FILED NO. 1632
BOOK 110 PAGE 650

1974 OCT -8 AM 11:35

Fee $ 6.50

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Form 490

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of

Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

APPLICATION TO THE CHIEF JUDGE OF THE 5TH JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

TO: Gibson C. Holliday, Chief Judge of the 5th Judicial District, including Madison County, Iowa

Comes now the Iowa State Highway Commission and states that the public interest requires that the State of Iowa acquire certain rights in ~~XXXXXXXXXXXX~~ *other than agricultural land hereinafter described, by condemnation proceedings, as authorized and provided by law.

The lands and/or property rights affected and the record owners, lienholders, encumbrancers, and other persons interested therein, are as listed on the sheets hereto attached and made a part hereof, and are shown with reference to their location as to lands affected on the plat hereto attached, marked Exhibit "A" and made a part hereof.

The State of Iowa desires certain specific rights in the land herein sought to be condemned for Primary Road right of way and/or access control and/or for highway drainage and/or for the purpose of obtaining and removing therefrom material suitable for the improvement and/or maintenance of the Primary Roads of the State of Iowa.

The State of Iowa and the Iowa State Highway Commission as the agency used by the State of Iowa for the improvement of its Primary Roads has been unable to secure the described rights in lands by purchase and conveyance.

NOW, THEREFORE, the Iowa State Highway Commission hereby requests the appointment of a compensation commission of six persons qualified as prescribed in Sec. 306.19, Code of Iowa, 1971, not interested in the same or a like question, to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrancers, or other persons interested therein will sustain by reason of the appropriation herein sought to be condemned, for the purpose herein stated, and make their report in writing to the Sheriff as provided by law.

Dated at Ames, Iowa, this 23rd day of July, 1974.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

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

Filed in duplicate in my office at Des Moines, Iowa, this 24 day of July, 1974.

Gibson C. Holliday
Chief Judge of the 5th Judicial District
including Madison County, Iowa

ENTERED FOR TAXATION
THIS 8 DAY OF Oct 1974
AUDITORS FEE $ 1.00
George F. Abrahams
AUDITOR
Jean Allen
DEPUTY AUDITOR

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

---

TO:

Leonard D. Whalen, 1019 N. 4th St., Winterset, Iowa
Anna Hart Whalen, 1019 N. 4th St., Winterset, Iowa
Union State Bank, Winterset, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

Part of the NE¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in the NE¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., Madison County, Iowa lying on the south side of part of the following described centerline of Relocated Primary Road No. U.S. 169 as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof..

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Commencing at the SE Corner of Sec. 25, T76N, R28W, thence North 37.1 ft. along the east line of the SE¼ of said Sec. 25, thence N89°23'W 637.2 ft. to Sta. 750+00, the Point of Beginning, thence continuing N89°23'W 700.0 ft. to Sta. 743+00.

Said parcel is described as follows: All that part of the North 5 Acres of the NW¼NE¼NE¼ lying northerly of a line beginning at a point 150 ft. normally distant southerly of centerline on the west line of the NE¼NE¼, thence to a point 85 ft. normally distant southerly from Sta. 744+00, thence to a point 160 ft. normally distant southerly of centerline on the east line of said NW¼NE¼NE¼.

Said parcel contains 1.1 acres, more or less, exclusive of the present established road.

Note: The east line of the SE¼ of said Sec. 25 is assumed to bear North and South.

In connection with this condemnation proceeding it is specifically provided as follows:

1. No rights of direct access to and from Relocated Primary Road No. U.S. 169 are to inure to that portion of the condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 749+92, south side.

2. Any and all improvements, including fences, located wholly within the land sought in fee simple title and by permanent easement are condemned in their entirety.



For Affidavit of Correction of Legal see 111-547

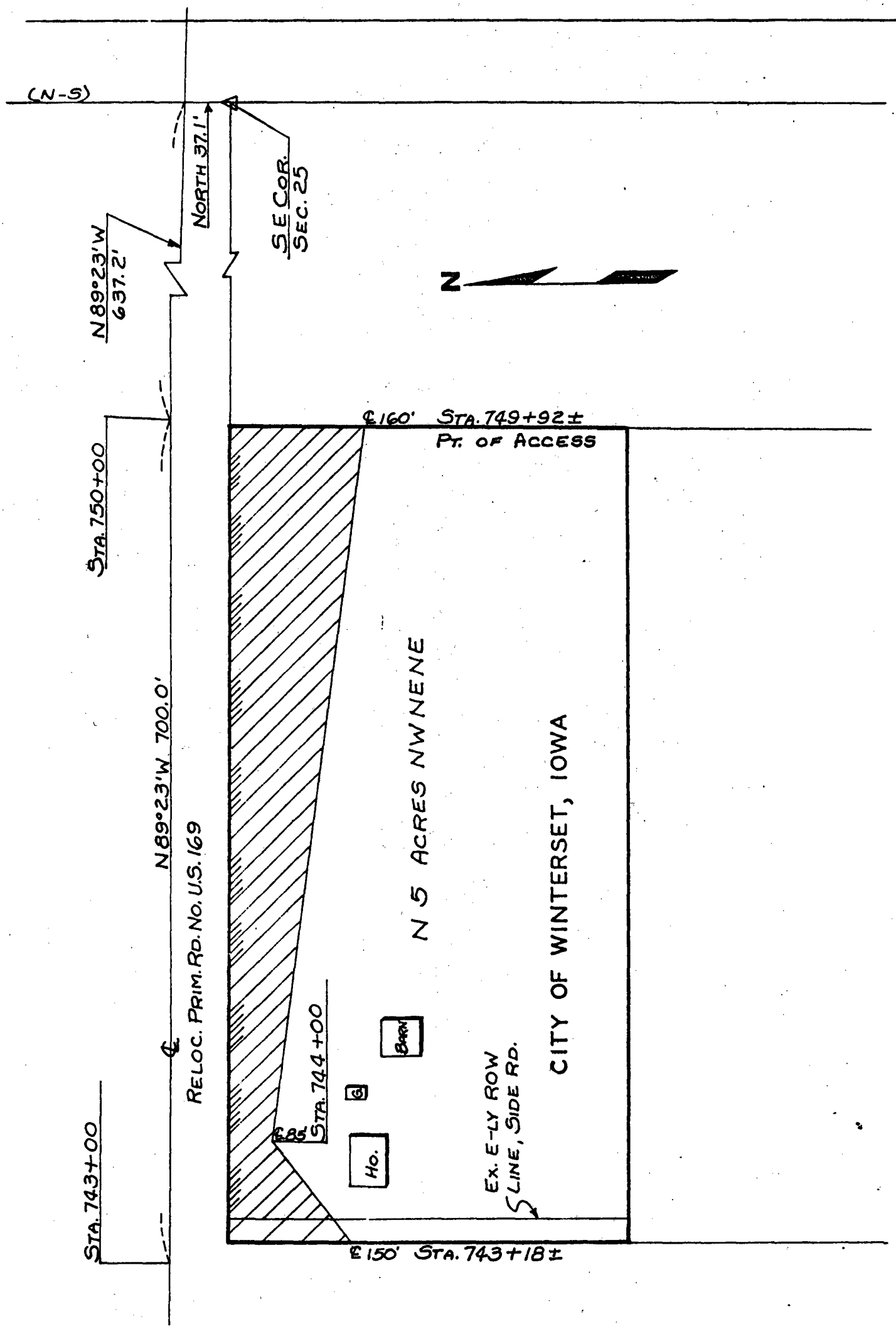
652

Form 137
11-71

# IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO.
PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 25
SECTION 36 TOWNSHIP 76N RANGE 28W
ROW - FEE 1.1 AC, EASE AC, EXCESS - FEE AC
ACQUIRED FROM LEONARD D. WHALEN AND ANNA HART WHALEN




DATE DRAWN SCALE FILMED

3350-25

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of

Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

RECEIVED
9-3 7Z p.m.
2:45 Ed
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

AMENDMENT TO APPLICATION TO THE CHIEF JUDGE OF THE 5th JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

and

AMENDMENT TO NOTICE

---

TO: Rex Rouse, Sheriff of Madison County, Iowa
and
TO:
Leonard D. Whalen, 6400 Washington Street, Windsor Heights, Des Moines, Iowa
Anna Hart Whalen, 6400 Washington Street, Windsor Heights, Des Moines, Iowa
Union State Bank, Winterset, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

Comes now the Iowa State Highway Commission and amends the Application and Notice filed in the above entitled proceedings as follows:

By striking and voiding part of Line 3 and of Lines 4 and 5 of the description of the parcel of land sought to be appropriated from Leonard D. Whalen, et ux (Parcel 25) to wit:

> "thence to a point 85 ft. normally distant southerly from Sta. 744+00, thence to a point 160 ft. normally distant southerly of centerline on the east line of said NW¼NE¼NE¼."

And substituting therefor the following to wit:

> "thence to a point 75 ft. normally distant southerly of centerline on the east line of said NW¼NE¼NE¼."

N.B. Acreage of taking is reduced from 1.1 acres to 1.0 acre.

And further amending by striking and voiding Right of Way Plat "Exhibit "A" Owners: Leonard D. Whalen, et ux, "and substituting therefor Right of Way Plat "Exhibit "B" Owners: Leonard D. Whalen, et ux", copy of which is attached hereto and by this reference made a part hereof.

Dated at Ames, Iowa, this 30th day of August, 1974.

APPROVED:

Gordon A. Sweitzer for

GORDON A. SWEITZER
Right of Way Director

IOWA STATE HIGHWAY COMMISSION
By Richard C. Turner
Attorney General of Iowa

By Asher E. Schroeder

ASHER E. SCHROEDER
Special Assistant Attorney General
and General Counsel to the Department
of Transportation, Ames, Iowa

Filed in my office at Winterset, Iowa, this 3rd day of Sept., 1974.

Rex Rouse

Rex Rouse, Sheriff of
Madison County, Iowa

Madison County Project No. FN-169-3(3)--21-61
Leonard D. Whalen, et ux (Parcel 25)

For Affidavit of Correction see Legal 1111 - 5477

Form 137
11-71

654

# IOWA STATE HIGHWAY COMMISSION

## RIGHT OF WAY PLAT
## EXHIBIT "B"

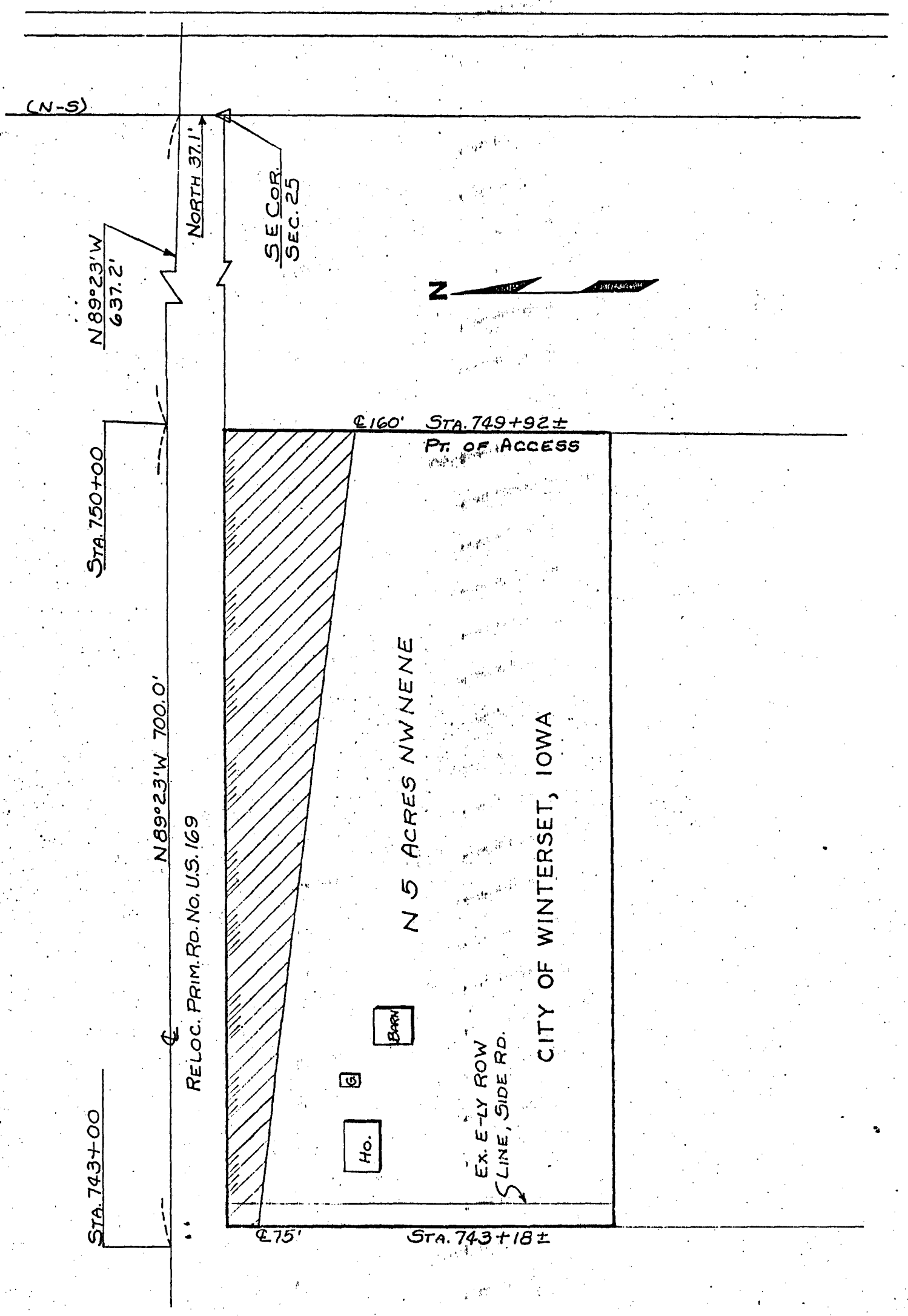
COUNTY MADISON STATE CONTROL NO. ____

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 25

SECTION 36 TOWNSHIP 76 N RANGE 28 W

ROW - FEE 1.0 AC, EASE ____ AC, EXCESS - FEE ____ AC

ACQUIRED FROM LEONARD D. WHALEN AND ANNA HART WHALEN




DATE DRAWN ____ SCALE ____ FILMED ____

3350-25

3

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

Form 492

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE 5TH JUDICIAL DISTRICT

---

An Application for Condemnation having been filed with me by the Iowa State Highway Commission 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 its Application 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 |
|---|---|---|
| Dwight Mundell | Winterset | Licensed Real Estate Salesman or Broker |
| Sam Buck | Winterset Earlham. | Licensed Real Estate Salesman or Broker |
| Gail Leeper | Winterset | Knowledgeable of Property Values by Virtue of Occupation |
| John Foster | Winterset | Knowledgeable of Property Values by Virtue of Occupation |
| Jack Hilton | Winterset | Other than Agricultural |
| Paul Griffith | Winterset | Other than Agricultural |

I further designate, select, and appoint, the above named John Foster to act as Chairman of said commission.

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 July, 19 74.

Gibson C. Holliday
Chief Judge of the 5th Judicial District
Including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 30 day of July, 19 74.

Rex Rouse
Sheriff of Madison County, Iowa

RECEIVED 6556
8-14-74 9:10 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No.

Located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

ORDER APPOINTING SUBSTITUTE COMPENSATION COMMISSIONER

---

NOW ON THIS 12 day of August, 1974, an Order Appointing Substitute Compensation Commissioner having been presented to me due to the inability of Gail Leeper, and his alternate Ernest Stowell, both having qualifications as being Knowledgeable, to serve as a compensation commissioner in the condemnation referenced above, it is ordered that the vacancy shall be filled by the following commissioner:

| QUALIFICATIONS | NAME | ADDRESS |
|---|---|---|
| Knowledgeable | Irvin Martens | Winterset - Commissioner |
| " | John Foster | Winterset - Alternate |

The Sheriff of Madison County, Iowa, shall notify the substitute commissioner in the same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 12th day of August, 1974.

Robson A. Holliday

Judge of the 5th Judicial District, including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 14 day of Aug, 1974.

Reg Ponse

Sheriff of Madison County, Iowa

FILED
8-14-74
9:10 AM
WINTERSET, IOWA

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No.

Located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

ORDER APPOINTING SUBSTITUTE COMPENSATION COMMISSIONER

---

NOW ON THIS 12 day of August, 19 74, an Order Appointing Substitute Compensation Commissioner having been presented to me due to the inability of Paul Griffith, and his alternate Clarence Johnson, both having qualifications as being Other than Agricultural, to serve as a compensation commissioner in the condemnation referenced above, it is ordered that the vacancy shall be filled by the following commissioner:

| QUALIFICATIONS | NAME | ADDRESS |
|---|---|---|
| City Property Owners | Melvin Jones | Winterset - Commissioner |
| " | James Breeding | Winterset - Alternate |

The Sheriff of Madison County, Iowa, shall notify the substitute commissioner in the same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 12th day of August, 1974.

Robert A. Hall
Judge of the 5th Judicial District, including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 14 day of Aug, 1974.

Ray Reese
Sheriff of Madison County, Iowa

658 6

Form 493

RECEIVED
8-14-74
9:10
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. 169

# SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group D

TO: Irvin Martens, R R # 2, Winterset, Iowa

The Iowa State Highway Commission has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to 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 such appropriation of the rights as described in the Application for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that John Foster has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on 4th day of September, 19 74, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
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 16 day of August, 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

Irvin R. Martens

Filed in my office at Winterset, Iowa, this 19 day of Aug, 1974.

Rex Rouse
Sheriff of Madison County, Iowa

## 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, or for the reason that

_____

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. 169

RECEIVED 8-14-74 10 AM

Form 493

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

TO: Mr. Melvin Jones, Winterset, Iowa.

The Iowa State Highway Commission has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to 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 such appropriation of the rights as described in the Application for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that John Foster has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on 4th day of September, 1974, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse

Rex Rouse
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 16 day of Aug., 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

M. H. Jones

Filed in my office at Winterset, Iowa, this 16 day of Aug., 1974.

Rex Rouse

Sheriff of Madison County, Iowa

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, or for the reason that

659

660
Form 493

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

RECEIVED
7-30-74 4:00 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

Primary Road No. U.S. 169 in and west of Winterset

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

TO: Dwight Mundell, 720 No. 3rd, Winterset

The Iowa State Highway Commission has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to 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 such appropriation of the rights as described in the Application for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that John Foster has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Winterset, Madison County, State of Iowa, on 4th day of September, 19 74, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse

Rex Rouse
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 , 19 .
I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

Dwight Mundell

Filed in my office at Winterset, Iowa, this 1 day of Aug, 1974.

Rex Rouse

Rex Rouse
Sheriff of Madison County, Iowa

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, or for the reason that

_____

Form 493

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

RECEIVED
1-30-74 9:00 AM
[illegible] COUNTY
SHERIFF
WINTERSET, IOWA

Primary Road No. U.S. 169 in and west of Winterset

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

---

TO: **Jack Hilton, 112 So. 8th Ave., Winterset**

The Iowa State Highway Commission has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to 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 such appropriation of the rights as described in the Application for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that **John Foster** has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Winterset, Madison County, State of Iowa, on 4th day of **September**, 1974, at 9:30 o'clock a.m. (**CDT**) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
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 1 day of August, 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

Jack Hilton

Filed in my office at Winterset, Iowa, this 2 day of Aug, 1974

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

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, or for the reason that

---

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

RECEIVED
1-30-14
900 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

---

TO: John Foster, 317 No. 4th Ave., Winterset

The Iowa State Highway Commission has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to 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 such appropriation of the rights as described in the Application for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that **John Foster** has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Winterset, Madison County, State of Iowa, on 4th day of **September** ,19 74, at 9:30 o'clock a.m. (CDT ) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
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 , 19 .
I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

John W. Foster

Filed in my office at Winterset, Iowa, this 1 day of Aug, 1974.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

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, or for the reason that

_____

Form 493

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

RECEIVED
1-30-74
900 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: **Sam Buck, 805 Plum, Earlham**

The Iowa State Highway Commission has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to 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 such appropriation of the rights as described in the Application for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that **John Foster** has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Winterset, Madison County, State of Iowa, on 4th day of **September**, 19 74, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Earlham, Iowa, this 31 day of July, 1974. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

Sam Buck

Filed in my office at Winterset, Iowa, this 1 day of Aug, 1974

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

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, or for the reason that

6647

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Form 494

Primary Road No. U.S. 169 in and west of Winterset

OATH OF COMMISSIONERS

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

---

STATE OF IOWA )
)ss
MADISON County )

Each of the undersigned being duly sworn says:

That I do possess the qualifications listed under my name below, and

That I do not possess any interest in the proceeding which would cause me to render a biased decision, and

That I will, to the best of my 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 as set forth and described in the Application in the Office of the sheriff for the improvement and/or the maintenance of primary roads and/or for highway drainage and make a written report to the sheriff as authorized and prescribed in Chapters 306, 306A, 306B, 313, 471 and 471 and 472, Code of Iowa, 1971 and any amendments thereto, and in accordance with the instructions of the Chief Justice of the Supreme Court, and will well and 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.

Name:
Licensed Real Estate Salesman or Broker

Name:
Licensed Real Estate Salesman or Broker

Name:
Knowledgeable of Property Values by Virtue of Occupation

Name:
Knowledgeable of Property Values by Virtue of Occupation

Name:
(As appropriate to type of property involved) Other than Agricultural

Name:
(As appropriate to type of property involved) Other than Agricultural

Subscribed and sworn to before me this 4th day of September, 1974.

~~(Notary Public)~~ (Clerk of Court) Margaret Wheeler in and for said Madison County and State

Filed in my office at Winterset, Iowa, this 4th day of Sept, 1974.

Rex Rouse
Sheriff of Madison County, Iowa

STATE OF IOWA
MADISON COUNTY

I hereby certify that I have this 4th day of Sept 1974, read aloud the "WRITTEN INSTRUCTIONS FOR MEMBERS OF THE COMPENSATION COMMISSION" submitted to me for this purpose by the Chief Justice of the Iowa Supreme Court. (Senate File 1171 - 62re GA 2nd Session)

Rex Rouse Sheriff
Rex Rouse

A 7

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of

Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

Form 495, Sheet 1

NOTICE

RECEIVED
8-30-74
9 1/2 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

TO:

Leonard D. Whalen, 6400 Washington Street, Windsor Heights, Des Moines, Iowa
Anna Hart Whalen, 6400 Washington Street, Windsor Heights, Des Moines, Iowa
Union State Bank, Winterset, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

Part of the NE¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in the NE¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., Madison County, Iowa lying on the south side of part of the following described centerline of Relocated Primary Road No. U.S. 169 as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Commencing at the SE Corner of Sec. 25, T76N, R28W, thence North 37.1 ft. along the east line of the SE¼ of said Sec. 25, thence N89°23'W 637.2 ft. to Sta. 750+00, the Point of Beginning, thence continuing N89°23'W 700.0 ft. to Sta. 743+00.

Said parcel is described as follows: All that part of the North 5 Acres of the NW¼NE¼NE¼ lying northerly of a line beginning at a point 150 ft. normally distant southerly of centerline on the west line of the NE¼NE¼, thence to a point 85 ft. normally distant southerly from Sta. 744+00, thence to a point 160 ft. normally distant southerly of centerline on the east line of said NW¼NE¼NE¼.

Said parcel contains 1.1 acres, more or less, exclusive of the present established road.

Note: The east line of the SE¼ of said Sec. 25 is assumed to bear North and South.

In connection with this condemnation proceeding it is specifically provided as follows:

1. No rights of direct access to and from Relocated Primary Road No. U.S. 169 are to inure to that portion of the condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 749+92, south side.

2. Any and all improvements, including fences, located wholly within the land sought in fee simple title and by permanent easement are condemned in their entirety.

That such condemnation is sought for primary road right of way and/or highway drainage and/or for the purpose of obtaining suitable material with which to improve or maintain and/or to maintain primary roads of the state of Iowa in the manner prescribed in Chapters 306, 306A, 306B, 313, 471 and 472 of the Code of Iowa and any amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed as by law provided.

You are further notified that said commission will on the 4th day of September, 1974, at 10:40 o'clock, a. m. ( CDT ) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION
Dept of Law

BY RICHARD C. TURNER
Attorney General of Iowa

BY Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General
and Counsel to the Iowa State Highway
Commission, Ames, Iowa 50010

- - - - - - - - - - - - -

ACCEPTANCE OF SERVICE

Service of the above and foregoing notice is hereby accepted and receipt of a copy thereof acknowledged, and I hereby waive time of service and/or any publications of such notice in a newspaper.

Dated at _____ this _____ day of _____, 19_____.

_____

State of Iowa, County, ss:

Received the within notice the day of , 19 , and I hereby certify that I have served to each of said persons named below, by delivering a true copy of the same to each of said persons at the time and place set opposite their respective names:

| Name | Month | Day | Year | Township, City or Town | County | State |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Fees:
Service $
Mileage $_____
Total $

_____
Sheriff, County, Iowa

By,_____Deputy

Form 137
11-71

499

# IOWA STATE HIGHWAY COMMISSION

## RIGHT OF WAY PLAT
## EXHIBIT "A"

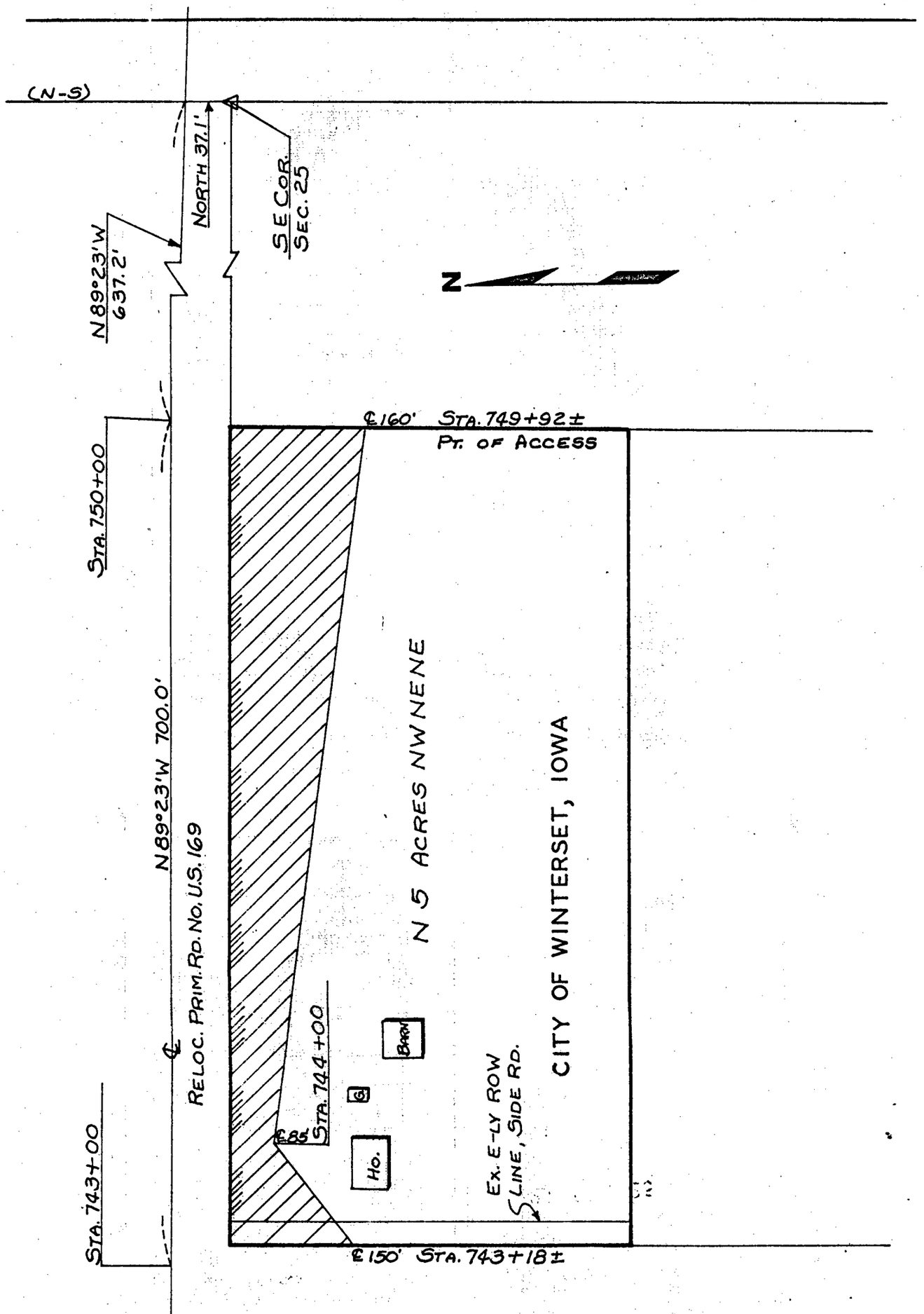
COUNTY MADISON STATE CONTROL NO.

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 25

SECTION 36 TOWNSHIP 76 N RANGE 28 W

ROW - FEE 1.1 AC, EASE AC, EXCESS - FEE AC

ACQUIRED FROM LEONARD D. WHALEN AND ANNA HART WHALEN




DATE DRAWN SCALE FILMED

3350-25

668

STATE OF IOWA
Polk County } SS

RETURN OF SERVICE

I hereby certify and make return; that I received the within and attached notice on the 30 day of July, 1979, and that on the 31 day of July, 1979, I served the same on the within named defendant Leonard L Whalen by delivering a true copy thereof, ~~with copy of petition attached~~ (Strike out if not so attached), to said Leonard L Whalen at 6400 Washington Windsor Heights (Address), Polk County, Iowa.

Fees:
Notary $.....
Mileage $.....
County $.....
Total $.....
Paid by Plt'ffs. Attorney.

Bradley Printing

Ronald P. Hallock Deputy Sheriff

Subscribed and sworn to before me this 31 day of July, 1979

N R Ferson
Notary Public, Polk County, Iowa
Notary commission expires September 30, 1977

NOTARIAL SEAL IOWA
N. R. FERSON
MY COMMISSION EXPIRES
SEPTEMBER 30, 1977

STATE OF IOWA
Polk County } SS

RETURN OF SERVICE

I hereby certify and make return; that I received the within and attached notice on the 30 day of July, 1979, and that on the 31 day of July, 1979, I served the same on the within named defendant Anna Mae Whalen at his dwelling house or usual place of abode at 6400 Washington Windsor Heights (Address), Polk County, Iowa, by there delivering a true copy thereof, ~~with copy of petition attached~~ (Strike out if not so attached), to Leonard L Whalen, a person residing therein, who was then at least eighteen years old; that such place was not a rooming house, hotel, club or apartment building.

Fees:
Notary $ .50
Mileage $ 4.80
County $ 1.25
Total $ 6.55 pd 8-21-79
Paid by Plt'ffs. Attorney.

Bradley Printing

Ronald P. Hallock Deputy Sheriff

Subscribed and sworn to before me this 31 day of July, 1979

N R Ferson
Notary Public, Polk County, Iowa
Notary commission expires September 30, 1977

NOTARIAL SEAL IOWA
N. R. FERSON
MY COMMISSION EXPIRES
SEPTEMBER 30, 1977

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of

Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

Form 495, Sheet 1

NOTICE

RECEIVED
7-30-74
900
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

---

TO:

Leonard D. Whalen, 6400 Washington Street, Windsor Heights, Des Moines, Iowa
Anna Hart Whalen, 6400 Washington Street, Windsor Heights, Des Moines, Iowa
Union State Bank, Winterset, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

Part of the NE¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in the NE¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., Madison County, Iowa lying on the south side of part of the following described centerline of Relocated Primary Road No. U.S. 169 as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Commencing at the SE Corner of Sec. 25, T76N, R28W, thence North 37.1 ft. along the east line of the SE¼ of said Sec. 25, thence N89°23'W 637.2 ft. to Sta. 750+00, the Point of Beginning, thence continuing N89°23'W 700.0 ft. to Sta. 743+00.

Said parcel is described as follows: All that part of the North 5 Acres of the NW¼NE¼NE¼ lying northerly of a line beginning at a point 150 ft. normally distant southerly of centerline on the west line of the NE¼NE¼, thence to a point 85 ft. normally distant southerly from Sta. 744+00, thence to a point 160 ft. normally distant southerly of centerline on the east line of said NW¼NE¼NE¼.

Said parcel contains 1.1 acres, more or less, exclusive of the present established road.

Note: The east line of the SE¼ of said Sec. 25 is assumed to bear North and South.

In connection with this condemnation proceeding it is specifically provided as follows:

1. No rights of direct access to and from Relocated Primary Road No. U.S. 169 are to inure to that portion of the condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 749+92, south side.

2. Any and all improvements, including fences, located wholly within the land sought in fee simple title and by permanent easement are condemned in their entirety.

670

BBB

## RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 30th day of July, 1974 and on the 5th day of August, 1974 I served the same upon the Madison County, Iowa by offering to read the same to George Abrahams, he being the Auditor of said Governmental Body, which he waived, and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

FEES

Service - - - $_____

Copies - - - $_____

Mileage - - - $_____

Total - - - $_____

Rex Rouse, Sheriff

of Madison County

By _____
Deputy.

BOONE BLANK BOOK CO., BOONE, IOWA 1081-72

BBB

## RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 30th day of July, 19 74

and on the 5th day of August, 19 74, I served the same upon the

City of Winterset, Iowa

by offering to read the same to Dale Simmons, he being the City Clerk

of said Governmental Body, which he waived, and by giving him a true copy thereof, all done in

CEnter Township, Madison County, Iowa.

FEES

Service - - - $_____

Copies - - - $_____

Mileage - - - $_____

Total - - - $_____

Rex Rouse, Sheriff

of Madison County

By _____ Deputy.

BOONE BLANK BOOK CO., BOONE, IOWA 1081-72

## RETURN OF SERVICE—Company or Corporation

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 30th day of July, 19 74

and on the 6th day of August, 19 74, I served the same upon the

Union State BAnk, Winterset, Iowa

by reading the same to Donald A. Bolton, he being the Cashier

of said corporation by offering to read the same to him, which he waived, and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

FEES:

Service . . . . $_____

Copies . . . . $_____

Mileage . . . $_____

Total . . . . $_____

Rex Rouse, Sheriff of Madison County

By _____ Deputy.

Form 495, Sheet

That such condemnation is sought for primary road right of way and/or highway drainage and/or for the purpose of obtaining suitable material with which to improve or maintain and/or to maintain primary roads of the state of Iowa in the manner prescribed in Chapters 306, 306A, 306B, 313, 471 and 472 of the Code of Iowa and any amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed as by law provided.

You are further notified that said commission will on the 4th day of September , 1974 , at 10:40 o'clock, a. m. ( CDT ) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

BY Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General
and Counsel to the Iowa State Highway
Commission, Ames, Iowa 50010

---

ACCEPTANCE OF SERVICE

Service of the above and foregoing notice is hereby accepted and receipt of a copy thereof acknowledged, and I hereby waive time of service and/or any publications of such notice in a newspaper.

Dated at _____ this _____ day of _____, 19_____.

_____

State of Iowa, County, ss:

Received the within notice the day of , 19 , and I hereby certify that I have served to each of said persons named below, by delivering a true copy of the same to each of said persons at the time and place set opposite their respective names:

| Name | Month | Day | Year | Township, City or Town | County | State |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Fees:
Service $ 1.75
Mileage $_____
Total $

Rex Rouse, Sheri
_____

Sheriff, Madison County, Iowa

By, _____ Deputy

Form 137
11-71

# IOWA STATE HIGHWAY COMMISSION

## RIGHT OF WAY PLAT
## EXHIBIT "A"

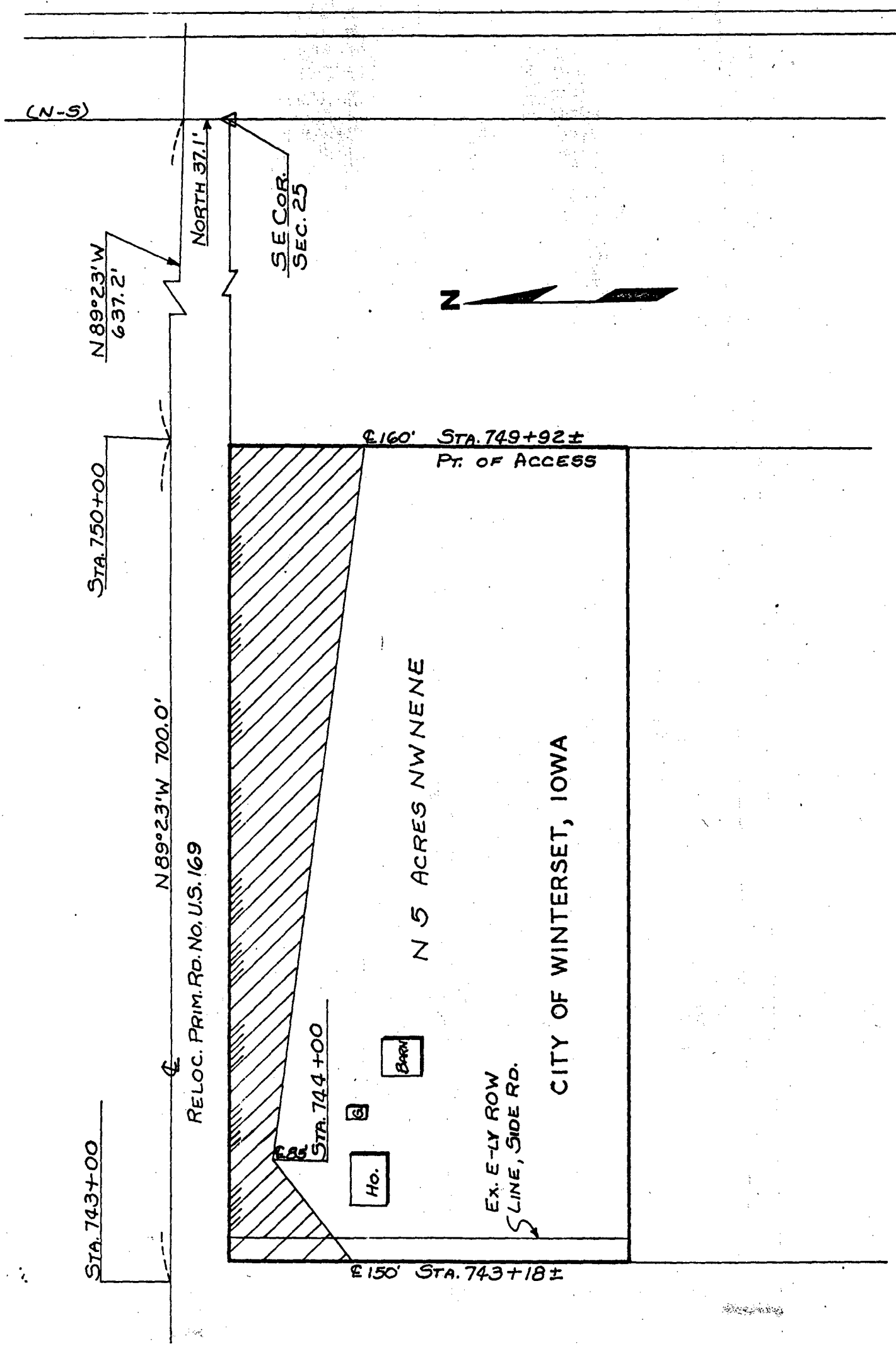
COUNTY MADISON STATE CONTROL NO. ____

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 25

SECTION 36 TOWNSHIP 76 N RANGE 28 W

ROW - FEE 1.1 AC, EASE ____ AC, EXCESS - FEE ____ AC

ACQUIRED FROM LEONARD D. WHALEN AND ANNA HART WHALEN




DATE DRAWN ____ SCALE ____ FILMED ____

3350-25

673

Form 496
17-71

674

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

REPORT OF COMPENSATION COMMISSION

TO: Rex Rouse, Sheriff of Madison County, Iowa

We, the undersigned, being the duly appointed and qualified commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights as set forth and described in the Application filed in the above entitled matter respectfully report as follows:

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

| | Land & Improvements | Consequential Damages | Total Award | Condemnees' Atty. Fees and Costs |
|---|---|---|---|---|
| PARCEL 23A | $ | $ | $ | $ |
| James F. Bussanmas; | $ | $ | $ 800.00 | $ |
| Phillip S. Bussanmas; City Clerk of Winterset; Madison County Treasurer | $ | $ | $ | $ |
| PARCEL 24 | $ | $ | $ | $ |
| Maurice D. Mitchell, City Clerk of Winterset, Madison County Treasurer | $ | $ | $ 25.00 | $ |
| | $ | $ | $ | $ |
| | $ | $ | $ | $ |
| PARCEL 25 | $ | $ | $ | $ |
| Leonard D. & Anna Hart Whalen; Union State Bank; City Clerk of Winterset; and Madison County Treasurer. | $ | $ | $ 6,500.00 | $ |
| | $ | $ | $ | $ |

Respectfully reported at Winterset, Iowa, this 4 day of September, 1974

Jack Hilton

G. L. Buck

M. H. Jones

John W. Foster

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Winterset, Iowa, this 4th day of Sept., 1974

Rex Rouse

Sheriff, Madison County, Iowa

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

**ENDORSEMENT OF SHERIFF OF 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 Report of Compensation Commission; appearing upon the opposite side hereof that I have mailed by ordinary mail on this 4th day of Sept., 1964, the attached Notices of Appraisement of Damages and Time for Appeal to each of the persons to which they are addressed.

Rep Reuse

SHERIFF OF MADISON COUNTY, IOWA

675

Form 130
6-70

676 12

In the Matter of the Condemnation of
Certain Rights in Land by the Iowa
State Highway Commission for the
Use and Benefit of the State of Iowa
In the Improvement of

AFFIDAVIT OF FINAL OFFER

Primary Road No. U.S. 169 in and west of

Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

---

On this the 4th day of September, 19 74, comes the Iowa State Highway Commission and states, as by law provided, that the most recent offers 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 in the Application filed in the above matter are as follows:

(Names as on Notice) $ 4370.00

PARCEL 25 -
Leonard D. Whalen

Anna Hart Whalen

Union State Bank

City Clerk of Winterset

Madison County Treasurer

IOWA STATE HIGHWAY COMMISSION

BY: Gordon A. Sweitzer
Gordon A. Sweitzer
Right of Way Director by Robert L. Nath
Condemnation Agent

SEAL OF THE DISTRICT COURT MADISON COUNTY IOWA 19 74

Subscribed and sworn to before me this 4th day of September,

Margaret N. Wheeler
Notary Public in and for ~~Story~~ Madison County, Iowa
Clerk of Court

Filed in my office at Winterset, Iowa, this 4th day of September, 19 74.

Rep Reese
Sheriff of Madison County, Iowa.

Form 486
7-71

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61

Group "D"

Parcel No. 25

# NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO:

| | Land & Improvements | Consequential Damages | Total Award | Condemnees' Atty. Fees and Costs |
|---|---|---|---|---|
| Leonard D. Whalen | $ | $ | $ 6,500.00 | $ |
| Anna Hart Whalen | $ | $ | $ | $ |
| Union State Bank | $ | $ | $ | $ |
| City Clerk of Winterset | $ | $ | $ | $ |
| Madison County Treasurer | $ | $ | $ | $ |
| | $ | $ | $ | $ |

You and each of you are hereby notified that the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to Section 472.18 of the Code of Iowa, as amended by House File 215, Acts of the 64th General Assembly, you may within thirty (30) days from the date of mailing of this Notice, appeal to the district court as by law provided.

Date: 4th Day of Sept., 1974

Rex Rouse

SHERIFF OF MADISON COUNTY, IOWA

677

67814

IN THE MATTER OF THE CONDEMNATION OF CERTAIN REAL ESTATE FOR PRIMARY ROAD PURPOSES BY THE STATE HIGHWAY COMMISSION OF THE STATE OF IOWA.

IN Madison COUNTY

PROJECT NO. FN-169-3(3)-21-61-D

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

To: Iowa State Highway Commission, Ames, Iowa

I hereby certify that the commissioners in the above-entitled cause convened at Winterset, Iowa, on the 4th day of September, 1970, and thereupon proceeded to view the premises and said commissioners did thereafter on the 4th day of September, 1970, file their report in my office awarding damages as follows:

| NAME | AMOUNT |
|---|---|
| Parcel 23A | $ 800.00 |
| James F. Bussanmas<br>Phillip S. Bussanmas | |
| City Clerk of Winterset | |
| Madison County Treasurer | |
| Parcel 24 | |
| Maurice D. Mitchell | 25.00 |
| City Clerk of Winterset | |
| Madison County Treasurer | |
| Parcel 25 | |
| Leonard D. & Anna Hart ~~Walen~~ Whalen | 6500.00 |
| Union State Bank | |
| City clerk of Winterset | |
| ~~Mxxxxx~~ and Madison County Treasurer | |
| TOTAL DAMAGES AWARDED | $ 7325.00 |

I further certify that costs incident to this proceeding have been taxed as follows: Serving Notices as listed below:

| Date: | Name of Persons Served | Fee | Mileage | Rate .~~10~~.15 | Amount | Total |
|---|---|---|---|---|---|---|
| 8-12-74 | James F. Bussanmas | .75 | | | | .75 |
| 8-5-74 | Phillip S. Bussanmas | .50 | | | | .50 |
| 8-5-74 | City of Winterset | .50 | | | | .50 |
| 8-5-74 | Madison County, Iowa | .50 | | | | .50 |
| 8-12-74 | Maurice D. Mitchell | .75 | | | | .75 |
| 8-5-74 | City of Winterset | .50 | | | | .50 |
| 8-5-74 | Madison County, Iowa | .50 | | | | .50 |
| 8-6-74 | Union State Bank | .75 | | | | .75 |
| 8-5-74 | City of Winterset | .50 | | | | .50 |
| 8-5-74 | Madison County, Iowa | .50 | | | | .50 |
| | Copy | | | | | 1.50 |
| | | | 15 | | | 1.50 |
| | Postage | | | | | 2.40 |
| | | | | | | |
| | | | | | | |

Sheriff, Summoning and attending commissioners . . . . . $7.50

Sheriff, Mileage while attending commissioners, _____ Miles @ .~~10~~.15 1.50

$ 120.15

John W. Foster of Winterset, Iowa

| | | |
|---|---|---|
| one | day service | $ 50.00 |
| 10 | miles at .~~10~~ .15 | 1.50 |
| one | meals | 1.91 |
| Lodging | Hotel | |
| | Total | $ 53.41 |

Dwight Mundell of Winterset, Iowa

| | | |
|---|---|---|
| one | day service | $ 50.00 |
| 10 | miles at .~~10~~ .15 | 1.50 |
| none | meals | |
| Lodging | Hotel | ~~XXXX~~ |
| | Total | $ 51.50 |

G. S. Buck of 905 Plum , Earlham, Iowa

| | | |
|---|---|---|
| one | day service | $ 50.00 |
| 50 | miles at .~~10~~ .15 | 6.00 |
| one | meals | 1.91 |
| Lodging | Hotel | ~~57~~ .91 |
| | Total | $ |

Irvin W. Martens of Winterset, Iowa

| | | |
|---|---|---|
| one | day service | $ 50.00 |
| 22 | miles at .~~10~~ .15 | 3.30 |
| one | meals | 1.91 |
| Lodging | Hotel | |
| | Total | $ 55.21 |

M. H. Jones of Winterset, Iowa

| | | |
|---|---|---|
| one | day service | $ 50.00 |
| 10 | miles at .~~10~~ .15 | 1.50 |
| one | meals | 1.91 |
| Lodging | Hotel | |
| | Total | $ 53.41 |

Jack Hilton of Winterset, Iowa

| | | |
|---|---|---|
| one | day service | $ 50.00 |
| 10 | miles at .~~10~~ .15 | 1.50 |
| one | meals | 1.49 |
| Lodging | Hotel | |
| | Total | $ 52.99 |

Grand total Commissioners and Sheriff's Expense $344.58

Given under my hand this 4th day of September. 19~~74~~ 74.

Rex Rouse
Sheriff of Madison County, Iowa

I certify that the foregoing amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received. I further certify that this file contains all the original papers pertaining thereto.

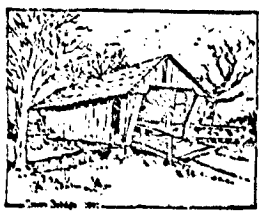
Dated this 4th day of September, 19~~74~~ 74.

Rex Rouse
Sheriff of Madison County

679

680

15




OFFICE OF

# Sheriff of Madison County

REX ROUSE, SHERIFF
EDWARD POWELL, DEPUTY
WINTERSET, IOWA 50273

TELEPHONE
DAY OR NIGHT
462 - 3575
AREA CODE 515

Sept. 24, 1974

TO: Leonard D. Whalen; Anna Hart Whalen; Union State Bank; City Clerk of Winterset; Madison County Treasurer

Sirs:

This is to advise you that there has been deposited with me Check # 03139045 in the amount of $6,500.00. This check represents the amount of the Condemnation Conpensation Commission award made on Sept. 4, 1974. This check may be picked up at the Madison County Sheriff's Office at your convenience between the hours of 8 A.M.-Noon and 1 P.M.-5 P.M. any Monday through Friday. I would however, suggest you contact your attorney BEFORE picking this check up.

Yours truly,

Rex Rouse

Rex Rouse, Sheriff
Madison County, Iowa 50273

Award accepted (date) 10/4/74

By: Leonard D. Whalen

Filed with Recorder 10-7-74 Rex Rouse, Sher.