

STATE OF ALABAMA)
MADISON COUNTY)

No. 6147
IN THE CIRCUIT COURT.

CITY OF HUNTSVILLE, A MUNICIPAL CORPORATION
IN THE STATE OF ALABAMA

PETITIONER AND APPELLEE

vs.

CHARLIE ELDRIDGE, WILLIE RAY JONES, LLOYD JONES,
AND REVA JONES BOYD

DEFENDANTS AND APPELLANTS

On this the 7th day of November, 1955, comes into open court the petitioner and appellee, the City of Huntsville, a municipal corporation in the State of Alabama, by its attorney, Hon. Walter C. Price, and also come the appellants, Charlie Eldridge, Willie Ray Jones, Lloyd Jones and Reva Jones Boyd, by their attorney, Hon. David Archer, and the Hon. James W. Baker, as guardian ad litem for all the unknown ^{et law} heirs/and next of kin of Lizzie Jones, deceased, Odell Jones, deceased, Haywood Jones, deceased, Queen Ann Jordan, deceased, Tommie Lee Jones, deceased, Emma Blair, deceased, and Lillie Mae Jones, deceased. Thereupon the Court proceeds to hear the allegations of the application of the City of Huntsville, a municipal corporation in the State of Alabama, and upon consideration of said application, it appearing to the court that the defendants and appellants by their stipulation herein consent that the application be granted and that the lands of the defendants be condemned, the only question being the amount to be awarded as just compensation for the real estate to be condemned. It is, therefore, considered, ordered and adjudged by the Court that the application of the City of Huntsville, a municipal corporation in the State of Alabama, for the condemnation of the lands belonging to the defendants named in the petition filed in the Probate Court of Madison County, Alabama, by the City of Huntsville on the 22nd day of October, 1954, said lands being described in Paragraph 3 of said petition, be and the same is hereby granted.

Thereupon the Court proceeds to have assessed by a jury the

damages and compensation to which the defendants in said application are entitled for the condemnation of said lands as described in Paragraph 3 of the application filed in the Probate Court by the City of Huntsville. Thereupon on the 7th day of November, 1955, came a jury of good and lawful men, to-wit: Thomas M. Fanning and eleven others, who, being duly empaneled and sworn according to law, upon their oaths, do say: "We, the Jury, hereby assess and fix the damages and compensation to the owners of the property described in Paragraph 3 of the application for condemnation filed in the office of the Judge of Probate of Madison County, Alabama, on the 22 day of October, 1954, at \$1,250.00."

It further appears to the Court that there has been heretofore deposited with the Judge of Probate of Madison County, Alabama, the sum of Nine Hundred (\$900.00) Dollars in money for all the defendants named in the original petition as damages and compensation for the condemnation of the lands described in Paragraph 3 of said application.

Now, therefore, it is further considered, ordered and adjudged by the Court that the defendants in said application or petition are entitled to have and recover from Ashford Todd, as Judge of Probate of Madison County, Alabama, the sum of Nine Hundred (\$900.00) Dollars, subject to the payment of any and all claims filed with the Judge of Probate by any parties defendant to the original petition filed in the Probate Court.

It is further considered, ordered and adjudged by the Court that the appellee, the City of Huntsville, a municipal corporation in the State of Alabama, shall pay to the Clerk of the Circuit Court of Madison County, Alabama, the sum of Three Hundred Fifty (\$350.) Dollars for the defendants in said petition, being the excess of the damages as assessed and fixed by the jury in this cause over the amount deposited by the petitioner and appellee with the Probate Judge of Madison County, Alabama. And it further appearing to the Court that the petitioner, City of Huntsville, a municipal corporation in the

State of Alabama, has paid to the Clerk of this Court the said sum of Three Hundred Fifty (\$350.00) Dollars, it is further considered, ordered and adjudged by the Court that the real estate described in said petition, which is situate in Madison County, Alabama, and is particularly described as follows, to-wit:

A lot 40 feet East and West and 60 feet North and South in the Southwest corner of the following described tract: Beginning at a point on the North margin of the Athens Pike, which point is 10 chains East and .70 chains North from the Southwest corner of Section 33, Township 3, Range 1 West; thence North 1 $\frac{1}{2}$ degrees West 11.50 chains to an iron stake; thence West parallel with the section line 2.03 chains to an iron stake; thence South 1 $\frac{1}{2}$ degrees East 11.10 chains to an iron stake on the north margin of Athens Pike; thence along the north margin of said pike south 78 $\frac{1}{2}$ degrees East 2.03 chains to the place of beginning, and containing 2.25 acres, more or less, together with the well located on said real estate,

be and the same is hereby condemned for the City of Huntsville's use and purpose in obtaining a source of water and water supply sufficient for the inhabitants of the City of Huntsville and users within contiguous areas.

It is further considered, ordered and adjudged by the Court that the said property hereinabove described sought to be condemned by the City of Huntsville, a municipal corporation in the State of Alabama, be condemned, granted and awarded to the petitioner as aforesaid, and that all the right, title and interest in said land belonging to the parties defendant to the original petition filed in the Probate Court is now condemned, granted and awarded to the City of Huntsville, a municipal corporation in the State of Alabama, and by this decree is hereby divested out of said defendants in said petition and vested in the petitioner.

It is further considered, ordered and adjudged that the Clerk of this Court transmit forthwith a copy of this judgment and decree to the Hon. Ashford Todd, Judge of Probate of Madison County, Alabama.

It is further considered, ordered and adjudged by the Court

that the costs herein be taxed against the petitioner and appellee, the City of Huntsville, a municipal corporation in the State of Alabama, and that the Clerk shall assess as an item of costs the sum of Twenty-five (\$25.00) Dollars as a reasonable fee for the guardian ad litem herein, for all of which execution may issue.

This the 7th day of November, 1955.

/s/ Elbert H. Parsons
Circuit Judge

STATE OF ALABAMA |
 |
MADISON COUNTY | IN THE CIRCUIT COURT
 | CASE NO. 6147

CITY OF HUNTSVILLE,
A Municipal Corporation
in the State of Alabama ----- Petitioner and Appellee

Vs

Charlie Eldridge, Willie Fay Jones,
Lloyd Jones and Reva Jones Boyd ----- Defendants and Appellants

I, Sarah J Daye, Clerk of the Circuit Court for Madison County, Alabama, hereby certify that the above and foregoing four pages contain a full, true and correct copy of the judgment entry made in the above styled cause, being case Number 6147, as the same appears of record and now on file in this office.

Given under my hand and seal of Court this the 7th., day of November, 1955.

Sarah J. Daye
Clerk Circuit Court
Madison County, Alabama.