Albert E. Welch et al
To
State of Iowa

#910 I.M.M.

Fee $24.50

Filed for record the 15 day of May A.D. 1967 at 11:23 o'clock A. M.

Mary E. Welty, Recorder

SETTLEMENT OF APPEAL

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

ALBERT E. WELCH, and LOIS EVE WELCH, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION, Defendant.	)	Law No. 20030 PETITION AT LAW ON APPEAL FROM DAMAGES AWARDED FOR CONDEMNATION OF CERTAIN REAL ESTATE

FIELD
1966 SEP 2 PM 4:09
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

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

Par. 1.

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

See Condemnation Proceedings Book 94 - 518

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

Commencing at the Northeast corner of Section Two (2) in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P. M., and running thence South 100 rods, thence West 16 rods, thence North 100 rods, thence East 16 rods to the place of beginning.

Par. 2.

That said real estate was purchased by plaintiffs on October 20, 1954, and that they have improved the same and occupied it as their home since said date.

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 to and from primary road No. 92, except for one commercial entrance. That the fee title appropriated by the defendant in said land belonging to plaintiffs is described as follows:

All that part of the East 16 rods of Section 2, T75N, R28W of the 5th P.M., lying northerly of the present southerly right of way line of Primary Road No. 92,

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

All rights of direct access to and from Primary Road No. 92 and"The North 100 rods of the East 16 rods of Section 2-75-28" excepting and reserving to the condemnees a commercial entrance at Station 742+54 on the south side, said Station 742+54 being 9.1 ft. westerly of the east line of said Section 2.

Par. 4.

That the fair and reasonable value of the entire tract of real estate as described in Paragraph 2 hereof before said condemnation was Twenty-five Thousand Dollars ($25,000.00).

Par. 5.

That the fair and reasonable value of said real estate as a whole immediately after said condemnation was Twenty-two Thousand Dollars ($22,000.00).

Par. 6.

That on or about the 16th day of May, 1966, Madison County, Iowa, adopted a comprehensive zoning ordinance and that the real estate involved in this controversy is located in and "R" residential district. That said ordinance provides in part under Section 8, subsection C:

"Lots containing any buildings used in whole or in part for residence purposes shall abut for a least forty (40) feet on at lease one street or have an exclusive unobstructed private easement of access or right-of-way at lease twenty (20) feet wide to a street; and there shall be only one single family dwelling for such frontage or easement".

Par. 7.

That on account of said condemnation and taking, plaintiffs have been damaged for the total sum of Three thousand dollars ($3,000.00). 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 all that part of plaintiffs' right-of-way lying northerly of the present southerly right-of-way line of primary road No. 92.

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

C. The injury, loss and damage occasioned by the widening of the paved portion of primary road No. 92 which will result in additional surface water flowing from said primary road No. 92 on to plaintiffs' real estate.

D. By making plaintiffs' residence home less desirable and salable by bringing the paved portion of said primary road No. 92 closer to said residence house.

E. The alteration of the ditch immediately north of plaintiffs' real estate affecting the general setting and attractiveness of plaintiffs' home and yard.

F. By making plaintiffs' real estate less salable by the condemnation and appropriation

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

of plaintiffs' right of direct access to and from primary road No. 92 which when coupled with the Madison County zoning ordinance prevents the sub-division, development or sale of any portion of plaintiffs' real estate for residential lots for which said real estate is zoned under said zoning ordinance.

Par. 8.

That the amount of specific items of damage to plaintiffs' real estate as a whole is in the total sum of Three Thousand Dollars ($3,000.00).

WHEREFORE, plaintiff damands judgment against the defendant, Iowa State Highway Commission for the sum of Three Thousand Dollars ($3,000.00) 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

ALBERT E. WELCH and LOIS EVE WELCH, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION, Defendant.	Law No. 20030 ANSWER	Filed 1966 Oct. 21 AM 10 33 Marguerite Morrissey Clerk of District Court Madison County, Iowa.

Comes now the Defendant and in answer to Plaintiffs' petition respectfully states:

Par. 1.

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

Par. 2.

That it has insufficient knowledge of the allegations contained in Paragraph 2 of Plaintiffs' petition and therefore denies the same.

Par. 3.

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

Par. 4.

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

Par. 5.

That it denies the allegations contained in Paragraph 5 of Plaintiffs' petition.

Par. 6.

That it admits the allegations contained in Paragraph 6 of Plaintiffs' petition.

Par. 7.

That it denies the allegations contained in Paragraph 7 of Plaintiffs' petition and speciaically denies the allegation contained in subparagraphs A,B,C,D,E, and F thereof.

Par. 8.

That it denies the allegations contained in Paragraph 8 of Plaintiffs' petition.

WHEREFORE, Defendant Iowa State Highway Commission prays that Plaintiffs' petition be dismissed or that in the alternative they be held to strict proof thereof and their damage 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
By L. Michael McGrane
L. Michael McGrane
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa
Phone: 232-7250,Ext.342(A.C.515)
ATTORNEYS FOR DEFENDANT

By Leonard M. Flander
Attorney at Law
Winterset, Iowa
Phone: 462-4912 (A.C.515)

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

Copy filed for: Webster, Frederick & Jordan
Attorneys at Law
Farmers & Merchants Bank Bldg.
Winterset, Iowa
Phone: 462-3731 (A.C. 515)
ATTORNEY FOR PLAINTIFFS.

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

ALBERT E. WELCH and
LOIS EVE WELCH,
Plaintiffs,
vs
IOWA STATE HIGHWAY COMMISSION,
Defendant

Law No. 20030

INTERROGATORIES

Filed 1966 Oct. 21 PM 3 59
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 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 data pertinent to the improvement of Highway 92 as the same affects the plaintiffs' property.

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

Original and 2 copies filed.
CC to: L. Michael McGrane
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa
CC to: Leonard M. Flander
Attorney at Law
Winterset, Iowa

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

ALBERT E. WELCH and
LOIS EVE WELCH,
Plaintiffs,
vs.
IOWA STATE HIGHWAY COMMISSION,
Defendant.

Law No. 20030

ANSWER TO INTERROGATORIES

Filed 1966 Oct 27 AM 1051
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

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, Knoxville, Iowa, December 22, 1965.

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

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

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
Webster, Frederick & Jordan
on 10-27, 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 1967 JAN 18 PM 4:10
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

ALBERT E. WELCH and LOIS EVE WELCH, Plaintiffs,
vs.
IOWA STATE HIGHWAY COMMISSION, Defendant.

Law No. 20030

CERTIFICATE OF READINESS FOR TRIAL

The undersigned hereby certifies that:

1. The issues are jointed 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 Plaintiff
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone No. 462-3731

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 19 day of January, 1967.
Marguerite Morrissey Clerk of said Court

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

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

ALBERT E. WELCH and LOIS EVE WELCH, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendants.

No. 20030 Law

APPLICATION FOR ALLOWANCE OF ATTORNEY FEES

FILED 1967 MAR 3 PM 3:32
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa.

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 February 27 and 28, 1967, which resulted in an increase of the award of damages to plaintiffs from Two Hundred Dollars awarded by the condemnation commission to Twenty-five Hundred Dollars ($2500.00) awarded by this Court.

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 thirty hours in preparation for the trial and that the trial itself took one half day on February 27th and one half day on February 28th, 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 thecourt should fix his fees in the sum of Eight Hundred Dollars ($800.00).

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

Albert E. & Lois Eve Welch
Winterset, Iowa 50273

March 3, 1967
Re:Law No 20030

1966
June 3 Conference with appraisers re:appeal
June 4 4 Taking pictures
June 10 Trip to view property with Homer Tilton
June 20 preparing appeal
June 21 Finishing preparation of appeal
June 23 Obtaining acceptance of service of Farmers & Merchants State Bank
June 23 Letter to Iowa State Highway Commission re: acceptance of service
June 23 Obtaining acceptance of service of Wayne A. Griffith, Auditor of Madison County, Iowa
June 24 Obtaining acceptance of service of Sheriff Rex Rouse
July 1 Letter to Iowa State Highway Commission re:acceptance of service of notice of appeal
July 1 Telephone call to legal department of Iowa State Highway Commission at Ames, Iowa
Aug. 4 Viewing property with Clarence Johnson
Aug. 10 Reading and study of application to withdraw funds and Order for disbursement of funds
Aug. 30 Checking courthouse records
Aug. 31 Partial preparation of petition
Sept. 1 Completion of preparation of petition; study of Madison County zoning ordinance
Sept. 2 Filing of petition
Oct. 20 Preparing interrogatories
Oct. 21 Study of defendant's answer
Oct. 27 Study of answers to interrogatories
Oct. 27 Conference with attorneys re:settlement
Oct. 27 Appearance in Court re:assignment
1967
Jan. 18 preparing certificate of readiness for trial
Feb. 23 Conference with plaintiffs re: trial of case
Feb. 24 Conference with Clarence Johnson, expert valuation witness- getting ready for trial of case
Feb. 27 Trial of case
Feb. 28 Trial of case
Mar. 1 Examination of ruling
Mar. 2 2 Preparing judgment entry

EXHIBIT "A"

WHEREFORE, this Applicant prays for an order fixing his fees herein at $800.00.

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

Original and two copies filed

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

Leonard M. Flander
Winterset, Iowa

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

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

COMPARED RR 294

ALBERT E. WELCH and LOIS EVE WELCH, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION, Defendant.

No. 20030 Law.

Ruling

FILED 1967 MAR 1 AM 9:50
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

This is an action commenced at law constituting an appeal from condemnation award by the condemning authorities. The Plaintiffs ask judgment against the Iowa State Highway Commission for the sum of $3,000.00, state that they are the owners of real estate in Jackson Township, Madison County, Iowa, and that the Highway Commission has condemned and is taking the fee title to certain property described in the Petition in which the State's previous title was by way of easement, and also taking access rights in land described in the Petition. The Plaintiffs set our certain specifications of damages in their Petition in paragraph seven thereof, consisting of taking of fee title to property in which the State formerly only owned easement right, injury and loss and damage occasioned by condemnation of Plaintiffs' right of direct access to Primary Road 92. Also other specifications of injury and loss as to alteration of ditches, widening of the pavement, all as set out in said paragraph 7. The Defendant denies all of said Petition except Paragraphs 1, 3 and 6 and asks that Plaintiffs be held to strict proof of the allegations.

FINDINGS OF FACT

The Plaintiffs are the fee title owners and tenants in common to the real estate described in Paragraph 1 of Plaintiffs' Petition. The tract of land is located outside of the corporate limits of the City of Winterset approximately one mile and is situated on Primary Highway No. 92 running east and west across the State. Said tract of real estate is an improved tract having a north frontage on said Highway 92 of 264 feet and being 100 rods deep north and south. At the time of the condemnation of this tract by the Highway Commission, Madison County had adopted Zoning Ordinances which affect the real estate involved. The principal amount of damage in this matter arises from the fact that to the west of the present dwelling on the tract is a vacant tract of sufficient size for a desirable building lot. The Highway Commission by their condemning of direct access to the whole property have of course condemned any direct access to the present vacant lot. This is the main element of damage. Under the Zoning Ordinance now in effect, if a house was built on this lot, it would not only be without direct access to the only available street, to-wit: Highway 92, but would not be allowed to use the present driveway used by the occupants of the house that is now on said premises. The effect of the condemnation of the direct access, consequently, is to thwart the highest and best use of said lot and to make the same unsalable. This property is located in a highly desirable neighborhood, there being expensive homes built recently nearby and it being located in a neighborhood in which there are no undersirable buildings or nuisances. It is apparent from the evidence that this part of the territory west of the City limits is being developed. The owner puts a valuation of the property prior to condemnation at $25,000.00 and subsequent to condemnation of $22,000.00 with a difference or a loss of $3,000.00.

One Johnson, an inheritance tax appraiser and a long time resident of the City of Winterset who seemed to be quite familiar not only with this particular property but with the real estate values in general in the City of Winterset, put the loss at $2,750.00. One Robert Hayes who appeared for the State was a qualified and expert appraiser and put the loss at $1,500.00. One Walter Potts, a qualified appraiser from West Des Moines, Iowa, put the loss at $2,050.00. Mr. Potts testified for the Defendant Highway Commission.

In appraising the damages in a case like this, we have to wrestle with imponderables. If we start to speculating as to what will happen in the future as to the development of this

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

particular section of this particular section of this particular area, we would soon lose ourselves and might arrive at some absured conclusions. It is very difficult to put a dollar and cents value on the loss of these Plaintiffs, but it must be done. The Court feels that there is not enough evidence to show damage by change in drainage to support any particular amount of such damage. There is of course some damage which is hard to assess to the taking by the Highway Commission which they formerly held by easement and condemning it into a fee title. This was evidently done in order to gain controlled access to the property involved. The Court viewed the premises but the Court does not feel that the information received there should to any great extent override the opinions of the highly-qualified appraisers. The Court is inclined to give at least some more weight to the testimony of Mr. Johnson than to the other two valuation experts and to the owners. Mr. Johnson has lived approximately all his life in the City of Winterset. He has watched it grow and being an inheritance tax appraiser has noted the fluctuation in values and observed the values of town properties including vacant lots. Regardless of their proficiency and ability, it does not seem that two non resident appraisers would be as able to put a value as near the actual value on this particular property as would Mr. Johnson. However, the Court does wish to state that the Court feels that both Mr. Potts and Mr. Hayes were in good faith and gave the Court their very best judgment. The spread betwen the valuations given by the appraisers is notgreat. Having confidence in these appraisers, the Court must be guided by their testimony. It is the opinion of the Court that the sum of $2,500.00 would come as near compensating the Plaintiffs as any amount that could be reached. The Court in arriving at this amount has considered all elements of damage plead by the Plaintiffs.

CONCLUSIONS OF LAW

It is the law of this State as set forth in Iowa State Highway Commission vs. Smith, 248 Iowa, page 869, 82 N.W. 2d, page 755, that the Highway Commission does have a right to condemn direct access and that the condemnee may recover for his damage for such condemnation.

It is the judgment of the Court that the Plaintiffs should have judgment against the Defendant, Iowa State Highway Commission, for the sum of $2,500.00 with interest at 5% from the date the Defendant took possession of said condemned property, allowing credit for the $200.00 withdrawn by virtue of a Court Order entered herein on the 10th day of August, 1966, and for the the costs of this action.

Counsel for Plaintiffs should prepare a Judgment Entry in harmony with this Ruling, present it to counsel for Defendant for approval as to form, and then present it to the Court for signature.

Dated this 1st day of March, 1967.

Hobart E. Newton Judge
of the 5th Judicial District of Iowa.

Copy Hereof Delivered to
Leonard M. Flander
Lewis H. Jordan and
Mailed to L. Michael
McGrane on 3-1-1967
M. Morrissey Clerk
of District Court Madison County, Iowa

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

ALBERT E. WELCH and LOIS EVE WELCH, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendants.	No. 20030 Law JUDGMENT ENTRY	COMPARED FILED 1967 Mar 3 PM 3:43 Marguerite Morrissey Clerk of District Court Madison County, Iowa

Be it Remembered that this cause came on for trial on February 27, 1967, which trial concluded on February 28, 1967, 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 of the parties and the arguments of counsels, filed its ruling

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

containing findings of fact and conclusions of law on March 1, 1967, wherein the Court found that the Plaintiffs should have judgment against the defendant, Iowa State Highway Commission for the sum of Twenty-five Hundred Dollars ($2500.00) with interest at five (5) per cent per annum from and after the date defendant took possession of said condemned property, allowing a credit for the $200.withdrawn by virtue of a Court order entered herein on the 10th day of August, 1966, and for the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs, Albert E. Welch and Lois Eve Welch, have and recover from the defendant, Iowa State Highway Commission, the sum of Twenty-five Hundred Dollars ($2500.00) with interest thereon at the rate of five (5) per cent per annum on the entire $2500.00 from and after date of June 4, 1966, to August 10, 1966 and that they have and recover interest at the rate of five (5) per cent per annum on the sum of $2300.00 only from and after August 10, 1966.

It is further ordered that the defendant, Iowa State Highway Commission, pay reasonable attorney fees to plaintiffs' attorneys, Webster & Jordan, in the sum of $800.00.

It is further ordered that the defendant, Iowa State Highway Commission, pay the costs of this action taxed by the Clerk in the amount of $39.14.

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

Approved as to Form
Leonard M. Flander
Counsel for defendant

STATE OF IOWA DEPARTMENT OF JUSTICE DES MOINES

Richard C. Turner
Attorney General

L. Michael McGrane
Assistant Attorney General

Filed 1967 Apr 1 AM 9:13
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. 20030
Albert E. Welch, et ux, v. Highway Commission

Enclosed are three State Comptroller warrants which were issued per the Judgment Entry filed in the records March 3, 1967.

Warrant No. 4877030 in the amount of $2,396.52 is made payable to the Plaintiffs for the award, plus interest. Warrant No. 4877031 in the amount of $800.00 is made payable to Plaintiffs' attorneys. Warrant No. 4877032 in the amount of $40.14 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

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

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
DRAW THREE WARRANTS - SEE BELOW
Madison County Clerk of Court
Madison County Courthouse
Winterset, Iowa

FILED 1967 APR 1 AM 9:13
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

Item Number	System Number	County Number	Control Section or Bldg. No.	Paren or Unit	Design, Bridge or Plate & Parcel
1	20	61	0924	002	000038
1	20	61	0924	002	000000
2	20	61	0924	002	000000
3	20	61	0924	002	000000

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

Object Code	Function Code	Rural-1 Urban-2	Part-1 Non-Part-2 Suspense-3	Amount
865	461	1	2	2,300.00
860	463	1	2	96.52
860	463	1	2	800.00
860	463	1	2	40.14
			Total	$3,236.66

DESCRIPTION OF ABOVE ITEMS:

RE: Madison County Condemnation Appeal F-92-4-(2)--60-61, Group "D"
Albert E. Welch, et ux v. ISHC Parcel 38 Law No. 20030

AWARD per Judgment Entry filed 3/3/67 in the above-entitled matter	$ 2,500.00
LESS amount previously paid	200.00
	$ 2,300.00
PLUS Interest at 5% per annum on $2,500.00 from 6/4/66 thru 8/10/66	23.12
PLUS Interest at 5% per annum on $2,300.00 from 8/10/66 thru 3/31/67 (approx. date of Payment)	73.40
PLUS Attorney fees to Plaintiff's attorney	800.00
PLUS Court costs of this action	40.14
TOTAL AMOUNT DUE THIS VOUCHER	$ 3,236.66

MAKE WARRANTS PAYABLE AS FOLLOWS:

1. Albert E. Welch and Lois Eve Welch #4877030
2. Webster and Jordan, Attorneys at Law #4877031
3. Madison County Clerk of Court #4877032 Paid 3/30/67

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 Albert E. Welch and Lois Eve Welch, Plaintiffs-vs- Iowa State Highway Commission, Defendant, Law No. 20030 - Docket 40 Page 138.

9-1-66	Check from State Comptroller made payable to Albert E. Welch and Lois Eve Welch for Condemnation Award from State Highway Commission	$200.00	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 mad payable to Albert E. Welchand Lois Eve Welch for Award as per Judgment Entry filed 3/3/67	$2,396.52	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 Plaintiffs' attorney	800.00	Mr. Lewis H. Jordan receipted out on the docket for the attorney fees.
4-5-67	Check from State Comptroller made payable to Clerk of Court for Court Costs in full.	$ 40.14	

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

(DISTRICT COURT SEAL)

Marguerite Morrissey
Clerk of Court.