RWG:jsh 4-14-75

FILED
1975 APR 16 PM 2:18
MARY E. WELTY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

MAURICE D. MITCHELL, Plaintiff,	)	LAW NO. 21264
v.	)	
IOWA STATE HIGHWAY COMMISSION, Defendant.	)	OFFER OF JUDGMENT

4-16-75 850 pm

FILED NO. 606
BOOK 111 PAGE 419
1975 MAY 12 PM 2:02
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $6.50

TO THE ABOVE-NAMED PLAINTIFF AND TO LEWIS H. JORDAN, ITS ATTORNEY:

The Defendant, Iowa State Highway Commission, after answer and before trial, now offers to allow judgment to be taken against it herein upon the claim made in Plaintiff's Petition for $6,000 and costs, pursuant to §677.7, Code of Iowa. If this offer is not accepted as provided by §677.8, Code of Iowa, it shall be governed by §§677.9 and 677.10, Code of Iowa, of which you will take notice.

IOWA STATE HIGHWAY COMMISSION

RICHARD C. TURNER
Attorney General of Iowa

ASHER E. SCHROEDER
Special Assistant Attorney
General and Counsel to the
Iowa State Highway Commission

BY Robert W. Goodwin
ROBERT W. GOODWIN
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa 50010

ATTORNEYS FOR DEFENDANT

Copy to:

Mr. Lewis H. Jordan
Farmers' & Merchants' Bank Bldg.
Winterset, Iowa 50273

ATTORNEY FOR PLAINTIFF

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on ....., 19 .....

.....

Jon Condemnation
& Appeal see 110-154
Filed 10-9-74

RETURN OF SERVICE—Company or Corporation

STATE OF IOWA, Madison County, ss.

The within Offer of Judgment came into my hands on the 16th day of April, 19 75 and on the 16th day of April, 19 75, I served the same upon the Maurice D. Mitchell by offering to read the same to Lewis H. Jordan, he being the Attorney which he waived, and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

FEES

Service	$ .75
Copies	$
Mileage	$ 1.00
Total	$ 1.75

4-21-75 Rec'd by Lewis Jordan for State Comptroller's Office

Rex Rouse

Rex Rouse

Sheriff of Madison County

By _____ Deputy.

901-649

FILED
1975 APR 28 PM 2:55
MARGARET L. BEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

MAURICE D. MITCHELL, : LAW NO. 21264

Plaintiff, :

vs. :

IOWA STATE HIGHWAY COMMISSION, :

Defendant. : JUDGMENT ENTRY

FILED NO. 606
BOOK 111 PAGE 419
1975 MAY 12 PM 2:02
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

BE IT REMEMBERED that this cause comes on before the Court upon the Defendant's offer to confess judgment and the Plaintiff's acceptance of the same in the sum of $6,000. And now on this 28th day of April, 1975, on the motion of Plaintiff's attorneys and pursuant to Sections 472.23 and 472.33, the Court finds that the offer to confess judgment was in excess of the amount awarded by the Condemnation Commission and that the fees of Plaintiff's attorneys should be fixed by the Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the amount of Plaintiff's damages is hereby ascertained and entered of record to be in the sum of $6,000 with interest on the sum of $5,975 from the 21st day of APRIL, 1975 until paid; and the Court now allows Plaintiff's attorneys a fee of $700.00 as part of the costs. Judgment is entered against the Defendant for all costs including said attorney fees.

W. J. V. Hayden
Judge of the 5th Judicial District
of Iowa