

DECREE

4200

BALDWIN COUNTY, ALABAMA, X
 Condemnor-Appellant, X IN THE CIRCUIT COURT OF
Vs. X BALDWIN COUNTY, ALABAMA
W. A. WEEKLEY, X AT LAW
 Condemnee-Appellee. X CASE NO. 4200

On this day, W. A. Weekley filed a Motion in this cause wherein he alleges:

1.

That on the 20th day of August, 1959, Baldwin County, Alabama, acting by its agent, filed a Petition in the Probate Court of Baldwin County, Alabama, seeking condemnation of certain lands owned by the Appellee in this cause. That after the proper proceedings, the Probate Court appointed commissioners to appraise this property and set the amount of damages and compensation to the Appellee for the taking of said land.

2.

That on the 7th day of October, 1959, the Commissioners appointed by the Probate Judge in this cause assessed damages and compensation to the Appellee in the sum of Three Thousand Dollars (\$3,000.00).

3.

That on the 29th day of October, 1959, Baldwin County, Alabama, acting by the Chairman of the County Commissioners, paid the amount of damages into the Probate Court and gave such bond as was required by the Court, and appealed this matter to the Circuit Court of Baldwin County, Alabama.

4.

That on the 14th day of March, 1961, the Appellant filed a Motion to Remand this cause to the Probate Court of Baldwin County, Alabama, and in this Motion, set out his grounds for such Motion. The appellee filed an answer to this Motion, and upon the hearing of said Motion, the Court denied the same.

5.

The Appellant excepted to the Court's ruling to this; took a non-suit with a Bill of Exceptions. No action has been taken in this matter by either party thereto since this time.

Your Movant, W. A. Weekley, shows unto the Court that more than six months has elapsed since the time of the taking of a non-suit in this cause, and the time for appeal has passed.

It appearing to the Court that the matters alleged in the foregoing motion are true, and that W. A. Weekley is entitled to the relief he seeks in this motion;

It is, therefore, ORDERED, ADJUDGED and DECREED: That this matter be, and it is hereby, remanded to the Probate Court of Baldwin County, Alabama, and ordered that he be paid the damages and compensation heretofore awarded him in this cause.

Done this 26th day of January, 1962.

Hubert M. Hall

Hubert M. Hall, Judge of the 28th
Judicial Circuit Court, Baldwin
County, Alabama.

BALDWIN COUNTY, ALABAMA,
Condemnor-Appellant,

Vs.

W. A. WEEKLEY,

Condemnee-Appellee.

DECREE

MOTION

BALDWIN COUNTY, ALABAMA,	Y	
Condemnor-Appellant,	Y	IN THE CIRCUIT COURT OF
Vs.	Y	BALDWIN COUNTY, ALABAMA
W. A. WEEKLEY,	Y	AT LAW
Condemnee-Appellee.	Y	CASE NO. 4200

Comes now the Appellee in the above styled cause and shows unto the Court as follows:

I.

That on the 20th day of August, 1959, Baldwin County, Alabama, acting by its agent, filed a Petition in the Probate Court of Baldwin County, Alabama, seeking condemnation of certain lands owned by the Appellee in this cause. That after the proper proceedings, the Probate Court appointed commissioners to appraise this property and set the amount of damages and compensations to the Appellee for the taking of said land.

2.

That on the 7th day of October, 1959, the Commissioners appointed by the Probate Judge in this cause assessed damages and compensation to the Appellee in the sum of Three Thousand Dollars (\$3,000.00).

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That on the 29th day of October, 1959, Baldwin County, Alabama, acting by the Chairman of the County Commissioners, paid the amount of damages into the Probate Court and gave such bond as was required by the Court, and appealed this matter to the Circuit Court of Baldwin County, Alabama.

4.

That on the 14th day of March, 1961, the Appellant filed a Motion to Remand this cause to the Probate Court of Baldwin County, Alabama, and in this Motion, set out his grounds for such Motion. The appellee filed an answer to this Motion, and upon the hearing of said Motion, the Court denied the same.

5.

The Appellant excepted to the Court's ruling to this; took a non-suit with a Bill of Exceptions. No action has been taken in this matter by either party thereto since this time.

Your Movant, W. A. Weekley, shows unto the Court that more than six months has elapsed since the time of the taking of a non-suit in this cause, and the time for appeal to a higher court has passed.

Premises considered, your movant prays that Your Honor will enter such orders and decrees as is necessary to cause this matter to be remanded to the Probate Court of Baldwin County, Alabama, to the end that the award decreed W. A. Weekley may be paid.

WILTERS & BRANTLEY

BY:

Tolbert M. Brantley
Tolbert M. Brantley
Attorney for the Appellee

BALDWIN COUNTY, ALABAMA,
Condemnor-Appellant,

Vs.

W. A. WEEKLEY,
Condemnee-Appellee.

MOTION