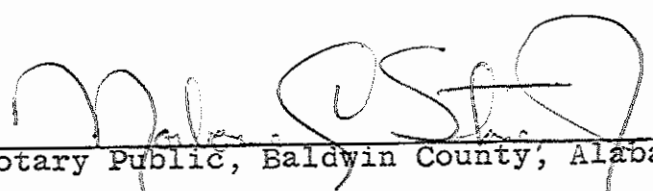


Given under my hand ~~and seal~~ this the 8<sup>th</sup> day of March,  
1961.

  
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

I, Michael C. Stone Jr., a Notary Public, in  
and for said County in said State, hereby certify that John L. Nelson  
and Mary G. Nelson, whose names are signed to the foregoing instru-  
ment and who are known to me, acknowledged before me on this day that,  
being informed of the contents of the instrument, they executed the  
same voluntarily on the day the same bears date.

Given under my hand ~~and seal~~ this the 8<sup>th</sup> day of March,  
1961.

  
Notary Public, Baldwin County, Alabama

FILED  
MAR 8 1961  
ALICE L. DUCK, CLERK  
REGISTER

3802

|                          |   |                         |
|--------------------------|---|-------------------------|
| BALDWIN COUNTY, ALABAMA, | X |                         |
| Condemnor,               | X | IN THE CIRCUIT COURT OF |
|                          | X |                         |
| vs.                      | X | BALDWIN COUNTY, ALABAMA |
| JOHN L. NELSON and MARY  | X |                         |
| G. NELSON,               | X |                         |
| Condemnees.              | X |                         |

AGREEMENT OF PARTIES

WHEREAS, the above matter is now pending in the Circuit Court of Baldwin County, Alabama by virtue of an appeal by the Condemnor from the order of the Probate Court of Baldwin County, Alabama dated July 23, 1958 condemning a right-of-way for public road purposes across the property of the Condemnees located in the East Half of the Southeast Quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section 34, Township 6 South, Range 2 East and awarding to the Condemnees the sum of \$492.40 as damages for the taking of said interest in said property; and

WHEREAS, The Condemnor and the Condemnees have agreed that the Condemnees are entitled to receive as damages for the taking of said interest in said property the sum of \$300.00 and that upon the payment of said amount together with the costs of this proceeding and the costs in the Probate Court of Baldwin County, Alabama that this appeal should be dismissed and that said interest in said property should stand condemned in accordance with the decree of the Probate Court of July 23, 1958, aforesaid;

NOW THEREFORE, BE IT MUTALLY UNDERSTOOD AND AGREED between the parties hereto as follows:

1. That Baldwin County, Alabama has this day paid to John L. Nelson and Mary G. Nelson the sum of \$300.00 as damages for the taking of the interest in the property belonging to them situated in the East Half of the Southeast Quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section 32, Township 6 South, Range 2 East as more particularly set forth in the order of the Probate Court of Baldwin County, Alabama dated July 23, 1958, the receipt and sufficiency of which amount is hereby acknowledged by the undersigned John L. Nelson and Mary G. Nelson as such

damages.

2. That Baldwin County, Alabama will pay all costs of Court incurred either in the Circuit Court of Baldwin County, Alabama or in the Probate Court of Baldwin County, Alabama in connection with this proceeding.

3. That Baldwin County, Alabama will dismiss its appeal from said decree of July 23, 1958 and the undersigned John L. Nelson and Mary G. Nelson do hereby consent to the dismissal of said appeal as evidence by the execution of these presents.

4. That an executed copy of this agreement be filed in the Circuit Court of Baldwin County, Alabama and in the Probate Court of Baldwin County, Alabama.

IN WITNESS WHEREOF, Baldwin County, Alabama has caused these presents to be executed by John B. Hadley as Chairman of the County Commission of Baldwin County, Alabama, being hereunto duly and legally authorized; and John L. Nelson and Mary G. Nelson have hereunto set their hands and seals on this the 7<sup>th</sup> day of March, 1961.

BALDWIN COUNTY, ALABAMA

By: John B. Hadley  
As Chairman of the County  
Commission of Baldwin County,  
Alabama.

John L. Nelson (SEAL)  
Mary G. Nelson (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, \_\_\_\_\_, a Notary Public, in and for said County in said State, hereby certify that John B. Hadley, whose name as Chairman of the County Commission of Baldwin County, Alabama is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he, in his capacity as such Chairman, executed the same voluntarily on the day the same bears date.

BALDWIN COUNTY, ALABAMA,

Condemnor,

VS.

JOHN L. NELSON and MARY G.  
NELSON,

Condemnees.

\* \* \* \* \*

AGREEMENT OF PARTIES

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

\* \* \* \* \*

CHASON & STONE

ATTORNEYS AT LAW

BAY MINETTE, ALABAMA

BALDWIN COUNTY, ALABAMA,

Condemnor,

VS.

JOHN L. NELSON and MARY G.  
NELSON,

Condemnees.

\* \* \* \* \*

AGREEMENT OF PARTIES

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

\* \* \* \* \*

CHASON & STONE

ATTORNEYS AT LAW  
BAY MINETTE, ALABAMA

TO: JOHN L. and MARY G. NELSON, Fairhope, Alabama.

Parcel #1:

Said Right-of-way being on the west side of said center line, lying in the East half of the Southeast quarter of Section 34, Township 6 South, Range 2 East, of Baldwin County and containing 2.462 acres more or less including the present roadway.

You will please take notice that the court has appointed the  
16<sup>th</sup> day of July, 1958, <sup>AT 10:00 A.M.</sup> as a suitable day upon which to  
hear said petition, at which time you may appear and contest the  
same if you choose to do so.

W. R. Stuart  
Judge of Probate

Received 28 day of June 1908

and on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

served a copy of the within Notice

to John L. Nelson

May 2. Nelson

By service on 60 June - 18

TAYLOR WILKINS, Sheriff

By T. J. Person D. S.

Fairhope

Sheriff claims 70 miles at  
Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY Reiser  
DEPUTY SHERIFF

3562

Bay Minette, Ala.,

8/5/58

19

Baldwin Co. - OS - John L. & Mary L. Nelson

IN ACCOUNT WITH

W. R. STUART

JUDGE OF PROBATE, BALDWIN COUNTY

Fee Bk. D, Pg. 72.

PLEASE RETURN BILL WITH REMITTANCE

Recording

from

to

Privilege Tax

Rec. Fee

Total

Probate Costs of appeal  
Sheriff's Fees

Total -

250  
15 50  
\$ 18 00



BALDWIN COUNTY, ALABAMA

IN THE PROBATE COURT OF

VS

JOHN L. and MARY G. NELSON

BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard and it appearing to the Court that the Commissioners heretofore appointed on the 16th day of July, 1958, in this cause to assess the damages and compensation which John L. and Mary G. Nelson should receive for the condemnation of the lands described in said petition as owned by them, or in which they have an interest, Arthur Hartshorn having heretofore executed a right-of-way Deed to the said Baldwin County, Alabama, and the proceedings in the premises as relate to him are hereby dismissed, and the Commissioners having reported to this Court their assessment of the compensation and damages which the said John L. and Mary G. Nelson should receive as follows: To John L. and Mary G. Nelson, the sum of \$492.40, as owners of Parcel #1, to-wit:

Beginning at the Northeast Corner of the Southeast quarter of Section 34, Township 6 South, Range 2 East, the point of beginning, thence 2649.9 feet S.1°06'E. thence 90.0 feet S.88°54'W. thence 70.1 feet N.43°34'E. thence 2599.9 feet N.1°06'W. thence 40.0 feet N.38°54'E. to the point of beginning.

Said Right-of-way being on the west side of said center line lying in the East half of the Southeast quarter of Section 34, Township 6 South, Range 2 East, of Baldwin County and containing 2.462 acres more or less including the present roadway;

And itk appearing to the Court that Baldwin County, Alabama, the Petitioner in this cause has paid into this Court the sum of \$492.40, the sum total of the award made by the Commissioners in their report of the assessment of compensation and damages to which the said defendants are entitled for the condemnation of the said lands for the purposes stated in said Petition, and the said report of the said Commissioners ought to be approved and confirmed;

It is, Therefore, ORDERED, ADJUDGED AND DECREED by the Court that the report of said Commissioners be recorded and that the same is hereby approved and confirmed and the lands above described be and the same hereby are condemned for the use of Baldwin County as a public road way as prayed for in its petition filed in this

Court on the 27th day of June, 1958, by virtue of which Baldwin County, Alabama, and its successors may construct and perpetually maintain a public roadway over the said lands and each parcel thereof as hereinabove described without further liability to the said named owners thereof.

Witness my hand this the 23rd day of July, 1958.

  
Judge of Probate.

BALDWIN COUNTY, ALABAMA

IN THE PROBATE COURT OF

PETITIONER

VS

JOHN L. AND MARY G.  
NELSON AND ARTHUR  
HARTSHORN,

BALDWIN COUNTY, ALABAMA

DEFENDANTS.

In the matter of the application to condemn land for right of way for road construction:

This day came Baldwin County by R. J. Robertson, its agent and Chairman of the County Commission of Baldwin County, Alabama, duly elected, qualified and entitled thereto and filed its application to have condemned for public road purposes those lands belonging to John L and Mary G. Nelson and Arthur Hartshorn, to-wit:

## Parcel #1:

Beginning at the Northeast Corner of the Southeast quarter of Section 34, Township 6 South, Range 2 East, the point of beginning, thence 2649.9 feet S. 1° 06'W. thence 90.0 feet S. 88° 54'W. thence 70.1 feet N. 43° 34'E. thence 2599.9 feet N. 1° 06'W. thence 40.0 feet N. 88° 54'E. to the point of beginning.

Said Right-of-way being on the west side of said center line, lying in the East half of the Southeast quarter of Section 34, Township 6 South, Range 2 East, of Baldwin County and containing 2.462 acres more or less including the present roadway.

## Parcel #2:

Beginning at the Northwest Corner of Section 2, Township 7 South, Range 2 East, run 40.0 feet S. 0° 21'W. thence 20.0 feet S. 89° 39'E. to the point of beginning, thence 70.0 feet S. 89° 39' E. thence 70.0 feet S. 45° 21'W. thence 2574.2 feet S. 0° 21'W. thence 20.0 feet N. 89° 39'W. thence 2614.2 feet N. 0° 21'W. to the point of beginning.

Said Right-of-way being on the east side of the center line of survey, lying in the West half of the Northwest quarter of Section 2, Township 7 South, Range 2 East, of Baldwin County and containing 1.228 acres more or less including the present roadway.

And in said petition Baldwin County, alleges that it is necessary and proper and to the interest of the County of Baldwin, that the county have and own the said lands for the purpose of a right of way for a road and the petitioner desires to have said lands condemned for and as a road for the use of the said County as a right of way for a public road; and praying that this Honorable Court will make an order appointing a day for the hearing of this petition; that due and legal notice of the same be given to John L. and Mary G. Nelson and Arthur Hartshorn, and that such other, further and general orders and decrees be made in the premises as may be necessary and proper for the acquirement by the petition of the property herein described for the purposes herein stated.

IT IS THEREFORE ORDERED by the Court that the 16<sup>th</sup> day of July, 1958, be and the same is appointed for hearing said application, and it is further ordered that notice be given to said owners of said lands in the manner and for the time required by law.

  
Judge

|                         |  |                         |
|-------------------------|--|-------------------------|
| BALDWIN COUNTY, ALABAMA |  | IN THE PROBATE COURT OF |
| PETITIONER              |  |                         |
| VS                      |  | BALDWIN COUNTY, ALABAMA |
| JOHN L. and MARY G.     |  |                         |
| NELSON and ARTHUR       |  |                         |
| HARTSHORN,              |  |                         |
| DEFENDANTS              |  |                         |

Comes Baldwin County, Alabama, Petitioner, in the above styled cause by Beebe & Swearingen, its Attorneys of record, and moves this Honorable Court to dismiss the petition heretofore filed in said court in the above styled matter as to Parcel #2 therein, the same being the property of Arthur Hartshorn at the time of the commencement of said proceedings, on which said property Arthur Hartshorn has given a right-of-way deed for the said Parcel #2, sought to be condemned in said proceedings. Petitioner further moves this Honorable Court to dismiss all proceedings in the said cause insofar as the same relate to Parcel #2 and Arthur Hartshorn.

Dated this the 20<sup>th</sup> day of June, 1958.

BEEBE & SWEARINGEN

BY

E. Swearingen  
Its Attorneys of record.

|                            |   |                         |
|----------------------------|---|-------------------------|
| BALDWIN COUNTY, ALABAMA    | § | IN THE PROBATE COURT OF |
| PETITIONER                 | § |                         |
| VS                         | § |                         |
| JOHN L. AND MARY G. NELSON | § | BALDWIN COUNTY, ALABAMA |
| AND ARTHUR HARTSHORN,      | § |                         |
| DEFENDANTS.                | § |                         |

In the matter of the Petition to condemn certain lands for right-of-way for public road.

This being the day appointed by the Court for hearing the application heretofore filed in this Court praying that this Court condemn certain land described in said application for the purpose set forth therein, now comes said applicant, by its attorney and the said John L. and Mary G. Nelson and Arthur Hartshorn, having had due and legal notice as required by law and failing to contest said petition, the Court proceeds to hear said application, together with all legal evidence touching the same; and it appearing to the Court that more than ten days' notice has been given to the defendant in this case, as required by law, and that the allegations of said petition are true, and that the said John L. and Mary G. Nelson and Arthur Hartshorn is the owner of said land and that it is necessary that the said land be condemned for the purpose mentioned in said application, and it further appearing to the Court that no objection to said petition have been filed in this proceeding, it is ordered, adjudged and decreed by the Court that said petition be and the same is hereby granted. And it appearing to the Court that V. J. Klein, W. J. Nelson, and John Fleming are three citizens of the County possessing the qualifications of jurors, and who are disinterested, and that the said named citizens are proper and competent persons to act as Commissioners to view the land described in said application, and after hearing all evidence offered to assess the damages and compensation to which the said John L. and Mary G. Nelson and Arthur Hartshorn are entitled, they are hereby appointed Commissioners for the purposes aforesaid. And the said Commissioners will report their doings to this Court.

  
 Judge of Probate.

STATE OF ALABAMA

BOOK 016 PAGE 406

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that WHEREAS Baldwin County, Alabama, did on the 27th day of June, 1958, file its petition in the Probate Court of Baldwin County, Alabama for the condemnation of certain lands described as parcel number 1 in said petition as the property of John L. Nelson and Mary G. Nelson, and the said Court acting on the report of the appraisers did on the 23rd day of July, 1958, enter an order granting the said petition and assessing the damages for the said John L. Nelson and Mary G. Nelson at \$492.40, which said sum the said applicant did pay into the Probate Court on the 5<sup>th</sup> day of August, 1958, and the said Baldwin County, Alabama, did appeal to the Circuit Court of Baldwin County, Alabama, from the said judgment of assessment of damages, on the 5<sup>th</sup> day of August, 1958, and the said applicant desires and proposes to enter upon the said lands and proceed with the improvement for which the said lands were sought by condemnation;

NOW THEREFORE, BALDWIN COUNTY, ALABAMA, as principal, and the FIDELITY AND CASUALTY COMPANY OF NEW YORK, as surety, are held and firmly bound to the said John L. Nelson and Mary G. Nelson in the penal sum of \$1,000.00, the payment of which the said principal and surety well and truly bind themselves, their successors, heirs and assigns.

The condition of the above obligation is such that if the said County of Baldwin shall pay such damages as the said John L. Nelson and Mary G. Nelson, owners, may sustain then this obligation shall be null and void, otherwise to remain in full force and effect.

WITNESS our hands and seals this the 5<sup>th</sup> day of August, 1958.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed Aug 5 1958  
Recorded W. R. Stewart  
book 016 page 406  
Judge of Probate

BALDWIN COUNTY, ALABAMA

BY

R. J. Robertson  
Chairman, County Commission

FIDELITY & CASUALTY COMPANY OF NEW YORK

BY

Louise M. Hand  
Attorney-in-fact

# The Fidelity and Casualty Company of New York

BOOK 016 PAGE 407

Power of Attorney — Certified Copy

BONDING DEPARTMENT

80 MAIDEN LANE, NEW YORK, N. Y.

Know all Men by these Presents:

That The Fidelity and Casualty Company of New York has made, constituted, and appointed, and by these presents does make, constitute, and appoint Dorothy Hand of Bay Minette, Alabama

its true and lawful attorney for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings, and contracts of suretyship to be given to all obligees

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of.....twenty five.....thousand dollars.

In Witness Whereof The Fidelity and Casualty Company of New York has caused its official seal to be hereunto affixed, and these presents to be signed by one of its vice presidents and attested by one of its secretaries this.....27th.....day of.....January, 1958

The Fidelity and Casualty Company of New York

By.....Carroll R. Young.....  
Vice President.

Attest:

.....A. J. Miller.....  
Secretary.



STATE OF NEW YORK,  
COUNTY OF NEW YORK,

ss.:

A. J. Miller

, being duly sworn, deposes and says:

That he is a secretary of The Fidelity and Casualty Company of New York, the corporation which is described in and which executed the instrument overleaf; that he knows the corporate seal of the said corporation; that the seal affixed to the instrument overleaf is the corporate seal of The Fidelity and Casualty Company of New York, and was thereto affixed by order and authority of the board of directors of the said Company; that he signed his name thereto by like order and authority; that he is acquainted with Carroll R. Young, and knows him to be a Vice President of the said Company; that the signature of the said Carroll R. Young subscribed to the said instrument is the genuine handwriting of the said Carroll R. Young, and was thereto subscribed by order and authority of the said board of directors of the said Company; that the said Company is duly and legally incorporated under the laws of the State of New York, and has complied with and is now complying with the provisions of the Act of Congress of July 30, 1947, allowing certain corporations to be accepted as surety on bonds.

The deponent further states that the following is a true copy of an extract from the minutes of a meeting of the board of directors of the said Company held at its office in the City of New York on the 19th day of December, 1956, a quorum being present, and the resolution contained in the said extract was unanimously adopted and is now in full force and effect:

"RESOLVED, that Frank A. Christensen, Chairman of the Board, J. Victor Herd, President of the Company, Gilbert L. Kerr, Erwin H. Luecke, Harold S. Robinson, and Carroll R. Young, each a Vice President of the Company, be, and that each of them hereby is, authorized to execute powers of attorney qualifying the attorney named in the given power of attorney to execute in behalf of The Fidelity and Casualty Company of New York bonds, undertakings, and all contracts of suretyship; and that any Vice President, or any Secretary, or any Assistant Secretary be, and that each of them hereby is, authorized to attest the execution of any such power of attorney, and to attach thereto the seal of the Company."

Sworn to before me this

A. J. Miller

27th

day of

January

19 58

Secretary.

Evelyn S. O'Donnell

Notary Public

CITY OF NEW YORK.

I, A. J. Miller

do hereby certify that I have compared the copy of the power of attorney overleaf and the foregoing copy of the affidavit annexed to the said power of attorney with the originals now on file in the home office of the said Company, and that the same are correct transcripts therefrom and of the whole of the said originals, and that the said power of attorney has not been revoked and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the seal of the said Company this 5th day of January, in the year of one thousand nine hundred and

Secretary.

STATE OF ALABAMA  
BALDWIN COUNTY

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

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

Your petitioner, the County of Baldwin, in the State of Alabama, by R. J. Robertson, its agent, as Chairman of the County Commission, duly elected qualified and authorized hereto respectfully shows unto your Honor as follows:

FIRST: That under the laws of the State of Alabama, your petitioner, Baldwin County, Alabama, is charged with the duty of providing rights of way for roads constructed within said County; that the said Baldwin County, acting through and by the State Highway Department, has surveyed and adopted and proposes to construct a public road over and across the lands hereinafter described and the County Commission has by resolution, duly adopted, judicially determined that it is necessary and proper and to the best interest of the County that the lands hereinafter described be acquired as a right of way for a public road and has by said resolution authorized and directed the institution of this proceeding, a copy of which resolution is hereto attached as exhibit "A" and made a part of this petition; and the State Highway Department, acting through and by P.B. Day, its duly authorized representative, has approved such right of way and the acquisition thereof for a public road right of way, by letter incorporated in the resolution of the County Commission hereto attached as said exhibit "A" and made a part of this petition as aforesaid; and the said lands are needed and desired by the County for public purposes, namely, as a right of way for a public road; that it is necessary and proper and to the best interest of said County, that the County acquire for a right of way for public road purposes the following described lands, to-wit:

Parcel No. 1

Beginning at the Northeast Corner of the Southeast quarter of Section 34, Township 6 South, Range 2 East, the point of beginning, thence 2649.9 feet S. 1° 06' E. thence 90.0 feet S. 88° 54' W. thence 70.1 feet N. 43° 34' E. thence 2599.9 feet N. 1°

STATE OF ALABAMA, BALDWIN COUNTY

Filed June 27, 1958

Recorded Prob. Ct. Min. book 016, page 389

W. R. Stuart

Judge of Probate

Ms

06' W. thence 40.0 feet N.  $88^{\circ} 54'$  E. to the point of beginning.

Said Right-of-way being on the west side of said center line, lying in the East half of the Southeast quarter of Section 34, Township 6 South, Range 2 East, of Baldwin County and containing 2.462 acres more or less including the present roadway.

Parcel No. 2

Beginning at the Northwest Corner of Section 2, Township 7 South, Range 2 East, run 40.0 feet S.  $0^{\circ} 21'$  W. thence 20.0 feet S.  $89^{\circ} 39'$  E. to the point of beginning, thence 70.0 feet S.  $89^{\circ} 39'$  E., thence 70.1 feet S.  $45^{\circ} 21'$  W. thence 2574.2 feet S.  $0^{\circ} 21'$  W. thence 20.0 feet N.  $89^{\circ} 39'$  W. thence 2614.2 feet N.  $0^{\circ} 21'$  W. to the point of beginning.

Said Right-of-way being on the east side of the center line of survey, lying in the West half of the Northwest quarter of Section 2, Township 7 South, Range 2 East, of Baldwin County and containing 1.228 acres more or less including the present roadway.

SECOND: That John L. and Mary G. Nelson, who is over the age of twenty-one years, and whose post office address and place of residence is Fairhope, Alabama, is the owner of and is in the peaceable possession and control of the lands described above as Parcel #1; that Arthur Hartshorn, who is over the age of twenty-one years, and whose post office address and place of residence is Fairhope, Alabama, is the owner of and is in the peaceable possession and control of the lands described above as Parcel #2;

THIRD: That the said Baldwin County further alleges, and the State Highway Department approves, that it is necessary and proper and to the interest of the County of Baldwin that this County have and own the said lands for the purpose of a right of way for a road and this petitioner desires to have said lands condemned for and as a road for the said county as a right of way for a public road.

PREMISES considered, your petitioner prays this Honorable Court will make an order appointing a day for the hearing of this petition; that due and legal notice of the same be given to the said John L. and Mary G. Nelson and Arthur Hartshorn, and that such other, further and general orders and decrees be made in the premises as may be necessary and proper for the acquirement by the petitioner of the property herein described for the purposes herein stated.

BALDWIN COUNTY, ALABAMA:

BY *R. J. Robertson*

Its Agent, as chairman of the  
County Commission of Baldwin  
County, Alabama.

STATE OF ALABAMA  
BALDWIN COUNTY

Personally appeared before me *G. Macomber*, a Notary Public in and for said State and County, R. J. Robertson, who being by me first duly sworn upon oath, says that he is the agent for the County of Baldwin, State of Alabama, and Chairman of the County Commission of Baldwin County, Alabama, duly elected, qualified and authorized; that he has carefully read and understands the facts alleged in the foregoing petition and knows that the facts alleged therein are true, to the best of his information, knowledge and belief.

*April* Sworn to and subscribed before me this the 17 day of  
1958.

*James L. ...*  
Notary Public, Baldwin County, Ala.

## EXHIBIT "A"

WHEREAS, the County road, Project No. 23, has been surveyed and approved by the State Highway Department for construction and surfacing, all of which appears by letter of the State Highway Department, by P. B. Day, Resident Engineer, dated the 2nd day of April, 1958, in words and figures as follows:

April 2, 1958

County Commission of Baldwin County  
Bay Minette, Alabama

Gentlemen:

The road from Klumpp's Airport, South to U. S. 98 West of Fish River, Project No. 23, has been surveyed and approved by the State Highway Department for construction and surfacing. The following described lands are needed and desired as a right of way for such road, to-wit:

Parcel No. 1

Beginning at the Northeast Corner of the Southeast quarter of Section 34, Township 6 South, Range 2 East, the point of beginning, thence 2649.9 feet S. 1° 06'E. thence 90.0 feet S. 88° 54'W. thence 70.1 feet N. 43° 34'E. thence 2599.9 feet N. 1° 06'W. thence 40.0 feet N. 88° 54'E. to the point of beginning.

Said Right-of-way being on the west side of said center line, lying in the East half of the Southeast Quarter of Section 34, Township 6 South, Range 2 East, of Baldwin County and containing 2.462 acres more or less including the present roadway.

Parcel No. 2

Beginning at the Northwest Corner of Section 2, Township 7 South, Range 2 East, run 40.0 feet S. 0° 21'W. thence 20.0 feet S. 89° 39' E. to the point of beginning, thence 70.0 feet S. 89° 39' E, thence 70.1 feet S. 45° 21'W. thence 2574.2 feet S. 0° 21'W. thence 20.0 feet N. 89° 39'W. thence 2614.2 feet N. 0° 21'W. to the point of beginning.

Said Right-of-way being on the east side of the center line of survey, lying in the West half of the Northwest quarter of Section 2, Township 7 South, Range 2 East, of Baldwin County and containing 1.228 acres more or less including the present roadway.

Parcel No. 1 is owned by John L. and Mary G. Nelson, whose residence and address is Fairhope, Alabama, and Parcel No. 2 is owned by Arthur Hartshorn, whose residence and address is Fairhope, Alabama. Request is hereby made that you proceed to acquire the same by purchase or condemnation.

Yours truly,

P. B. Day,  
Resident Engineer

And it appearing that the lands described in the said letter are needed by the County for public road right-of-way, and the State Highway Department has approved and requested this Commission to acquire the same for such purposes.

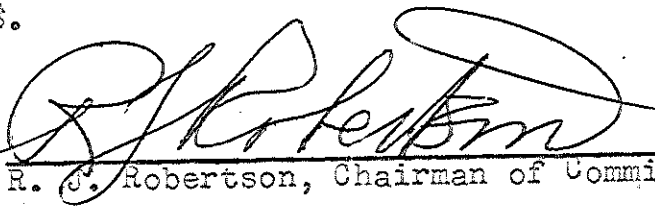
THEREFORE, BE IT RESOLVED that it be and is hereby judicially ascertained and determined that it is necessary and proper and to the best interest of the County that the fee simple title to said lands be acquired and owned by the County for and as a public road right-of-way and that R. J. Robertson, as chairman of the County Commission be, and he is hereby authorized and directed to institute eminent domain proceedings to acquire fee simple title in and to the lands above described for and as a right-of-way for a public road.

-----

I, R. J. Robertson, Chairman of the County Commission and as such the custodian of the records of the said County Commission, do hereby certify that the foregoing is a true and correct and literal copy of a resolution duly adopted by the County Commission at its meeting April 2, 1958, as the same appears in the minutes of the said meeting.

Witness my hand and official seal this the 17 day of

April, 1958.



R. J. Robertson, Chairman of Commission.



Received 21 day of Aug. 1952

and on 22 day of Aug 1952

I served a copy of the within

on John L. Nelson and

Mary L. Nelson

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By Ted Jones S.

at Tampa Fla

Sheriff claims 140 miles at

Ten Cents per mile Total \$ 14.00

TAYLOR WILKINS, Sheriff

BY [Signature]  
DEPUTY SHERIFF



BALDWIN COUNTY, ALABAMA                      I                      IN THE PROBATE COURT OF

VS                      I

JOHN L. AND MARY G. NELSON                      I                      BALDWIN COUNTY, ALABAMA  
AND ARTHUR HARTSHORN

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby commanded to notify D. J. Klein,  
W. J. Nelson and John Fleming that,  
by order of the Probate Court of Baldwin County, Alabama, made and  
entered on the 16<sup>th</sup> day of July, 1958, they were  
appointed Commissioners to ascertain and report to this court, in  
writing, within twenty days from this date the amount of damages  
and compensation which John L. and Mary G. Nelson and Arthur Hartshorn  
are entitled to on the application of Baldwin County, Alabama, for  
an order of condemnation of the following described land situated in  
Baldwin County, Alabama, to-wit:

Parcel #1:

Beginning at the Northeast Corner of the Southeast quarter  
of Section 34, Township 6 South, Range 2 East, the point of  
beginning, thence 2649.9 feet S. 1° 06' E. thence 90.0 feet  
S. 88° 54' W. thence 70.1 feet N. 43° 34' E. thence 2599.9  
feet N. 1° 06' W. thence 40.0 feet N. 88° 54' E. to the  
point of beginning.

Said Right-of-way being on the west side of said center line,  
lying in the East half of the Southeast quarter of Section 34,  
Township 6 South, Range 2 East, of Baldwin County and containing  
2.462 acres more or less including the present roadway.

Parcel #2:

Beginning at the Northwest Corner of Section 2, Township 7  
South, Range 2 East, run 40.0 feet S. 0° 21' W. thence 20.0  
feet S. 89° 39' E. to the point of beginning, thence 70.0 feet  
S. 89° 39' E., thence 70.0 feet S. 45° 21' W. thence 2574.2  
feet S. 0° 21' W. thence 20.0 feet N. 89° 39' W. thence 2614.2  
feet N. 0° 21' W. to the point of beginning.

Said Right-of-way being on the east side of the center line of  
survey, lying in the West half of the Northwest quarter of Sect-  
ion 2, Township 7 South, Range 2 East, of Baldwin County and  
containing 1.228 acres more or less including the present road-  
way.

Now these are therefore the Commissioners, the said \_\_\_\_\_

D. J. Klein, W. J. Nelson and  
John Fleming, so that they may enter upon the

discharge of their duties as such commissioners as soon as they shall be directed as prescribed by the statute in such cases made and provided.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Court on this the 16<sup>th</sup> day of July, 1958.

  
\_\_\_\_\_  
Judge of Probate, Baldwin County, Ala.

Received 16 day of July 1958  
d on 18 day of July 1958  
erved a copy of the within Notice  
W. L. Nelson, W. L. Klein  
John Fleming  
service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By E. Hugh Steadman D. S.

Fairhope, Ala

Sheriff claims 70 miles at

Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY E. Hugh Steadman  
DEPUTY SHERIFF

Sheriff claims 210 miles at

Ten Cents per mile Total \$ 21.00

TAYLOR WILKINS, Sheriff

BY E. Hugh Steadman  
DEPUTY SHERIFF

BALDWIN COUNTY, ALABAMA                      I                      IN THE PROBATE COURT OF  
VS                                                        I  
JOHN L. AND MARY G. NELSON                  I                      BALDWIN COUNTY, ALABAMA  
AND ARTHUR HARTSHORN

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

The undersigned, V J Klein, W J Nelson  
John Fleming and \_\_\_\_\_, who were  
heretofore appointed by said court as Commissioners to assess the  
damages and compensation to which John L. and Mary G. Nelson and  
Arthur Hartshorn are entitled to on the application of Baldwin  
County, Alabama, for an order of condemnation of the following  
described land situated in Baldwin County, Alabama, to-wit:

Parcel #1:

Beginning at the Northeast Corner of the Southeast quarter of Section 34, Township 6 South, Range 2 East, the point of beginning, thence 2649.9 feet S.  $1^{\circ} 06' E.$  thence 90.0 feet S.  $88^{\circ} 54' W.$  thence 70.1 feet N.  $43^{\circ} 34' E.$  thence 2599.9 feet N.  $1^{\circ} 06' W.$  thence 40.0 feet N.  $88^{\circ} 54' E.$  to the point of beginning.

Said Right-of-way being on the west side of said center line, lying in the East half of the Southeast quarter of Section 34, Township 6 South, Range 2 East, of Baldwin County and containing 2.462 acres more or less including the present roadway.

Parcel #2:

Beginning at the Northwest Corner of Section 2, Township 7 South, Range 2 East, run 40.0 feet S.  $0^{\circ} 21' W.$  thence 20.0 feet S.  $89^{\circ} 39' E.$  to the point of beginning, thence 70.0 feet S.  $89^{\circ} 39' E.$  thence 70.0 feet S.  $45^{\circ} 21' W.$  thence 2574.2 feet S.  $0^{\circ} 21' W.$  thence 20.0 feet N.  $89^{\circ} 39' W.$  thence 2614.2 feet N.  $0^{\circ} 21' W.$  to the point of beginning.

Said Right-of-way being on the east side of the center line of survey, lying in the West half of the Northwest quarter of Section 2, Township 7 South, Range 2 East, of Baldwin County and containing 1.228 acres more or less including the present roadway.

respectfully report that pursuant to said commission we viewed said land after having been duly sworn as jurors are sworn, and thereafter we proceeded to assess the damages and compensation to which the said John L. and Mary G. Nelson and Arthur Hartshorn are entitled by reason of taking the land above described as belonging to them, and they, each of them separately assessed the damages and compensation to be as follows: to John L. and Mary G. Nelson, we [do hereby assess the damages and compensation at the sum of

\$ 192.40; to Arthur Hartshorn, we do hereby assess the damages and compensation at the sum of \$ 184.20;

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

IN WITNESS WHEREOF, we have hereunto set our hands this the 22 day of July, 1958.

Vernon J. Klein  
W. J. Nelson  
John Fleming

Sworn to and subscribed before me on this the 22 day of July, 1958.

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

STATE OF ALABAMA

BALDWIN COUNTY

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

Vincent J. KleinW. J. NelsonJohn FlemingSworn to and subscribed before me on this the 22 day ofJuly, 1958.MR. Smith