

COMMISSIONER'S DEED

UNITED STATES OF AMERICA

STATE OF ALABAMA

JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS: That this indenture, made and entered into on the 16th day of November, 1938, by and between Mary L. Morrison, Commissioner, as hereinafter stated, of Jefferson County, Alabama, party of the first part, and the United States of America, party of the second part, Witnesseth:

WHEREAS, The United States of America, by and through Jim C. Smith, United States Attorney for the Northern District of Alabama, filed in the District Court of the United States for the Southern Division of the Northern District of Alabama, on, to-wit: the 17th day of November, 1937, a petition in writing, as provided by the statutes of the United States, the style of said cause being United States of America vs. 210.05 Acres, more or less, of Land in Shelby County, State of Alabama, (Tracts 6, 8) and Beatrice Gilbert, et al, praying condemnation of the lands hereinafter described to be used in connection with the Oak Mountain Project (a National Park Project) of the United States Department of the Interior, and pursuant to the authority contained in the following Acts of Congress, to-wit:

Title II of Act of Congress approved June 16, 1933, (48 Stat. 200);
 Act of Congress approved April 8, 1935, (49 Stat. 115);
 Act of Congress approved June 22, 1936, (49 Stat. 1608);
 Act of Congress approved June 29, 1937, (Public No. 47, 75th Congress); and,
 Act of Congress approved August 1, 1888, (25 Stat. 357);

said lands being described as follows, to-wit:

TRACTS 6 - 8.

That tract of land known as Tracts 6 and 8 of the Oak Mountain Project, located in Shelby County, State of Alabama, Township 19 South, Ranges 1 and 2 West, Huntsville Meridian, more specifically described as follows: The west half of the West half of Section 18, Township 19 South, Range 1 West, containing 160 acres, more or less;
 Also, begin at the Southeast corner of the Southeast quarter of the Northeast quarter of Section 13, Township 19 South, Range 2 West, thence South, including the magnetic variation, along the East Boundary line of the Northeast Quarter of the Southeast Quarter of said Section 13, a distance of 475 feet, thence with an angle of $122^{\circ} 38'$ to the right, magnetic reading $N 60^{\circ} 00'$ West, 522 feet to the center line of a branch, thence $70^{\circ} 10'$ right, 1395.00 feet to a point on the top of Oak Ridge, thence $91^{\circ} 37'$ right along the top of said Oak Ridge, a distance of 1774.78 feet to a point of intersection with the south line of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 13, Township 19 South, Range 2 West, thence with an angle of $51^{\circ} 09'$ to the right, a distance of 338.58 feet to a point of intersection with the east boundary of said Section 13, thence at an angle of $87^{\circ} 21'$ to the right and along the east boundary of said Section 13, a distance of 2009.3 feet to the point of beginning, containing 50.05 acres, more or less.

TRACTS 9 - 10 - 11

That tract of land known as Tracts 9, 10 and 11 of the Oak Mountain Project, located in Shelby County, State of Alabama, Huntsville Meridian, Section 13, Township 19 South, Range 2 West, more specifically described as follows: All of the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 13, Township 19 South, Range 2 West, containing 40.9 acres, more or less. All of the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 13, Township 19 South, Range 2 West, containing 40.9 acres, more or less. All of the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 13, Township 19 South, Range 2 West, containing 40.8 acres, more or less. All that part of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, Section 13, Township 19 South, Range 2 West, described as follows: Beginning at the Northwest corner of said $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 13, Township 19 South, Range 2 West, thence East along the North boundary line of said $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ 612.16 feet, thence on an angle of $37^{\circ} 03\frac{1}{2}'$ to the right and in a southeasterly direction 354.80 feet, thence on an angle of $7^{\circ} 06'$ to the left, and in a southeasterly direction 522.00 feet to a point on the East line of said $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ which point is 475.00 feet South of the Northeast corner of said $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, thence South along the East line of said $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, 864.25 feet to the Southeast corner of said $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, thence West along the South line of said $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, 1328.07 feet to the SW corner of said $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, thence North along the West line of said $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, 1338.75 feet to the point of beginning, containing 36.9 acres, more or less.
 All that part of the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 13, Township 19 South, Range 2 West, described as follows: Beginning at the Southwest corner of said $SE\frac{1}{4}$ of the $NE\frac{1}{4}$, thence North along the West line of said $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ 478.98 feet, thence on an angle to the right of $129^{\circ} 37\frac{1}{2}'$, and in a Southeasterly direction 794.03 feet to a point on the South line of said $SE\frac{1}{4}$ of the $NE\frac{1}{4}$, thence West along the South line of said $SE\frac{1}{4}$ of the $NE\frac{1}{4}$, 612.16 feet to the point of beginning, containing 3.44 acres, more or less. All that part of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 13, Township 19 South, Range 2 West, described as follows:

Beginning at the Southeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, thence North along the East line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 478.98 feet, thence on an angle of 50° 22 $\frac{1}{2}$ ' to the left and in a Northwesterly direction 246.26 feet, thence on an angle of 95° 35' to the left and in a Southwesterly direction 441.40 feet, thence on an angle 3° 18' to the right and in a Southwesterly direction 305.15 feet to a point on the South line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, thence East along the South line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, 622.88 feet to the point of beginning, containing 5.74 acres, more or less, and making a total of 168.6 acres, more or less.

TRACT 43.

That tract of land known as Tract 43 of the Oak Mountain Project, located in Shelby County, State of Alabama, more specifically described as follows: The East half of the Northeast Quarter of the Southwest Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-seven (27), Township nineteen (19), Range Two (2) West, Huntsville Meridian, containing 20 acres, more or less.

TRACT 55.

That tract of land known as Tract 55 of the Oak Mountain Project, located in Shelby County, State of Alabama, more specifically described as follows: The Northeast Quarter of the Southeast Quarter of Section 33, Township 19 South, Range 2 West, Huntsville Meridian, containing 40 acres, more or less.

TRACT 67

That tract of land known as Tract 67 of the Oak Mountain Project, located in Shelby County, State of Alabama, more specifically described as follows: The Northwest Quarter of the Southwest Quarter of Section 36, Township 19 South, Range 2 West, Huntsville Meridian, containing 40 acres, more or less.

TRACT 85

That tract of land known as Tract 85 of the Oak Mountain Project, located in Shelby County, State of Alabama, more specifically described as follows: The West Half of the Southeast Quarter of the Northwest Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the North Half of the Northeast Quarter of the Southwest Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) in Section five (5), Township Twenty (20) South, Range Two (2) West, Huntsville Meridian, containing 40 acres, more or less.

TRACT 97

That tract of land known as Tract 97 of the Oak Mountain Project, located in Shelby County, State of Alabama, more specifically described as follows: Section 7, Township 20 South, Range 2 West, as follows: Begin at the NW corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, Township 20 South, Range 2 West, thence South along the West line of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ for a distance of 990 feet, thence East 660 feet, thence North 330 feet, thence West 330 feet, thence North 660 feet, thence West 330 feet to the point of beginning, and containing 10 acres, more or less.

TRACT 104A

That tract of land known as Tract 104a of the Oak Mountain Project, located in Shelby County, State of Alabama, more specifically described as follows: The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section, 10, Township 20 South, Range 2 West, Huntsville Meridian, containing 40 acres, more or less.

TRACTS 109 and 54A

That tract of land known as Tracts 109 and 54a of the Oak Mountain Project, located in Shelby County, State of Alabama, more specifically described as follows: The Northwest Quarter of the Northwest Quarter of Section 34, Township 19 South, Range 2 West, Huntsville Meridian, containing 40 acres, more or less.

TRACT 114.

That tract of land known as Tract 114 of the Oak Mountain Project, located in Shelby County, State of Alabama, more specifically described as follows: The North Half of the Northeast Quarter of Section 18, Township 19 South, Range 1 West, Huntsville Meridian, containing 80 acres, more or less.

WHEREAS, By said petition and supplemental petition, as amended, the following named persons, firms and corporations were made parties defendant, to-wit:

Beatrice Gilbert and _____ Gilbert, unknown spouse of Beatrice Gilbert;
A. J. Gilbert and _____ Gilbert, unknown spouse of A. J. Gilbert;
Bill Gilbert;
Annie M. Gilbert, wife of said Bill Gilbert;
L. E. J. Scott and _____ Scott, unknown spouse of L. E. J. Scott;
J. M. C. Johnson and _____ Johnson, unknown spouse of J. M. C. Johnson;
Nora Warren Johnson and _____ Johnson, unknown spouse of Nora Warren Johnson;
Annie B. Carlisle and _____ Carlisle, unknown spouse of Annie B. Carlisle;
Willie Brasher and _____ Brasher, unknown spouse of Willie Brasher;
F. C. Sherrod and _____ Sherrod, unknown spouse of F. C. Sherrod;
Thomas M. Brasher, Jr., and _____ Brasher, unknown spouse of Thomas M. Brasher, Jr.;
Janette W. Brasher and _____ Brasher, unknown spouse of Janette W. Brasher;
W. P. Cox and _____ Cox, unknown spouse of W. P. Cox;
Mary R. Johnson Cox and _____ Cox, unknown spouse of Mary R. Johnson Cox;
Carl E. Johnson and _____ Johnson, unknown spouse of Carl E. Johnson;
AvaLee Johnson and _____ Johnson, unknown spouse of AvaLee Johnson;
J. M. B. Johnson and _____ Johnson, unknown spouse of J. M. B. Johnson;

I. E. N. Johnson and _____ Johnson, unknown spouse of I. E. N. Johnson;
 Lula Johnson and _____ Johnson, unknown spouse of Lula Johnson;
 Willie Johnson and _____ Johnson, unknown spouse of Willie Johnson;
 Mike Johnson and _____ Johnson, unknown spouse of Mike Johnson;
 Mary Sue Johnson and _____ Johnson, unknown spouse of Mary Sue Johnson;
 Evelyn Johnson and _____ Johnson, unknown spouse of Evelyn Johnson;
 Rebecca Johnson and _____ Johnson, unknown spouse of Rebecca Johnson;
 Anne Johnson and _____ Johnson, unknown spouse of Anne Johnson;
 - T. W. Johnson, Jr., and _____ Johnson, unknown spouse of T. W. Johnson, Jr.;
 Edith Johnson and _____ Johnson, unknown spouse of Edith Johnson;
 Edna Johnson Naro and _____ Naro, unknown spouse of Edna Johnson Naro;
 - Isaac F. Johnson and _____ Johnson, unknown spouse of Isaac F. Johnson;
 - Alfred R. Naro and _____ Naro, unknown spouse of Alfred R. Naro;
 Mrs. T. M. Brasher and _____ Brasher, unknown spouse of Mrs. T. M. Brasher;
 Mrs. Lon Brasher and _____ Brasher, unknown spouse of Mrs. Lon Brasher;
 Mrs. Fannie Brasher and _____ Brasher, unknown spouse of Mrs. Fannie Brasher;
 Dermont Brasher and _____ Brasher, unknown spouse of Dermont Brasher;
 Silas Brasher and _____ Brasher, unknown spouse of Silas Brasher;
 Saul Brasher and _____ Brasher, unknown spouse of Saul Brasher;
 Mrs. Warsaw Bryant and _____ Bryant, unknown spouse of Mrs. Warsaw Bryant;
 Mrs. Alzie Payton and _____ Payton, unknown spouse of Mrs. Alzie Payton;
 Burley Brasher and _____ Brasher, unknown spouse of Burley Brasher;
 Pearl Brasher and _____ Brasher, unknown spouse of Pearl Brasher;
 Sid Brasher and _____ Brasher, unknown spouse of Sid Brasher;
 Sophie Steel Vandergrift and _____ Vandergrift, unknown spouse of Sophie Steel Vandergrift;

Tax Collector of Shelby County, Alabama;
 Tax Assessor of Shelby County, Alabama;
 State Tax Commission, Montgomery, Alabama;
 Judge of Probate of Shelby County, Alabama;
 Alex Brasher and _____ Brasher, his wife;
 Burrell Brasher and wife, Mittie Brasher;
 Amos Brasher and wife, Bertha Brasher;
 Burley Brasher and wife, Gara Brasher;
 Alvie Brasher, a single woman;

The following minors, residing with their mother,

Mrs. Fannie Brasher;
 Gordon Brasher;
 John Adolphus Brasher,
 Mary Brasher,
 Pauline Brasher,
 A. P. Brasher,
 Clifford Brasher,
 Dorothy Brasher,
 David Brasher,

The Tennessee Coal, Iron & Railroad Co., a Corp.,;
 The Ingram Land Company, a corporation;
 Sudduth Brothers, a Corporation;
 The Birmingham Coal, Coke & Iron Co., a Corp., and its successors in interest;
 George Weldon, trading under the name of Weldon and Company of Chelsea, Alabama;
 W. S. Brown, as Trustee for J. B. Earl and Company;
 Mrs. Paul Yeager, who was Miss Willie Brasher;
 Miss Bonnie Brasher, a minor, 16 years of age;
 William H. Brasher, a minor 14 years of age;
 James Brasher, minor, 12 years of age;
 Morris Brasher, a minor 10 years of age;
 Norman Brasher, a minor, 8 years of age, all of said minors residing with their sister, Mrs. Paul Yeager;

The unknown heirs and/or assigns, devisees, legatees, executors, administrators, representatives and assigns, whose names, numbers, ages, places of residence and post office addresses were unknown and could not be ascertained after diligent inquiry and reasonable effort, of the following deceased persons, to-wit:

Mrs. A. J. Gilbert
 Isaac W. Johnson
 W. N. Gilbert,
 Wm. C. Gilbert,
 Lena Gilbert Nation,
 S. H. Bryan,
 D. A. D. Scott,
 Charles Fall,
 M. B. Smith
 S. H. Johnson
 James Farrell,
 William Howard,
 Martin Kendrick,
 D. M. Sheets,
 Annie L. Smith,
 E. C. Ratliff,
 W. H. Brasher,
 Mrs. Nettie Brasher,
 James M. Johnson
 Isham Johnson
 John Orr
 Wiley Russell
 Thomas Peters
 Theodore W. Johnson
 A. P. Brasher
 Tawley Brasher,
 A. B. Vandergrift,
 Willie E. Vandergrift Carruthers,
 Vida Vandergrift Smith,
 Robert Oldham,
 John Acton,
 John W. Walker
 Martha A. Rebecca Johnson,

W. R. K. Johnson.
W. T. Johnson,
Herman J. Johnson
Sam R. Johnson
Callie Fonzo Clark
Albert M. Johnson
Paul Brasher
Annie M. Gilbert, wife of Bill Gilbert
L. E. J. Scott.
Husband of Annie B. Carlisle;
Mrs. J. M. B. Johnson,
Lula Johnson and husband, _____ Johnson
Husband of Mrs. Fannie Brasher,

The following persons, if living, if dead, their unknown heirs at law, devisees, legatees, executors, administrators, representatives and assigns, and the following firms and/or corporations, if in existence, otherwise their unknown successors and assigns, to-wit:

Mrs. Paul Yeager, who was Miss Willie Brasher,
Mrs. Boyd Brasher Barnes,
Miss Bonnie Brasher, a minor,
William H. Brasher, a minor
James Brasher, a minor
Morris Brasher, minor
Norman Brasher, a minor
Richard F. Johnson
Carl Partain
Ida Nation Partain
Elizabeth Gilbert,
Bessie Bains
B. M. Bains, Jr.,
W. D. Acton,
J. R. Allen,
Jonas Schwab
C. H. Grayson
Gertie Mae Grayson
Samuel W. Overton
Robert Hood
Samuel M. Cross
Nathaniel H. Cross
O. Cost
Gaines Wilder
James Benton
C. B. Burnett
I. N. Gentry
J. Cost
R. F. Hayle
Callie Jones
James H. Willingham
W. H. Dennis
J. H. Martin
O. J. Bignon
F. C. Oates
Jerry T. Mitchell
Pearl Mitchell, wife of said Jerry T. Mitchell,
Augustus Shuffert,
Leslie P. Owen
Richard Inge,
The Ingram Land Company, a corporation
Sudduth Brothers, a corporation,
The Birmingham Coal, Coke and Iron Company, a Corporation, and its successors,
in interest,
George Weldon, trading under the name of Weldon and Company of Chelsea, Alabama,
W. S. Brown, as Trustee for J. B. Earle and Company,
A. N. Wilson, Trustee;

The following named persons and firm or corporation who are non-residents of the State of Alabama, to-wit:

James William McGuire, Atlanta, Ga.;
Ida O. McGuire, wife of James William McGuire, Atlanta, Ga.;
I. B. Johnson, Mount Pleasant, Texas;
Ada Johnson, Mount Pleasant, Texas;
J. P. Moore, Mount Pleasant, Texas;
Bessie Johnson Moore, Mount Pleasant, Texas;
E. H. Banks, Meadow, Texas;
Jessie M. Johnson Banks, Meadow, Texas;
W. G. Johnson, Mount Pleasant, Texas;
Grace Johnson, Mount Pleasant, Texas;
Paul M. Payne, Athens, Texas;
Annie Johnson Payne, Athens, Texas;
Bill Edwards, c/o Cotton Belt Shops, Tyler, Texas;
Dovie Johnson Edwards, Tyler, Texas;
Mrs. Boyd Brasher Barnes, a married woman, age 19; Stovall, Ga;
Celia Johnson, New York City, N. Y.;
June Johnson, New York City, N. Y.;
Jane Johnson, New York City, N. Y.;
Lillian Johnson Smith, Atlanta, Georgia;
Marie Smith Falls, Memphis, Tennessee;
The Union Trust Company, a Corporation of New York City, N. Y.;

and in addition, all other persons, firms and corporations having or appearing to have, or own, or who may or might have or own any right, title, interest, claim, lien or en-

cumbrance whatsoever to, upon or against any portion of the land sought to be condemned and acquired in the proceeding, whose names, numbers, ages, places of residence and post office addresses are unknown and could not be ascertained after diligent inquiry and reasonable effort; and,

WHEREAS, after due and legal notice had been given to all the defendants aforesaid and a guardian ad litem appointed for the minor and/or incompetent defendants, and an answer filed by such guardian ad litem for the said minor and/or incompetent defendants the United States District Court did, on, to-wit: the 21st day of June, 1938, grant said application, and did on said date condemn in behalf of the United States of America said lands as prayed in the original petition, as amended, and did appoint commissioners, as provided by law, to assess the damages and compensation which the owners of the lands hereinabove described and set forth would sustain and to which they would be entitled by reason of the condemnation and acquisition of the entire, absolute, fee simple title by the United States of America in and to the aforesaid lands; and,

WHEREAS, The said commissioners so appointed, as aforesaid, did make and file their report, duly sworn to, in writing, assessing the damages and compensation to which the owners of the respective tracts of land were entitled, which said report being unexcepted to was confirmed by the Court on, to-wit: the 15th day of August, 1938, the value of the several tracts of land as finally fixed by the decree of the Court being as follows, to-wit:

- TRACTS 6 - 8 (Beatrice Gilbert, et al), Valued at, to-wit, \$ 2,150.00;
- TRACTS 9 - 10 - 11 (Annie M. Gilbert, et al) Valued at to-wit 3,000.00;
- TRACT 43(L. E. J. Scott, et al) Valued at, to-wit, 100.00p
- TRACT 55 (J. M. C. Johnson, et al) Valued at, to-wit, 180.00; —
- TRACT 67(Annie B. Carlisle, et al) Valued at, to-wit, 300.00;
- TRACT 85 (James William McGuire, et al) Valued at, to-wit, 300.00;
- TRACT 97 (Willie Brasher, et al) Valued at, to-wit, 593.50;
- TRACT 104A (F. C. Sherrod, et al) Valued at, to-wit, 201.00;
- TRACT 109 (Thomas M. Brasher, Jr.) Valued at, to-wit, 950.00;
- TRACT 54a (J. M. C. Johnson, et al) Valued at, to-wit, 20.00;
- TRACT 114 (A. J. Gilbert, et al) Valued at, to-wit, 325.00;

the total combined damages and compensation awarded to the said owners of all of said tracts of land as fixed by said decree confirming the report of the said commissioners being the sum of, to-wit, \$8,119.50; and,

WHEREAS, By the aforesaid decree of the Court, the entire, absolute, fee simple title in and to said lands hereinabove described vested in the United States of America, under the Acts of Congress set forth and referred to in the original petition filed in said cause, upon condition that the United States of America first deposit in the Registry of the Court the sum of, to-wit, \$8,119.50, the total amount awarded to the owners of the several tracts of land hereinabove described; and,

WHEREAS, No appeal was taken from said decree and a decree has been entered by the Court appointing the grantor herein Commissioner, as provided by the laws of the State of Alabama, to execute a conveyance of said lands to the United States of America to the extent of all the interest right, title, and claim of the defendants in said cause, when the United States of America deposited the aforesaid sum awarded by said commissioners; and,

WHEREAS, The United States of America has deposited in the Registry of the Court on, to-wit, the 14th day of November, 1938, the aforesaid sum, to-wit, \$8,119.50, as provided in said decree, being the total amount of the award fixed by said commissioners:

NOW, THEREFORE, In consideration of the premises and of the sum of, to-wit, \$8,119.50, which has been paid into the Registry of the said Court by the United States of America, in conformity with the provisions of said decree of the Court, I, Mary L. Morrison, as such Commissioner, have granted, bargained and sold, and by these presents, to grant, bargain, sell and convey unto the United States of America, party of the second party its successors and assigns, the following tracts or parcels of land, to-wit, each, every and all of the hereinabove described tracts and parcels of land, together with all and singular the tenements and appurtenances thereunto belonging or in any wise appertaining.

TO HAVE AND TO HOLD Unto the United States of America, party of the second part, its successors and assigns forever; so far as I, the undersigned Mary L. Morrison, Commissioner, as aforesaid, have any right, authority or power to do by virtue of my appointment as Commissioner for said purpose.

In testimony whereof, I, Mary L. Morrison, Commissioner, aforesaid, party of the first part, have set my hand and seal on the day and year above written.

Mary L. Morrison (Seal)
COMMISSIONER

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, M. E. Mahoney, a Notary Public in and for said County and State, do hereby certify that Mary L. Morrison, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she, as such commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this the 16th day of November, 1938.

M. E. Mahoney, Notary Public

(Seal)

Shelby County, State of Alabama.
Filed for record in this office the 18th day of November, 1938 at 11:30 AM and recorded in Deed Record #105 on page 321 and examined.

L. C. Walker, Judge of Probate
Shelby County, Alabama.