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

Edward H. Cunningham et al
To
State of Iowa

#908
Fee $21.50
I.M.M.

Filed for record the 15 day of May A.D. 1967 at 11:21 o'clock A. M.
Mary E. Welty, Recorder

SETTLEMENT OF APPEAL

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

EDWARD H. CUNNINGHAM AND VIRGINIA MARIE CUNNINGHAM, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.	:	Law No. 20024 PETITION AT LAW ON APPEAL FROM DAMAGES AWARDED FOR CONDEMNATION OF CERTAIN REAL ESTATE	FILED 1966 Sep 2 PM 4:08 Marguerite Morrissey Clerk of District Court Madison County, Iowa

Comes now the plaintiffs, and for cause of action against the defendant, respectfully state to the Court:

Par. 1.

That the plaintiffs are the owners of the following described real estate, to-wit:

Commencing at a point 33 feet North and 430 feet West of the Southeast corner of Section Thirty-five (35) in Township Seventy-six (76) North of Range Twenty-eight (28) West of the 5th P. M., running thence North 235.71 feet, thence East 160 feet, thence South 235.71 feet, thence West 160 feet to the place of beginning.

Par. 2.

That said real estate was purchased by plaintiffs as a homestead and thay have improved the same and occupied it as their home since June 15, 1960.

Par. 3.

That on or about the 3rd day of June, 1966, the defendant, Iowa State Highway Commission, took and appropriated by condemnation proceedings a part of plaintiffs' real estate above described for highway purposes and did in addition appropriate all access except one residential entrance. That the real estate appropriated by the defendant is described as follows:

The South 60 feet of the West 160 feet of the East 430 feet of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M.

That the access rights appropriated by the said defendant to said land are described as follows:

All rights of direct access to and from Primary Road No. 92 and that portion of the condemnee's remaining property in part of the West 160 feet of the East 430 feet of Section Thirty-five (35), Township Seventy-

Law Condemnation Proceedings - Deed Rec 94-152

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

six (76) North, Range Twenty-eight (28) West of the 5th P.M. (Sta. 738+38 to Sta. 739+98), excepting and reserving to the condemnees a residential entrance at Sta. 739+59 on the north side.

Par. 4.

That the fair and reasonable value of the entire tract of real estate as described in Paragraph 1 hereof before said condemnation was Forty-seven Thousand Dollars ($47,000.00).

Par. 5.

That the fair and reasonable value as a whole immediately after said condemnation was Forty-five Thousand Five Hundred Dollars ($45,500.00).

Par. 6.

That on account of said condemnation and taking, plaintiffs have been damanged for the total sum of One Thousand Five Hundred Dollars ($1,500.00). That the items of damage to plaintiffs' real estate as a whole by reason of said condemnation and appropriation are stated specifically as follows:

A. The taking of the fee title of the South 27 feet of plaintiff's real estate for highway right of way purposes.

B. The injury, loss and damage occasioned by the condemnation of the plaintiffs' right of direct access from Highway No. 92.

C. The condemnation and removal of the South 27 feet of plaintiffs' lawn which had been improved and maintained as a front yard for said residence.

D. The condemnation and removal of various shrubs and trees located in the South 27 feet of Plaintiffs' land, which taking and removal will necessitate a complete relandscaping of plaintiffs' front yard.

E. By making the home owned by plaintiffs on said real estate less desirable and less salable by virtue of bringing the highway closer to the residence house.

Par. 7.

That the amount of specific items of damage to the plaintiffs' real estate as a whole is a total sum of Fifteen Hundred Dollars ($1,500.00).

WHEREFORE, Plaintiffs' demand judgment against the defendant, Iowa State Highway Commission for the sum of Fifteen Hundred Dollars ($1,500.00) together with interest thereon at the rate of five (5) per cent per annum, from and after date of June 3, 1966, together with the costs of maintaining this action including reasonable attorney fees for plaintiffs' attorneys as provided by law.

WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone 462-3731
ATTORNEYS FOR PLAINTIFFS

Original and one copy filed.

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

EDWARD H. CUNNINGHAM, ET UX, Plaintiffs,
vs.
IOWA STATE HIGHWAY COMMISSION, Defendant.

Law No. 20024

ANSWER

FILED
1966 SEP 15 PM 1:12
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

Comes now the Defendant and in answer to Plaintiff's petition states to the Court:

Par. 1.

That it admits the allegations, contained in paragraph 1 of the Plaintiff's petition.

Par. 2.

That they admit the allegations contained in paragraph 2 of the Plaintiff's petition.

Par. 3.

That they admit the allegations contained in paragraph 3 of the Plaintiff's petition.

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

Par. 4.

That they deny the allegations contained in paragraph 4 of Plaintiff's petition.

Par. 5.

That they deny the allegations contained in paragraph 5 of Plaintiff's petition.

Par. 6.

That they deny the allegations contained in paragraph 6 of Plaintiff's petition and specifically deny the allegations contained in subparagraph 2, b, c, d, and e thereof.

Par. 7.

That they deny the allegations contained in paragraph 7 of Plaintiff's petition.

WHEREFORE, the Defendant, Iowa State Highway Commission, prays that Plaintiff's petition be demissed, or that in the alternative that the Plaintiffs be held to strict proof of the allegations contained in their petition, 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. 343 (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 filed for:
Webster, Frederick & Jordan
Attorneys at Law Delivered 9-15-66
Farmers & Merchants State Bank Aldg.
Winterset, Iowa
Phone: 462-3731 (A.C. 515)
ATTORNEYS FOR PLAINTIFFS

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

EDWARD H. CUNNINGHAM and VIRGINIA MARIE CUNNINGHAM, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.	Law No. 20024 INTERROGATORIES	FILED 1966 Oct 21 PM 4:00 Marguerite Morrissey Clerk of District Court Madison County, Iowa

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 of the plaintiffs' 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 appeared 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 plaintiff by virtue of the condemnation which is the subject matter of this cause and the position or capacity in which such persons appeared.

6. State the name and addresses 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'

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

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 and all other engineering date pertinent to the improvement of Highway 92 as the same affects the plaintiffs' property.

original and 2 copies filed.

WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis J. Jordan
Farmers & Merchants State Bank Building
Winterset, Iowa 50273
ATTORNEYS FOR PLAINTIFFS

CC to: L. Michael McGrane Mailed 10-22-66
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa

CC to: Leonard M. Flander Delivered 10-22-66
Attorney at Law
Winterset, Iowa

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

FILED
1966 Oct 27 AM 10:49
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

EDWARD H. CUNNINGHAM, ET UX, Plaintiffs,
vs.
IOWA STATE HIGHWAY COMMISSION, Defendant.

Law No. 20024

ANSWER TO INTERROGATORIES

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

1. Robert P. Hayes, Burrell Appraisal and Investment Company, Knoxville, 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.

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.

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

FILED
1967 JAN 18 PM 4:10
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

EDWARD H. CUNNINGHAM, and VIRGINIA MARIE CUNNINGHAM, Plaintiffs,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant.

LAW No. 20024

CERTIFICATE OF READINESS FOR TRIAL

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

The undersigned hereby certifies that:

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 by the undersigned;

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 been discussed; and

7. Assignment for trial by the court is requested.

A copy of this certificate is filed herewith for each adverse party appearing.

Dated this 18th day of January, 1967.

WEBSTER & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Attorney(s) for Plaintiffs
P.O. Address Farmers & Merchants
State Bank Bldg.
Winterset, Iowa 50273
Telephone No. 462-3737

Copy of this certificate mailed or delivered to L. Michael McGrane, Ames, Iowa and Leonard M. Flander, Winterset, Iowa as provided in R.C.P. 82 on the - - day of 196- -

Copy Hereof Mailed to L. Michael McGrane
& Leonard M. Flander 1-19-67
Beverly Ham Deputy Clerk of Court
Madison County, Iowa

RR-295

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

EDWARD H. CUNNINGHAM, and VIRGINIA MARIE CUNNINGHAM, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION, Defendant.	No. 20024	FILED 1967 Mar 3 PM 4:41 Marguerite Morrissey Clerk of District Court Madison County, Iowa
	Ruling	

This is a law action on an appeal from a damage award for condemnation of real estate. The pleadings and record show that the Plaintiffs, Edward H. Cunningham and Virginia Marie Cunningham, are the owners as tenants in common of the real estate described in the Petition and that the real estate was purchased and improved by the Plaintiffs and has been occupied by them as their home since June 15, 1960.

That on about the 3rd day of June, 1966 the Defendant Highway Commission appropriated by condemnation 27 feet off the south end of Plaintiff's building lot and also condemned and appropriated access rights to the entire tract of land.

The Defendant admits all of Plaintiff's Petition except as it refers to values, damage, and elements of damage.

Plaintiffs pray in their Petition that they have been damaged in the sum of $1,500.00 and asks for such amount.

In the trial of this case the law to a great extent limits the trier of fact to the rule of before and afterfair market value, although the case of Comstock vs. Iowa State Highway Commission, 254 Iowa 1301, 121 N.W. 2nd 205 sort of hints that in some cases other things may be taken into consideration such as intrinsic value. In view ofthe fact that the principal damage to the property involved is the taking of 27 feet off the south end of a large lawn and the condemning of any further access to said property, it is extremely difficult to arrive at the actual damage. The property in question is a beautiful home with a beautiful lawn, all as shown by the evidence. The condemnation and taking will take off 27 feet from

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

the south end of such lawn together with some shrubbery and trees and will without any question damage said property to some extent. Arriving at the damage is a difficult matter. It is easy to understand that the taking of this shrubbery, a portion of the yard, and reducing the extent of the yard are an extensive damage as viewed by the Plaintiffs, especially the housewife. Her planned landscaping is thrown out of proportion and her front lawn will not appear as she had hoped that it would. However, the law will not permit the Court to measure damages in that manner.

The witness for the Plaintiffs, other than the Plaintiff husband and Plaintiff wife, fixed the damage at $1,300.00. The two witnesses for the State Highway Commission fixed the damages at $500.00. In this case these amounts can only be reached by conjecture. There is no other way which is reliable. The Court has viewed the premises but under the law the trier of fact is not to make himself a silent witness in the case.

We cannot say that there is no damage arising from the condemnation of access and that the taking away of the right of further access to the highway constitutes no damage. It could affect the sale price of the property depending upon who the prospective purchaser was and whether or not they might want to build a circular drive.

The Court has great respect for the ability and good faith of all three of the outside appraisers who testified in this case; however, they were hard put to explain their opinions on any of the three ordinary approaches to valuation.

Viewing all of the evidence, it is this Court's best judgment that the plaintiffs are damaged to the extent of $900.00 and that they should be paid said sum irregardless of how the $160.00 condemnation award below was divided between them and their co-condemnee Horras.

Attorneys for the Plaintiffs may prepare a Judgment Entry providing for judgment against the Defendant, Iowa State Highway Commission, in the amount of $900.00 with interest from and after the date of the condemnation award to-wit: June 3, 1966, together with the costs of this action,

Dated this 3rd day of June, 1967.

Hobart E. Newton JUDGE
Of the 5th Judicial District of Iowa.

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

FILED
1967 Mar 8 PM 2:49
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

EDWARD H. CUNNINGHAM and VIRGINIA MARIE CUNNINGHAM, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.	)	Law No. 20024 APPLICATION FOR ALLOWANCE OF ATTORNEY FEES

Comes now Lewis H. Jordan of Webster & Jordan, attorneys for the plaintiffs herein, and respectfully states to the Court:

That the within and foregoing cause was tried to the Court on March 3, 1967, which resulted in an award to the plaintiffs herein of Nine Hundred Dollars ($900.00) in excess of the One Hundred Sixty Dollars ($160.00) awarded by the Condemnation Commission to plaintiffs and their co-condemnees, which sum of $160.00 was paid to the co-condemnees herein.

That attached hereto and by this reference made a part hereof, marked Exhibit "A", is an itemized statement of this applicant's services in connection with the appeal herein. That this applicant spent approximately twenty-five hours in preparation for the trial and that the trial itself took one day on March 3, 1967, and that in view of the time spent, the importance of this litigation to plaintiffs and the large raise in the award of damages, this applicant feels that the Court should fix his fees in the sum of Six Hundred Dollars ($600.00.

WHEREFORE, this Applicant prays for an order fixing his fees herein at $600.00.

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

Original and two copies filed.

Copies to: L. Michael McGrane
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa

Leonard M. Flander
Attorney at Law
Winterset, Iowa

WEBSTER & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
ATTORNEYS FOR PLAINTIFFS

Copy hereof mailed to:
Leonard M. Flander &
L. Michael McGrane on
3-8- 1967
M. Morrissey Clerk of District
Court Madison County, Iowa

LAW OFFICES
WEBSTER & JORDAN
Farmers & Merchants Bank Bldg.
Winterset, Iowa 50273

Area Code 515
Telephone 462-3731

March 6, 1967

Edward H. & Virginia Marie Cunningham
Winterset, Iowa 50273

Re:Law No. 20024

1966
June 3 Conference with appraisers re: appeal
June 4 Taking pictures
June 9 two letters
June 10 Trip to view property with Homer Tilton
July 27 Preparing petition
July 27 Conference re: condemnation case
Aug. 4 Viewing property with Clarence Johnson
Aug. 10 Study of application and order
Aug. 31 Partial preparation of petition
Sept.2 Filing petition
Sept.15 Conference with Leonard Flander
Sept. 16 Checking answer
Oct. 20 Preparing interrogatories & research
Oct. 27 Studying answers to interrogatories
Oct. 27 Conference with attorneys re: settlement
Oct. 27 Appearance in Court re: assignment
Nov. 14 Conference with Judge & Flander re:Assignment
Attempt to call clients
Nov. 14 Conference with Clarence Johnson

1967
Jan. 18 Preparing certificate of readiness for trial
Jan. 26 Attendance at assignment
Mar. 1 Conference with Plaintiffs re: trial
Mar. 2 Conference with Clarence Johnson re" trial
Mar. 3 Trial
Mar. 6 Examination of ruling
Mar. 6 Preparing judgment entry

Exhibit "A"

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

EDWARD H. CUNNINGHAM and
VIRGINIA MARIE CUNNINGHAM, Plaintiffs,) Law No. 20024
-vs-)
IOWA STATE HIGHWAY COMMISSION,) JUDGMENT ENTRY
Defendant.)

FILED
1967 MAR 10 PM 4:22
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

BE IT REMEMBERED that this cause came on for trial before the Court on March 3, 1967, the plaintiffs appearing in person and by their attorney, Lewis H. Jordan, and the defendant appearing by its attorney, Leonard M. Flander, and the Court having heard the evidence presented by the parties hereto and the statements of counsel filed its written ruling herein on March 3, 1967, finding that the plaintiffs, Edward H. Cunningham and Virginia Marie Cunningham were damaged to the extent of Nine Hundred Dollars ($900.00) and that they should receive said sum irregardless of how the initial award of One Hundred Sixty Dollars ($160.00) made by the Condemnation Commission and which was paid to the plaintiffs herein and their co-condemnees', Glenn Horras and Ruth Horras, on August 10, 1966, was divided.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs, Edward H. Cunningham and Virginia Marie Cunningham, have and recofer from the the defendant, Iowa State Highway Commission, the sum of Nine Hundred Dollars ($900.00) and that said sum is in addition to the $160.00 awarded by the Condemnation Commission which was paid over to the co-condemnees of the plaintiffs herein on August 10, 1966, together with interest on said sum of $900.00 from and after date of June 3, 1966.

It is further ordered that the defendant, Iowa State Highway Commission, pay reasonable attorney fees to the plaintiffs' attorneys, Webster & Jordan, in the sum of $600.00.

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

It is further Ordered that the defendant, Iowa State Highway Commission, pay the costs of this action taxed by the Clerk of the sum of $42.29.

Dated March 9th, 1967.

Hobart E. Newton Judge
of the Fifth Judicial District of Iowa

APPROVED AS TO FORM:
Leonard M. Flander
Leonard M. Flander
Attorney at Law
Winterset, Iowa 50273
ATTORNEY FOR DEFENDANT

STATE OF IOWA DEPARTMENT OF JUSTICE DES MOINES

Richard C. Turner
Attorney General
L. Michael McGrane
Assistant Attorney General

Mail Reply to:
Iowa State Highway Commission
Ames, Iowa

FILED
1967 Apr 1 AM 9:06
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

March 31, 1967

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

Dear Madam:

RE: Madison County Condemnation Appeal Law No. 20024
Edward H. Cunningham, et ux, v. Highway Commission

Enclosed please find three State Comptroller warrants which were issued per the Judgment Entry filed in the records on March 10, 1967.

Warrant No. 4877033 in the amount of $937.15 is made payable to the Plaintiffs for the amount of the award, plus interest. Warrant No. 4877034 in the amount of $600.00 is made payable to Webster & Jordan, Plaintiffs' attorneys. Warrant No. 4877035 in the amount of $43.29 is made payable to the Madison County Clerk of Court for costs of this action.

Very truly yours,

Lynn Beach
(Mrs. Lynn E. Beach Secretary, Legal Department
Iowa State Highway Commission

Enclosures cc: Mr. Len Flander, State Counsel
Webster, Frederick & Jordan, Plaintiffs' Attorneys

IOWA STATE HIGHWAY COMMISSION
Ames, Iowa

Date 3/15/67

GENERAL EXTERNAL VOUCHER

FILED
1967 Apr 1 AM 9:06
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

Cost Center Code 6110
Cost Center Name Primary Road Fund - Primary Regular

DRAW THREE WARRANTS - SEE BELOW

Madison County Clerk of Court
Madison County Courthouse
Winterset, Iowa

Item Number	System Number	County Number	Control Section	Paren (or Unit)	Design, Bridge or Plate & Parcel	Object Code
1	20	61	0924	002	000036	865
1	20	61	0924	002	000000	860
2	20	61	0924	002	000000	860
3	20	61	0924	002	000000	860

Function Code	Rural - 1 Urban - 2	Part-1 Non-part-2 Suspense-3	Amount
461	1	2	900.00
463	1	2	37.15
463	1	2	600.00
463	1	2	43.29
		Total	$1,580.44

DESCRIPTION OF ABOVE ITEMS:

RE: Madison County Condemnation Appeal F-92-4(2)--20-61, Group "E"
Edward H. and Virginia Marie Cunningham--Parcel 36--Law No. 20024

AWARD per Judgment entry filed 3/10/67 in the above-entitled matter	$1,060.00
LESS amount previously paid	160.00
	$ ~~900.00~~
PLUS Interest at 5% per annum on $99.00 from 6/3/66 thru 3/31/67	37.15
PLUS attorney fees to Plaintiffs' attorney	600.00
PLUS Court Costs of this action	43.29
TOTAL AMOUNT DUE THIS VOUCHER	$1,580.44

Deed Record, No. 94, Madison County, Iowa

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

MAKE WARRANTS PAYABLE AS FOLLOWS:

1. Edward H. Cunningham and Virginia Marie Cunningham #4877033
2. Webster & Jordan, Attorneys at Law #4877034
3. Madison County Clerk of Court #4877035 Paid 3/30/67 ajc

AFFIDAVIT

STATE OF IOWA MADISON COUNTY) SS:

I, Marguerite Morrissey, Clerk of the District Court in and for Madison County, Iowa, do hereby certify that the following payments were received in my office in the case of Edward H. Cunningham and Virginia Marie Cunningham, Plaintiffs-vs-State Highway Commission, Glenn Horras and Ruth Horras, Defendants, Law No. 20024 - Docket 40 Page 132.

9-1-66 Check from State Comptroller made payable to Edward H. Cummingham and Virginig Cunningham for Condemnation Award from State Highway Commission
$160.00 Mr. Lewis H. Jordan Attorney at Law receipted out on the docket for this amount as Attorney for Plaintiffs.

4-3-67 Check from State Comptroller made payable to Edward H. Cummingham and Virginia Marie Cunningham for Award as per Judgment Entry filed 3/10/67
$937.15 Mr. Lewis H. Jordan receipted out on the docket for this amount as attorney for Plaintiffs.

4-3-67 Check from State Comptroller made payable to Webster & Jordan for attorney fees due plaintiff's attorney
$600.00 Mr. Lewis H. Jordan receipted out on the docket for the attorneys fees

4-5-67 Check from State Comptroller made payable to Clerk of Court for Court Costs in full.
$43.29

WITNESS MY HAND AND SEAL this 5th day of May, 1967.

(DISTRICT COURT SEAL) Marguerite Morrissey Clerk of Court