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

W. A. Anderson et al
To
State of Iowa

#909
Fee $23.50 I.M.M.

Filed for record the 15 day of May A.D. 1967 at 11:22 o'clock A. M.
Mary E. Welty, Recorder

SETTLEMENT OF APPEAL

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

FILED
1966 AUG 18 AM 9:17
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

W. A. ANDERSON AND HARRY F. ANDERSON, Plaintiffs	:	No. 20026 Law
-vs-	:	PETITION ON APPEAL FROM CONDEMNATION OF REAL ESTATE
IOWA STATE HIGHWAY COMMISSION, Defendant	:	

Come now the Plaintiffs and for cause of action state:

Par. 1

That the Plaintiff W. A. Anderson is the owner and holder of the following described real estate situated in Madison County, Iowa, to-wit:

The North Half of the Southwest Quarter of Section One (1), and the Northwest Quarter of Section One (1), except the West 27 rods of the North 37 rods thereof, all in Township Seventy-five (75) North of Range Twenty-nine (29) West of the Fifth P. M.,

which real estate is situated in Webster Township of Madison County, Iowa, and comprises a total of 235.56 acres. That the Plaintiffs are husband and wife, and that the Plaintiff Harry F. Anderson is named as a Plaintiff herein for the reason that he was named by the Defendant as a party to the condemnation proceedings hereinafter mentioned.

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 Plaintiff's tenants for residential purposes for themselves and their family. That said real estate will in the future be used by the Plaintiffs and their tenants in conjunction with other real estate.

Lee Condemnation Proceedings filed Rec 94-186

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

Par. 3

That on or about June 3, 1966, the Defendant took and appropriated by condemnation proceedings a portion of the Plaintiff's 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 Northwest Quarter of Section 1, Township 75 North, Range 29, West of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Primary Road No. 92, as shown onOfficial 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. 430+65.7, a point on the N W Corner of said Section 1, thence S89° 59'E 2734.3 ft. to Sta. 458+00.
>
> Said parcel is described as follows: All that part of the Northwest Quarter of said Section 1, except the West 26 rods of the North 37 rods thereof, lying northerly of a line beginning at a point 105 feet normally distant southerly from centerline on the east line of the above excepted tract, thence to a point 65 ft normally distant southerly from Sta.436+00, thence to a point 65 ft. normally distant southerly from centerline on the present north-south fence line through Sta. 438+00, thence to a point 50 ft. normally distant southerly from centerline on the present north-south fence line through Sta. 439+30, thence to a point 50 ft. normally distant southerly from centerline on the present north-south fence line through Sta. 440+99, thence to a point 60 ft. normally distant southerly from Sta. 442+00, thence to a point 60 ft. normally distant southerly from centerline on the east line of said Northwest Quarter.

Par. 4

That the area of said land taken and appropriated by the defendant comprised .80 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 .80 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, and the complete elimination of access from said highway or from any other point to the openings to the basement of Plaintiffs' residential dwelling house heretofore used for thepurpose of storing coal in said basement for heating purposes.

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.

G. The substantial diminishment in utility of the adjacent remaining land areas used for residential, livestock and storage facilities occasioned by the loss on 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.

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

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 $16,450, and that the Plaintiffs have thereby been damaged in the total sum of $16,450.

WHEREFORE, Plaintiffs respectfully pray that their damages be determined and awarded in the sum of $16,450, 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.

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

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

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

FILED
1966 AUG 18 AM 9:17
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

W. A. ANDERSON and
HARRY F. ANDERSON,
Plaintiffs,
-vs-
IOWA STATE HIGHWAY COMMISSION
Defendant.

No. 20026 Law

DEMAND FOR JURY TRIAL

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

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

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

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

FILED
1966 SEP 28 PM 2:15
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

W. A. ANDERSON and
HARRY F. ANDERSON,
Plaintiffs,
vs.
IOWA STATE HIGHWAY COMMISSION,
Defendant

No. 20026 Law

ANSWER

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

Paragraph 1.

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

Paragraph 2.

That in answer to Paragraph 2 of Plaintiffs' petition it admits that the real estate described in Plaintiffs' petition has been used for agriculture, but it has no knowledge of the other affirmative allegations contained 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.

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

Paragraph 5.

That it admits the condemnation and taking diminished the value of the remainder of Plaintiffs' real estate and damaged the Plaintiffs but denies the implications concerning the manner and extent of the said damage.

Paragraph 6.

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

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

B. That it denies the allegations contained in sub-paragraph "B" of said Paragraph 6.

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

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

E. That it denies the allegation contained in sub-paragraph "E" of said Paragraph 7.

F. That it admits the fences referred to in sub-paragraph "F" of said petition will have to be moved from their present location, but denies that said fences will be lost or destroyed.

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

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

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

J. That it denies the allegations contained in sub-paragraph "J" of said Paragraph 6.

K. That it denies the allegations contained in sub-paragraph "K" of said Paragraph 6.

L. That it denies the allegations contained in sub-paragraph "L" of said Paragraph 7.

Paragraph 7.

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

WHEREFORE, the Defendant, Iowa State Highway Commission, prays that Plaintiffs' petition be dismissed or that in the alternative the Plaintiffs be held to strict proof and that their damages be determined as provided by 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
104 West Court Avenue Winterset, Iowa
Phone: 462-4912 (A.C. 515)
ATTORNEYS FOR DEFENDANT.

Copy for:
Gordon K. Darling Delivered 9-28-66
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

W. A. ANDERSON, ET AL., Plaintiff,	)	Law No. 20026
-vs-	)	
IOWA STATE HIGHWAY COMMISSION, Defendant.	)	CERTIFICATE OF READINESS FOR TRIAL

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;

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;

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

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(s) for Plaintiff
P.O. Address 53 Jefferson Street
Winterset, Iowa Telephone No. 462-2442

One copy filed herewith 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

W. A. ANDERSON and HARRY F. ANDERSON, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION. Defendant	No. 20026 Law INTERROGATORIES	FILED 1966 OCT 24 AM 9:29 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, ifso, 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 engated by the Highway Commission.

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

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

Original & 2 copies filed.
cc to: L. Michael McGrane Mailed 10-24-66
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa
cc to: Leonard M. Flander Mailed 10-24-66
Attorney at Law
Winterset, 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 OCT 27 AM 10:47
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

W. A. ANDERSON and
HARRY F. ANDERSON,
Plaintiffs,
vs.
IOWA STATE HIGHWAY COMMISSION,
Defendant.

Law No. 20026

ANSWERS TO INTERROGATORIES

Comes now the Defendant Iowa State Highway Commission and in answer to Plaintiffs' Interrogatory;

1. William W. Burrell, 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. William W. Burrell 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 de 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 10-27-1966
M. Morrissey
Clerk of District Court
Madison County, Iowa

RR 289

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MADISON COUNTY
FEBRUARY 1967 TERM

FILED
1967 FEB 23 PM 4:01
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

W. A. ANDERSON and
HARRY F. ANDERSON,
Plaintiffs,
vs.
IOWA STATE HIGHWAY COMMISSION, Defendant.

No. 20026 Law

VERDICT

Before HOBART E. NEWTON,
Presiding Judge; And a Jury.

FORM OF VERDICT:

We, the Jury, find the difference between the fair and reasonable market value of the property of the Plaintiffs immediately before the taking of a portion of the said property by the Defendant on June 3, 1966, and the fair and reasonable market value of the portion of said property remaining to the Plaintiffs immediately after the said taking, to be the sum of $5000.00 and we, the Jury, fix the amount of the damages of the Plaintiffs, W. A. Anderson and Harry F. Anderson, against the Defendant, Iowa State Highway Commission, to be in the amount of said sum.

B. G. Worrall
Foreman

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

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

W. A. ANDERSON and HARRY F. ANDERSON, Plaintiffs,
vs
IOWA STATE HIGHWAY COMMISSION, defendant.

No. 20026 Law

APPLICATION FOR ALLOWANCE OF ATTORNEY'S FEES TO PLAINTIFFS' ATTORNEY

FILED
1967 Mar 10 AM 8:54
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

Come now the Plaintiffs and apply to the Court for an allowance of attorney's fees to Plaintiffs' attorney, Gordon K. Darling, in accordance with Section 472.33 of the Code of Iowa, for services rendered on appeal herein.

Appeal was taken from condemnation proceedings on June 3, 1966, resulting in an award by the Sheriff's jury to Plaintiffs of $3,100. Said appeal was tried to a jury in the Madison County, Iowa District Court, commencing on February 20, 1967, resulting in a verdict returned by the jury February 23, 1967, in favor of Plaintiffs in the sum of $5,000.00 as damages occasioned by said condemnation.

That attached hereto, marked Exhibit "A" and by this reference made a part of this Application is the affidavit of Gordon K. Darling, Plaintiffs' attorney, enumerating the services rendered with respect to said appeal.

WHEREFORE, Plaintiffs apply to the Court for an allowance of attorney's fees in favor of Plaintiffs' attorney, Gordon K. Darling, in the sum of $1,105.00 for services rendered 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
Winterset, Iowa
Attorney for Defendant
OK LMF

STATE OF IOWA MADISON COUNTY) SS. EXHIBIT "A"

I, Gordon K. Darling, being first duly sworn, on oath depose and state that as attorney for Plaintiffs in the within condemnation appeal I devoted the following itemization of time to preparation and trial of said cause:

6-21-66 Office conference with Plaintiffs re appeal -1½ hours

6-23-66 Preparation of Notice of Appeal - 1 hour

6-29-66 Transmittal to Story County Sheriff of Notice of Appeal for service on Iowa State Highway Commission ¼ hour

7-1-66 Long distance telephone conference with Story County Sheriff - ¼ hour

7-18-66 Trip to premises for analysis and photograph - 1 3/4 hour

8-1-66 Conference with Plaintiffs' tenant re request of Highway Commission for permission to plat Plaintiffs' land - ½ hour

8-2-66 Conferences with Defendant's attorneys re Defendant's Application to withdraw funds - 1¼ hour

8-10-66 Review of Defendant's Application and Court Order re withdrawal of funds - ½ hour

8-14-66 Office conference with Plaintiffs -1½ hour

8-15 and
8-16 Preparation, Petition on Appeal and demand for jury trial - 2¼ hours

8-16-66 Letter, Mr. Anderson - ½ hour

9-20-66 Review of Defendant's Answer - 3/4 hour

10-7-66 Preparation of Certificate of Readiness - ¼ hour

10-22-66 Preparation of Interrogatories under RCP 121 - hour

10-27-66 Review of Defendant's Answer to Interrogatories - ½ hour

11-15-66 Office conference, Mr. Anderson - 1¼ hour

12-10-66 Office conference, Mr. Anderson - 3/4 hour

2-6-67 Office conference, re preparation for trial - 1¼ hours

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

2-8-67 Trip to Plaintiffs' farm re photography and measurements - 2 hours

2-11-67 Trip to farm with appraisal witnesses (Half of 3½ hours) 1 3/4 hours

2-17-67 Office conference, Mr. Ritter - 3/4 hour

2-18-67 Conference Mr. Anderson, Mr. McKee, Mr. Johnson 1½hour

2-18-67 Trip to Farm with Mr. Ritter (Half of 2 hours) - 1 hour

2-67 Miscellaneous conferences with Defendant's attorneys 2½ hours

2-20-67 Selection of jury (selection of two juries consumed 1½ days) -3/4 day

2-21-67 Trial - ½ day

2-22-67 Trial - 1 day

2-23-67 Trial ½ day

3-3-67 Preparation of Judgment Entry and Application for Fee Allowance - 1½ hours

Note 1: Where items of time enumerated above included time devoted to both the Anderson and Bek cases, time has been divided between them.

Note 2: Days of trial-time enumerated above on a per diem basis include additional time spent outside of Court on particular day involved.

SUMMARY OF FOREGOING:

27 3/4 hours at $20 per hour		$ 555.00
2 3/4 days trial-time at $200 per day		550.00
	Total	$ 1,105.00

The foregoing is true and correct as I verily believe.

Gordon K. Darling

Subscribed and sworn to before me this 4 day of March, 1967.

(NOTARIAL SEAL)

Martha K. Paton Notary Public
in and for Madison County, Iowa

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

W. A. ANDERSON and HARRY F. ANDERSON, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.

No. 20026 Law

ORDER FOR ALLOWANCE OF ATTORNEY"S FEES TO PLAINTIFFS' ATTORNEY

FILED
1967 MAR 10 AM 8:54
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

NOW on this 7th day of March, 1967, this matter is before the Court on the Application of Plaintiffs for an allowance of attorney's fees for Plaintiffs' attorney, pursuant to Section 472.33 of the Code of Iowa, a jury having heretofore entered a verdict in favor of Plaintiffs for condemnation damages in excess of condemnation award appealed from.

The Court having read said Application and being well and fully advised finds that an Order should be entered allowing Plaintiffs' attorney fees in the amount sought in said Application.

IT IS NOW THEREFORE ORDERED that fees be and the same are hereby allowed Gordon K. Darling attorney for Plaintiffs, to be paid by the Defendant in the sum of $1,105.00.

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

RR 299

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

W. A. ANDERSON and HARRY F. ANDERSON, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.

No. 20026 Law

DECREE

FILED
1967 MAR 10 AM 8:54
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

BE IT REMEMBERED that this cause was tried to a jury which returned its verdict herein on February 23, 1967, setting Plaintiffs' damages occasioned by Defendant's condemnation of Plaintiffs' land at $5,000.00.

Pursuant to Section 472.23 of the Code of Iowa,

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

IT IS NOW THEREFORE ORDERED, ADJUDGED AND DECREED that the amount of Plaintiff's damages occasioned by Defendant's condemnation of Plaintiffs' real estate is hereby ascertained and entered of record to be in the sum of $5,000, together with interest thereon at the rate of five per cent per annum from June 3, 1966, until paid. The payment of said damages and the computation of interest thereon shall take into account dispersal of funds made by the Defendant to the Plaintiffs pursuant to Order of Court entered herein August 10, 1966.

The costs of this action, including attorney's fees heretofore allowed Plaintiffs' attorney are now and hereby assessed against the Defendant.

All of which is now and hereby ordered and entered of record this 7th day of March, 1967.

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

IOWA STATE HIGHWAY COMMISSION
AMES, IOWA

GENERAL EXTERNAL VOUCHER

Date 3/15/67

COST CENTER CODE 6110

COST CENTER NAME Primary Road Fund - Primary Regular

FILED
1967 APR 1 AM 9:10
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

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	000005	865
1	20	61	0924	002	000000	860
1	20	61	0924	002	000000	860
1	20	61	0924	002	000000	860

Function Code	Rural - 1 Urban - 2	Part - 1 Non-Part -2 Suspense -3	Amount
461	1	2	1,900.00
463	1	2	125.79
463	1	2	1,105.00
463	1	2	85.02
		Total	$3,215.81

DESCRIPTION OF ABOVE ITEMS:

RE: Madison County Condemnation Appeal F-92-4(2)--20-61, Group "A"
W. A. and Harry F. Anderson v. ISHC --Parcel 5 -- Law No. 20026

AWARD per Decree filed 3/10/67 in the above-entitled manner	$5,000.00
LESS amount previously paid	3,100.00
	$1,900.00
PLUS Interest at 5% per annum on $5,000.00 from 6/3/66 thru 8/10/66	47.27
PLUS Interest at 5% per annum on $1,900.00 from 8/10/66 thru 3/31/67 (approx. date of payment)	78.52
PLUS attorney fees to Plaintiffs' attorney	1,105.00
PLUS Court costs of this action	85.02
TOTAL AMOUNT DUE THIS VOUCHER	$3,215.81

MAKE WARRANTS PAYABLE AS FOLLOWS:

1. W. A. Anderson and Harry F. Anderson #4877036
2. Gordon K. Darling, Attorney at Law #4877037
3. Madison County Clerk of Court #4877038 Paid 3/30/67

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

March 31, 1967

FILED
1967 APR 1 AM 9:10
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

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

Dear Madam:

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

RE: Madison County Condemnation Appeal Law No. 20026
W. A. and Harry F. Anderson v. Iowa State Highway Commission

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

Warrant No. 4877036 in the amount of $2,025.79 made payable to W. A. and Harry F. Anderson was issued per the award plus interest. Warrant No. 4877037 in the amount of $1,105.00 is made payable to Plaintiff's attorney, Gordon K. Darling. Warrant No. 4877038 in the amount of $85.02 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: Len Flander, State Counsel
Gordon K. Darling, Plaintiffs' Attorney

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 W. A. Anderson and Harry F. Anderson, Plaintiffs-vs-Iowa State Highway Commission, Defendants, Law No. 20026 - Docket 40 Page 134.

8-31-66	Check from State Comptroller made payable to W. A. Anderson and Harry F. Anderson for Condemnation award from Iowa State Highway Commission	$3100.00	Mr. Gordon K. Darling Attorney at Law receipted out on the docket for this amount as attorney for Plaintiffs.
4-1-67	Check from State Comptroller made payable to W. A. Anderson and Harry F. Anderson representing additional award by the Jury in the sum of $1900.00 and interest in the sum of $125.79 or	$2025.79	Mr. Gordon K. Darling receipted out on the docket for this amount as attorney for Plaintiffs.
4-1-67	Check from State Comptroller made payable to Gordon K. Darling for attorney fees due Plaintiffs' attorney	$1105.00	Mr. Gordon K. Darling receipted out on the docket for his attorney fees.
4-5-67	Check from State Comptroller made payable to Clerk of Court for Court costs in full	$85.02	

WITNESS MY HAND AND SEAL this 12th day of May, 1967.

(DISTRICT COURT SEAL)

Marguerite Morrissey
Clerk of Court