Deed Record, No. 94, Madison County, Iowa

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

Jack J. Jackson et al
To
State of Iowa

#348

Fee $26.50

I.M.M.

Filed for record the 20 day of February A.D. 1967 at 8:47 o'clock A. M.

Mary E. Welty, Recorder

For Original Proceedings see Deed Rec 94-186

SETTLEMENT & DISMISSAL OF APPEAL FROM CONDEMNATION AWARD

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY

JACK J. JACKSON, VINCENT F. JACKSON, JULIE JACKSON, and JACK J. JACKSON, Conservator of Vincent F. Jackson and Julie Jackson, Minors, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.	:	No. 20027 Law 40-135 NOTICE OF APPEAL TO THEMADISON COUNTY, IOWA DISTRICT COURT FROM AWARD OF DAMAGES IN CONDEMNATION PROCEEDINGS AGAINST CERTAIN REAL ESTATE OF THE PLAINTIFFS

FILED
1966 JUL 6 PM 2:38
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

TO: THE IOWA STATE HIGHWAY COMMISSION AND TO REX ROUSE, SHERIFF OF MADISON COUNTY, IOWA:

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the undersigned Plaintiffs, Jack J. Jackson, Vincent F. Jackson, Julie Jackson and Jack J. Jackson, Conversator of Vincent F. Jackson and Julie Jackson, Minors, have and do hereby appeal from the award of damages made by the Commissioners duly appointed under the provisions of Chapter 472 of the Code of Iowa, said award having been made on the 3rd day of June, 1966, Rex Rouse, Sheriff of Madison County, Iowa, acting as Sheriff in said proceedings, all as by law provided, for the purpose of appraising and awarding to the Plaintiff damages sustained as a result of condemnation and taking by right of eminent demain for public highway purposes as specified in said proceedings, the following described real estate located in Madison County, Iowa, to-wit:

> A parcel of land located in the East 60 acres of the South Half of the Southeast Quarter of Section 31, Township 76 North, Range 28, West of the 5th P. M., Madison County, Iowa, lying on the northerly side of part of the following described centerline of Primary Road No. 92, as shown on Official plans for Project F-327 "B".
>
> The center line, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 505+93.2, a point on the South Quarter corner of said Section 31, thence East 2706.8 ft. to Sta. 533+00.
>
> Said parcel is described as follows: All that part of the East 60 acres of the South Half of the Southeast Quarter of said Section 31 that lies southerly of a line beginning at a point 85 ft. normally distant northerly from centerline, on the west line of said East 60 acres, thence to a point 85 ft. normally distant northerly from Sta. 514+50, thence to a point normally distant northerly from Sta. 515+45, on the present northerly right-of-way line of Primary Road No. 92, thence easterly along said present northerly right of way line to a point normally distant northerly from Sta. 531+45, thence to a point 150 ft. normally distant northerly from centerline, on the east line of said Section 31.

All as described and referred to in the Notice of Condemnation and the return of Commissioners in said proceedings.

YOU AND EACH OF YOU ARE FURTHER NOTIFIED that a Petition will be filed in said cause on behalf of the Plaintiffs in the Office of the Clerk of the District Court of the State of Iowa, in and for Madison County, Iowa, on or before the first day of the next Term of said District Court, to-wit: the September 1966 Term thereof, which will convene at Winterset, Madison County, Iowa, on September 6, 1966, and that said cause will be heard and disposed of as provided by law.

Dated at Winterset, Iowa, this 28 day of June, 1966.

Gordon K. Darling
Gordon K. Darling
53 Jefferson Street
Winterset, Iowa
Attorney for Plaintiffs.

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

SHERIFF'S RETURN OF SERVICE

Filed 1966 JUL 6 PM 2:38
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

STATE OF IOWA, STORY COUNTY, SS:

I hereby certify and return that the hereto attached Notice of Appeal came into my hands for service on the 30" day of June 1966, and on the 30" day of June, 1966, I served the same on the defendant, Iowa State Highway Commission, by delivering a true and correct copy thereof to L. M. Clauson, he being the Chief Engineer and Secretary for said Iowa State Highway Commission, in the city of Ames, Story County, Iowa.

Service	$ .75
Mileage	1.00
Total	$ 1.75

J. I. Shalley Sheriff,
Story County, Iowa
By Dean Drake Deputy

Pd. July 1, 1966
By Gordon K. Darling Attys. Pltff.
J. I. SHALLEY, Sheriff of
Story County, Iowa.

Sheriff of Story County
No. 38556

JACK J. JACKSON, VINCENT F. JACKSON, JULIE JACKSON, and JACK J. JACKSON, Conservator of Vincent F. Jackson and Julie Jackson, Minors, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.	:	No. 20027 Law NOTICE OF APPEAL TO THE MADISON COUNTY, IOWA DISTRICT COURT FROM AWARD OF DAMAGES IN CONDEMNATION PROCEEDINGS AGAINST CERTAIN REAL ESTATE OF THE PLAINTIFFS

RECEIVED 6-29-66
10:20 AM D.R.
Madison County Sheriff
Winterset, Iowa

Filed 1966 JUL 6 PM 2:39
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

TO: THE IOWA STATE HIGHWAY COMMISSION AND TO REX ROUSE, SHERIFF OF MADISON COUNTY, IOWA:

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the undersigned Plaintiffs, Jack J. Jackson, Vincent F. Jackson, Julie Jackson and Jack J. Jackson, Conversator of Vincent F. Jackson and Julie Jackson, Minors, have and do hereby appeal from the award of damages made by the Commissioners duly appointed under the provisions of Chapter 472 of the Code of Iowa, said award having been made on the 3rd day of June, 1966, Rex Rouse, Sheriff of Madison County, Iowa, acting as Sheriff in said proceedings, all as by law provided, for the purpose of appraising and awarding to the Plaintiff damages sustained as a result of condemnation and taking by right of eminent domain for public highway purposes as specified in said proceedings, the following described real estate located in Madison County, Iowa, to-wit:

A parcel of land located in the East 60 acres of the South Half of the Southeast Quarter of Section 31, Township 76 North, Range 28, West of the 5th P. M., Madison County, Iowa, lying on the northerly side of part of the following described centerline of Primary Road No. 92, as shown on Official plans for Project F-327 "B".

The center line, designated by station points 100 feet apart, numbered consecutively from west toeast, is described as follows: Beginning at Sta. 505+93.2, a point on the South Quarter corner of said Section 31, thence East 2706.8 ft. to Sta. 533+00.

Said parcel is described as follows: All that part of the East 60 acres of the South Half of the Southeast Quarter of said Section 31 that lies southerly of a line beginning at a point 85 ft. normally distant northerly from centerline, on the west line of said East 60 acres, thence to a point 85 ft. normally distant northerly from Sta. 514+50, thence to a point normally distant northerly from Sta. 515+45, on the present northerly right-of-way line of Primary Road No. 92, thence easterly along said present northerly right of way line to a point normally distant northerly from Sta. 531+45, thence to a point 150 ft. normally distant northerly from centerline, on the east line of said Section 31.

All as described and referred to in the Notice of Condemnation and the return of Commissioners in said proceedings.

YOU AND EACH OF YOU ARE FURTHER NOTIFIED that a Petition will be filed in said cause on behalf of the Plaintiffs in the Office of the Clerk of the District Court of the State of Iowa, in and for Madison County, Iowa, on or before the first day of the next Term of said

MAIL PARROTT & SONS CO., WATERLOO, IOWA 64-3012

District Court, to-wit: the September 1966 Term thereof, which will convene at Winterset, Madison County, Iowa, on September 6, 1966, and that said cause will be heard and disposed of as provided by law.

Dated at Winterset, Iowa, this 28 day of June, 1966.

Gordon K. Darling
Gordon K. Darling
53 Jefferson Street
Winterset, Iowa
Attorney for Plaintiffs.

I Rex Rouse, Sheriff Madison County, accept due and legal service of this notice of appeal this 29th day of June, 1966.

Rex Rouse
Rex Rouse, Sheriff

Service $ .75
Mileage .. .20
.95 Paid by plaintiffs' attorney 6-29-66 D.R.

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY

FILED 1966 AUG 10 AM 10:09
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON, ET AL, Plaintiffs,	:	LAW NO. 20027
v.	:	
IOWA STATE HIGHWAY COMMISSION, Defendant.	:	APPLICATION TO WITHDRAW FUNDS

COMES NOW the Defendant in the above-entitled action ans states and shows to the Court:

1. That on the 31st day of May, 1966, the Defendant, Iowa State Highway Commission on behalf of the State of Iowa, acquired certain rights in land of which Plaintiffs were the owners through condemnation proceedings, and that the award of the condemnation commission was in the sum of One Thousand Sixty Dollars ($1,060.00) for which amount a warrant has been deposited with the Sheriff of Madison County, Iowa.

2. That the above-named Plaintiffs are the persons entitled to the award of the condemnation commission and that Section 472.25 of the 1962 Code of Iowa applies to the within procedure.

3. That the Defendant is entitled to take possession of the rights in land condemned and to proceed with the improvements and that the best interests of the parties will be served by this Court directing that damages to the extent of One Thousand Sixty Dollars ($1,060.00) said sum representing the full amount of the award of the condemnation commission deposited with the Sheriff, be paid to the Plaintiffs herein.

WHEREFORE, the Defendant, Iowa State Highway Commission, respectfully requests this Court to enter an Order entitling the Plaintiffs to withdraw the sum of One Thousand Sixty Dollars ($1,060.00) heretofore deposited with the sheriff of Madison County in the within matter and entitling the Defendant herein to continued possession of the property rights condemned in this proceeding, and for such other and further Orders as to this Court may seem proper and just.

IOWA STATE HIGHWAY COMMISSION

LAWRENCE F. SCALISE
Attorney General of Iowa
RAYMOND T. WALTON
Special Assistant Attorney General and
Counsel to Iowa State Highway Commission
Ames, Iowa
By L. Michael McGrane
L. MICHAEL McGRANE
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa Phone: 232-7250, Ext. 342 (A.C.515)
By Leonard M. Flander
LEONARD M. FLANDER
Attorney at Law
Winterset, Iowa Phone: 462-4912 (A.C. 515)
ATTORNEYS FOR DEFENDANT

copy for: Gordon K. Darling
Attorney at Law 53 Jefferson Street
Winterset, Iowa Phone: 462-2442 (A.C. 515)
ATTORNEY FOR PLAINTIFFS

Copy Hereof Delivered to Gordon K. Darling
on August 10, 1966.
Beverly Ham Deputy Clerk
of District Court
Madison County, Iowa

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY

Filed 1966 AUG 10 AM 11:59
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON, ET AL,
Plaintiffs,
v.
IOWA STATE HIGHWAY COMMISSION,
Defendant.

LAW NO. 20027

ORDER FOR DISBURSEMENT OF FUNDS

NOW ON THIS 10 day of August, 1966, the Application to Withdraw Funds comes before this Court in its regular order wherein the Defendant, Iowa State Highway Commission, requests the disbursement of certain funds now held by the Sheriff of Madison County in the above entitled condemnation action.

After reviewing the Application and the court file and hearing statements of Counsel, this Court finds that the award of the condemnation commission was in the sum of One Thousand Sixty Dollars ($1,060.00) for which amount a warrant is presently on deposit with the Sheriff of Madison County, Iowa, and that Section 472.25, 1962 Code of Iowa, applies to the within procedure and that the payment sought in the Application to Withdraw Funds and in connection with the Order herein is without prejudice to or effect upon the rights of any of the parties and is subject to the provisions of the Code Section referred to above.

This Court further finds that the Sheriff of Madison County should be and he is hereby authorized to transfer the warrant of the State Comptroller payable to the above-named plaintiffs in the amount of One Thousand Sixty Dollars ($1,060.00) to the Clerk of the District Court of the State of Iowa in and for Madison County to be receipted out therefrom by the Plaintiffs on the docket in the within cause.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Sheriff of Madison County be and he is hereby ordered to transfer the warrant of the State Comptroller presently in his possession payable to the above-named Plaintiffs in the amount of One Thousand Sixty Dollars ($1,060.00) to the Clerk of the District Court of the State of Iowa in and for Madison County to be receipted out therefrom by the Plaintiffs on the docket in the within cause.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the right of possession to the property herein on the part of the Defendant, Iowa State Highway Commission, shall remain and continue as provided by law.

S. E. Prall Judge
of the Fifth Judicial District of Iowa

Copy Hereof Delivered to
Gordon K. Darling on
August 10, 1966.
Beverly Ham Deputy Clerk
of District Court Madison County, Iowa

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY

FILED
1966 AUG 18 AM 9:18
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON, VINCENT F. JACKSON, JULIE JACKSON, and JACK J. JACKSON, Conservator of Vincent F. Jackson and Julie Jackson, Minors, Plaintiffs,
-vs-
IOWA STATE HIGHWAY COMMISSION,
Defendant.

No. 20027 Law

PETITION ON APPEAL FROM CONDEMNATION OF REAL ESTATE

Come now the Plaintiff and for cause of action state:

Par. 1

That the Plaintiff, Jack J. Jackson, holds a life estate in certain real estate, the remainder interest therein being owned by the Plaintiffs, Vincent F. Jackson and Julie Jackson the minor children of Jack J. Jackson. That said real estate is described as follows:

North Half of the Southeast Quarter and the East
60 acres of the South Half of the Southeast Quarter
of Section Thirty-one (31), Township Seventy-six (76)
North, Range Twenty-eight (28), West of the Fifth P. M.

which real estate is situated in Douglas Township of Madison County, Iowa, and comprises a total of 140 acres.

MAID PARROTT & SONS CO., WATERLOO, IOWA 64-3012

Par. 2

That said real estate has at all times mentioned herein been used by the Plaintiffs for general farming purposes, including the raising of livestock and the growing of grain and other agricultural products. That said home has been used by Plaintiffs' tenants and employees for residential purposes for themselves and their families. That said real estate will in the future be used by the Plaintiffs and their tenants and employees in conjunction with other real estate.

Par. 3

That on or about June 3, 1966, the Defendant took and appropriated by condemnation proceedings a portion of the Plaintiffs' said real estate, and certain rights in the remainder thereof for primary road right-of-way, highway, drainage, and for the purpose of obtaining suitable material with which to improve or maintain primary roads of the State of Iowa. That said real estate thus appropriated by the Defendant by condemnation proceedings is described as follows:

A parcel of land located in the East 60 acres of the South Half of the Southeast Quarter of Section 31, Township 76 North, Range 28, West of the 5th P. M., Madison County, Iowa, lying on the northerly side of part of the following described centerline of Primary Road No. 92, as shown on Official plans for Project F-327 "B".

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 505+93.2, a point on the South Quarter corner of said Section 31, thence East 2706.8 ft. to Sta. 533+00.

Said parcel is described as follows: All that part of the East 60 acres of the South Half of the Southeast Quarter of said Section 31 that lies southerly of a line beginning at a point 85 ft. normally distant northerly from centerline, on the west line of said East 60 acres, thence to a point 85 ft. normally distant northerly from Sta. 514+50, thence to a point normally distant northerly from Sta. 515+45, on the present northerly right-of-way line of Primary Road No. 92, thence easterly along said present northerly right of way line to a point normally distant northerly from Sta. 531+45, thence to a point 150 ft. normally distant northerly from centerline, on the east line of said Section 31.

Par. 4

That the area of said land taken and appropriated by the Defendant comprised .50 acres.

Par. 5

That by reason of said condemnation and taking the Plaintiffs have been damaged and the value of their said real estate has been diminished as hereinafter alleged.

Par. 6

That the items of damage to the Plaintiffs occasioned by said condemnation, taking and appropriation include the following:

A. The taking of the fee title and ownership to .50 acres of land.

B. The alteration of grade levels and elevations, slopes and ditches, thereby altering and diminishing Plaintiffs' use of the access to their remaining land adjacent thereto, and Plaintiffs' use of gates, driveways and entrances thereon.

C. The alteration, diminishment and destruction of access to Plaintiffs' land from said public highway, including the complete elimination of a field entrance from Plaintiffs' said land to said pulic highway situated in the Southeast corner thereof.

D. The loss of lateral support of Plaintiffs' land occasioned by Defendant's said appropriation and taking, road construction and road alteration.

E. The destruction and impairment of drainage of Plaintiffs' land, and the substantial obstruction of and interference with the natural flow of water upon Plaintiffs' land.

F. The loss and destruction of fences upon Plaintiffs' land.

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

G. The substaintial diminishment in utility of the adjacent remaining land areas used for residential, livestock and storage facilities occasioned by the loss of the land area taken, appropriated and destroyed by said condemnation.

H. The loss and destruction of numerous large trees which afforded shade to the residential dwelling house and other buildings upon Plaintiffs' land.

I. The loss and destruction of ornamental trees and shrubbery affording shade and beautification to Plaintiffs' said land and residential dwelling house.

J. The loss and destruction of windbreak provided by the trees mentioned in Sub-paragraphs H and I hereof.

K. The loss and destruction of virtually all of the front yard in front of the residential dwelling house on Plaintiffs' land.

L. The reduction in value of Plaintiffs' said real estate occasioned by the items of damages suffered by the Plaintiffs including the foregoing.

Par. 7

That by reason of said condemnation, taking and appropriation by the Defendant, the Plaintiffs' said real estate has been diminished in value in the total sum of $9,800.00 and that the Plaintiffs have thereby been damaged in the total sum of $9,800.00.

WHEREFORE, Plaintiffs respectfully pray that their damages be determined and awarded in the sum of $9,800.00, together with lawful interest thereon from and after the date of taking of said real estate by the Defendant, to-wit: June 3, 1966, and together with the costs of maintaining this action, including attorney's fees for Plaintiffs; attorney, pursuant to the provisions of Section 472. 33 of the Code of Iowa.

Gordon K. Darling
GORDON K. DARLING 53 Jefferson Street
Winterset, Iowa Telephone 462/2442
Attorney for Plaintiffs

One copy filed herewith for -
Leonard M. Flander Mailed 8-18-66
Winterset, Iowa Attorney for Defendant

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY

Filed 1966 Aug 18 AM 9:18
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON,
VINCENT F. JACKSON
JULIE JACKSON, and
JACK J. JACKSON,
Conservator of Vincent F.
Jackson and Julie Jackson, Minors,
Plaintiffs,
-vs-
IOWA STATE HIGHWAY COMMISSION
Defendant.

No. 20027 Law

DEMAND FOR JURY TRIAL

Plaintiffs hereby respectfully demand a trial to a jury of all of the issues raised herein.

Gordon K. Darling
GORDON K. DARLING 53 Jefferson Street
Winterset, Iowa
Telephone 462-2442 Attorney for Plaintiffs

One copy filed herewith for -
Leonard M. Flander Mailed 8-18-66
Winterset, Iowa
Attorney for Defendant

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY

FILED
1966 SEP 15 PM 1:11
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON, VINCENT F. JACKSON, JULIE JACKSON, and JACK J. JACKSON, Conservator of Vincent F. Jackson and Julie Jackson, minors, Plaintiffs,
vs.
IOWA STATE HIGHWAY COMMISSION, Defendant.

No. 20027 Law

ANSWER TO PLAINTIFFS' PETITION ON APPEAL FROM CONDEMNATION OF REAL ESTATE

Comes now the Defendant, Iowa State Highway Commission, and in answer to the Plaintiffs' petition states to the Court:

Paragraph 1.

That it admits the allegations contained in Paragraph 1 of Plaintiffs' petition.

MAIL PARROTT & SONS CO., WATERLOO, IOWA 64-3012

Paragraph 2.

That it admits that the real estate described in Paragraph 1 of Plaintiff's petition is used for agricultural purposes but that this Defendant has no knowledge of the specific uses alleged in Paragraph 2 of Plaintiffs' petition and, therefore, denies the same for lack of information upon which to form a belief.

Paragraph 3.

That it admits the allegations contained in Paragraph 3 of Plaintiffs' petition.

Paragraph 4.

That it admits the allegations contained in Paragraph 4 of Plaintiffs' petition.

Paragraph 5.

That it admits that the value of the plaintiffs' real estate has been diminished and that Plaintiffs have been damaged, but denies that said damage and diminution is in all respects as alleged in other paragraphs of Plaintiffs' petition.

Paragraph 6.

That in answer to Paragraph 6 of Plaintiffs' petition this Defendant states:

A. That it admits the allegations of sub-paragraph "A" of said paragraph 6.

B. That it denies the allegation of sub-paragraph "B" of said paragraph 6.

C. That it denies the allegations of sub-paragraph "C" of said paragraph 6.

D. That it denies the allegations of sub-paragraph "D" of said paragraph 6.

E. That it denies the allegations of sub-paragraph "E" of said paragraph 6.

F. That it admits that Plaintiffs' fences will have to be moved, but denies that said fences will be lost and/or destroyed.

G. That it denies the allegations of sub-paragraph "G" of said paragraph 6.

H. That it denies the allegations of sub-paragraph "H" of said paragraph 6.

I. That it denies the allegation of sub-paragraph "I" of said paragraph 6.

J. That it denies the allegation of sub-paragarph "J" of said paragraph 6.

K. That it denies the allegation of sub-paragraph "K" of said paragraph 6.

L. That it denies the allegations of sub-paragraph "L" of said paragraph 6.

Paragraph 7.

That it denies the allegations contained in paragraph 7 of Plaintiffs' petition.

WHEREFORE, the Defendant, Iowa State Highway Commission, prays that Plaintiff's petition be dismissed or that in the alternative Plaintiffs be held to strict proof and that their damages be determined according to law.

IOWA STATE HIGHWAY COMMISSION
LAWRENCE F. SCALISE
Attorney General of Iowa

RAYMOND T. WALTON
Special Assistant Attorney General
and Counsel to Iowa State Highway
Commission, Ames, Iowa

L. Michael McGrane
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa Phone: 232-7250, Ext. 342 (A.C. 515)
By Leonard M. Flander
Leonard M. Flander Attorney at Law
Winterset, Iowa Phone: 462 4912 (A.C. 515)
ATTORNEYS FOR DEFENDANT.

Copy for: Gordon K. Darling Delivered 9-15-66
Attorney at Law 53 Jefferson Street
Winterset, Iowa Phone: 462 2442 (A.C. 515)
Attorney for Plaintiffs.

IN THE DISTRICT COURT OF THE STATE OF IOWA
in and for Madison County

Filed 1966 Oct 8 AM 11:56
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON, ET AL, Plaintiff,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant

Law No. 20027

CERTIFICATE OF READINESS FOR TRIAL

The undersigned hereby certifies that:

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

1. The issues are joined and the case is ready for trial in all respects;

2. Necessary use of discovery rules has been completed and the taking of desired depositions concluded;

3. The adverse party has had reasonable time to obtain inspections, examinations and reports under rules 131 to 133;

4. Sufficient time has elapsed to afford the adverse party reasonable opportunity to be ready for trial;

5. Pretrial conference has not been held;

6. Settlement of the case has not been discussed; and

7. Assignment for trial (a) by jury upon timely demand filed is requested.

Dated this 7 day of October, 1966.

By Gordon K. Darling Attorney for Plaintiff
P.O. Address 53 Jefferson Street
Winterset, Iowa Telephone No. 462-2442

One copy filed for Leonard M. Flander Winterset, Iowa

Copy Hereof Mailed to L. Michael McGrane
Delivered to Leonard M. Flander
on 10-10-1966 M. Morrissey Clerk of District
Court Madison County, Iowa

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY

Filed 1966 Oct 24
AM 9:29
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON, VINCENT F. JACKSON, JULIE JACKSON, and JACK J. JACKSON Conservator of Vincent F. Jackson and Julie Jackson, Minors, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant. : No. 20027 Law : INTERROGATORIES

Pursuant to R.C.P. 121, plaintiffs propound the following interrogatories to be answered by the defendant under oath:

1. State the names and addresses of all persons who to your knowledge have made appraisals of the plaintiffs' property on your behalf and the dates that such appraisals were made by each individual appraiser.

2. Do you plan any further appraisals of plaintiffs' property and, if so, list the names and addresses of the persons who will make said appraisals.

3. State the name, address and position of the person who is in charge of or is in a supervisory position over all appraisals made or to be made by you ofthe plaintiff's property.

4. State which persons, if any, listed in your answer to interrogatories 1 and 2 hereof are employees of the Iowa State Highway Commission or were at the time of making such appraisals and which are independent appraisers engaged by the Highway Commission.

5. State the names and addresses of all persons employed by or who appear in behalf of the Iowa State Highway Commission before the Condemnation Commissioners who met on June 2 and 3, 1966, to appraise the damages sustained by plaintiffs by virtue of the condemnation which is the subject matter of this cause and the position or capacity in which persons appeared.

6. State the name and address of the engineer or engineers who either designed or are familiar with the road design of the improvements now being made to Highway 92 as said Highway extends West of the City of Winterset and who could accurately interpret the plans and specifications for the proposed improvements to said Highway as the same affect the plaintiffs' property.

7. State the name, address and position of the person who has charge of and is in control of the various maps, plats, charts, drawings andall other engineering date pertinent to the improvement of Highway 92 as the same affects the plaintiffs' property.

Original & 2 copies filed.
cc to: L. Michael McGrane
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa Mailed 11-24-66

Gordon K. Darling
Gordon K. Darling 53 Jefferson Street
Winterset, Iowa Telephone 462-2442
Attorney for Plaintiffs
cc to: Leonard M. Flander Mailed 11-24-66
Attorney at Law Winterset, Iowa

MAIL PARROTT & SONS CO., WATERLOO, IOWA 64-3012

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY

Filed
1966 OCT 27 AM 10:48
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON, VINCENT F. JACKSON, JULIE JACKSON, and JACK J. JACKSON, Conservator of Vincent F. Jackson and Julie Jackson, Minors, Plaintiffs,

vs.

IOWA STATE HIGHWAY COMMISSION, Defendant.

Law No. 20027

ANSWERS TO INTERROGATORIES

Comes now the Defendant Iowa State Highway Commission and in answer to Plaintiffs' Interrogatories states in answers corresponding to the numbered interrogatory:

1. Robert P. Hayes, Burrell Appraisal and Investment Company, Knowville, Iowa, December 22, 1965.

2. No further appraisals are planned at this time, but such may be considered before trial.

3. James L. Stober, Right of Way Engineer, Iowa State Highway Commission, Ames, Iowa.

4. Robert P. Hayes is an independent appraiser.

5. Robert R. Oglesby, Right of Way Department, Iowa State Highway Commission, Ames, Iowa; Duncan Baird, Condemnation Examiner, Iowa State Highway Commission, Ames, Iowa; and Andrew Garnes, formerly Assistant Resident Construction Engineer, Creston, Iowa, present address unknown.

6. Del S. Jesperson, Resident Construction Engineer, Iowa State Highway Commission, Creston, Iowa.

7. Del S. Jesperson, Resident Construction Engineer, Iowa State Highway Commission, Creston, Iowa.

IOWA STATE HIGHWAY COMMISSION
By Leonard M. Flander
Leonard M. Flander

STATE OF IOWA, MADISON COUNTY) SS.

I, Leonard M. Flander, being first duly sworn on oath do hereby depose and state: That I am the attorney for the above named defendant; That I am authorized to sign these answers as such attorney; That I prepared the above and foregoing answers and know the contents thereof, and that the statements and allegations therein contained are true and correct as I verily believe.

Leonard M. Flander
Leonard M. Flander

Subscribed and sworn to before me this 27 day of October, 1966.

(DISTRICT COURT SEAL)

Marguerite Morrissey Clerk of Court
in and for Madison County, Iowa.

Copy Hereof Delivered to
Gordon K. Darling on
Oct 27, 1966.
- - - - - Clerk of District Court
Madison County, Iowa.

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN ANDFOR MADISON COUNTY

Filed
1967 JAN 4 PM 1:04
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON, VINCENT F. JACKSON, JULIE JACKSON, and JACK J. JACKSON, Conservator of Vincent F. Jackson and Julie Jackson, Minors, Plaintiffs,

vs.

IOWA STATE HIGHWAY COMMISSION, Defendant.

LAW NO. 20027

STIPULATION OF SETTLEMENT

Come now the parties hereto and by way of settlement of this matter hereby stipulate and agree as follows:

1. That on the 31st day of May, 1966, the Defendant on behalf of the State of Iowa appropriated by condemnation proceedings certain rights in land of which the Plaintiffs were the owners, said rights being fully described in the condemnation proceedings from which this appeal was taken.

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2. That the Defendant has caused to be deposited in the office of the Sheriff of Madison County, Iowa, the sum of One Thousand Sixty and no/100 ($1060.00) Dollars in the form of a warrant of the State Comptoller, which warrant was payable to the above named Plaintiffs, and which represents the award of the Condemnation Commission.

3. That such warrant in such amount was delivered to the Plaintiffs by the Clerk of the Madison County, Iowa, District Court pursuant to previous applications and orders of the Court.

4. That in connection with the above entitled condemnation proceedings it is hereby stipulated and agreed that the Plaintiffs will accept the sum of One Thousand Five Hundred Sixty and no/100 ($1560.00) Dollars, as full and complete compensation for the said appropriations and for all damages resulting therefrom. That the Plaintiffs will accept an additional warrant of the State Comptroller in the sum of Five Hundred Dollars ($500.00), which together with the previous warrant of One Thousand Sixty Dollars ($1060.00) will constitute full payment of the damages and compensation herein agreed to.

5. It is further stipulated and agreed to by and between the parties that the Condemnor, Iowa State Highway Commission, will construct a field entrance upon the property of the Plaintiffs at Station 520+00 at no expense to the Condemnee, property owners.

6. It is further stipulated and agreed that the Condemnor, Iowa State Highway Commission will issue a separate warrant to the Plaintiffs' attorney, Gordon Darling, in the total sum of One Hundred Fifty and no/100 ($150.00) Dollars, which sum shall represent attorney's fees for the Plaintiffs' attorney.

7. It is further stipulated and agreed to by and between the parties hereto that the Condemnee, property owners, do hereby waive any claim for interest and attorney fees, except as provided in paragraph six hereof and will dismiss the within appeal with costs to be taxed to the Condemnor, Defendant Iowa State Highway Commission.

Dated this 23 day of December, 1966.

IOWA STATE HIGHWAY COMMISSION,
Defendant,
LAWRENCE F. SCALISE,
Attorney General of Iowa

RAYMOND T. WALTON,
Special Assistant Attorney
General and Counsel to Iowa
State Highway Commission,
By L. Michael McGrane
L. Michael McGrane
Assistant Attorney General
By Leonard M. Flander
Leonard M. Flander
State Counsel, Attorneys
for Defendant.

Jack J. Jackson
Vincent F. Jackson
Julie Jackson
Jack J. Jackson, Conservator of
Vincent F. Jackson and Julie
Jackson, Minors.
By Gordon Darling
Gordon Darling, Plaintiffs' Atty.
Attorney at Law
Winterset, Iowa
Phone: 462 2442

STATE OF IOWA DEPARTMENT OF JUSTICE DES MOINES

January 20, 1967

Mrs. Marguerite Morrissey
Madison County Clerk of Court
Madison County Courthouse
Winterset, Iowa

Dear Madam:

RE: Madison County Condemnation Appeal F-92-4(2)--20-61, "A" Jack J. Jackson, et al v. ISHC - Parcel No. 10 - Law No. 20027

Enclosed herewith are State Comptroller Warrants No. 4395669 in the amount of $500.00 made payable to Jack J. Jackson, Helen Jackson, Vincent F. Jackson and Julie Jackson, c/o Jack J. Jackson, Guardian of Vincent F. and Julie Jackson, Minors; No. 4395670 in the amount of $150.00 made payable to Gordon K. Darling, Attorney at Law; and No. 4395671 in the amount of $26.70 made payable to the Madison County Clerk of Court.

These warrants are being issued as per the Stipulation of Settlement filed in the records

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of the above entitled Madison County Condemnation Appeal.

Very truly yours,

Arla J. Carmean
(Mrs.) Arla J. Carmean
Secretary, Legal Department
Iowa State Highway Commission
Ames, Iowa 50010

Enclosures (3 warrants)

cc: Gordon Darling, Attorney for Plaintiff
Leonard M. Flander, Attorney for Defendant

40-135

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY

FILED
1967 FEB 2 AM 9:43
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JACK J. JACKSON, ET AL.,
Plaintiffs,
-vs-
IOWA STATE HIGHWAY COMMISSION,
Defendant.

No. 20027 Law

DISMISSAL

This cause having been settled the same is now and hereby dismissed.

Gordon K. Darling
Gordon K. Darling
53 Jefferson Street
Winterset, Iowa
Telephone 462-2442
Attorney for Plaintiffs.

COMPARED