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REC $ 300 UD
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R.M.F. $ 1.00

COMPUTER ✓
RECORDED ✓
COMPARED ✓

FILED NO. 3418
BOOK 140 PAGE 595
00 FEB 22 PM 3:07

SPACE ABOVE THIS LINE FOR RECORDER
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF)
EASEMENT RIGHTS IN AGRICULTURAL LAND)
BY WARREN WATER DISTRICT TO)
CONSTRUCT, OPERATE AND MAINTAIN) **SHERIFF'S FILING OF RECORD**
A WATER DISTRIBUTION SYSTEM)
IN MADISON COUNTY, IOWA)

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

TO: MICHELLE UTSLER, MADISON COUNTY RECORDER:

PLEASE FIND ATTACHED THE FOLLOWING PAPERS REGARDING THE ABOVE NAMED CONDEMNATION WHICH WAS HELD IN MY OFFICE ON THE 12TH DAY OF JANUARY, 1999:

A CERTIFIED COPY OF THE APPLICATION FOR CONDEMNATION;
ALL NOTICES, TOGETHER WITH ALL RETURNS OF SERVICE ENDORSED ON THE RETURNS OR ATTACHED TO THE RETURNS;
THE REPORT OF THE COMMISSIONERS;
ALL OTHER PAPERS FILED WITH THE SHERIFF IN THE PROCEEDINGS.

I FURTHER CERTIFY THAT I HAVE IN MY POSSESSION, CHECK #1043 IN THE AMOUNT OF $ 250.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO " NIADA McFARLAND " RECEIVED ON THE 1ST DAY OF FEBRUARY, 1999, IN FULL PAYMENT OF THE AWARD FOR PARCEL NO. M5-2171; AND PERSONAL MONEY ORDER #5436 IN THE AMOUNT OF $ 1.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO " GEOFFREY McFARLAND AND EARLHAM SAVINGS BANK " RECEIVED ON THE 1ST DAY OF FEBRUARY, 1999, IN FULL PAYMENT OF THE AWARD FOR PARCEL NO. M5-2172; AND PERSONAL MONEY ORDER #5434 IN THE AMOUNT OF $ 1.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO "RODNEY McFARLAND, JENNIFER J. McFARLAND, DEGEORGE CAPITAL CORP., AND RELIASTAR MORTGAGE CORPORATION " RECEIVED ON THE 1ST DAY OF FEBRUARY, 1999, IN FULL PAYMENT OF THE AWARD FOR PARCEL NO. M5-2173.

THE APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER FOR MADISON COUNTY, IOWA ON THE 29TH DAY OF OCTOBER, 1998, RECORDED WITH THE FOLLOWING BOOK, PAGE OR INSTRUMENT NUMBER; DEED RECORD BOOK 140 AT PAGE 488, INSTRUMENT NO. 1826.

SHERIFF OF MADISON COUNTY, IOWA

STATE OF IOWA, MADISON COUNTY: ss

ON THIS 12th DAY OF February 1999, BEFORE ME A NOTARY PUBLIC IN THE STATE OF IOWA, PERSONALLY APPEARED PAUL D. WELCH, SHERIFF, TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS VOLUNTARY ACT AND DEED.

THOMPSON
IOWA
NOTARIAL SEAL

LOIS E. THOMPSON, NOTARY PUBLIC
IN AND FOR THE STATE OF IOWA
MY COMMISSION EXPIRES 10-15-99

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT AND FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE ARTHUR E. GAMBLE, Chief Judge of the Fifth Judicial District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the "Applicant" or "District", a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, and pursuant to § 6B.3, Code of Iowa (1997), states:

1. Applicant, Warren Water District is a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, with its principal place of business at 1204 East 2nd Avenue, Indianola, Iowa 50125, and is authorized to make this application under the provisions of §357A.11(5) of the Code of Iowa (1997).

2. The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the real estate hereinafter set forth to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto. Applicant shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

3. The purpose for which the condemnation is sought is an easement for water lines for water distribution purposes over and across the described real estate, said water distribution system to serve residents of Madison County, Iowa.

4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:

(a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.

(b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to reclear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.

(c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.

(d) Any drainage tile disturbed by the installation or repair of the pipeline will be repaired or replaced by Applicant with tile of comparable quality.

5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.

6. That said land described in Exhibit "A" is agricultural property.

7. Exhibit "B" attached hereto, and by this reference made a part hereof, are a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.

8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.

9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.

10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1997) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of Chapter 6B, Code of Iowa, as amended.

Dated this 15th day of October, 1998.

WARREN WATER DISTRICT

By: _____

Richard B. Clogg WN0000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574
Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 21 day of October, 1998.

_____

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"
Page 1 of 1

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995

Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

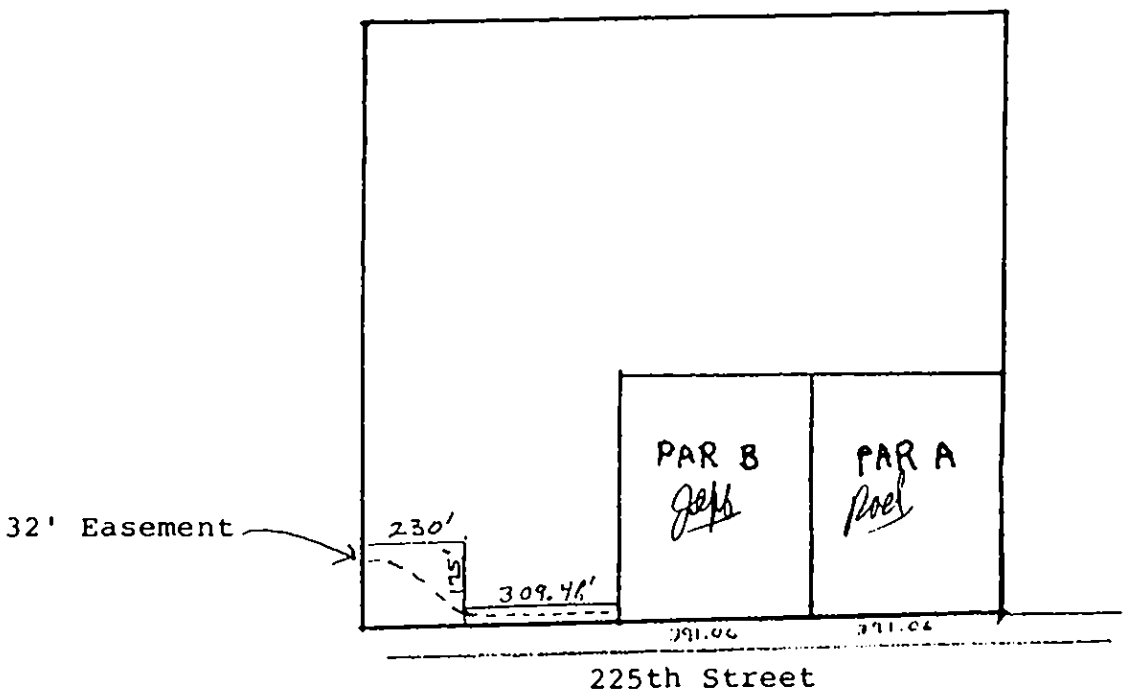
EXHIBIT "B"
Page 1 of 3

A plat of each parcel showing the location of the right-of-way or other property sought to be condemned with reference to such description.

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

SE¼ NW¼ 3-75-27



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

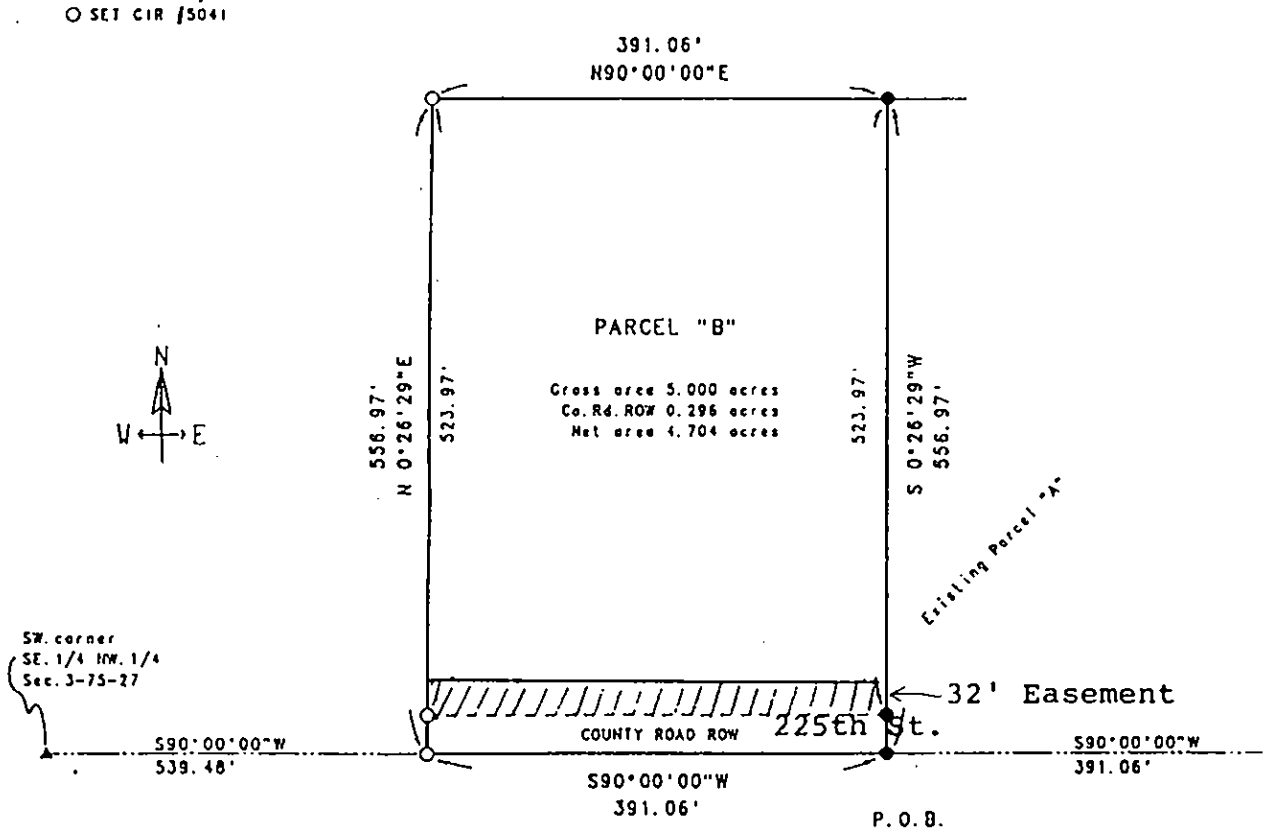
EXHIBIT "B"
Page 2 of 3

Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

SE¼ NW¼ 3-75-27

▲ FOUND CIR #7044
● FOUND CIR #5041
○ SET CIR #5041

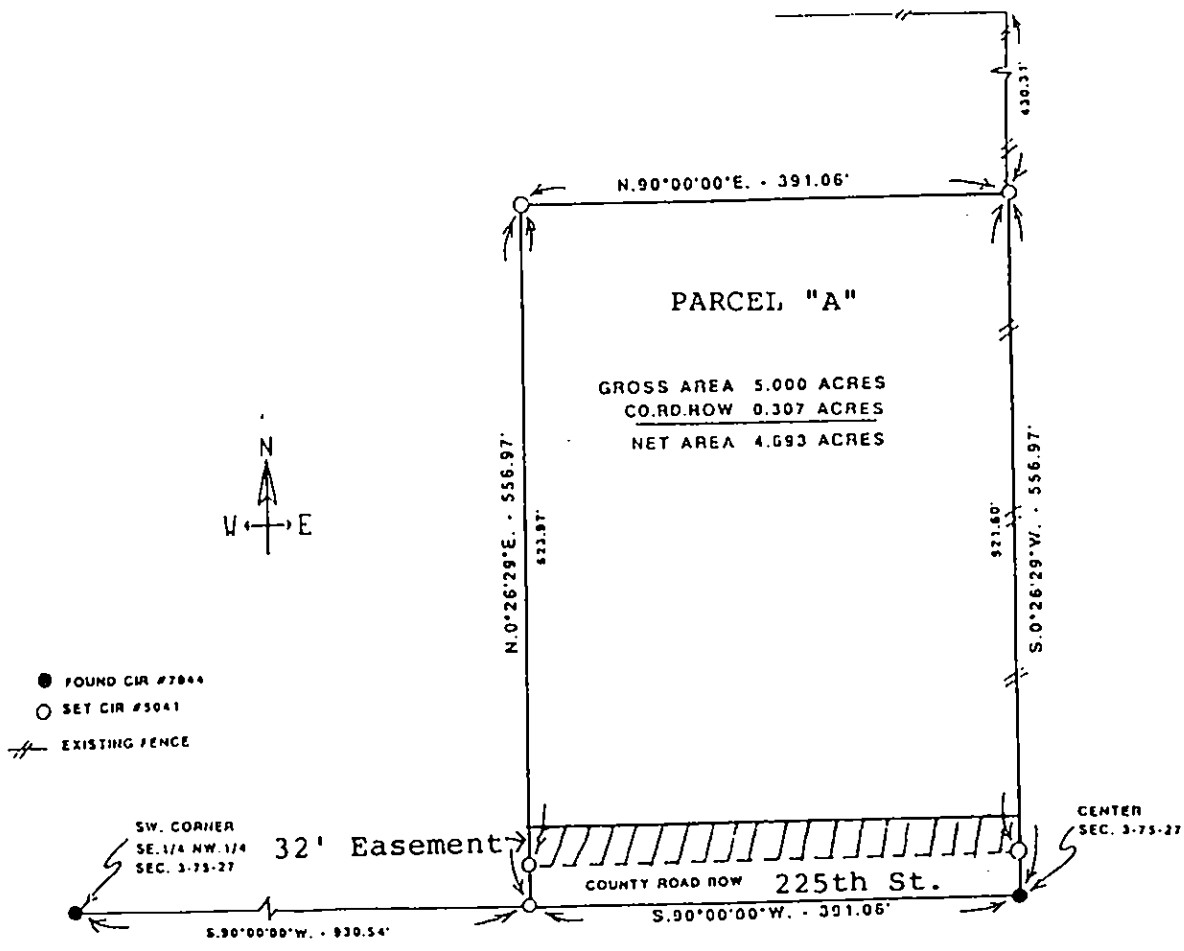


EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

SE¼ NW¼ 3-75-27



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

EXHIBIT "C"
Page 1 of 1

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

Property Owners:

Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273.

Others that may be affected by the proceedings:

Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

Holders of Lien or encumbrance:

None.

Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

Property Owners:

Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273.

Others that may be affected by the proceedings:

Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

Holders of Lien or encumbrance:

Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266.

Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

Property Owners:

Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273.
Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273.

Others that may be affected by the proceedings:

Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

Holders of Lien or encumbrance:

DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309.

Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266.

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA RE: SERVICE AREA 5 PARCEL NOS M5-2171/M5-2172/M5-2173

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT

Madison County

An Application and Notice of Condemnation having been filed with me by Warren Water District for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Jim Kress	Earlham	LICENSED REAL ESTATE BROKERS/SALESPERSON
2. Charles Tucker	Winterset	
1. Mark Pearson	Peru	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
2. Bret Smith	Winterset	
1. Raymond Clark	Cumming	AGRICULTURAL/OTHER THAN AGRICULTURAL
2. James Camp	Peru	

I further DESIGNATE, SELECT and APPOINT the above named JIM KRESS to act as Chairperson of said Commission and CHARLES TUCKER is appointed as Alternate Chairperson.

TO THE SHERIFF OF MADISON COUNTY, IOWA: Attached hereto please find a duplicate of the Application for Condemnation in the above entitled matter.

DATED at Des Moines, Iowa this 26 day of October, 1998.

Arthur E. Gamble
JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 4th day of December 1998.

Paul D. Welch, Jr.
SHERIFF OF Madison COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA RE: SERVICE AREA 5
Parcel Nos: M5-2171/M5-2172/M5-2173

SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS

Madison County

An Application and Notice of Condemnation having been filed with me by Warren Water District for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of said compensation commission required in this matter the following persons:

	NAME	ADDRESS	QUALIFICATIONS
1.	Carol Landis	Winterset	LICENSED REAL ESTATE BROKERS /SALESPERSON
2.	Marcy Baker	Winterset	
1.	Margaret Schafer	Earlham	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
2.	Loren Myers	Lorimor	
1.	Russell Anderson	Peru	AGRICULTURAL/~~OTHER THAN~~ AGRICULTURAL
2.	Dean Molln	Winterset	

The Sheriff of Madison County, Iowa shall upon being informed of a vacancy in the compensation commission, notify the alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

DATED this 26 day of October, 1998.

Arthur E Gamble

CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 4th day of December, 1998.

Paul D Welch Jr

SHERIFF OF Madison COUNTY, IOWA

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**SUMMONS TO COMMISSIONERS**

TO: Jim Kress

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated **JIM KRESS** as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999, at 9:00 o'clock a.m.** for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

DEC 9 1998
8:44 a.m.

Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Earlham, Iowa this 9th day of Dec, 1998. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____.

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRICTION SYSTEM IN MADISON COUNTY, IOWA	:	
	:	**SUMMONS TO COMMISSIONERS**
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	

TO: Mark Pearson

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999,** at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

Paul D. Welch, Sheriff of Madison County, Iowa

DEC 09 1998
8:45

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa this 7th day of Dec, 1998. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____
_____.

_____

[redacted] [redacted] [redacted]

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
	:	**SUMMONS TO COMMISSIONERS**
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	

TO: Raymond Clark

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999,** at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

DEC 09 1998
8:44 a.m.

Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Van Meter, Iowa this 7 day of Dec., 1998. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

Raymond Clark

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____
_____.

_____

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	**SUMMONS TO COMMISSIONERS**
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	

TO: MARGARET SCHAFER

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999,** at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

Paul D. Welch, Sheriff of Madison County, Iowa

DEC 11 1998
8:59 AM

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Earlham, Iowa this 10th day of December, 1998. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

Margaret Schafer

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____.

_____

[redacted] [redacted] [redacted]

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
	:	**SUMMONS TO COMMISSIONERS**
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	

TO: RUSSELL ANDERSON

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999,** at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

Paul D. Welch, Sheriff of Madison County, Iowa

DEC 17 1998
1:38

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa this 16 day of Dec., 1998. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

Russell Anderson

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____
_____.

_____

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	SUMMONS TO COMMISSIONERS

TO: Carol Landis

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999,** at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office, this 14th day of December, 1998.

RECEIVED
SHERIFF
MADISON COUNTY
WINTERSET, IOWA
DEC 16 1998
8:55 AM
BY

Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa this 14 day of Dec, 1998. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

Carol Landis

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____
_____.

_____

[redacted] [redacted] [redacted]

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**SUMMONS TO COMMISSIONERS**

TO: Bret Smith

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999,** at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

[redacted]

Paul D. Welch, Sheriff of Madison County, Iowa

JAN 11 1999
3:04

ACCEPTANCE OF SERVICE

Due ~~and legal~~ service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa this 11 day of Jan., 1999. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

Bret A. Smith

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____.

_____

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
	:	**SUMMONS TO COMMISSIONERS**
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	

TO: MARCY BAKER

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999,** at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

Paul D. Welch
Paul D. Welch, Sheriff of Madison County, Iowa

JAN 11 1999
1:14

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa this 11 day of Jan, 1999. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

Marcy Baker

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____.

_____

[redacted] [redacted] [redacted]

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	**SUMMONS TO COMMISSIONERS**
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	

TO: Charles Tucker

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999,** at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

Paul D Welch Sheriff
Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa this _____ day of _____, 199____. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

_____ Dec 1, 1998

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____

_____

Charles E. Tucker

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
	:	**SUMMONS TO COMMISSIONERS**
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	

TO: James Camp

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999,** at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

Paul D. Welch

Paul D. Welch, Sheriff of Madison County, Iowa

Dec 9 1998
8:46

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa this _____ day of _____, 199____. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

_____

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that _____

_____.

James D. Camp

Lois

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
	:	**SUMMONS TO COMMISSIONERS**
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	

TO: Jim Kress

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damage to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated **JIM KRESS** as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the **12th day of January, 1999, at 9:00 o'clock a.m.** for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

Paul D Welch, Sheriff

Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa this _____ day of _____, 199____. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

JAN 12 1999
0835

_____

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that Our bank holds Mortgage on parcel B Heffley/McFarland

1-8-1999 Robert Horan

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRICT SYSTEM IN MADISON COUNTY, IOWA	:	
	:	**OATH OF COMMISSIONERS**
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	

STATE OF IOWA :
: ss
MADISON COUNTY :

EACH OF THE UNDERSIGNED BEING DULY SWORN SAYS:

THAT THE AFFIANT DOES POSSESS THE QUALIFICATIONS LISTED UNDER HIS/HER NAME BELOW, AND THAT THE AFFIANT DOES NOT POSSESS AN INTEREST IN THE PROCEEDING WHICH WOULD CAUSE HE OR SHE TO RENDER A BIASED DECISION; AND THAT THE AFFIANT WILL, TO THE BEST OF HIS/HER ABILITY, FAITHFULLY AND IMPARTIALLY ASSESS THE DAMAGES WHICH OWNERS, LIENHOLDERS, ENCUMBRANCERS AND OTHER PERSONS INTERESTED IN THE LAND FROM WHICH CERTAIN RIGHTS ARE SOUGHT TO BE APPROPRIATED BY THESE PROCEEDINGS WILL SUSTAIN BY REASON OF THE APPROPRIATION OF THE RIGHTS SET FORTH AND DESCRIBED IN THE APPLICATION AND NOTICE OF CONDEMNATION FILED IN THE OFFICE OF THE SHERIFF FOR THE IMPROVEMENT OF WARREN WATER DISTRICT AND MAKE A WRITTEN REPORT TO THE SHERIFF AS AUTHORIZED AND PRESCRIBED IN CHAPTERS 6A AND 6B OF THE 1997 CODE OF IOWA AND ANY AMENDMENTS THERETO, AND IN ACCORDANCE WITH THE INSTRUCTIONS OF THE CHIEF JUSTICE OF THE SUPREME COURT, AND WILL TRULY PERFORM ANY AND ALL OTHER DUTIES IMPOSED UPON ME BY LAW AS A MEMBER OF THE COMPENSATION COMMISSION SELECTED AND APPOINTED TO ASSESS SAID DAMAGES.

Carol Landis

NAME: CAROL LANDIS
LICENSED REAL ESTATE SALESPERSON OR BROKER

Marcy Baker

NAME: MARCY BAKER
LICENSED REAL ESTATE SALESPERSON OR BROKER

Bret A. Smith

NAME: BRET SMITH
KNOWLEDGE OF PROPERTY VALUES BY VIRTUE OF OCCUPATION

Margaret Schafer

NAME: MARGARET SCHAFER
KNOWLEDGE OF PROPERTY VALUES BY VIRTUE OF OCCUPATION

Raymond Clark

NAME: RAYMOND CLARK
AGRICULTURAL

Russell Anderson

NAME: RUSSELL ANDERSON
AGRICULTURAL

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF January, 1999.

Lee E Thompson

NOTARY PUBLIC

SEAL

FILED IN MY OFFICE THIS 12th DAY OF January, 1999.

Paul D Welch Sheriff

PAUL D. WELCH, SHERIFF
MADISON COUNTY, IOWA

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRICT SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS**

I HEREBY CERTIFY THAT THE COMMISSIONERS IN THE ABOVE ENTITLED CAUSE CONVENED AT WINTERSET, IOWA, ON THE 12TH DAY OF JANUARY, 1999., AND THEREUPON PROCEEDED TO VIEW THE PREMISES AND SAID COMMISSIONERS DID THEREAFTER ON THE 12TH DAY OF JANUARY, 1999, FILED THEIR WRITTEN REPORT IN MY OFFICE AWARDING DAMAGES AS FOLLOWS:

A. AWARDS MADE BY COMMISSION TO CONDEMNEES

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

NAME	ADDRESS
Niada McFarland	2554 - 225th Trail, Winterset, Iowa 50273

TOTAL AWARD $ 250.00

Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

NAME	ADDRESS
Geoffrey McFarland	2553 - 225th Street, Winterset, Iowa 50273
Earlham Savings Bank	7300 Lake Drive, West Des Moines, Iowa 50266

TOTAL AWARD $ 1.00

Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

NAME	ADDRESS
Rodney McFarland	2543 - 225th Street, Winterset, Iowa 50273
Jennifer J. McFarland	2543 - 225th Street, Winterset, Iowa 50273
DeGeorge Capital Corp., c/o Prentice-Hall Corp. System	729 Insurance Exchange Bldg., Des Moines, Iowa 50309
Reliastar Mortgage Corporation	7015 Vista Drive, West Des Moines, Iowa 50266.

TOTAL AWARD $ 1.00

B. DEPOSITS TO SHERIFF MADE BY CONDEMNOR

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

NAMES	AMOUNT	DATE
Niada McFarland	$ 250.00	February 1, 1999

TOTAL AMOUNTS DEPOSITED $ 250.00

Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

NAMES	AMOUNT	DATE
Geoffrey McFarland, Earlham Savings Bank,	$ 1.00	February 1, 1999

TOTAL AMOUNTS DEPOSITED $ 1.00

Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

NAMES	AMOUNT	DATE
Rodney McFarland Jennifer J. McFarland DeGeorge Capital Corp., Reliastar Mortgage Corporation,	$ 1.00	February 1, 1999

TOTAL AMOUNTS DEPOSITED $ 1.00

C. AWARDS OR DAMAGES PAID TO CONDEMNEES

NAME	AMOUNTS	DATES
Niada McFarland	$ 250.00	_____
Geoffrey McFarland and Earlham Savings Bank	$ 1.00	_____
Rodney McFarland Jennifer J. McFarland DeGeorge Capital Corp., Reliastar Mortgage Corporation,	$ 1.00	_____

TOTAL AMOUNTS PAID TO CONDEMNEES $_____

D. COMMISSIONERS FEES AND EXPENSES

NAME	FEES & EXPENSES
1. Bret Smith	$ 53.12
2. Russell Anderson	$ 53.12
3. Margaret Schafer	$ 00.00
4. Marcy Baker	$ 50.52
5. Raymond Clark	$ 57.28
6. Carol Landis	$ 55.20
TOTAL	$ 269.24

PAID
FEB - 2 1999
by Plaintiff

DATE PAID February 1, 1999

E. SHERIFF'S CIVIL FEES AND EXPENSES

SERVICE	$ 50.00	PAID
MILEAGE	$ 22.05	
COUNTY FEES (POSTAGE)	$ 17.40	FEB - 2 1999
ATTENDED COMMISSION	$ 60.00	
COPIES	$ 31.50	Plaintiff
TOTAL	$ 180.95	

DATE PAID February 1, 1999

F. THE NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL WAS MAILED TO ALL INTERESTED PARTIES BY ORDINARY MAIL ON THE 12th DAY OF JANUARY, 1999.

G. THE APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER FOR MADISON COUNTY, IOWA ON THE 29TH DAY OF OCTOBER, 1998, RECORDED WITH THE FOLLOWING BOOK, PAGE OR INSTRUMENT NUMBER; DEED RECORD BOOK 140 AT PAGE 488, INSTRUMENT NO. 1862.

I FURTHER CERTIFY THAT THE ATTACHED PAPERS ARE THE FULL AND COMPLETE ORIGINAL FILES IN THE PROCEEDINGS AND THE STATEMENTS ACCOMPANYING THE SAME ARE CORRECT AND TRUE. GIVEN UNDER MY HAND THIS 2nd DAY OF February, 1999.

Paul D. Welch

PAUL D. WELCH, SHERIFF OF
MADISON COUNTY, IOWA

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRICT SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**CONDEMNATION COMMISSIONER'S STATEMENT**

To the Sheriff of Madison County:

I certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate or rights to the real estate for the above described project held on the 12th day of January, 1999, are as follows:

_____	day service at $50.00	$ 50.00
20	mileage at .26 cents	$ 5.20
_____	meals	$ 0
	TOTAL	$ 55.20

Signed this 12 day of January, 1999.

Carol Landis
COMMISSIONER

[redacted] [redacted] [redacted]

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**CONDEMNATION COMMISSIONER'S STATEMENT**

To the Sheriff of Madison County:

I certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate or rights to the real estate for the above described project held on the 12th day of January, 1999, are as follows:

_____ day service at $50.00 . . . . . $ 50.00

_____ mileage at .26 cents . . . . . $ .52

_____ meals . . . . . $ _____

TOTAL $ 50.52

Signed this 11 day of Jan., 1999.

Nancy Baker
COMMISSIONER

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**CONDEMNATION COMMISSIONER'S STATEMENT**

To the Sheriff of Madison County:

I certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate or rights to the real estate for the above described project held on the 12th day of January, 1999, are as follows:

1 day service at $50.00 . . . . . $ 50.00

12 mileage at .26 cents . . . . . $ 3.12

_____ meals . . . . . $ _____

TOTAL $ 53.12

Signed this 12th day of Jan., 1999.

Bill A. Smith

COMMISSIONER

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**CONDEMNATION COMMISSIONER'S STATEMENT**

To the Sheriff of Madison County:

I certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate or rights to the real estate for the above described project held on the 12th day of January, 1999, are as follows:

_____ day service at $50.00 . . . . . $ — 0 —

_____ mileage at .26 cents . . . . . $ — 0 —

_____ meals . . . . . $ — 0 —

TOTAL $ — 0 —

Signed this 12th day of January, 1999.

Margaret Schaefer
COMMISSIONER

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**CONDEMNATION COMMISSIONER'S STATEMENT**

To the Sheriff of Madison County:

I certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate or rights to the real estate for the above described project held on the 12th day of January, 1999, are as follows:

1 day service at $50.00 . . . . . $ 50.00

_____ mileage at .26 cents . . . . . $ 7.28

_____ meals . . . . . $ _____

TOTAL $ 57.28

Signed this _____ day of _____, 1999.

Raymond C Clark
COMMISSIONER

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**CONDEMNATION COMMISSIONER'S STATEMENT**

To the Sheriff of Madison County:

I certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate or rights to the real estate for the above described project held on the 12th day of January, 1999, are as follows:

1 day service at $50.00 . . . . . $ 50.00

12 mileage at .26 cents . . . . . $ 3.12

_____ meals . . . . . $ _____

TOTAL $ 53.12

Signed this 12 day of Jan, 1999.

Russell Anderson
COMMISSIONER

Mon Dec 7 10:04:30 1998 Madison Co Sheriff Page# 1

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

CASE NAME:
WARREN WATER DISTRICT
VS
MCFARLAND,NAIDA

RETURN OF SERVICE:
Personnal

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING
: : Petition and Original Notice : : Order Filed_____
: : Modification/Application and Notice : : Writ_____
: : Order to Show Cause : : Other_____

Served MCFARLAND,RODNEY at 2543 225TH ST WINTERSET, IA 50273 on 12/05/98 at 1330

NOTE:(Diligent Search, etc.)

Processing	:	10.50
Mileage	:	3.15
Trust/Copy	:	0.00
MISC.	:	0.00
TOTAL	:	13.65

PAUL D. WELCH, SHERIFF
MADISON County, IOWA

Signature Title

SGT. KEN BURK

~~Fees Xxxxxxxxx/paidby Atty/Party: RICHARD B CLOGG~~

[redacted] [redacted] [redacted]

Mon Dec 7 10:03:41 1998 Madison Co Sheriff Page# 1

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

CASE NAME:
WARREN WATER DISTRICT
VS
MCFARLAND,NAIDA

RETURN OF SERVICE:
Personnal

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING
: : Petition and Original Notice : : Order Filed_____
: : Modification/Application and Notice : : Writ_____
: : Order to Show Cause : : Other_____

Served MCFARLAND,NAIDA at 2554 225TH TR WINTERSET, IA 50273 on 12/05/98 at 1335

NOTE:(Diligent Search, etc.)

Processing	:	10.50
Mileage	:	3.15
Trust/Copy	:	0.00
MISC.	:	0.00
TOTAL	:	13.65

PAUL D. WELCH, SHERIFF
MADISON County, IOWA

Signature Title

SGT. KEN BURK

~~Fees [redacted] paid by ATTY: RICHARD B CLOSG~~

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

DEC 6 1996
10:30

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the **12th day of January,** 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

By: _____

Richard B. Clogg WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574
Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

[redacted] [redacted] [redacted]

Tue Dec 8 08:57:20 1998 Madison Co Sheriff Page# 1

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

RETURN OF SERVICE:
Personnal

CASE NAME:
WARREN WATER DISTRICT
VS
MCFARLAND,NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING
: : Petition and Original Notice : : Order Filed_____
: : Modification/Application and Notice : : Writ_____
: : Order to Show Cause : : Other_____

Served MCFARLAND,GEOFFREY at 2553 225TH ST WINTERSET, IA 50273 on 12/07/98 at 1325

NOTE:(Diligent Search, etc.)

Processing	:	10.50
Mileage	:	5.30
Trust/Copy	:	0.00
MISC.	:	0.00
TOTAL	:	15.80

~~Fees charged to/paid by Atty/Rpstr: RICHARD B CLOGG~~

PAUL D. WELCH, SHERIFF
MADISON County, IOWA

Craig Busch Chief Deputy
Signature Title

CRAIG BUSCH, CHIEF DEPUTY

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRICTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

DEC 6 1994
10:30

**NOTICE OF CONDEMNATION AND
ASSESSMENT HEARING BEFORE
COMPENSATION COMMISSION**

TO: Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the **12th day of January,** 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

By: _____

Richard B. Clogg WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574
Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

[redacted] [redacted] [redacted]

Mon Dec 7 10:05:36 1998 Madison Co Sheriff Page# 1

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

RETURN OF SERVICE:
Substitute

CASE NAME:
WARREN WATER DISTRICT
VS
MCFARLAND,NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING
: : Petition and Original Notice : : Order Filed_____
: : Modification/Application and Notice : : Writ_____
: : Order to Show Cause : : Other_____

Served MCFARLAND,JENNIFER by serving MCFARLAND,RODNEY
at 2543 225TH ST
WINTERSET, IA 50273
on 12/05/98 at 1330

NOTE:(Diligent Search, etc.)

Processing	:	10.50
Mileage	:	0.00
Trust/Copy	:	0.00
MISC.	:	0.00
TOTAL	:	10.50

PAUL D. WELCH, SHERIFF
MADISON County, IOWA

Signature Title
SGT. KEN BURK

~~Fees charged to/paidby Atty/Party: RICHARD B CLOGG~~

Mon Dec 7 10:00:01 1998 Madison Co Sheriff Page# 1

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

RETURN OF SERVICE:
Government

CASE NAME:
WARREN WATER DISTRICT
VS
MCFARLAND,NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING
: : Petition and Original Notice : : Order Filed_____
: : Modification/Application and Notice : : Writ_____
: : Order to Show Cause : : Other_____

Served MADISON COUNTY, IOWA by serving CLEWELL, ARLENE
its 1st Deputy/AUDITOR
at COURTHOUSE
WINTERSET, IA 50273
on 12/07/98 at 0810

NOTE:(Diligent Search, etc.)

Processing	:	10.50
Mileage	:	3.15
Trust/Copy	:	0.00
MISC.	:	0.00
TOTAL	:	13.65

PAUL D. WELCH, SHERIFF
MADISON County, IOWA
Craig Busch Chief Deputy
Signature Title
CRAIG BUSCH, CHIEF DEPUTY

~~Fees [illegible] paid by Atty/[illegible] RICHARD B CLOGG~~

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

DEC 6 1994
10:30

**NOTICE OF CONDEMNATION AND
ASSESSMENT HEARING BEFORE
COMPENSATION COMMISSION**

TO: Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

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PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

PARCEL NO. M5-2173

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Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

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Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

By: _____

Richard B. Clogg WN000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574
Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

AFFIDAVIT OF SERVICE

CASE NAME : ***IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS***

CASE NUMBER: *N/A*

NOTICE RECEIVED : *12/29/98*

RETURN:
- ☐ PERSONAL
- ☒ CORP/BUS ASSOC.

STATE OF IOWA)
) SS.
COUNTY OF MADISON)

I, the undersigned being first duly sworn and upon oath, depose and state that I received the instrument hereto attached on the date set forth above and that I served a true copy of said instrument, described as follows:

- ☐ Petition and Original Notice
  - ☐ *Dissolution of Marriage*
  - ☐ *F.E.D. - HEARING DATE:* _____
  - ☐ *Money Judgment*
- ☐ Subpoena
- ☐ Appl. & Order to Show Cause
- ☐ Modification/Appl. & Notice
- ☐ 3-Day Notice to Cure/Quit
- ☐ Notice for Nonjudicial Foreclosure
- ☐ Notice to Redeem from Tax Sale
- ☐ Notice of Forfeiture
- ☐ Order: Program regarding family
- ☐ Order: Mandatory Pre-trial Conference
- ☐ Order: For Hearing on Temporary matters
- ☒ Other : **NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION**

on the *29TH* day of *DECEMBER*, 1998 at *2:55 P.M.*
I served the same on:
I. *EARLHAM SAVINGS BANK* at *7300 LAKE DRIVE*
II. at

1. ☐ By personally serving the above named person(s)

2. ☐ By Substitute service on :
☐Residing/☐Employed for

3. ☒ By serving: *VERNON L. GEIGER* a natural person for the above corporation or entity; who identified themselves as the *EXECUTIVE VICE PRESIDENT* of said corporation or other entity.

4. ☐ By means of Posting; for which at least three attempts for personal service were made from to and to which a copy of said attached document was also delivered by regular and certified mailing on

In W. DES MOINES, POLK County, Iowa, by therein who was at least 18 years of age.

SERVICE BY: D. THOMAS

FEES:	
SERVICE:	$20.00
MILEAGE:	
COPIES:	
OTHER:	
TOTAL:	*$20.00*

ALL FEES PAID BY: *ELGIN, CLOGG AND PATIN LAW OFFICE*

Subscribed and sworn before me by the said D. THOMAS on this Saturday, January 02, 1999.

Ronda K. Bernard
NOTARY PUBLIC FOR THE STATE OF IOWA

[redacted] [redacted] [redacted]

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

AFFIDAVIT OF SERVICE

CASE NAME : ***IN RE: THE MATTER OF CONDEMNATION***

CASE NUMBER:

NOTICE RECEIVED : ***12/7/98***

RETURN:
☒ PERSONAL
☐ CORP/BUS ASSOC.

STATE OF IOWA)
) SS.
COUNTY OF POLK)

I, the undersigned being first duly sworn and upon oath, depose and state that I received the instrument hereto attached on the date set forth above and that I served a true copy of said instrument, described as follows:

☐ Petition and Original Notice
- ☐ *Dissolution of Marriage*
- ☐ *F.E.D. - HEARING DATE:* _____
- ☐ *Money Judgment*

☐ Subpoena
☐ Appl. & Order to Show Cause
☐ Modification/Appl. & Notice
☐ 3-Day Notice to Cure/Quit
☐ Notice for Nonjudicial Foreclosure
☐ Notice to Redeem from Tax Sale
☐ Notice of Forfeiture
☐ Order: Program regarding family
☐ Order: Mandatory Pre-trial Conference
☐ Order: For Hearing on Temporary matters
☒ Other : **NOTICE OF CONDEMNATION AND ASSESSMENT HEARING** BEFORE COMPENSATION COMMISON

on the ***16TH*** day of ***DECEMBER***, 1998 at ***12:52 P.M.***
I served the same on:
I. ***DeGEORGE CAPITAL CORP.*** at ***729 INSURANCE EXCHANGE BLDG.***
II. ***[PRENTICE CORP.]*** at

1. ☐ By personally serving the above named person(s)

2. ☐ By Substitute service on :
☐Residing/☐Employed for .

3. ☒ By serving: ***CINDY HALVERSON*** a natural person for the above corporation or entity; who identified themselves as the ***SECRETAY FOR THE RGISTERED AGENT*** of said corporation or other entity.

4. ☐ By means of Posting; for which at least three attempts for personal service were made from to and to which a copy of said attached document was also delivered by regular and certified mailing on

In DES MOINES, POLK County, Iowa, by therein who was at least 18 years of age.

SERVICE BY: D.THOMAS

FEES:	
SERVICE:	$20.00
MILEAGE:	
COPIES:	
OTHER:	
TOTAL:	***$20.00***

ALL FEES PAID BY: *ELGIN, CLOGG & PATIN LAW OFFICE*

*Subscribed and sworn before me by the said **D. THOMAS** on this Friday, December 18, 1998.*

Rhonda K. Bernard
NOTARY PUBLIC FOR THE STATE OF IOWA

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

AFFIDAVIT OF SERVICE

CASE NAME : ***IN RE: THE MATTER OF CONDEMNATION***

CASE NUMBER:

NOTICE RECEIVED : *12/7/98*

RETURN:
☒ PERSONAL
☐ CORP/BUS ASSOC.

STATE OF IOWA)
) SS.
COUNTY OF POLK)

I, the undersigned being first duly sworn and upon oath, depose and state that I received the instrument hereto attached on the date set forth above and that I served a true copy of said instrument, described as follows:

☐ Petition and Original Notice
- ☐ *Dissolution of Marriage*
- ☐ *F.E.D. - HEARING DATE:* _____
- ☐ *Money Judgment*

☐ Subpoena
☐ Appl. & Order to Show Cause
☐ Modification/Appl. & Notice
☐ 3-Day Notice to Cure/Quit
☐ Notice for Nonjudicial Foreclosure
☐ Notice to Redeem from Tax Sale
☐ Notice of Forfeiture
☐ Order: Program regarding family
☐ Order: Mandatory Pre-trial Conference
☐ Order: For Hearing on Temporary matters
☒ Other : **NOTICE OF CONDEMNATION AND ASSESSMENT HEARING** BEFORE COMPENSATION COMMISON

on the ***18TH*** day of ***DECEMBER***, 1998 at ***9:53 A.M.***
I served the same on:

I. ***RELIASTAR MORTGAGE CORP. N/K/A***
II. ***PRINCIPAL MORTGAGE DUE TO BUY OUT*** at ***699 HUB TOWER 7TH FLOOR***
II. at

1. ☐ By personally serving the above named person(s)

2. ☐ By Substitute service on :
☐Residing/☐Employed for

3. ☒ By serving: ***JANICE SCHADE*** a natural person for the above corporation or entity; who identified themselves as the ***SECRETARY RECEPTIONIST FOR PRINCIPAL*** of said corporation or other entity.

4. ☐ By means of Posting; for which at least three attempts for personal service were made from to and to which a copy of said attached document was also delivered by regular and certified mailing on

In DES MOINES, POLK County, Iowa, by therein who was at least 18 years of age.

SERVICE BY: D.THOMAS

FEES:	
SERVICE:	$35.00
MILEAGE:	
COPIES:	
OTHER:	
TOTAL:	***$35.00***

ALL FEES PAID BY: *ELGIN, CLOGG & PATIN LAW OFFICE*

*Subscribed and sworn before me by the said **D. THOMAS** on this Friday, December 18, 1998.*

Rhonda K. Bernard
NOTARY PUBLIC FOR THE STATE OF IOWA

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

**NOTICE OF CONDEMNATION AND
ASSESSMENT HEARING BEFORE
COMPENSATION COMMISSION**

TO: Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the **12th day of January**, 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

By: _____

Richard B. Clogg WN0000000895
ELGIN, CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574
Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

AFFIDAVIT OF FINAL OFFER

STATE OF IOWA :
: ss.
COUNTY OF WARREN :

I, Richard B. Clogg, in compliance with § 6B.33, Code of Iowa (1997), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as **Parcel No. M5-2171** in the Notice of Condemnation filed in the above matter was in the amount of One Dollar ($1.00).

Richard B. Clogg

Subscribed and sworn to before me this 8 day of January, 1999.

RENEE M. HUNGET
MY COMMISSION EXPIRES
November 16, 2001

Renee M. Hunget
Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 12th day of January, 1999.

Sheriff of Madison
County, Iowa

By: Chief Deputy Craig Busch
Chief Deputy Craig Busch

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

AFFIDAVIT OF FINAL OFFER

STATE OF IOWA :
: ss.
COUNTY OF WARREN :

I, Richard B. Clogg, in compliance with § 6B.33, Code of Iowa (1997), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as **Parcel No. M5-2172** in the Notice of Condemnation filed in the above matter was in the amount of One Dollar ($1.00).

Richard B. Clogg

Subscribed and sworn to before me this 8 day of January, 1999.

RENEE M. HUNGET
MY COMMISSION EXPIRES
November 16, 2001

Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 12th day of January, 1999.

Sheriff of Madison
County, Iowa

By: Chief Deputy Craig Busch
Chief Deputy Craig Busch

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

AFFIDAVIT OF FINAL OFFER

STATE OF IOWA :
: ss.
COUNTY OF WARREN :

I, Richard B. Clogg, in compliance with § 6B.33, Code of Iowa (1997), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as **Parcel No. M5-2173** in the Notice of Condemnation filed in the above matter was in the amount of One Dollar ($1.00).

Richard B. Clogg

Subscribed and sworn to before me this 8 day of January, 1999.

RENEE M. HUNGET
MY COMMISSION EXPIRES
November 16, 2001

Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 12th day of January, 1999.

Sheriff of Madison
County, Iowa

By: Chief Deputy Craig Busch
Chief Deputy Craig Busch

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**REPORT OF COMPENSATION COMMISSION**

TO: PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA:

WE, THE UNDERSIGNED, BEING THE DULY APPOINTED AND QUALIFIED COMMISSIONERS, APPOINTED TO ASSESS THE DAMAGES SUSTAINED BY THE RESPECTIVE OWNERS, LIENHOLDERS, ENCUMBRANCERS AND OTHER PERSONS INTERESTED IN THE APPROPRIATION OF CERTAIN RIGHTS AS SET FORTH AND DESCRIBED IN THE NOTICE OF CONDEMNATION FILED IN THIS PROCEEDING RESPECTFULLY SUBMIT THE REPORT PROVIDED BELOW.

AFTER HAVING VIEWED THE PREMISES AT THE TIME OR TIMES FIXED IN THE NOTICE, WE ASSESS AND APPRAISE THE DAMAGES WITH THE RESPECTIVE PERSON(S) WILL SUSTAIN BY REASON OF THE APPROPRIATION AS FOLLOWS:

Parcel No. M5-2171 - SE¼ NW¼ 3-75-27

CONDEMNEES	LAND	PERSONAL PROPERTY	SUBTOTAL AWARD
Niada McFarland	$ 225.00	$ 0	$ 225.00
ATTORNEY FEES			$ 0
		TOTAL AWARD	$ 225.00

Parcel No. M5-2172 - SE¼ NW¼ 3-75-27

CONDEMNEES	LAND	PERSONAL PROPERTY	SUBTOTAL AWARD
Geoffrey McFarland	$ 1.00	$ 0	$ 1.00
MORTGAGEE: Earlham Savings Bank	$ 0	$ 0	$ 0
ATTORNEY FEES			$ 0
		TOTAL AWARD	$ 1.00

Parcel No. M5-2173 - SE¼ NW¼ 3-75-27

CONDEMNEES	LAND	PERSONAL PROPERTY	SUBTOTAL AWARD
Rodney McFarland and Jennifer J. McFarland	$ 1.00	$ 0	$ 1.00
MORTGAGEE: DeGeorge Capital Corp. and Reliastar Mortgage Corporation	$ 0	$ 0	$ 0
ATTORNEY FEES			$ ~~1,000~~ N/A

TOTAL AWARD $ 1.00

RESPECTFULLY REPORTED AT MADISON COUNTY, IOWA THIS 12 DAY OF JANUARY, 1999.

Burt A. Smith — Nancy Baker

Russell Andersen — Raymond Clark

Margaret Schafer — Carol Landis

I CERTIFY THAT THE ABOVE AMOUNTS ARE LEGALLY PAYABLE TO EACH CLAIMANT, AND THAT PAYMENT HAS NOT BEEN RECEIVED.

FILED IN MY OFFICE AT WINTERSET, IOWA, THIS 12 DAY OF JANUARY, 1999.

Ted Wickham

Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**ENDORSEMENT OF SHERIFF MAILING OF NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL**

I, the undersigned, Sheriff of Madison County, Iowa, hereby endorse and certify to the attached report of the Compensation Commission; that I have mailed by ordinary mail on this 12th day of January, 1999, the likewise attached Notice of Appraisement of Damages and Time for Appeal to each of the persons to whom it is addressed.

Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA	:	
RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)	:	**NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL**

TO: Warren Water District, c/o Richard B. Clogg, P.O. Box 215, 106 E. Salem Avenue, Indianola, Iowa 50125; Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

You, and each of you are hereby notified that the duly appointed and qualified commissioners assessed and appraised the damages sustained by each of you by reason of the condemnation as set out upon the attached report of the Compensation Commission, and that pursuant to Section 6B,18 of the 1997 Code of Iowa, you may within thirty (30) days from the date of mailing this Notice, appeal to the District Court as by law provided.

Paul D. Welch, Sheriff of Madison County, Iowa

You may pick up your check at the Sheriff's Office at 1012 N. John Wayne Drive, Winterset, Iowa, after thirty days unless you appealed.

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

AFFIDAVIT OF NONMILITARY SERVICE

STATE OF IOWA: ss.

I, Richard B. Clogg, being first duly sworn on oath, depose and state that I am attorney for Warren Water District, and am responsible for condemnation of right-of-way for this captioned project, and that I am qualified to make this affidavit; that none of the persons holding any legal right to the following described real property, to-wit:

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

are in the active service or on active duty in any of the United States Armed Forces and none come within the provisions of the Soldiers and Sailors Relief Act of 1940, and the amendments thereto.

Richard B. Clogg

Subscribed and sworn to before me this 16 day of NOV., 1998.

Renee M. Hunget
Notary Public in and for the State of Iowa

RENEE M. HUNGET
MY COMMISSION EXPIRES
November 16, 2001

CONDEMNATION OF CERTAIN RIGHTS IN AGRICULTURAL LAND
FOR WATER DISTRIBUTION PURPOSES

* *

RODNEY MCFARLAND and JENNIFER MCFARLAND,
Plaintiffs,

vs.

WARREN WATER DISTRICT,
Defendant.

NOTICE OF APPEAL

* *

TO: PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA
WARREN WATER DISTRICT, c/o Richard B. Clogg, P.O. Box 215, 106 E. Salem Avenue, Indianola, Iowa 50125

YOU ARE HEREBY NOTIFIED that Rodney McFarland and Jennifer McFarland, Plaintiffs appeal to the Iowa District Court in Madison County the award of the Condemnation Commission entered in this matter on the 12th day of January, 1999. Notice of the appraisement was mailed by the Sheriff to said Plaintiffs by ordinary mail on the 12th day of January, 1999.

Rodney McFarland &
Jennifer McFarland

By: _____
A. Zane Blessum (DA0008228)
113 North John Wayne Drive
P.O. Box 309
Winterset, IA 50273
Telephone: (515) 462-1666
ATTORNEY FOR PLAINTIFFS

ACCEPTANCE OF SERVICE

STATE OF IOWA :
: ss
COUNTY OF MADISON:

Due, legal, and timely service of this Notice of Appeal is hereby accepted this 9th day of February, 1999, in Winterset, Iowa, by Paul D. Welch, Madison County Sheriff.

Iowa

Paul D Welch, Sheriff
by Deputy
Paul D. Welch, Madison County Sheriff

Subscribed and sworn to before me this 9th day of February, 1999.

Judy Allen
Notary Public in and for the State of Iowa