

STATE OF ALABAMA)

MADISON COUNTY)

IN THE PROBATE COURT
CAUSE NO. 12257

IN RE: CONDEMNATION PROCEEDINGS

CITY OF HUNTSVILLE, a Municipal Corporation
in the State of Alabama

PETITIONER

VS.

CHARLIE ELDRIDGE,
WILLIE FAY JONES,
LLOYD JONES,
REVA JONES BOYD,
LILLIE MAE CRAWFORD,
NEAL COLLIER,
SELESTE JONES,
BETHEL JONES HILL,

ALL THE UNKNOWN HEIRS AT LAW AND NEXT OF KIN OF LIZZIE JONES, DECEASED,
ALL THE UNKNOWN HEIRS AT LAW AND NEXT OF KIN OF ODELL JONES, DECEASED,
ALL THE UNKNOWN HEIRS AT LAW AND NEXT OF KIN OF HAYWOOD JONES, DECEASED,
ALL THE UNKNOWN HEIRS AT LAW AND NEXT OF KIN OF QUEEN ANNE JORDAN, DECEASED,
ALL THE UNKNOWN HEIRS AT LAW AND NEXT OF KIN OF TOMMIE LEE JONES, DECEASED,
ALL THE UNKNOWN HEIRS AT LAW AND NEXT OF KIN OF EMMA BLAIR, DECEASED,
ALL THE UNKNOWN HEIRS AT LAW AND NEXT OF KIN OF LILLIE MAE JONES, DECEASED,
GEORGE T. CULPS, as Tax Collector of Madison County, Alabama,
together with any other party or parties who may claim
to own any right, title or interest in and to, or hold
any lien against the following described property sit-
uate in Madison County, Alabama, to wit: A lot 40 feet
east and west and 60 feet north and south in the south-
west corner of the following described tract: Begin-
ning 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 $1\frac{1}{4}$ 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 $1\frac{1}{4}$
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 $78\frac{1}{4}$ 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.

DEFENDANTS

D E C R E E

This Cause coming on to be heard on this day for a Decree confirming the report of the Commissioners heretofore appointed in this cause, and for an order of condemnation in pursuance thereof as to the real estate together with the well located on said real estate described in said report and in applicant's petition filed in this cause, and it appearing to the Court that on, to wit, the 24 day of November, 1954, this Court heard the allegations of said petition and all legal evidence offered by the parties touching the same;

And it further appearing that the Court did make an order granting the petition for the condemnation of the real estate therein described together with the well located on said real estate, viz:

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 $1\frac{1}{4}$ 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 $1\frac{1}{4}$ 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 $78\frac{1}{4}$ 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.

and did also appoint Tom Jones, Jr., Alvin Blackwell and Peyton Drake, three citizens of said county of Madison County, Alabama, in which the land together with the well located thereon sought to be condemned is situate, and who were disinterested and who possess the qualifications of jurors in Madison County, Alabama, to assess the damages and compensation to which the parties made defendant in this cause, and said petition are entitled as their respective interest might appear;

And it further appearing to the Court that notice of the appointment of said three named persons as Commissioners was issued to the Sheriff of Madison County, Alabama, as required by law and by such Sheriff served on said three named persons as Commissioners, as required by law:

And it further appearing to the Court that said Commissioners, before entering upon their duties as such Commissioners, were sworn as jurors are sworn, and that they did thereafter receive all legal evidence offered by the parties touching the amount of damages the owners of said real estate will sustain and the amount of compensation they are entitled to receive;

And it further appearing to the Court that said Commissioners did on, to wit: the 29 day of December, 1954, make their report in writing to this Court stating that Nine Hundred and No/100 (\$900.00) Dollars was the amount of damages and compensation ascertained by them for the owners of said land together with the well located thereon;

And it further appearing to the Court that said Commissioners did also file a certificate along with their award that none of them has even been consulted, advised with or approached by any person in reference to the value of the land and the well located thereon or the proceedings to condemn the same prior to the assessment of damages, and that they knew nothing of the same prior to their appointment.

NOW THEREFORE it is ordered, adjudged and decreed by the Court that the applicant, City of Huntsville, a municipal corporation in the State of Alabama, pay all costs of this proceeding, including a Guardian ad litem fee of \$ 15.00 for James W. Baker, which this Court finds to be reasonable and hereby allows;

And it further appearing to the Court that the damages and compensation so ascertained and assessed by said Commissioners for the owners of said land and the well located thereon has been deposited in this Court;

And it further appearing to the Court that all things necessary and required by the laws of the State of Alabama have been done and performed by the applicant;

IT IS FURTHER ordered, adjudged and decreed, and is the judgment of this Court that the real estate together with the well located thereon, sought to be condemned by said petition or application be condemned, granted and awarded to the applicant, City of Huntsville, a municipal corporation in the State of Alabama, and that the right, title, interest, claim and demand of all parties defendant in this cause in and to the real estate together with the well located thereon, hereinabove described and condemned in this Decree, be and is hereby divested out of said defendants and vested in the applicant, City of Huntsville, a municipal corporation in the State of Alabama.

1954. ORDERED, ADJUDGED AND DECREED on this the 30 day of December

Ashford Zell
Judge of the Probate Court of Madison County,
Alabama.