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FILED NO. 2598
BOOK 140 PAGE 527
98 DEC 23 AM 10:57

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

SPACE ABOVE THIS LINE
FOR RECORDER

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)

SHERIFF'S FILING OF RECORD

RE: SERVICE AREA 5)
Parcel No. M5-2163A (SW¼ SW¼ 3-75-27))
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27))

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 17TH DAY OF NOVEMBER, 1998:

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.

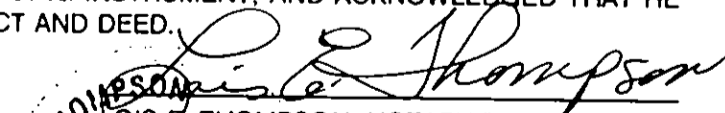
I FURTHER CERTIFY THAT I HAVE IN MY POSSESSION, PERSONAL MONEY ORDER #5229 IN THE AMOUNT OF \$2.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO "ERNEST RONALD FOUST, JR., DEENA JOYCE FOUST, GEORGE SCOTT LAIR, DIANE HRIBAL LAIR, FARMERS & MERCHANTS STATE BANK, AND ROBERT C. DUFF, RECEIVER" ON THE 11th DAY OF December, 1998.

THIS APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER ON THE 1ST DAY OF OCTOBER, 1998, IN BOOK NUMBER 140, PAGE 440.


SHERIFF OF MADISON COUNTY, IOWA

STATE OF IOWA, MADISON COUNTY: ss

ON THIS 17th DAY OF December, 1998, 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.


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

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. M5-2163A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27)
Parcel No. M5-2163B (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-75-27)

Oct 1 1998
1:24
[Signature]

**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 18th day of September, 1998.

WARREN WATER DISTRICT

By: 

Richard B. Clogg WN000000885
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 22 day of Sept., 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. M5-2163A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27)

All that part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3 lying East of the public highway running through said tract, in Township 75 North, Range 27 West of the 5th P.M., Madison County,

Parcel No. M5-2163B (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-75-27)

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

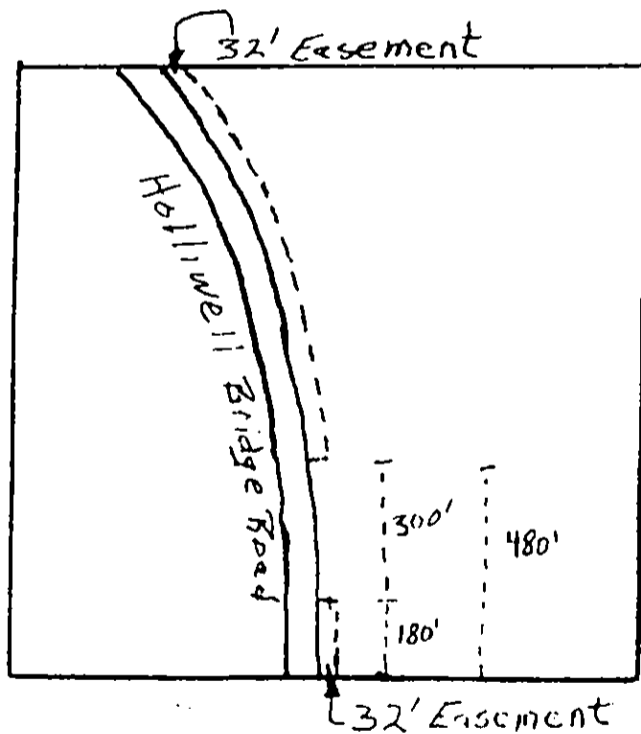
EXHIBIT "B"
Page 1 of 2

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. M5-2163A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East of the Holliwel Bridge Road county road right-of-way as located across the said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section, EXCEPT the North 300 feet of the South 480 feet thereof, DESCRIBED AS FOLLOWS: The West 32 feet of said property which is parallel and adjacent to the Holliwel Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South along and adjacent to said county road right-of-way to the South boundary line of said property, EXCEPT the North 300 feet of the South 480 feet thereof:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27



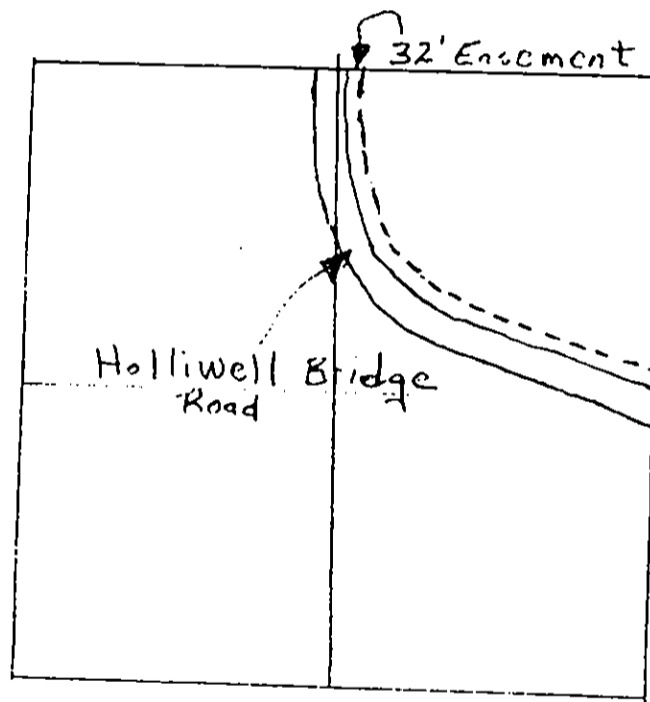
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

EXHIBIT "B"
Page 2 of 2

Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE¼ NW¼ NW¼) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Holliwel Bridge Road county road right-of-way as located across the said Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE¼ NW¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The West and South 32 feet of said property which is parallel and adjacent to the Holliwel Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southeasterly along and adjacent to said county road right-of-way to the Southeast boundary line of said property:

NW¼ NW¼ 10-75-27



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. M5-2163A (SW¼ SW¼ 3-75-27)

Property Owners:

Ernest Ronald Foust, Jr., 2298 Holliwell Bridge Road, Winterset, Iowa 50273.
Deena Joyce Foust, 2298 Holliwell Bridge Road, 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:

George Scott Lair, RR 1, Winterset, Iowa 50273.
Diane Hribal Lair, RR 1, Winterset, Iowa 50273.
Farmers & Merchants State Bank, 101 W. Jefferson, P.O. Box 29, Winterset, Iowa 50273-0029
Robert C. Duff, Receiver, 1105 W. South Street, Winterset, Iowa 50273

Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

Property Owners:

Ernest Ronald Foust, Jr., 2298 Holliwell Bridge Road, Winterset, Iowa 50273.
Deena Joyce Foust, 2298 Holliwell Bridge Road, 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:

George Scott Lair, RR 1, Winterset, Iowa 50273.
Diane Hribal Lair, RR 1, Winterset, Iowa 50273.
Farmers & Merchants State Bank, 101 W. Jefferson, P.O. Box 29, Winterset, Iowa 50273-0029
Robert C. Duff, Receiver, 1105 W. South Street, Winterset, Iowa 50273

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. M5-2163A & M5-2163B
Madison County

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

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. Pat Corkrean	Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON
2. John Shaw	Winterset	
1. Gus Henrichs	Winterset	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
2. Gary Dwyer	Winterset	
1. Russell Anderson	Peru	AGRICULTURAL/ OTHER / WHA / AGRICULTURAL
2. Raymond Clark	Cumming	

I further DESIGNATE, SELECT and APPOINT the above named PAT CORKREAN to act as Chairperson of said Commission and JOHN SHAW 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 24 day of September, 1998.

Arthur E. Shadle

JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 1st day of October 1998.

Paul D. Webb

SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF SUPPLEMENTARY ORDER APPOINTING
 EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN ALTERNATE COMPENSATION COMMISSIONERS
 WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN
 A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA
 RE: SERVICE AREA 5
 Parcel No M5-2163A & M5-2163B

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. George Bown	Winterset	LICENSED REAL ESTATE BROKERS /SALESPERSON
2. Dennis Lauer	Winterset	
1. Bret Smith	Winterset	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
2. Loren Myers	Lorimor	
1. James Camp	Peru	AGRICULTURAL/ OTHER / THAN AGRICULTURAL
2. Chester Haymond	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 24 day of September, 1998.

Arthur E. Lamb

CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winterset, Iowa this 1st day of October,
 1998.

Paul D. Walsh

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. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

OCT - 1 1998

1:24

SUMMONS TO COMMISSIONERS

TO: John Shaw

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 PAT CORKREAN 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 17th day of November, 1998, 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 1st day of October, 1998.

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

ACCEPTANCE OF SERVICE

OCT - 4 1998
9:54
Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa this 8 day of Oct., 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.

John Shaw

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 :

Oct 1 1998
1:24

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27) :
Parcel No. M5-2163B (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10-75-27)

SUMMONS TO COMMISSIONERS

TO: GEORGE BOWN

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 PAT CORKREAN 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 17th day of November, 1998, 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 12 day of October, 1998.

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 12 day of October, 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.

George Bown

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 _____

PS
OCT 14 1998
8:43

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 :

OCT 1 1998
1:24
[Signature]

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

SUMMONS TO COMMISSIONERS

TO: BRET SMITH
2810 US Hwy 169
Winterset, IA 50273

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 PAT CORKREAN 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 17th day of November, 1998, 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 1st day of October, 1998.

[Signature]
Paul D. Welch, Sheriff of Madison County, Iowa

OCT 1 1998

10:07
[Signature]

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa this 5th day of October, 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.

[Signature]
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 :

OCT 1 1998
1:24
[Signature]

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

SUMMONS TO COMMISSIONERS

TO: Gus Henrichs

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 PAT CORKREAN 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 17th day of November, 1998, 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 3 day of October, 1998.

[Signature]

Paul D. Welch, Sheriff of Madison County, Iowa

OCT 1 1998
10:07
[Signature]

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa this 3 day of October, 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.

[Signature]

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 :

OCT 1 1998
1:24
[Signature]

RE: SERVICE AREA 5 :
Parcel No. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

SUMMONS TO COMMISSIONERS

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 PAT CORKREAN 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 17th day of November, 1998, 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 1st day of October, 1998.

[Signature]

Paul D. Welch, Sheriff of Madison County, Iowa

OCT 7 1998

10:07
[Signature]

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa this 5 day of OCTOBER, 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 :

OCT 1 1998
1:24
[Signature]

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

SUMMONS TO COMMISSIONERS

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 PAT CORKREAN 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 17th day of November, 1998, 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 17 day of October, 1998.

[Signature]

Paul D. Welch, Sheriff of Madison County, Iowa

OCT 9 1998

ACCEPTANCE OF SERVICE

9:530

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa this _____ day of _____, 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 :

OCT - 1 1998
1:24
u

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW 1/4 SW 1/4 3-75-27) :
Parcel No. M5-2163B (NE 1/4 NW 1/4 NW 1/4 10-75-27) :

SUMMONS TO COMMISSIONERS

TO: Pat Corkrean

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 PAT CORKREAN 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 17th day of November, 1998, 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 17th day of October, 1998.

Paul D. Welch
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 _____, 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.

OCT - 7 1998
10:06
u

REFUSAL TO SERVE

WE ARE ENCLOSING TWO COPIES OF SUMMONS TO COMMISSIONERS. PLEASE SIGN YOUR NAME ON THE LINE PROVIDED FOR YOUR SIGNATURE AT THE END OF THE ACCEPTANCE OF SERVICE, AND RETURN THE ORIGINAL TO THIS OFFICE IN THE ENCLOSED ENVELOPE. RETAIN THE COPY. IF YOU ARE UNABLE TO SERVE AS COMMISSIONER, PLEASE RETURN THE NOTICE IMMEDIATELY SO WE WILL HAVE SUFFICIENT TIME TO APPLY FOR A SUBSTITUTE. THANK YOU.

*Cannot serve on Nov. 17,
Pat Corkrean*

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 :

OCT - 1 1998

1:24
[Signature]

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

SUMMONS TO COMMISSIONERS

TO: Gary Dwyer

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 PAT CORKREAN 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 17th day of November, 1998, 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 1st day of October, 1998.

[Signature]

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 _____, 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.

RECEIVED
SHERIFF'S OFFICE
MADISON COUNTY, IOWA

OCT - 2 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 _____

NOT ACCEPTABLE
[Signature]

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. M5-2163A (SW¼ SW¼ 3-75-27)
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

OATH OF COMMISSIONERS

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.

John Shaw
NAME: JOHN SHAW
LICENSED REAL ESTATE SALESPERSON OR
BROKER

George Bown
NAME: GEORGE BOWN
LICENSED REAL ESTATE SALESPERSON OR
BROKER

Bret A. Smith
NAME: BRET SMITH
KNOWLEDGE OF PROPERTY VALUES BY
VIRTUE OF OCCUPATION


Gus Hendricks
NAME: GUS HENDRICKS
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 17TH DAY OF NOVEMBER, 1998.

Paul D. Welch
NOTARY PUBLIC



FILED IN MY OFFICE THIS 17TH DAY OF NOVEMBER, 1998.

Paul D. Welch
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 DISTRIBUTION SYSTEM :
 IN MADISON COUNTY, IOWA :

RE: SERVICE AREA 5 :
 Parcel No. M5-2163A (SW¼ SW¼ 3-75-27) :
 Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

**SHERIFF'S CERTIFICATION
 AS TO AWARDS AND COSTS**

I HEREBY CERTIFY THAT THE COMMISSIONERS IN THE ABOVE ENTITLED CAUSE CONVENED AT WINTERSSET, IOWA, ON THE 17TH DAY OF NOVEMBER, 1998., AND THEREUPON PROCEEDED TO VIEW THE PREMISES AND SAID COMMISSIONERS DID THEREAFTER ON THE 17TH DAY OF NOVEMBER, 1998, FILED THEIR WRITTEN REPORT IN MY OFFICE AWARDDING DAMAGES AS FOLLOWS:

A. AWARDS MADE BY COMMISSION TO CONDEMNNEES

Parcel No. M5-2163A (SW¼ SW¼ 3-75-27)

<u>NAME</u>	<u>ADDRESS</u>
Ernest Ronald Foust, Jr.	2298 Holliwell Bridge Road, Winterset, Iowa 50273
Deena Joyce Foust	2298 Holliwell Bridge Road, Winterset, Iowa 50273
George Scott Lair	RR 1, Winterset, Iowa 50273
Diane Hribal Lair	RR 1, Winterset, Iowa 50273
Robert C. Duff, Receiver	1105 W. South Street, Winterset, IA 50273

TOTAL AWARD \$ 1.00

Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

<u>NAME</u>	<u>ADDRESS</u>
Ernest Ronald Foust, Jr.	2298 Holliwell Bridge Road, Winterset, Iowa 50273
Deena Joyce Foust	2298 Holliwell Bridge Road, Winterset, Iowa 50273
George Scott Lair	RR 1, Winterset, Iowa 50273
Diane Hribal Lair	RR 1, Winterset, Iowa 50273
Robert C. Duff, Receiver	1105 W. South Street, Winterset, IA 50273

TOTAL AWARD \$ 1.00

B. DEPOSITS TO SHERIFF MADE BY CONDEMNOR

Parcel No. M5-2163A (SW¼ SW¼ 3-75-27)

<u>NAME</u>	<u>AMOUNT</u>	<u>DATE</u>
Ernest Ronald Foust, Jr.		
Deena Joyce Foust		
George Scott Lair		
Diane Hribal Lair		
Robert C. Duff, Receiver	\$ <u>1.00</u>	<u>December 11, 1998</u>

Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

<u>NAME</u>	<u>AMOUNT</u>	<u>DATE</u>
Ernest Ronald Foust, Jr. Deena Joyce Foust George Scott Lair Diane Hribal Lair Robert C. Duff, Receiver	\$ <u>1.00</u>	<u>December 11, 1998</u>

TOTAL AMOUNTS DEPOSITED \$ 2.00

C. AWARDS OR DAMAGES PAID TO CONDEMNEDS

<u>NAME</u>	<u>AMOUNTS</u>	<u>DATES</u>
-------------	----------------	--------------

TOTAL AMOUNTS PAID TO CONDEMNEDS \$ _____

D. COMMISSIONERS FEES AND EXPENSES

<u>NAME</u>	<u>FEES & EXPENSES</u>
1. John Shaw	\$ <u>50.00</u>
2. George Bown	\$ <u>54.16</u>
3. Gus Henrichs	\$ <u>50.00</u>
4. Bret Smith	\$ <u>53.12</u>
5. Russell Anderson	\$ <u>53.12</u>
6. Raymond Clark	\$ <u>57.28</u>
 TOTAL	 \$ <u>317.68</u>

DATE PAID December 11, 1998

E. SHERIFF'S CIVIL FEES AND EXPENSES


SERVICE	\$ <u>10.00</u>
MILEAGE	\$ <u>12.60</u>
COUNTY FEES (POSTAGE) & Copy	\$ <u>27.12</u>
ATTENDED COMMISSION	\$ <u>60.00</u>
RECORDING FEE	\$ _____
 TOTAL	 \$ <u>109.72</u>

DATE PAID December 11, 1998

F. THE NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL WAS MAILED TO ALL INTERESTED PARTIES BY ORDINARY MAIL ON THE 20th DAY OF November, 1998.

G. THE APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER FOR MADISON COUNTY, IOWA ON THE 1ST DAY OF OCTOBER, 1998, RECORDED WITH THE FOLLOWING BOOK, PAGE OR INSTRUMENT NUMBER; BOOK 140 AT PAGE 440, INSTRUMENT NO. 1450.

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 20th DAY OF November, 1998.



PAUL D. WELCH, 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

Oct - 1 1998
1:24
[Signature]

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW¼ SW¼ 3-75-27)
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

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

TO: Ernest Ronald Foust, Jr., 2298 Hollowell Bridge Road, Winterset, Iowa 50273; Deena Joyce Foust, 2298 Hollowell Bridge Road, Winterset, Iowa 50273; George Scott Lair, RR 1, Winterset, Iowa 50273; Diane Hribal Lair, RR 1, Winterset, Iowa 50273; Robert C. Duff, Receiver, 1105 W. South Street, Winterset, IA 50273; 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. M5-2163A

All that part of the SW¼ of the SW¼ of Section 3 lying East of the public highway running through said tract, in Township 75 North, Range 27 West of the 5th P.M., Madison County,

PARCEL NO. M5-2163B

The NE¼ of the NW¼ of the NW¼ of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

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. M5-2163A: 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 Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East of the Holliwell Bridge Road county road right-of-way as located across the said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section, EXCEPT the North 300 feet of the South 480 feet thereof, DESCRIBED AS FOLLOWS: The West 32 feet of said property which is parallel and adjacent to the Holliwell Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South along and adjacent to said county road right-of-way to the South boundary line of said property, EXCEPT the North 300 feet of the South 480 feet thereof.

Parcel No. M5-2163B: 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 Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Holliwell Bridge Road county road right-of-way as located across the said Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section, DESCRIBED AS FOLLOWS: The West and South 32 feet of said property which is parallel and adjacent to the Holliwell Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southeasterly along and adjacent to said county road right-of-way to the Southeast 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 17th day of November, 1998, 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 28th day of September, 1998.

WARREN WATER DISTRICT

By: 

Richard B. Clogg WN000000695
 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

Thu Oct 1 15:42:31 1998 Madison Co Sheriff

Page# 1

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

CASE NAME:

WARREN WATER DISTRICT VS FOUST, ERNEST RONALD JR FOUST, DEENA JOYCE MADISON COUNTY, IOWA

RETURN OF SERVICE: Diligent Search

CASE NO: 98CONDEMN004

NOTICE RECEIVED: 10/01/98

STATE OF IOWA

MADISON COUNTY

I certify that I ^{Attempted to} /served a copy of: NOTICE OF CONDEMNATION/HEARING : : Petition and Original Notice : : Order Filed : : Modification/Application and Notice : : Writ : : Order to Show Cause : : Other

Attempted Served FOST, DEENA JOYCE at 2298 HOLLIWELLBRIDGE RD on 10/01/98 WINTERSET, IA 50273 at 1530

NOTE: (Diligent Search, etc.)

DOES NOT LIVE AT ADDRESS GIVEN - UNKNOWN FORWARDING

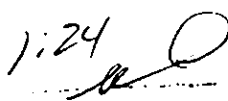
Processing : 0.00 Mileage : 0.00 Trust/Copy : 0.00 MISC. : 0.00 TOTAL : 0.00

PAUL D. WELCH, SHERIFF MADISON County, IOWA Signature SGT. KEN BURK Title

SEE ERNEST RONALD FOUST JR RETURN OF SERVICE FOR FEES Fee charged to/paid by

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. M5-2163A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27)
Parcel No. M5-2163B (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-75-27)

OCT 1 1994
1:24


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

TO: Ernest Ronald Foust, Jr., 2298 Holliwell Bridge Road, Winterset, Iowa 50273; Deena Joyce Foust, 2298 Holliwell Bridge Road, Winterset, Iowa 50273; George Scott Lair, RR 1, Winterset, Iowa 50273; Diane Hribal Lair, RR 1, Winterset, Iowa 50273; Robert C. Duff, Receiver, 1105 W. South Street, Winterset, IA 50273; 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. M5-2163A

All that part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3 lying East of the public highway running through said tract, in Township 75 North, Range 27 West of the 5th P.M., Madison County,

PARCEL NO. M5-2163B

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

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. M5-2163A: 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 Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East of the Holliwel Bridge Road county road right-of-way as located across the said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section, EXCEPT the North 300 feet of the South 480 feet thereof, DESCRIBED AS FOLLOWS: The West 32 feet of said property which is parallel and adjacent to the Holliwel Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South along and adjacent to said county road right-of-way to the South boundary line of said property, EXCEPT the North 300 feet of the South 480 feet thereof.

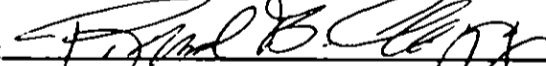
Parcel No. M5-2163B: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: All that part of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Holliwel Bridge Road county road right-of-way as located across the said Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section, DESCRIBED AS FOLLOWS: The West and South 32 feet of said property which is parallel and adjacent to the Holliwel Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southeasterly along and adjacent to said county road right-of-way to the Southeast 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 17th day of November, 1998, 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 28th day of September, 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) 981-2574
 Facsimile: (515) 981-2577

ATTORNEYS FOR APPLICANT,
 WARREN WATER DISTRICT

Fri Oct 2 11:03:52 1998

Madison Co Sheriff

Page# 1

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

CASE NAME:

WARREN WATER DISTRICT
VS
FOUST, ERNEST RONALD JR
FOUST, DEENA JOYCE
MADISON COUNTY, IOWA

RETURN OF SERVICE:
Government

CASE NO: 98CONDEMN004

NOTICE RECEIVED: 10/01/98

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 _____

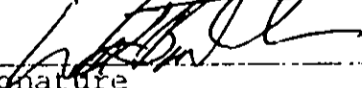
Served MADISON COUNTY, IOWA

by serving CLEWELL, ARLENE
its 1st Deputy
at COURTHOUSE
WINTERSET, IA 50273
on 10/02/98 at 1050

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

WM. L. BARTELSON, DEPUTY
WARREN WATER DISTRICT

Fees ~~XXXXXX~~ / paid by ~~XXXX~~ Party: ~~XXXXXXXXXXXXXXXXXXXX~~

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. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

ACCEPTANCE OF SERVICE

Notice of Condemnation and Assessment Hearing Before Compensation Commission dated September 28, 1998, a copy of which is attached, was served on and received by me in Madison County, Iowa; I accept the same and acknowledge due and timely service of same.

Dated: 10/6/98, 1998.


George Scott Lair

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

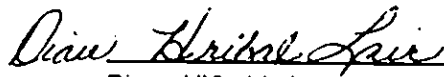
Parcel No. M5-2| 63A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27) :

Parcel No. M5-2| 63B (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-75-27) :

ACCEPTANCE OF SERVICE

Notice of Condemnation and Assessment Hearing Before Compensation Commission dated September 28, 1998, a copy of which is attached, was served on and received by me in Madison County, Iowa; I accept the same and acknowledge due and timely service of same.

Dated: Oct. 7, 1998.



Diane H. Lair

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

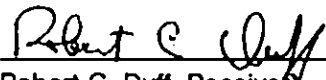
IN THE MATTER OF THE CONDEMNATION OF :
EASEMENT RIGHTS IN AGRICULTURAL LAND :
BY WARREN WATER DISTRICT TO :
CONSTRUCT, OPERATE AND MAINTAIN :
A WATER DISTRIBUTION SYSTEM :
IN MADISON COUNTY, IOWA :

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

ACCEPTANCE OF SERVICE

Notice of Condemnation and Assessment Hearing Before Compensation Commission dated September 28, 1998, a copy of which is attached, was served on and received by me in Madison County, Iowa; I accept the same and acknowledge due and timely service of same.

Dated: 10-12, 1998.



Robert C. Duff, Receiver
1105 W. South Street
Winterset, IA 50273

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. M5-2J 63A (SW¼ SW¼ 3-75-27) :

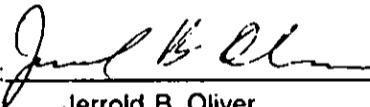
Parcel No. M5-2J 63B (NE¼ NW¼ NW¼ 10-75-27)

ACCEPTANCE OF SERVICE

Notice of Condemnation and Assessment Hearing Before Compensation Commission dated September 28, 1998, a copy of which is attached, was served on and received by me in Madison County, Iowa; I accept the same and acknowledge due and timely service of same.

Dated: Oct 12, 1998.

FARMERS & MERCHANTS STATE BANK

By: 

Jerrold B. Oliver
Jordan, Oliver & Walters
P.O. Box 230
Winterset, IA 50273-0230

ATTORNEYS FOR FARMERS & MERCHANTS
STATE BANK

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. M5-2163A (SW¼ SW¼ 3-75-27)
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

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

TO: Ernest Ronald Foust, Jr., 2298 Holliwell Bridge Road, Winterset, Iowa 50273; Deena Joyce Foust, 2298 Holliwell Bridge Road, Winterset, Iowa 50273; George Scott Lair, RR 1, Winterset, Iowa 50273; Diane Hribal Lair, RR 1, Winterset, Iowa 50273; Robert C. Duff, Receiver, 1105 W. South Street, Winterset, IA 50273; 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. M5-2163A

All that part of the SW¼ of the SW¼ of Section 3 lying East of the public highway running through said tract, in Township 75 North, Range 27 West of the 5th P.M., Madison County,

PARCEL NO. M5-2163B

The NE¼ of the NW¼ of the NW¼ of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

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. M5-2163A: 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 Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East of the Holliwel Bridge Road county road right-of-way as located across the said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section, EXCEPT the North 300 feet of the South 480 feet thereof, DESCRIBED AS FOLLOWS: The West 32 feet of said property which is parallel and adjacent to the Holliwel Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South along and adjacent to said county road right-of-way to the South boundary line of said property, EXCEPT the North 300 feet of the South 480 feet thereof.

Parcel No. M5-2163B: 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 Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Holliwel Bridge Road county road right-of-way as located across the said Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section, DESCRIBED AS FOLLOWS: The West and South 32 feet of said property which is parallel and adjacent to the Holliwel Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southeasterly along and adjacent to said county road right-of-way to the Southeast 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 17th day of November, 1998, 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 28th day of September, 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 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. M5-2163A (SW¼ SW¼ 3-75-27)
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

AFFIDAVIT RE: PUBLICATION

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, Applicant in the above-captioned condemnation proceeding.

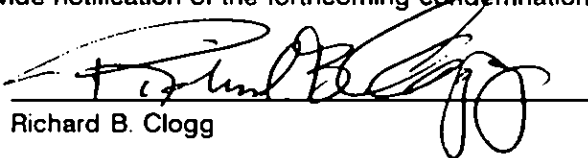
I further state that an attempt of personal service was made on the condemnees named below at their last known mailing and residence address shown below:

Ernest Ronald Foust, Jr., 2298 Holliwell Bridge Road Winterset, Iowa 50273	and	Deena Joyce Foust 2298 Holliwell Bridge Road Winterset, Iowa 50273
--	-----	--

I further state that the Madison County Sheriff's Office was unable to locate said persons at said address. I further state that the residences of said Ernest Ronald Foust, Jr., and Deena Joyce Foust are unknown

I further state that pursuant to Section 6B.12, Code of Iowa (1997), I caused Notice of Condemnation and Assessment Hearing Before Compensation Commission to be published in a newspaper of Madison County and of general circulation therein to be published once each week for four consecutive weeks prior to the day fixed for the appraisalment which was at least thirty days after the first publication of the notice.

I further state that other persons, companies or corporations not listed may own or have an interest in the land sought to be appropriated. Therefore, to protect whatever interest, if any, they may possess, the Notice of Condemnation, when published, shall provide notification of the forthcoming condemnation proceeding.


Richard B. Clogg

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


Notary Public in and for the State of Iowa



AFFIDAVIT OF PUBLICATION

STATE OF IOWA
SS.
Madison County

TED GORMAN BEING DULY SWORN SAYS HE IS PUBLISHER OF THE WINTERSET MADISONIAN, a once weekly newspaper of general circulation, published in Winterset, Iowa, and that the notice, a copy which is annexed and made part hereof, was correctly published in said newspaper

for the period of four consecutive weeks, the last publication thereof being

on the 28th day of October, 1998

Ted Gorman

Subscribed and sworn to before me this

28th day of October, 1998.

Raye De Lynne C...

NOTARY PUBLIC

In and for Madison County



RAYE DE LYNNE C...
MY COMMISSION EXPIRES
6-07-01

Fee \$ 212.87

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

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW 1/4 SW 1/4 3-75-27)
Parcel No. M5-2163B (NE 1/4 NW 1/4 NW 1/4 10-75-27)

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Ernest Ronald Foust, Jr., 2298 Hollwell Bridge Road, Winterset, Iowa 50273; Debra Joyce Foust, 2298 Hollwell Bridge Road, Winterset, Iowa 50273; George Scott Lark, RR 1, Winterset, Iowa 50273; Diane Hribal Lark, RR 1, Winterset, Iowa 50273; Robert C. Duff, Receiver, 1105 W. South Street, Winterset, IA 50273; Madison 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. M5-2163A

All that part of the SW 1/4 of the SW 1/4 of Section 3 lying East of the public highway running through said tract, in Township 75 North, Range 27 West of the 5th P.M., Madison County,

PARCEL NO. M5-2163B

The NE 1/4 of the NW 1/4 of the NW 1/4 of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

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. M5-2163A: 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 Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East of the Hollwell Bridge Road county road right-of-way as located across the said Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section, EXCEPT the North 300 feet of the South 480 feet thereof, DESCRIBED AS FOLLOWS: The West 32 feet of said property which is parallel and adjacent to the Hollwell Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South along and adjacent to said county road right-of-way to the South boundary line of said property, EXCEPT the North 300 feet of the South 480 feet thereof.

Parcel No. M5-2163B: 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 Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE 1/4 NW 1/4 NW 1/4) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Hollwell Bridge Road county road right-of-way as located across the said Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4 NW 1/4) of said Section, DESCRIBED AS FOLLOWS: The West and South 32 feet of said property which is parallel and adjacent to the Hollwell Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southeast along and adjacent to said county road right-of-way to the Southeast 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 17th day of November, 1998, 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 28th day of September, 1998.

WARREN WATER DISTRICT

Richard B. Clogg, WNO0000255
ELGIN, CLOGG & PATIN
108 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574
Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT,
WARREN WATER DISTRICT

20-23c

10-28-98

Public Notices continued

Legal documents are printed as received at the Madisonian.

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. MS-2163A (SW 1/4, SW 1/4, S 75-27)
Parcel No. MS-2163B (NE 1/4, NW 1/4, N 10-75-27)

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Ernest Ronald Foust, Jr., 2298 Highway Bridge Road, Writenauk, Iowa 50273; Deana Joyce Foust, 2298 Highway Bridge Road, Writenauk, Iowa 50273; George Scott Law, RR 1, Writenauk, Iowa 50273; Deana Hibbel Law, RR 1, Writenauk, Iowa 50273; Robert C. Duff, Raceview, 1105 W. South Street, Writenauk, IA 50273; Madison County, Iowa, CO County Auditor, Madison County Courthouse, Writenauk, 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. MS-2163A

All that part of the SW 1/4 of the SW 1/4 of Section 9 lying East of the public highway running through said tract, in Township 75 North, Range 27 West of the 5th P.M., Madison County,

PARCEL NO. MS-2163B

The NE 1/4 of the NW 1/4 of the NW 1/4 of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

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. MS-2163A: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereon, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: All that part of the Southwest Quarter of the Southwest Quarter (SW 1/4, SW 1/4) of the Northeast Quarter of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Highway Bridge Road county road right-of-way as located across the Southwest Quarter of the Southwest Quarter (SW 1/4, SW 1/4) of said Section, EXCEPT the North 300 feet of the South 480 feet thereof, DESCRIBED AS FOLLOWS: The West 32 feet of said property which is parallel and adjacent to the Highway Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southwesterly along and adjacent to said county road right-of-way to the Southeast boundary line of said property.

Parcel No. MS-2163B: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereon, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: All that part of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE 1/4, NW 1/4, NW 1/4) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Highway Bridge Road county road right-of-way as located across the said Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE 1/4, NW 1/4, NW 1/4) of said Section, DESCRIBED AS FOLLOWS: The West end South 32 feet of said property which is parallel and adjacent to the Highway Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southwesterly along and adjacent to said county road right-of-way to the Southeast 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 thereon, 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 17th day of November, 1998, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Writenauk, 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 28th day of September, 1998.

WARREN WATER DISTRICT

By: *[Signature]*

Richard B. Clogg WND000000000
ELGIN CLOGG & PATIN
106 East Salem Avenue
P.O. Box 215
Indianola, Iowa 50125
Telephone: (515) 961-2574
Facsimile: (515) 961-2574

ATTORNEYS FOR APPLICANT
WARREN WATER DISTRICT

10/21/98

10/14/98

Public Notice

Legal documents are printed as received at the Madisonian.

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. M5-2163A (SW 1/4 SW 1/4 3-75-27) Parcel No. M5-2163B (NE 1/4 NW 1/4 10-75-27)

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Ernest Ronald Foust, Jr., 2298 Hollowell Bridge Road, Winterset, Iowa 50273; Deena Joyce Foust, 2298 Hollowell Bridge Road, Winterset, Iowa 50273; George Scott Lair, RR 1, Winterset, Iowa 50273; Diane Hibbel Lair, RR 1, Winterset, Iowa 50273; Robert C. Duff, Receiver, 1105 W. South Street, Winterset, IA 50273; 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. M5-2163A

All that part of the SW 1/4 of the SW 1/4 of Section 3 lying East of the public highway running through said tract in Township 75 North, Range 27 West of the 5th P.M., Madison County.

PARCEL NO. M5-2163B

The NE 1/4 of the NW 1/4 of the NW 1/4 of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

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 57A 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 area, 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. M5-2163A: 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 Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE 1/4 NW 1/4 NW 1/4) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Hollowell Bridge Road county road right-of-way as located across the said Northwest Quarter of the Northwest Quarter (NE 1/4 NW 1/4 NW 1/4) of said Section, DESCRIBED AS FOLLOWS: The West and South 32 feet of said property which is parallel and adjacent to the Hollowell Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southeasteasterly along and adjacent to said county road right-of-way to the Southeast boundary line of said property, EXCEPT the North 300 feet of the South 480 feet thereof.

Parcel No. M5-2163B: 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 Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE 1/4 NW 1/4 NW 1/4) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Hollowell Bridge Road county road right-of-way as located across the said Northwest Quarter of the Northwest Quarter (NE 1/4 NW 1/4 NW 1/4) of said Section, DESCRIBED AS FOLLOWS: The West and South 32 feet of said property which is parallel and adjacent to the Hollowell Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southeasteasterly along and adjacent to said county road right-of-way to the Southeast boundary line of said property.

That such condemnation is sought for the following purposes: 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 17th day of November, 1998, 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 28th day of September, 1998.

WARREN WATER DISTRICT
By: *[Signature]*
Richard B. Clogg, W000000163
ELGIN, CLOGG & PATIN
108 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. MS-2163A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27)
 Parcel No. MS-2163B (NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10-75-27)

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Ernest Ronald Foust, Jr., 2206 Hothwell Bridge Road, Winterset, Iowa 50273; Owens Joyce Foust, 2296 Hothwell Bridge Road, Winterset, Iowa 50273; George Scott Lair, RR 1, Winterset, Iowa 50273; Diane Hibbal Lair, RR 1, Winterset, Iowa 50273; Robert C. Duff, Receiver, 1105 W. South Street, Winterset, IA 50273; 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. MS-2163A

All that part of the SW $\frac{1}{4}$ of Section 3 lying East of the public highway running through said tract, in Township 75 North, Range 27 West of the 5th P.M., Madison County.

PARCEL NO. MS-2163B

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

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. MS-2163A: 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 Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East of the Hothwell Bridge Road county road right-of-way as located across the said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section, EXCEPT the North 300 feet of the South 480 feet thereof. DESCRIBED AS FOLLOWS: The West 32 feet of said property which is parallel and adjacent to the Hothwell Bridge Road county road right-of-way beginning at the North boundary line of said property thence South along and adjacent to said county road right-of-way to the South boundary line of said property, EXCEPT the North 300 feet of the South 480 feet thereof.

Parcel No. MS-2163B: 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 Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Hothwell Bridge Road county road right-of-way as located across the said Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section, DESCRIBED AS FOLLOWS: The West and South 32 feet of said property which is parallel and adjacent to the Hothwell Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southeast along and adjacent to said county road right-of-way to the Southeast boundary line of said property.

That such condemnation is sought for the following purposes: 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 be used by 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 17th day of November, 1998, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. Jay Weynas 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 28th day of September, 1998.

WARREN WATER DISTRICT
 By: *Richard B. Clogg*
 Richard B. Clogg, Attorney
 ELGIN, CLOGG & PATIN
 106 East Salem Avenue
 P.O. Box 215
 Indianola, Iowa 50125
 Telephone: (515) 961-3874
 Facsimile: (515) 961-2377

ATTORNEYS FOR APPLICANT
 WARREN WATER DISTRICT

10/7/98

20-256

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. M5-2163A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27)
 Parcel No. M5-2163B (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-75-27)

AFFIDAVIT OF NONMILITARY SERVICE

STATE OF IOWA :
 : ss.
 COUNTY OF WARREN :

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:

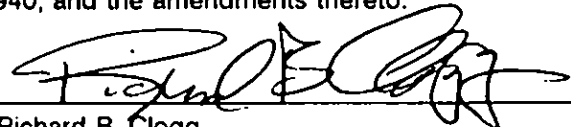
Parcel No. M5-2163A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27)

All that part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3 lying East of the public highway running through said tract, in Township 75 North, Range 27 West of the 5th P.M., Madison County,

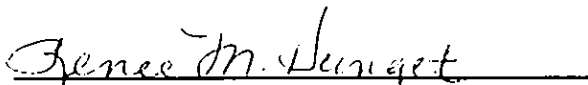
Parcel No. M5-2163B (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-75-27)

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

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 16th day of NOV., 1998.


 Notary Public in and for the State of Iowa



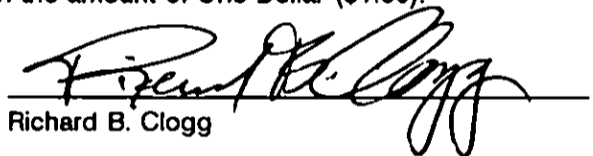
**IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA**

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW¼ SW¼ 3-75-27)
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

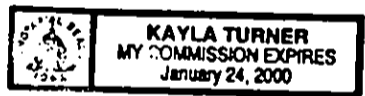
AFFIDAVIT OF FINAL OFFER

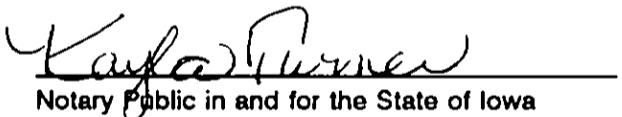
STATE OF IOWA :
 : ss.
COUNTY OF WARREN :

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. M5-2163A in the Notice of Condemnation filed in the above matter was in the amount of One Dollar (\$1.00).

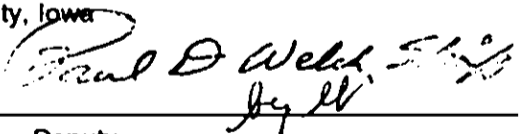

Richard B. Clogg

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




Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 17th day of November, 1998.

Sheriff of Madison
County, Iowa

By: _____
Deputy

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 :
 : **REPORT OF COMPENSATION**
 RE: SERVICE AREA 5 : **COMMISSION**
 Parcel No. M5-2163A (SW¼ SW¼ 3-75-27) :
 Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

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. M5-2163A (SW¼ SW¼ 3-75-27)

CONDEMNNEES	LAND	PERSONAL PROPERTY	SUBTOTAL AWARD
Ernest Ronald Foust, Jr.	\$ _____	\$ _____	\$ _____
Deena Joyce Foust,	\$ _____	\$ _____	\$ _____
<u>MORTGAGEE:</u>			
George Scott Lair	\$ _____	\$ _____	\$ _____
Diane Hribal Lair	\$ _____	\$ _____	\$ _____
Farmers & Merchants			
State Bank	\$ _____	\$ _____	\$ _____
Robert C. Duff, Receiver	\$ _____	\$ _____	\$ _____
		TOTAL AWARD	\$ <u> / 00</u>

Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

CONDEMNNEES	LAND	PERSONAL PROPERTY	SUBTOTAL AWARD
Ernest Ronald Foust, Jr.	\$ _____	\$ _____	\$ _____
Deena Joyce Foust,	\$ _____	\$ _____	\$ _____
<u>MORTGAGEE:</u>			
George Scott Lair	\$ _____	\$ _____	\$ _____
Diane Hribal Lair	\$ _____	\$ _____	\$ _____
Farmers & Merchants			
State Bank	\$ _____	\$ _____	\$ _____
Robert C. Duff, Receiver	\$ _____	\$ _____	\$ _____
		TOTAL AWARD	\$ <u> / 00</u>

RESPECTFULLY REPORTED AT MADISON COUNTY, IOWA THIS 17TH DAY OF NOVEMBER, 1998.

John S. Shaw

Raymond Clark

Pat A. Smith

Cass Hennick

George Bown

Russell Anderson

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

FILED IN MY OFFICE AT WINTERSSET, IOWA, THIS 17TH DAY OF NOVEMBER, 1998.

Paul D. Welch, Sheriff

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. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

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 20th DAY OF November, 1998, 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

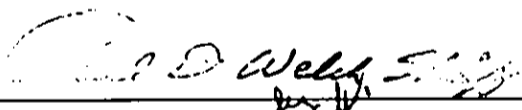
IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN AGRICULTURAL LAND
BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTAIN
A WATER DISTRIBUTION SYSTEM
IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2163A (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-75-27)
Parcel No. M5-2163B (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-75-27)

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; ERNEST RONALD FOUST, JR., 2298 HOLLIWELL BRIDGE ROAD, WINTERSET, IOWA 50273; DEENA JOYCE FOUST, 2298 HOLLIWELL BRIDGE ROAD, WINTERSET, IOWA 50273; GEORGE SCOTT LAIR, RR 1, WINTERSET, IOWA 50273; DIANE HRIBAL LAIR, RR 1, WINTERSET, IOWA 50273; FARMERS & MERCHANTS STATE BANK, 101 W. JEFFERSON, P.O. BOX 29, WINTERSET, IOWA 50273-0029; ROBERT C. DUFF, RECEIVER, 1105 W. SOUTH STREET, WINTERSET, IA 50273; 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. M5-2163A (SW¼ SW¼ 3-75-27)
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

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

TO: Ernest Ronald Foust, Jr., 2298 Hollowell Bridge Road, Winterset, Iowa 50273; Deena Joyce Foust, 2298 Hollowell Bridge Road, Winterset, Iowa 50273; George Scott Lair, RR 1, Winterset, Iowa 50273; Diane Hribal Lair, RR 1, Winterset, Iowa 50273; Robert C. Duff, Receiver, 1105 W. South Street, Winterset, IA 50273; 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. M5-2163A

All that part of the SW¼ of the SW¼ of Section 3 lying East of the public highway running through said tract, in Township 75 North, Range 27 West of the 5th P.M., Madison County,

PARCEL NO. M5-2163B

The NE¼ of the NW¼ of the NW¼ of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT that part thereof which lies South and West of the public highway.

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. M5-2163A: 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 Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East of the Holliwel Bridge Road county road right-of-way as located across the said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section, EXCEPT the North 300 feet of the South 480 feet thereof, DESCRIBED AS FOLLOWS: The West 32 feet of said property which is parallel and adjacent to the Holliwel Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South along and adjacent to said county road right-of-way to the South boundary line of said property, EXCEPT the North 300 feet of the South 480 feet thereof.

Parcel No. M5-2163B: 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 Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 10, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying East and North of the Holliwel Bridge Road county road right-of-way as located across the said Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section, DESCRIBED AS FOLLOWS: The West and South 32 feet of said property which is parallel and adjacent to the Holliwel Bridge Road county road right-of-way beginning at the North boundary line of said property, thence South and Southeasterly along and adjacent to said county road right-of-way to the Southeast 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 17th day of November, 1998, 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 28th day of September, 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

Thu Oct 1 15:40:21 1998

Madison Co Sheriff

Page# 1

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

CASE NAME: RETURN OF SERVICE: Diligent Search

WARREN WATER DISTRICT VS FOUST, ERNEST RONALD JR FOUST, DEENA JOYCE MADISON COUNTY, IOWA

CASE NO: 98CONDEMN004

NOTICE RECEIVED: 10/01/98

STATE OF IOWA

MADISON COUNTY

I certify that I ^{Attempted to} served a Copy of: NOTICE OF CONDEMNATION ABING
: : Petition and Original Notice : : Order Filed
: : Modification/Application and Notice : : Writ
: : Order to Show Cause : : Other

Attempted

XXXXXX FOUST, ERNEST RONALD JR at 2298 HOLLIWELLBRIDGE RD on 10/01/98
WINTERSET, IA 50273 at 1530

NOTE: (Diligent Search, etc.)

DOES NOT LIVE AT ADDRESS GIVEN - UNKNOWN FORWARDING

Processing : 0.50
Mileage : 3.15
Trust/Copy : 0.00
MISC. : 0.00
TOTAL : 3.65

PAUL D. WELCH, SHERIFF MADISON County IOWA
Signature SGT. KEN BURK Title
WARREN WATER DISTRICT

Fees charged to/paid by Atty/Party XXXXXXXX

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. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

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 17TH DAY OF NOVEMBER, 1998, ARE AS FOLLOWS:

 1 DAY SERVICE AT \$50.00 \$ 50⁰⁰
 MILEAGE AT .26 CENTS \$
 MEALS \$

TOTAL \$ 50⁰⁰

SIGNED THIS 17 DAY OF NOVEMBER, 1998.



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. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

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 17TH DAY OF NOVEMBER, 1998, ARE AS FOLLOWS:

<u>1</u> DAY SERVICE AT \$50.00	\$ <u>50.00</u>
<u>28</u> MILEAGE AT .26 CENTS	\$ <u>7.28</u>
_____ MEALS	\$ _____
 TOTAL	 \$ <u>57.28</u>

SIGNED THIS 17 DAY OF NOVEMBER, 1998.

Raymond 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. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

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 17TH DAY OF NOVEMBER, 1998, ARE AS FOLLOWS:

<u>1</u> DAY SERVICE AT \$50.00	\$ <u>50.-</u>
<u>16</u> MILEAGE AT .26 CENTS	\$ <u>\$.16</u>
MEALS	\$ _____
TOTAL	\$ <u>54.16</u>

SIGNED THIS 17th DAY OF NOVEMBER, 1998.

Mary Bown
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. M5-2163A (SW¼ SW¼ 3-75-27) :
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27) :

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 17TH DAY OF NOVEMBER, 1998, ARE AS FOLLOWS:

<u>1</u> DAY SERVICE AT \$50.00	\$ <u>50.⁻</u>
<u>12</u> MILEAGE AT .26 CENTS	\$ <u>3.12</u>
MEALS	\$ _____
TOTAL	\$ <u>53.12</u>

SIGNED THIS 17 DAY OF NOVEMBER, 1998.

But C. 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. M5-2163A (SW¹/₄ SW¹/₄ 3-75-27) :
Parcel No. M5-2163B (NE¹/₄ NW¹/₄ NW¹/₄ 10-75-27) :

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 17TH DAY OF NOVEMBER, 1998, ARE AS FOLLOWS:

<u>1</u> DAY SERVICE AT \$50.00	\$ <u>50⁰⁰</u>
<u>✓</u> MILEAGE AT .26 CENTS	\$ <u>✓</u>
<u>✓</u> MEALS	\$ <u>✓</u>
TOTAL	\$ <u>50⁰⁰</u>

SIGNED THIS 17 DAY OF NOVEMBER, 1998.

Carl Henrich
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. M5-2163A (SW¼ SW¼ 3-75-27)
Parcel No. M5-2163B (NE¼ NW¼ NW¼ 10-75-27)

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 17TH DAY OF NOVEMBER, 1998, ARE AS FOLLOWS:

<u> 1 </u> DAY SERVICE AT \$50.00	\$ <u>50.00</u>
<u> 12 </u> MILEAGE AT .26 CENTS	\$ <u> 3.12</u>
<u> </u> MEALS	\$ <u> </u>
TOTAL	\$ <u>53.12</u>

SIGNED THIS 17 DAY OF NOVEMBER, 1998.

Russell Anderson
COMMISSIONER