice of the filing of such appeal, and of this amendment thereto, be given to Horace D. Blow, Vero Beach, Florida, by publication in some newspaper of general circulation published in the County of Baldwin once a week for three consecutive weeks.

*Deane & Luewinger*  
*J. B. Luewinger*

*Martin & Blakey*

*Carey J. Whitwood*

STATE OF ALABAMA, BALDWIN COUNTY  
Filed Sept. 18, 1958 M  
Book 017 page 234  
W. R. Stuart  
Judge of Probate

IN THE COURT OF PROBATE OF  
BALDWIN COUNTY, ALABAMA

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ALABAMA POWER COMPANY,  
A Corporation,

Applicant,

v.

W. H. ESTOUP, ET AL.,

Defendants.

---

AMENDMENT TO NOTICE OF APPEAL

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ALABAMA POWER COMPANY,  
A Corporation,

APPLICANT,

VS.

W. H. ESTOUP, ET AL.,

Defendants.

PETITION FOR CONDEMNATION OF RIGHT OF WAY  
FOR POWER LINE. AUGUST 1, 1958.

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA.  
BEFORE HON. W. R. STUART, JUDGE  
OF PROBATE, BALDWIN COUNTY, ALABAMA.

A P P E A R A N C E:

FOR THE APPLICANT:

Messrs. Beebe & Swearingen,  
Bay Minette, Alabama.  
Hon. Cary J. Chitwood,  
Birmingham, Alabama

FOR THE DEFENDANTS:

Messrs. Cigason & Stone,  
Bay Minette, Alabama  
  
Hon. James A. Brice,  
Foley, Alabama.

LOUISE DUSENBURY, Reporter,  
Bay Minette, Alabama

|                                       |    |                          |
|---------------------------------------|----|--------------------------|
| ALABAMA POWER COMPANY, A Corporation, | )  | IN THE                   |
| Complainant,                          | )  | PROBATE COURT OF BALDWIN |
| VS.                                   | )  | COUNTY, ALABAMA.         |
| W. H. ESTOUPPE, ET AL.,               | )  | AUGUST 1, 1958.          |
| Defendants.                           | )  |                          |
|                                       | )Q |                          |

MR. R. M. REESE, A WITNESS FOR THE APPLICANT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Chitwood

- Q. Would you state your name and address, please?  
A. R. M. Reese, Birmingham, Alabama.
- Q. By whom are you employed?  
A. Alabama Power Company.
- Q. What is your position?  
A. Superintendent in charge of surveys.
- Q. Would you state briefly for us your qualifications that enable you to make the surveys?  
A. Education, experience and licensed land surveyor.
- Q. Is the Alabama Power Company a Corporation organized under the laws of the State of Alabama?  
A. Correct.
- Q. Where is its principal place of business?  
A. Birmingham, Alabama.
- Q. Mr. Reese, does the Alabama Power Company have the right, by its charter, to manufacture power for sale to the public?  
MR. STONE: We object. The charter is the best evidence.  
THE COURT: Sustain the objection.
- MR. CHITWOOD: I have the charter here; it is rather bulky--  
MR. STONE: --We will admit it, Judge.
- THE COURT: All right.
- A. That is right.
- Q. Mr. Reese, was there a survey made here in Baldwin County, Alabama, for the proposed transmission line in the last six or eight months?  
A. Yes sir.

Q. Were Field Notes taken at the time of the survey?

A. Yes --

MR. STONE: ---We object unless it is shown that he participated.

THE COURT: It would be hear-say if he didn't participate.

Q. The survey was made under my supervision.

MR. STONE: He has not answered whether he participated.

THE COURT: Were you present at the time and place the survey was being made?

WITNESS: I was present in order to give the proper supervision.

THE COURT: Overrule the objection.

MR. STONE: Except.

Q. After this survey was made, was a map drawn up from the field notes for a description?

A. Yes sir.

Q. Were the descriptions drawn under your supervision and control?

A. Yes sir.

Q. Are the descriptions in the applications filed in this matter correct and accurate according to the Field notes in the survey?

A. Yes sir.

Q. Mr. Reese, would you tell us generally where the line goes from and to?

A. This line goes from the Silver Hill sub-station to the sub-station in Foley.

Q. What was the voltage on this line--

MR. STONE:\_\_\_We object, irrelevant, incompetent and immaterial.

THE COURT: Sustain the objection --

MR. BEEBE: If your Honor Please---

THE COURT: --No, I will overrule the objection.

MR. STONE: The amount of electricity that goes through the line?

--That can have no bearing what-ever on the right of the Power Company to condemn the land and select this particular route.

MR. BEEBE: May it please the Court, that is relevant, because the quantity of electricity is important --

MR. STONE: --If Mr. Beebe wants to testify, let him be sworn - If they want to send 110 volts, or whatever amount, that's their business.

THE COURT: I will over-rule your objection, due to the fact if it is a high powered line going across a field it would be some differente to allow voltage --

MR. BRICE: We renew our objection, because they had ample opportunity to set this out in the application; they have not seen fit to set it out in their petition - whether high powered or low powered voltage--

THE COURT: Overrule the objection.

MR. STONE: We except.

Q. You may answer.

A. 110,000 volts.

MR. STONE: We move to exclude the volts on the ground he has not been qualified as an electrical engineer or shown to have knowledge of the amount of electricity transmitted over this line. -- We would like to have a ruling. He has not been shown to be an electrical engineer.

THE COURT: Qualify the witness.

Q. Do you know of your own personal knowledge that this is to be a 110,000 voltage line?

A. I do.

MR. STONE: We still have another objection.

MR. CHITWOOD: You said if he was an Engineer or had personal knowledge.

MR. STONE: It would take both is our position.

THE COURT: I am going to overrule your objection.

MR. STONE: We except.

Q. Mr. Reese, would you explain, in your own terms, the considerations that are taken into account in determining a route for a transmission line, and particularly this one?

A. We picked the most feasible route.

Q. Does that involve not only the improvements on various lands---

MR. STONE: We object to him leading the witness.

THE COURT: Don't lead the witness.

Q. From an Engineering standpoint, have you chosen the most feasible route?

A. That is correct.

Q. Mr. Reese, is it generally the best engineering practice to have a 110,000 voltage line generally in a straight line rather than many curves?

MR. STONE: We object. This man has not been qualified as an expert. He testified that he had necessary education and experience to be a survey superintendent and that is all and we object to any technical testimony unless he is qualified.

THE COURT: Can you qualify him as an electrical engineer?

MR. CHITWOOD: No.

THE COURT: Sustain the objection.

Q. Provided this condemnation is carried through, what use will this right-of-way be put?

A. Used to operate and maintain a transmission line to serve the public.

ON CROSS EXAMINATION OF THIS WITNESS HE TESTIFIED:

Examination by Mr. Brice.

Q. You testified that you were qualified by necessary education and experience. Would you mind amplifying a bit on that?

A. I have been with the Power Company for 22 years and completed a course of Civil Engineering and been a licensed land surveyor since '42.

Q. Your field is land surveying and Civil Engineering?

A. That is correct, sir.

Q. Mr. Reese, you testified that you surveyed the most feasible route from Silver Hill to Foley - to the sub-station in Foley, is that right?

A. Yes sir.

Q. Feasible for whom, the Power Company?

A. Yes sir.

Q. The Power Company's interests were paramount in your selection of a route?

A. Yes sir.

CROSS EXAMINATION CONTINUED BY MR. STONE:

Q. Are you the man that selected the route?

A. No, the route was selected by some of our other Engineers that go out and select the route.

Q. Have you been over the route?

A. Yes sir.

Q. Are you familiar with the description in the application?

A. Yes sir.

Q. I would like for you to examine this photograph and compare it with the description in the applications. Would you like to see the application?

A. Please.

MR. CHITWOOD: We would like an opportunity to see the map.

MR. STONE: That is all right.

MR. CHITWOOD: Mr. Stone, I don't believe this map shows quite all.

MR. STONE: No it doesn't.

MR. CHITWOOD: We agree to use it.

WITNESS: This is on a small scale, but it is correct.

Q. Assuming the yellow line accurately represents the corners and section line -- Does that photograph accurately portray the line---

A. Yes.

Q. Tell the Judge how many acres of cultivatable land that line goes through?



MR. BEEBE: As I understand it, that map does not show the whole line.

WITNESS: No.

MR. STONE: From the northern portion of this map on which is marked the name "W. H. Estoup" - from the point where the little parenthetical mark is near east to the line at the North, would you tell the Judge how many acres of cultivatable land this line goes through?

MR. BEEBE: We object. Irrelevant, incompetent and immaterial.

THE COURT: Overrule the objection.

MR. BEEBE: We except.

WITNESS: You mean how many acres --Be a little more specific -- You mean how many acres the right-of-way will utilize?

MR. STONE: No. If the line goes through a 40 acre tract or a 20 acre tract, would you tell the Judge how many acres of cultivatable land this line goes through the middle of, or across.

MR. BEEBE: We object on the same ground.

THE COURT: Overrule the objection.

MR. BEEBE: We except.

Q. Assuming, Mr. Reese, that the scale on this map; that is one inch equals 1,000 feet--

A. One of these little squares -- There is 20 and 40 --- I will give the total. --- You want me to make the count down to the maximum 40 acre tract?

Q. Yes.

A. Well in answer to his question, using a 40 acre tract as a maximum means of measuring this line will go through a number of 20 and 40 acre tracts, to make a total of 540 acres --

MR. BEEBE: We move to exclude his answer on the ground it is irrelevant, incompetent, and immaterial and insufficient.

THE COURT: What would be your object, Mr. Stone?

MR. STONE: We are showing, Judge, or attempting to show that the

Power Company has located this line on a route most unfeasible to the farmers in the area; that it is feasible to the Power Company we admit, but most unfeasible to the farmers; we are developing that --

THE COURT: --The witness testified it was feasible to the Company--

MR. STONE: --Yes, and we are showing that it is unfeasible to the land owners.

THE COURT: Overrule the objection.

MR. BEEBE: We except.

MR. STONE: I would like to introduce this composit photograph as Defendants' Exhibit 1.

MR. BEEBE: We object to the introduction of that as irrelevant, incompetent and immaterial and insufficient; there has been no proof of its accuracy or how or went it was made and how it effects this particular transaction.

THE COURT: I overrule the objection. Your own witness says that it was, in his opinion a true line that he expected to condemn.

MR. CHITWOOD: He testified that the line was located correctly - not the land.

THE COURT: He testified from the photograph --

MR. BEEBE: --He said it didn't show the total line.

THE COURT: He didn't say that; he said the partial line and and your witness testified as to the number of acres according to that, which I don't think the acreage makes any difference.

Q. Mr. Reese, this line is shown by the red line on that composit photograph which is Defendants' Exhibit 1, generally follows the line 660 feet from the regular government lines around these forties that it passes through, is that correct?

A. Yes sir.

Q. Now where your line has a bend or an angle to it, it cuts across the forty diagonolly?

A. That's true.

Q. You do not follow the sections, quarter sections or quarter -

quarter section line in any particular point on the portion of the line shown on that map?

A. That is correct, sir.

Q. Now you have been over this line?

A. Yes sir.

Q. And I presume ---Did you walk the line or did you go to it at different spots or how?

A. Both. I walked a good bit of it and went to a good bit of it at different spots.

Q. It can be said that this line is located, can it not, to split the forties that it goes through where it is going in a straight line?

A. Yes sir

Q. That is feasible to the Power Company isn't it, so that you will have a minimum of hazards from the possible location of roads?

A. No sir, regardless of where the line would be we try to obtain a minimum hazard --

Q. You say you did not select this route?

A. That is correct.

Q. Do you know who did select it?

A. Our Engineers out of the Engineering Department; they selected the general route.

Q. What are the objections, or what is the reason for not following the quarter quarter section lines?

A. On account of different houses and other obstacles.

Q. Would you show me on here, if you can, any houses located along the quarter quarter section line south of the highway that is shown going through Section 26 - right through the middle?

A. Yes sir, there are some houses along here, indicating, and here, indicating.

Q. Would you show us some west of the proposed route?

A. Along here.

Q. Along the quarter section line?

A. That comes over there fairly close; there are some along in here, indicating.

Q. Did you find one, sir, on the quarter quarter section line?

A. Not precisely on the quarter section line but close.

Q. And when you get down into section 2 and the South Half of Section 35, and into the Section No. 11-or Section 12, I beg your Pardon, Township 8 South, that line is going through open, cleared, cultivatable land for about two miles, isn't it?

A. Yes sir, that is all there is there sir.

Q. It is going right through these farms, is that correct?

A. Yes sir.

Q. Not following any Government survey lines is it, sir?

A. No sir.

Q. And up at the northern part of that exhibit 1 at the portion marked "W. H. ESTOUP" it runs diagonally across that property to a point 1300 or 1,000 feet above his south line, does it not?

A. That is correct, sir.

Q. Now does the Alabama Power Company take into consideration the inconvenience or unfeasibility to the land owners when they select their routes?

A. Yes.

Q. You testified previously that the paramount consideration is the feasibility to the Power Company?

A. That is correct, sir.

Q. Now you have had a lot of experience in surveying these routes and going along these routes, I presume?

A. Yes.

Q. And based upon your experience, Mr. Reese, is it your opinion that it would be most feasible for these farmers if the line

were located along the edges of their fields rather than through the middle of their fields?

A. Not necessarily, no sir.

Q. Upon what do you base that?

A. Whether they are along the edge or middle, you still have them.

Q. You are going to have structures along this line, are you not?

A. That is correct.

Q. If you line is in the middle of the field you are going to have a structure in the middle of the field?

A. Possibly.

Q. What you mean by possibly?

A. All depends on where the structure would be; it might be on the edge of the field and again it might be in the middle; that is determined on profile and terrain.

Q. Depends on the distances you can swing your wire?

A. Yes.

Q. What is your average distance between structures on a forty acres?

A. Level ground?

Q. Yes?

A. 600 or 800 feet.

Q. You could not go from one end of a forty to the other without a structure in the middle?

A. No sir.

Q. Is that ground level?

A. Yes sir.

Q. Have you seen the land?

A. Yes sir.

Q. It is in cultivation?

A. Yes sir.

Q. Where there is a 40 acre tract involved there is going to be at least one structure in the field?

A. Yes sir, if there is a field.

Q. If the easement were located along the quarter quarter section or the quarter section line, that structure would not be in the middle?

A. If the field were adjacent it would.

Q. IF the fence row were the line?

A. Yes sir, because this would be an H. Frame Structure, not in the middle but along the edge.

Q. Might straddle --

A. Yes.

Q. But it would not be in such a position in the field that you might say is in the middle or approximately so; it would be = on the edge, is that correct?

A. That's correct.

Q. The power company considers that when they select these routes?

A. We consider everything sir, when we select these routes; we give everything consideration.

Q. Do you consider the fact that your structures might be in the middle of a field were a man is farming?

A. Yes sir.

Q. Do you consider the feasibility of putting it on the line?

A. Yes sir.

Q. Did you consider that in this instance?

A. Yes.

Q. What lead you not to put it along the line?

A. Due to obstacles and due to the fact we are trying to get the straightest route and a long the line wasn't most feasible; some cases up north we did go along the line.

Q. That line bends two or three times?

A. Twice.

Q. What obstacles did you find from the northern part of that particularly south?

A. Different houses in there and farms and what not are all out there.

Q. What about going south from the top of the picture?

A. That was what I say -- we went south and picked out the most feasible route down in there.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Chitwood.

Q. Is it the general practice of Alabama Power Company or other utility Companies -- only answer what you know -- to locate a line of this voltage along highways and road?

A. No sir.

Q. Is Alabama Power Company permitted to put 110,000 voltage along a road?

A. I don't know; I can't answer that - whether or not they are permitted, it is not feasible.

Q. Is it good engineering practice to build lines of this voltage near houses and barns and areas around homes?

A. Not to where it would effect houses.

Q. Is it the most feasible selection to have this type of line away from houses and homes and congested areas?

A. Yes.

Q. Getting back to the selection of this particular route -- Was this selection made as the most feasible to serve the public?

A. Yes sir.

ON RE-CROSS EXAMINATION THIS WITNESS TESTIFIED:

Examination by Mr. Stone.

Q. You selected a route to get to the sub-station and you are going to serve the people from the sub-station?

A. Yes sir.

Q. Are you going to serve the people from the line?

A. From the sub-station.

Q. The Alabama Power Company will serve them?

A. If the Alabama Power Company is presently serving them.

Q. Will you look to the left of that red line where it is straight on that photograph and show me a road, if there is one?

A. Running in which direction?

Q. South.

MR. BEEBE: There is no testimony that this map purports to show  
m roads.

Q. If there were roads, you could see them?

A. Yes sir. Your question was: Is there a road?

Q. From this point where the first bend occurred on the map would you come over 660 feet and tell the Court if there is a road any where along that line that you would have to go along?

A. No sir, I don't see anything from this map that looks like a road.

Q. Have you been over the route?

A. Yes sir.

Q. Is there a road?

A. Not to my knowledge, no sir.

RE-CROSS EXAMINATION OF THIS WITNESS BY MR. BRICE:

Q. You mentioned obstacles in the selection of this route and obstacles in other locations that would make you move the route -- Did the location of the U. S. Naval installation have anything to do with this route?

A. No sir.

Q. Was that a factor in the selection of any of these routes?

A. No sir.

Q. You didn't consider the expansion of the Naval Auxiliary installation close to this route?

A. No sir.

Q. Do you have the field notes that you mentioned with you?

A. No, I don't have them with me.

THE PETITIONER RESTS



MR. BEEBE: May it please the Court, we would like to put on one more witness before we close.

MR. A. M. REED, A WITNESS FOR THE PETITIONER, BEING FIRST DULY SWORN, TESTIFIED:

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Examination by Mr. Beebe.

Q. What is your name?

A. A. M. Reed.

Q. What is your position?

A. Manager of the Baldwin County Rural Electrification Office.

Q. Where does it operate?

A. All over Baldwin County and a part of Monroe County.

Q. Do you know whether or not the proposed line to be constructed - electrical transmission line from Silver Hill to Foley is needed in your business?

A. Yes sir.

MR. STONE: We object to the question as irrelevant, incompetent and immaterial.

THE COURT: Why would that be necessary?

MR. BEEBE: His Company is interested in it and wants electricity--

MR. STONE: You are testifying again, Mr. Beebe. We have objected, your Honor--

THE COURT: Overrule the objection.

MR. STONE: We except -- He might have answered the question and if so, I move to exclude the answer on the same grounds. I believe he did answer the question before I got my objection in.

WITNESS: Let him ask the question again--

Q. Do you know whether or not the proposed line to be constructed - electrical transmission line - from Silver Hill to Foley is needed in your business?

A. Yes sir.

MR. STONE: Now we move to exclude the answer. We also object to the question, "as now proposed".

THE COURT: I overrule the objection, because he has a right to say whether Revera wants to use it---

MR. STONE: That is not Revera; that's R.E.A.

MR. BEEBE: He says that the REA serves electricity from one end of the County to the other; and they serve the rural people in South Baldwin --

MR. STONE: You are testifying again, Mr. Beebe.

THE COURT: They are already established in the area--

MR. BEEBE: Yes sir, and so is REA: THEY are established here.

MR. STONE: Judge Stuart, I think we are going to have to swear Mr. Beebe.

MR. BEEBE: He says they serve all of Baldwin County and a part of Monroe County.

MR. STONE: We object to whether or not his organization needs the electricity that they allege that they are going to transmit over this line.

THE COURT: Even though he does or doesn't, doesn't look to me like the contention the way the line is being surveyed to go through the property - that is the way it appears - your objection would not be to the line going through the area if it was surveyed a little different --

MR. STONE: In that regard, we recognize that the Alabama Power Company can condemn land; we are not going to stand here and say they can't --

THE COURT: I am going to overrule your objection as to Mr. Reed's Company needing the electricity./

MR. STONE: Except.

Q. Do you know the elements and instruments to be taken into consideration in locating a high powered transmission line?

MR. STONE: We object --

Q. What is your business?

A. Distribution of electricity.

Q. Have you had occasion to know the location?

A. No - on a 110,000 voltage, no.

Q. Do you know whether or not it is feasible to locate a high

powered line along and close to houses?

MR. STONE: May it please the Court, he is not qualified to answer--

THE COURT: He has already answered no.

Q. Have you had occasion to locate high powered line or distribution lines to homes?

A. Distribution lines, yes.

Q. You are familiar with the location of distribution lines?

A. Yes sir.

Q. The roads and routes to houses, are they used for the location of lines for distribution on high power--

A. That question is worded awkwardly -- As far as I am concerned - do you mean distribution lines go adjacent to houses?

Q. Yes?

A. Yes sir.

Q. You do not locate high powered lines adjacent to houses?

A. I don't locate them at all.

ON CROSS-EXAMINATION-OF-THIS-WITNESS,-HE-TESTIFIED:

Examination by Mr. Stone.

Q. Can your organization purchase power from the Alabama Power Company in this area at this time?

A. No.

EXAMINATION BY MR. BRICE:

Q. Are there any distinguishing characteristics between a high tension distribution line?

A. Yes sir.

Q. Is an H. Structure generally accepted for high voltage?

A. Yes, I think it is from Alabama Power Company; that is all I am familiar with.

Q. Are you familiar with the cause-way area from Spanish Fort to Mobile?

A. I pass there.

Q. Is there a high powered line running along that route?

A. Yes.

Q. Is it adjacent to houses?

A. I couldn't answer that.

Q. Is it adjacent to business establishments?

MR. CHITWOOD: We object; he has not shown it is the same type line.

THE COURT: He said high powered.

MR. CHITWOOD: That is from 22,000 up to 320 thousand.

THE COURT: I will overrule the objection and let him answer the question if he can.

Q. There is a line there.

Q. It is an H. structure, is it not?

A. Part of it is, yes.

EXAMINATION BY MR. STONE:

Q. Mr. Reed, from whom does your organization purchase power in this locality? -- In the area of this condemnation?

A. Reveraa- City of Foley.

Q. Do you know of your own knowledge whether the Revera Utilities or the City of Foley charge you more - your Co-Operative - more for the electricity than they pay for it?

MR. CHITWOOD: We object.

THE COURT: Sustain the objection.

MR. STONE: We except.

THE PETITIONER RESTS:

MR. CHARLES RHODES, A WITNESS FOR THE DEFENDANTS, BEING FIRST  
DULY SWORN, TESTIFIED AS FOLLOWS:

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Examination by Mr. Brice.

Q. Will you state your name?

A. Charles Rhodes.

Q. Are you a party to this condemnation?

A. Yes I am.

Q. Are you related to the Mr. D. W. Rhodes and Mr. Douglas  
Roads?

A. I am - my father and brother.

Q. Are you all in a farming operation together?

A. Yes we are.

Q. Mr. Rhodes, have you ~~made~~ examined the application of the Alabama  
Power Company, and are you familiar with the lands they seek  
to condemn from you?

A. Yes I am.

Q. And from your brother and father?

A. Yes.

Q. You have seen the actual stake-out on the ground?

A. Yes sir.

Q. You know exactly where it is going to run?

A. Yes sir.

Q. Mr. Rhodes, how many 40 acre tracts of land belonging to you,  
your brother and your father does this condemnation strip  
touch?

A. Seven.

Q. Seven 40 acres?

A. Yes.

Q. Across how many of those forties is this 100 foot strip on  
a 40 line -- on the edge of the forty?

A. Three.

Q. And on how many of them does it angle ?

A. The line itself?

A. Half of the transmission line?

A. Three others.

Q. The ones it angles -- Does it split them?

A. Not definitely diagonally.

Q. It runs across the middle of the field?

A. Yes, but not right in the center.

Q. But it is right out in the middle of the field?

A. Yes sir.

Q. All--are all of these fields in the 40 acre tract under cultivation?

A. Yes sir.

Q. What uses have the lands been put to?

A. Put to the production of milk and grain and irish potatoes.

Q. Milk, grain and potatoes?

A. Yes sir.

Q. It has been used for these agricultural purposes for a number of years?

A. Yes sir.

Q. Mr. Rhodes, is this proposed transmission line feasible to you and your brother and your father?

A. No.

Q. Is it inconvenient to you?

A. Yes.

Q. Will it damage your farming operations?

A. Yes sir.

Q. In what manner, sir?

A. Well the poles will be situated out in the field so as to be at a disadvantage to work with farm machinery; farm tractors; it would be a disadvantage to having our crops sprayed with planes and generally be in the way.

Q. Mr. Rhodes, did you and your brother and your father write the Alabama Power Company a letter?

A. Yes sir.

Q. In that letter, sir, did you over to negotiate with them if they would move out of your cleared fields and not go  
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down the middle of your field?

A. Yes sir.

Q. Did you offer them other sites and property that would affect you, but not hurt you as badly?

A. We suggested other property---

Q. You made the offer in good faith and you are willing to help them with the transmission line if they will move it over?

A. Yes sir.

Q. You are not opposed to more power coming into Baldwin County?

A. No sir.

Q. But you did ask them to move over and run straight on the edge of the field?

A. Yes, on a straight line.

Q. Was your purpose to reduce the damage to your cultivated fields?

A. Yes.

Q. Mr. Rhodes, you stated that you are familiar with the present path of this transmission line as staked out?

A. Yes sir.

Q. Do you know how many acres of cultivatable land it is going to affect?

A. How many acres actually involved in the easement?

Q. Yes.

A. Between 17 and 18. 17 and some tenths acres,

Q. Mr. Rhodes, if this line were straightened out, how many cultivatable acres would it hit?

A. It would be less than half; I could not give it in acres.

Q. If this transmission line were moved west 50 feet and run south in a straight line, how many cultivatable acres would it affect?

A. On the line?

Q. Yes?

A. Not any, I don't think if it were located on the line.

Q. If they stayed out of the middle of the field, and moved

50 feet they would not hit a cultivatable acre?

A.

A. It would be along a fence line.

Q. That would not damage your farming operations?

A. No.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Chitwood.

Q. Mr. Rhodes, I just have one or two questions. Mr. Rhddes, you stated your land and the land of your brother and your father considered as a group had been used in your operations for the growing of grain, potatoes and I believe you said milk. Is part of it a dairy?

A. Yes sir.

Q. Well now would you ~~xxx~~ please state to the Court whether or not you will be able to use this same land for these same purposes after a transmission line is built?

A. I didn't understand the question.

Q. Will you still be able to grow grain and potatoes and have cows on the land after the line is built?

A. The land other than the easement.

Q. The seven sections you say this line would affect - seven 40 acres--Will you be able to use the seven tracts for the same thing as you are using it now?

A. Not all together.

Q. Why not?

A. Because in row crops where you are growing grain and potatoes certainly you are going to have to go around the poles and lines and with spraying equipment you have to go around --You have to leave a turn-line around each pole.

Q. The wire will be in the air?

A. Yes, but will be in the way of spraying by aeroplane.

Q. Talking about equipment on the ground -- will anything other than the poles themselves cause you a great inconvenience as to growing grain and potatoes and farming



operations on the seven forties that you refer to?

A. That would depend on what the Alabama Power Company put there - guy wires, they would be in the way and the poles themselves--

Q. Well assume poles and guy wires?

A. The poles and guy wires will be in the way.

Q. Would anything else matter? --- Mr. Reese testified that the specifications called for one pole every 600 to 800 feet - You would have a pole and a guy wire here --The 100 foot strip between the two poles, you would not be inconvenienced in using the land as you have been?

A. Yes I would because you would have a right to go in there to repair or work on the line at any time you saw fit, even if we had crops growing -- you have the easement to go in and out whether I have a crop growing or not and it would be in the way.

Q. Here is the point I want to get clear - Will the building of this line prohibit you from growing grain and potatoes and carrying on the dairy operations on the 40 acre tracts?

A. Not the entire forty.

Q. Is there only one way to spray with a aeroplane--Can you only go in one direction? --Must you spray east and west or north and south, or can he fly any way he wants to?

A. Any way.

Q. He can parallel the line as easily as he could go across it, couldn't he?

A. No sir, if it ran angling across and he attempted to spray a field angling when he got in the corner he could not spray.

Q. How much space would be left?

A. I don't know much about flying a plane, but I would say a place as big as this room.

Q. You say it would inconvenience you to such extent that a plane could not spray as well --- It would prohibit you

from spraying?

A. Near and from under the wire.

Q. They take up 100 feet - the wire themselves won't take up 100 feet?

A. No, but the easement is 100 feet.

Q. You spoke if the line were moved west 50 feet -- what is west 50 feet? I don't know your land myself and I don't know what you are referring to?

A. It's a fence line.

Q. That means if you would put the line on the fence line?

A. Yes sir.

Q. Do you own the forty on the other side?

A. No sir.

Q. Do you think that fellow will be pleased about that?

A. I don't know whether he would or not.

ON RE-DIRECT EXAMINATION OF THIS WITNESS HE TESTIFIED:

Examination by Mr. Stone.

Q. If it is moved west 50 feet it will also touch two other additional forties belonging to you and your father and brother?

A. Four--

Q. Touch Four additional forties?

A. Yes sir.

Q. You are not asking that they give the other fellow the burden; you ask that the burden be put on less valuable land?

A. Where it would suit our convenience a little better.

ON RE-CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Chitwood.

Q. At the same time would it suit the convenience of your neighbors?

A. As well as me -- They're carrying on the same operations as I.

Q. 50 feet would be on your land and 50 feet on the other party's land --- The other party is not here--

MR. STONE: He is not here because the Alabama Power Company didn't bring him here; we are not here voluntarily; we are here because the Alabama Power Company brought us here.

MR. ESTOUP, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Stone.

Q. Is this Mr. W. H. Estoup?

A. Yes sir.

Q. Mr. Estoup, you and/or your wife have some land involved in You and your wife have some land involved in this condemnation proceeding?

A. Yes sir.

Q. You are a party to it?

A. Yes sir.

Q. This land that you have involved, is it located north of Foley -- Magnolia Springs Highway?

A. Yes sir.

Q. You see on this defendant's Exhibit A a portion of it with the word "W. H. ESTOUP" written out side of the red line in which there is a parenthetical mark - is that <sup>an</sup> areal photograph of your land as it existed sometime ago?

A. Yes sir.

Q. Is that land in substantially the same condition?

A. No.

Q. What changes have you made?

A. We have cleared up a lot more land.

Q. Cleared up a lot more?

A. Yes sir.

Q. Are you familiar with the description of the right of way south to be condemned and as staked out on your ground by the Alabama Power Company?

A. Yes sir.

Q. Does that red line opposite your name accurately represent as nearly as possible the location of the line across your  
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land?

A. That is what they told me, yes sir.

Q. Now Mr. Estoup, what is the effect upon your operations on this particular piece of property or that of your tenants with the line angling across your land for approximately three-fourths of the distance and for the remaining one-fourth being right in the middle of the southern portion that is cultivated? -- What is the effect on the cultivation?

A. He is not going to be able to do what he is doing now.

Q. How will it interfere, Mr. Estoup?

A. Where this angle comes in, as I understand it, there are to be three poles and some guy wires at this turn and down here along the smaller acreage in there is to be two poles in the middle of that section, so I was told that he would not be able to do what he is doing now; he will have to go around those--

Q. Does he plant row crops on the property?

A. Yes.

Q. Mr. Estoup, if this line were located on or along the perimeter ~~xxxxxxx~~ of your property, would it interfere less?

A. I guess it would.

Q. If it were located along the quarter section, or quarter-quarter section, would it interfere less with your operations?

A. You mean if it were moved over?

Q. Yes?

A. If it were moved over we would not have near as much trouble.

Q. If this line didn't angle across your property it would cause you less trouble, would it not?

A. That is right.

Q. Has the applicant, or Alabama Power Company or any of their representatives that you have talked with told you about the location of the different structures that they intended to put on your land?

A. Yes sir.

Q. How many structures would there be on your land?

A. I don't know; I tried to get them, when I went to Birmingham, to move one of the structures near the fence and put the other one where there was a little slough - four foot lower than the majority of the land and they said it would cost more money and they were not going to put them there.

Q. That they were going to put them as they had originally planned?

A. Yes sir.

Q. Did they point out the location of three, four or five structures on your property or more?

A. Five if I remember correctly.

Q. Five structures on your property?

A. Yes sir.

Q. How many acres do you own in there?

A. 300 all together.

Q. Involved in this?

A. About 150 acres --It's a portion of that.

Q. That is with the line angling as shown by the red line here?

A. Right.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

MR. CHITWOOD: No questions.

MR. JOHN G. EVANS, BEING FIRST DULY SWORN, TESTIFIED FOR THE DEFENDANTS AS FOLLOWS:

Examination by Mr. Stone.

Q. Is this Mr. John G. Evans?

A. Yes sir.

Q. You are one of the parties to this proceeding, Mr. Evans?

A. Yes sir.

Q. You have some land involved in this proceeding?

A. Yes sir.

MR. CHITWOOD: He is a party?

MR. STONE: Yes.

MR. CHITWOOD: Is that D. W. Evans?

WITNESS: I have a power of Attorney.

Q. You are not a party?

A. I am but not by name.

MR. STONE: If you want to object to his testimony on account of his presence in Court, I can qualify him. It is my mistake; I thought Mr. Evans was an actual owner.

MR. CHITWOOD: The title is in Mr. D. W. Evans.

WITNESS: I have a power of attorney.

MR. CHITWOOD: We'll let him testify.

Q. You are familiar with the D. W. Evans property involved in this condemnation proceeding?

A. Yes sir.

Q. I would like for you to examine this composit photograph which has been introduced as Defendants' Exhibit A. and I point out to you the location there on of the word "Evans" and parenthetical lines opposite there, is that the location of your property or the D. W. Evans property?

A. Yes sir.

Q. This line is located by the Alabama Power Company-- Does it go through the middle of the property?

A. Yes sir, right through the middle.

Q. Is all of this in cultivation?

A. No sir.

Q. Is any part of it in cultivation?

A. About 20 or 25 acres, but we don't cultivate it ourselves.

Q. Leave it out?

A. Give it to people.

Q. It is being cultivated by some one down there?

A. Yes sir.

Q. Does that line come through the middle of the property?

A. Yes sir, right through the middle.

Q. Mr. Evans, if that line were either located

660 feet either to the east or to the west, would it hinder your use and enjoyment of the property less?

A. Certainly it would - if they went down the property line, because we have already given a right of way 60 feet wide for utilities and road ways; that is where we would like to have it.

Q. You are speaking of to the east?

A. Yes sir.

Q. If it were moved to the west it would also interfere with your operations less?

A. That's right.

Q. Now this is the 40 acre tract here -- is that the 40 acre tract owned by D. W. Evans?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Chitwood.

Q. You mentioned if you moved to the east to a road way--

A. Yes sir.

Q. I believe we had testimony before as to whether a line could be on the road-way --Now moving to the west you say it would interfere with you less. Do you own the 40 next to it?

A. No.

Q. Then it would interfere with somebody else?

A. It would be in the swamp.

Q. I believe you said that you would be damaged or inconvenienced in the use of this 40 acres of land by this line?

A. Yesssir.

Q. I believe you said you just let people use it?

A. He didn't ask the question what we got it for.

Q. What did you get the land for?

A. We bought the land 19 years ago and we have it set aside for a sub-division between Magnolia Springs, which I am in the business and if the line goes through the middle it

will ruin the whole set up, but if it goes by the road which we have given and where they have built a road, it wouldn't hurt us as bad.

Q. You bought it 19 years ago for a sub-division and have not sub-divided it yet?

A. No sir, and it might be another 19 years--

ON RE-DIRECT EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Stone.

Q. Your testimony is that if they are going to need 100 feet you had rather it be on one side or the other of the property?

A. Yes sir.

Q. You are not trying to push it off on somebody else?

A. No sir, we would give any amount.

MR. PAUL KAISER, BEING FIRST DULY SWORN, TESTIFIED FOR THE DEFENDANTS, AS FOLLOWS:

Examination by Mr. Stone.

Q. Is this Mr. Paul Kaiser?

A. Yes sir.

Q. Do you have some property involved in this condemnation proceeding?

A. Yes sir.

Q. Have you seen this photograph?

A. Yes sir.

Q. Are you familiar with the area of land that attempts to portray?

A. Yes I am.

Q. On that photograph at the point marked "P. KAISER" does that parenthetical mark along the red line show the location of the property that you have involved in this proceeding?

A. That is right.

Q. What is your occupation?

A. I am a farmer.

Q. How is this land used that is involved here?



A. We use it for row crops entirely.

Q. Do you use machinery in the cultivation of those crops?

A. Yes sir.

Q. Now this line is located -- goes right through this  
40 acres?

A. Right through the middle of it.

Q. Is this 40 acres all in cultivation?

A. Yes sir.

Q. If the 100 foot strip that the Alabama Power Company wishes  
to condemn over your property were located in the eastern  
or western portion of this property would it interfere  
less with your operations?

A. A whole lot less.

Q. What way will it interfere if it is located in the middle?

A. It would be an obstacle; we use pretty good sized tractors  
and other equipment and any time the tractor would run into  
there it would tear up the tractor; we would have to use a  
place to turn around and every time they would go up there  
they would be held up from doing their work and if we  
spray, which we do a lot of the time, and if we have  
potatoes and we get blight in the potatoes and if you don't  
thoroughly do the job of spraying the blight takes hold of the  
rest and kills the effect of what you are trying to do.

Q. The machinery would have to dodge the structures?

A. Yes sir.

Q. What is the effect on the land that you can't continue to  
cultivate?

A. You build up a bank and grass grows up there and you can't  
do a good job.

Q. You can't have your rows continuous or even?

A. No; you have to go around it.

Q. Is the machinery more difficult to operate when you can't  
use it on a straight line?

A. Yes sir.

Q. The structures would prevent you from operating on a straight line?

A. Yes sir.

Q. Would that be true if it were 660 feet either to the left or the right?

A. A whole lot less; we could just back off, but this way we have to go around.

Q. Is there a road east of this property going north and south?

A. Yes sir.

Q. What is on the west side?

A. A fence line.

Q. Do you own the adjoining forty to the west?

A. No.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Chitwood.

Q. Mr. Kaiser, have you had occasion to view the stakes on the ground on this 40 that you speak of?

A. I didn't see them; I didn't particularly notice.

Q. Have you noticed them in the adjoining 40?

A. Yes I have along the highway - there are some right across the road on the north.

Q. Are they in a straight line?

A. Yes sir.

Q. Running for several 40's?

A. The way I saw them.

Q. But you think it would be more convenient to you if this particular forty were moved over 660 feet -- the line located through this particular 40 were moved over 660 feet?

A. Yes sir.

Q. That would leave a straight line for a number of forties and a line moved over--

MR. STONE: We object to that.

MR. CHITWOOD: He said it would be more convenient for him in this particular forty if it were moved on the

south---

MR. STONE --We are not responsible for the location--

MR. CHITWOOD: He is testifying as to his own convenience - not looking for the whole thing; he wants the line moved over--

MR. STONE: If you locate in the middle, he is testifying as to his inconvenience--

MR. CHITWOOD: It is in the middle.

Q. I believe you say that you didn't own the adjoining 40 either on the east or the west?

A. That is right.

MR. LESLIE WEEKS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Stone.

Q. State your name?

A. Leslie Weeks.

Q. You are one of the several owners of the land immediately south of Mr. Kaiser's property here?

A. Yes sir.

Q. How much land do you and your relatives own in there?

A. 40 acres.

Q. Are you familiar with the line, the subject of this controversy this morning and the location across the 40

A. Yes sir.

Q. Does it run across the middle of the forty acres?

A. Yes sir.

Q. Is that 40 acres in cultivation?

A. Yes sir.

Q. What kind of crops do you raise?

A. Row crops and turnip greens.

Q. Now if that line were located either to the west edge or the east edge of this 40, would it inconvenience you less with the operations on that 40?

A. A lot less.

Q. And the property in the general area from your 40 on is mostly cleared on south, is it not?

A. Yes sir.

Q. The property from you south is cleared land mostly in cultivation?

A. Yes sir, almost completely.

Q. You have heard these other gentlemen testify about the interference with their property, is that the type of interference you would experience?

A. I think we would have more. We plant turnip greens and we use a mower that is seven feet wide and hooks on part of the tractor and that's six feet more and the thing that carries the greens is 20 feet and the thing you put the greens in is four or five feet.

Q. You have an operation covering twenty some odd feet across the field?

A. More than that.

Q. How would a structure on the land interfere with that?

A. You would have to turn around --You just couldn't get around it--

Q. You would have to dodge it and get re-set and move across the field?

A. That is right.

MR. W. B. BERMEISTER, A WITNESS FOR THE DEFENDANTS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

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Examination by Mr. Stone.

Q. Would you state your name, please?

A. W. B. Bermeister.

Q. Are you an officer of H. & B. Realty Company?

A. Yes, but we have changed it from a corporation and the original holders own the property.

Q. It is a partnership now?

A. Yes sir.

Q. You are one of the partners of the H. & B. Realty Company?

A. Yes sir.

Q. Are you familiar with the land that the Alabama Power Company is seeking to condemn belonging to the H. & B. Realty Company,

Or to you and your partners?

A. Yes sir.

Q. And the lands are used in your partnership business?

A. Yes sir.

Q. How many acres of your land does this easement effect -  
By that I don't mean that would be included in the easement --  
How many different sub-divisions does this cross?

A. It goes through two forties at one point and angles through  
three forties at a different point.

Q. Look at this map, which is defendants' Exhibit A., and  
particularly the portion marked H. & B. REALTY - Are those the  
forties about which you have testified that it would touch?

A. Yes sir.

Q. Mr. Bermeister, explain the character of that land and the uses  
to which it is put?

A. Cultivated crops - Potatoes, corn and beans are planted there

Q. That is open, mostly level land?

A. Yes sir, some drains through it, but it is cultivated land.

Q. Are you familiar with the location, or the proposed location  
of this transmission line as staked out or located by the  
Alabama Power Company?

A. Yes sir, pretty well.

Q. Does that line generally, without regard to the ditches or  
the draingge factors, cut across this land -- across  
the part that is in cultivation?

A. Yes sir.

Q. It is not on any governmental sub-division line, is it?

A. No -- at one point where it angles at the lower end  
that is more or less on the section line as I understand  
it.

Q. On the two northern forties it is generally north and  
south, but your southern three forties it is at a decided  
angle across the forties?

A. That is right.

Q. Are there fence rows in and around these forties that you and

your partner cultivate?

A. Well there is; there is at the lower angle - on the west and east angle there are fence rows and above there has been a fence but of not much use - above here we don't have any cattle, but below we have fence rows around the land for cattle.

Q. Mr. Bermeister, if that easement were located and the transmission line erected along the red line shown on that map across the land in which you are interested, would it interfere with the operations that you have on the property and the cultivations

~~XXXXXX~~

A. As we run the rows down we would have to leave an area of land to get around and go beyond -- there would be a loss of cultivatable land and we would have to be careful about getting too close with heavy equipment and the drains would be interfered with, because down there crops are planted so the excess water can get off and when it comes to poles, it would cause a muddy area - pond up, and we couldn't run the rows down unless it happened to be next to the drain.

Q. Let me ask you this: If the line as staked out and shown -- if the easement for the Alabama Power Company to erect this line, to get to a proposed sub-station were moved at your northern two forties approximately 660 feet to the east and from those two forties follow generally the drainage ditches would it interfere more?

A. To the east or west?

Q. West?

A. The west would be preferable because it shows the poles will be set more or less with the drainage ditch running north and south.

Q. About 660 feet from the line is the drainage ditch to the west?

A. Yes sir.

Q. If those structures straddled the ditches or followed the ditches would it interfere less?

A. If it was near the ditch it would be less interference.

Q. How big are those drainage ditches?

A. The ditches south are cut about three foot and taper out more or less 20 feet.

Q. You can cultivate up to 10 or 15 feet on either side of them?

A. Yes, more or less.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Chitwood.

Q. Can you use the land in these forties generally for the same purposes which you are using it now with the exception of the area around the poles?

A. Same crops, except we contemplated putting in pecan trees and you know to cultivate there - some farmers are doing that - setting trees 100 feet apart and cultivating and in this case, of course, we could not put any trees there ---

Q. This is still an idea?

A. It has been done by parties near by.

Q. Have you done it on your land?

A. No sir. Mr. Corte is about two miles away and he is doing it and we were contemplating doing it.

Q. Your land is still used for beans and not pecan trees?

A. Yes sir.

Q. You speak of several different instances where you are inconvenienced by the line as staked out on the ground. You say around the poles it might have water or it would be difficult to cultivate around the poles?

A. Yes sir, you would have to keep away because equipment is getting larger and wider.

Q. Your land would be damaged to some extent as it is now?

A. Yes sir.

Q. Were you offered any money for the damages?

A. Not as I know of.

Q. You have never been made an offer?

A. No. They said if it damaged the crops at any time we would get compensation; we have nothing in writing.

Q. I am talking about an offer - Did the Power Company offer to buy it?

MR. STONE: We object to that; they filed a condemnation.

A. No we didn't offer--

Q. --I didn't say did you offer -- I said were you made an offer by the Alabama Power Company of a stated sum of money to buy the right of way?

MR. STONE: We object. Irrelevant, incompetent and immaterial.

THE COURT: Sustain the objection.

MR. CHITWOOD: It is relevant to this point: That he has testified that he would be damaged and I want to show that he is to be compensated to that extent.

MR. STONE: The fact that they offered money ---

THE COURT: There would be no evidence that he accepted it--

MR. STONE: He must not or he wouldn't be here.

THE COURT: If this right of way were set over to the west as you stated, would you be damaged much less on your property?

A. Much less, because where the drain runs, it would be more or less down the drain and where it is now it would be down the middle of the field except at one point.

THE DEFENDANTS REST.

THE PETITIONER REST.

THE COURT: I am of the opinion and from the evidence, the application will be denied in view of the fact that it could be set over one way or the other to where the farmer would not be damaged too much and too, if I appoint appraisers, the property is not for sale and the damages could not be arrived at ---

MR. CHITWOOD: ---The damages could not be assessed because the land is not for sale?

THE COURT: This is not for sale, but any way that is neither here nor there, but your petition is denied.



C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 37, both inclusive, correctly sets forth a true and correct transcript of the testimony in the above styled cause, which was had before Hon. W. R. Stuart, Judge of Probate Baldwin County, Alabama, on the 1st day of August, 1958.

This 10th day of October, 1958.

Louise R. Rasmussen  
Official Court Reporter, 28th  
Judicial Circuit of Alabama.