Deed Record, No. 94, Madison County, Iowa

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

Joseph E. Bek et al
To
State of Iowa

#911

Fee $27.50 I.M.M.

Filed for record the 15 day of May A.D. 1967 at 11:24 o'clock A. M.

Mary E. Welty, Recorder

re Condemnation Proceedings filed 8-1-66

SETTLEMENT OF APPEAL

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

FILED 1966 AUG 18 AM 9:1
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JOSEPH E. BEK and MILDRED E. BEK, Plaintiffs,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant

No. 20039 Law

PETITION ON APPEAL FROM CONDEMNATION OF REAL ESTATE

Come now the Plaintiffs and for cause of action state:

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

Par. 1

That the Plaintiffs are the owners and holders of the following described real estate situated in Madison County, Iowa, to-wit:

> The West Half of Section Thirty-five (35), Township Seventy-six (76) North of Range Twenty-nine (29) West of the Fifth P. M.,

which real estate is situated in Jackson Township of Madison County, Iowa, and comprises a total of 320 acres.

Par. 2

That Plaintiffs are husband and wife, and that said real estate has at all times mentioned herein been used by the Plaintiffs and is now being used by them for residential purposes for themselves and their family, and for general farming purposes, including the raising of livestock and the growing of grain and other agricultural products. That said real estate will in the future be used by the Plaintiffs in conjunction with other real estate.

Par. 3

That on or about June 20, 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 Southwest Quarter of Section 35, Township 76 North, Range 29, West of the Fifth P.M., Madison County, Iowa, lying on the northerly side of part of the following described centerline of Primary Road No. 92, and on the easterly side of the following described centerline of the Secondary Road Connection, as shown on Official plans for Project F-327 "A"
>
> The Centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from west to east is described as follows: Beginning at Sta. 378+02.6, a point on the Southwest corner of said Section 35, thence East 2697.4 ft. to Sta. 405+00.
>
> The centerline of the Secondary Road connection, designated by station points 100 feet apart, numbered consecutively from south to north is described as follows: Beginning at Sta. 8378+02.6, a point on the centerline of Primary Road No. 92 located at Sta. 378+02.6, thence N0° 20' West 497.4 ft. to Sta. 8383+00.
>
> Said parcel is described as follows: All that part of the Southwest Quarter of said Section 35 that lies southerly and westerly of a line beginning at a point 70 ft. normally distant northerly from the centerline of Primary Road No. 92 on the east line of said Southwest Quarter, thence to a point 70 ft. normally distant northerly from centerline on a present fence line bearing N3±° E through Sta. 381+89, thence to a point 90 ft. normally distant northerly from Sta. 381+00, thence to a point 90 ft. normally distant northerly from Sta. 378+60, thence to a point 60 ft. normally distant easterly from Sta. 8382+00 (Sec.Rd Conn.), thence to a point normally distant easterly from Sta. 8383+00 on the present easterly right of way line of said Secondary Road Connection, thence West to the west line of said Southwest Quarter.

Par. 4

That the area of said land taken and appropriated by the Defendant comprised 1.3 acres, and had buildings situated thereon, which buildings the Defendant likewise condemned, took and appropriated. That in addition the Defendant condemned, took and appropriated in its entirety another building situated partially upon said land area condemned and partially upon the remainder of Plaintiffs' land adjacent thereto.

Par. 5

That in addition the Defendant condemned, took and appropriated a right of temporary easement extending until December 31, 1969, upon a land area to a distance of 120 feet

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

northerly from saidcenterline from Sta. 382+60 to Sta. 383+70.

Par. 6

That in addition the Defendant condemned, took and appropriated a right of temporary easement extending until December 31, 1969, upon a land area to a distance of 180 feet northerly from said centerline from Sta. 378+60 to Sta. 379+30.

Par. 7

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. 8

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 1.30 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 from the county road adjacent to Plaintiffs' real estate on its West.

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 outlets to diversion terraces on Plaintiffs' land, and the substantial obstruction of and interference with drainage and natural flow of water upon Plaintiffs' land.

F. The loss and destruction of four buildings used by Plaintiffs in said farming operation and the loss and destruction of concrete feed floors and other improvements.

G. The substantial diminishment in utility of remaining, adjacent land area comprising feed lots, farrowing pens and storate facilities, occasioned by the loss of the land area, buildings and improvements taken, appropriated and destroyed by said condemnation.

H. The loss and destruction of numerous large trees which provided shade for Plaintiffs' cattle, hogs, farrowing houses, feed lots and surrounding areas, and the diminishment in the utility of the Plaintiffs' remaining adjacent land.

I. The loss and destruction of numerous large ornamental shade trees and evergreen trees, and the shade and beautification provided thereby in the yard in front of Plaintiffs' residence.

J. The loss and destruction of a substantial portion of Plaintiffs' front yard in front of Plaintiffs' residence.

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

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

Par. 9

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 $24,000, and that the Plaintiffs have thereby been damaged in the total sum of $24,000.

WHEREFORE, Plaintiffs respectfully pray that their damages be determined and awarded in the sum of $24,000, together with lawful interest thereon from and after the date of taking of said real estate by the Defendant, to-wit: June 20, 1966 and together with the costs of maintaining this action, including attorney's fees for Plaintiffs' attorney, pursuant to the provisions of Ssction 472.33 of the Code of Iowa.

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

One copy filed herewith

for- Leonard M. Flander Mailed 8-18-66
Winterset, Iowa
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

JOSEPH E. BEK and MILDRED E. BEK, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.

No. 20039 Law

DEMAND FOR JURY TRIAL

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

One copy filed herewith
for-
Leonard M. Flander Mailed 8-18-66
Winterset, Iowa
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 15 AM 10:15
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JOSEPH E BEK and MILDRED E. BEK, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION, Defendant.

No. 20039 Law

APPLICATION TO WITHDRAW FUNDS

Copies delivered to Gordon by Mr. Flander

Comes now the Defendant and states to the Court:

1. That on the 20th day of June, 1966, the Defendant, Iowa State Highway Commission, on behalf of the State of Iowa acquired certain rights to land of which the Plaintiffs were the owners through condemnation proceedings, and that the award of the condemnation commission was in the sum of Two Thousand Nine Hundred Fifty and no/100 ($2950.00) Dollars, for which amount a warrant has been deposited with the Sheriff of Madison County, Iowa.

2. That the above named Plaintiffs are the parties 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 rights in the land condemned and to proceed with the improvement and that the best interest of the parties will be served by this Court directing that damages to the extent of Two Thousand Nine Hundred Fifty and no/100 ($2950.00) Dollars, 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, prays that the Court enter an order entitling the Plaintiff to withdraw the sum of Two Thousand Nine Hundred Fifty and no/100 ($2950.00) Dollars, heretofore deposited with the Sheriff of Madison County, Iowa, in the within matter and entitling the Defendant to continued possession of the property rights condemned in this proceedings and for such other and further relief as may be just and equitable in the premises.

IOWA STATE HIGHWAY COMMISSION

LAWRENCE F. SCALISE
Attorney General of Iowa

Copy filed for
Gordon Darling
53 Jefferson Street
Winterset, Iowa
Winterset Phone: 462-2442
Attorney for Plaintiffs.

RAYMOND T. WALTON
Special Assistant Attorney General
and Counsel to Iowa State Highway Commission
L. MICHAEL McGRANE
Assistant Attorney General
Iowa State Highway Commission Ames, Iowa
By Leonard M. Flander
Leonard M. Flander State Counsel
104 West Court Ave. Winterset, Iowa
Phone: 462-4912
ATTORNEYS FOR DEFENDANT.

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

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

FILED
1966 SEP 15 AM 10:16
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JOSEPH E. BEK and MILDRED E. BEK, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION, Defendant

No. 20039 Law

ANSWER

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

Paragraph 1.

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

Paragraph 2.

That it admits all of the allegations contained in Paragraph 2 of the Plaintiffs' petition except the allegation contained in the last sentence of said Paragraph 2 of which this Defendant has no information upon which to form a belief and, therefore, denies the same.

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 the allegations contained in Paragraph 5 of Plaintiffs' petition.

Paragraph 6.

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

Paragraph 7.

That it admits that Plaintiffs were damaged and the value of their property diminished as alleged in Paragraph 7 of Plaintiffs' petition, but denies that the property is diminished and plaintiffs damaged in all the particulars alleged in Plaintiffs' petition as implied in Paragraph 7 of Plaintiffs' petition.

Paragraph 8.

That in answer to Paragraph 8 of Plaintiffs' petition Defendant states:

A. That it admits the allegation contained in sub-paragraph "a" of Paragraph 8.

B. That it denies the allegations contained in sub-paragraph "b" of Paragraph 8.

C. That it denies the allegations contained in sub-paragraph "c" of Paragraph 8.

D. That it denies the allegations contained in sub-paragraph "d" of Paragraph 8.

E. That it denies the allegations contained in sub-paragraph "e" of Paragraph 8.

F. That it admits that two buildings will be taken and lost to the Plaintiffs, but denies the other affirmative allegations in sub-paragraph "f" of Paragraph 8.

G. That it denies the allegations contained in sub-paragraph "g" of Paragraph 8.

H. That it denies the allegations contained in sub-paragraph "h" of Paragraph 8.

I. That it denies the allegations contained in sub-paragraph "i" of Paragraph 8.

J. That it denies the allegations contained in sub-paragraph "j" of Paragraph 8.

K. That it denies the alletation contained in sub-paragraph "k" of Paragraph 8.

L. That it admits the Plaintiffs' damage is the reduction in value of their real estate as alleged in sub-paragraph "l" of Paragraph 8, but denies that all the items listed in Paragraph 8 occasion such damage.

Paragraph 9.

That it denies the allegations contained in Paragraph 9 of Plaintiffs' petition.

WHEREFORE this Defendant 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

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

provided by law.

Copy filed for
Gordon K. Darling
Winterset, Iowa
Attorney for Plaintiffs.

LAWRENCE F. SCALISE
Attorney General

RAYMOND T. WALTON
Special Assistant Attorney General
Iowa State Highway Commission

L. MICHAEL McGRANE
Assistant Attorney General
Iowa State Highway Commission
by Leonard M. Flander
Leonard M. Flander State Counsel
104 West Court Ave.
Winterset, Iowa
Phone: 462-4912
Attorneys for Defendant.

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

FILED
1966 OCT 15 AM 11:17
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JOSEPH E. BEK and MILDRED E. BEK, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION Defendant

No. 20039 Law

ORDER FOR DISBURSEMENT OF FUNDS

Now on this 15th day of September, 1966, the application to Withdraw Funds comes before this Court in its regular order, which application made and filed by the Defendant, Iowa State Highway Commission, requests the disbursement of certain funds now held by the Sheriff of Madison County, Iowa, in the above entitled condemnation proceedings.

The Court after reviewing the application and the remainder of the files and records in this matter, having heard the evidence presented and the statements and arguments of counsel and being well and fully advised in the premises finds:

That the award of the condemnation commission was in the sum of Two Thousand Nine Hundred Fifty and no/100 Dollars ($2950.00) for which amount a warrant is on deposit with the Sheriff of Madison County, Iowa, and that Section 472.25 of the Code of Iowa is applicable in this cause and applies to the within procedure and that the payment sought in the application to Withdraw Funds and the Order herein is without prejudice to or effect upon the rights of any of the parties hereto and is subject to the Code Section above cited.

That the 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 Two Thousand Nine Hundred Fifty Dollars ($2950.00) 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 this 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 Plaintiffs herein to the Clerk of the District 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.

M. C. Herrick Judge
of the Fifth Judicial District of Iowa

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

JOSEPH E. BEK, ET AL, Plaintiff, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.

Law No. 20039

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

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

included;

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 fortrial by jury upon timely demand filed is requested.

Dated this 7 day of October, 1966.

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

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

JOSEPH E. BEK and MILDRED E. BEK, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant	No. 20039 Law INTERROGATORIES	FILED 1966 OCT 24 AM 9:28 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 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 apscifications 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.

Original & 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

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

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 10:44
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JOSEPH E. BEK and
MILDRED E. BEK,
Plaintiffs,
vs.
IOWA STATE HIGHWAY COMMISSION,
Defendant.

Law No. 20039

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. Hobart Vance, Right of Way Department, Iowa State Highway Commission, Ames, Iowa, December, 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. Hobart Vance is a regular employee of Iowa State Highway Commission.

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
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

FEBRUARY 1967 TERM

COMPARED RR-292
FILED 1967 FEB 27 PM 2:03
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JOSEPH E. BEK and
MILDRED E. BEK,
Plaintiffs,
vs.
IOWA STATE HIGHWAY
COMMISSION, Defendant.

No. 20039 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 20, 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 $6000.00 and we, the Jury, fix the amount of the damages of the Plaintiffs, Joseph

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

E. Bek and Mildred E. Bek, against the Defendant, Iowa State Highway Commission, to be in the amount of said sum.

Jack Livingston
Foreman.

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

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

JOSEPH E. BEK and Mildred E. Bek, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant	)	No. 20039 Law APPLICATION FOR ALLOWANCE OF ATTORNEY'S FEES TO PLAINTIFFS' ATTORNEY

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 20, 1966, resulting in an award by the Sheriff's jury to Plaintiffs of $2,950. Said appeal was tried to a jury in the Madison County, Iowa District Court, commencing on February 23, 1967, resulting in a verdict returned by the jury February 27, 1967, in favor of Plaintiffs in the sum of $6,000 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, Palintiffs' attorney, enumerating the services rendered with respect to said appeal.

WHEREFORE, Plaintiffs apply to theCourt for an allowance of attorney's fees in favor of Plaintiffs' attorney, Gordon K. Darling, in the sum of $1130.00 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 L.M.F.

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:

7-15-66 Office conference with Plaintiffs re preparation of appeal - 1½ hours

7-16-66 Preparation Notice of Appeal - 1 hour

7-19-66 To Des Moines to obtain acceptance of service of Notice of Appeal from John Hancock Mutual Insurance Company - 1½ hours

7-18-66 Trip to farm, measurements and photography - 2 hours

7-26-66 To farm, color photography - hour

8-10-66 Letter to John Hancock Mutual Insurance Company - ½ hour

8-15-66 Preparation of Petition on Appeal and demand for jury trial - 2½ hours

8-15-66 Letter, Mr. Bek

9-9-66 Conference with Defendant's attorneys re Application for withdrawal of funds - 3/4 hour

9-16-66 Review of Defendant's Answer and Defendant's Application to withdraw funds - 1¼ hours

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

10-22-66 Preparation of Interrogatories under RCP 121 - 1 hour

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

11-25-66 Office conference, Mr. Bek - 1¼ hours

12-10-66 Office conference, review and correspondence re effect of Plaintiffs' sale of farm on condemnation proceedings - 1½ hours

12-15-66 Research re admissibility of evidence re sale of condemned property 2 hours

12-29-66 Office conference with Plaintiffs - ½ hour

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

2-7-67 Office conference re preparation for trial - 1½ hours

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

2-16-67 Trip to farm re photography and measurements - 2½ hours

2-17-67 Conference with Mr. Ritter (Half of 1½ hours) -3/4 hour

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

2-67 Miscellaneous conferences with Defendant's attorneys re-trial - 1½ hours

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

2-23-67 Trial -1/2 day

2-24-67 Trial - 1 day

2-27-67 Trial - 1/2 day

3-3-67 Preparation of Judgment Entry and Application for Allowance of Fees - 1½ hour

Note 1: Where items of time enumerated above included time devoted to both the Bek and Anderson 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:

29 Hours at $20 per hour	$ 580.00
2 3/4 days trial time at $200 per day	550.00
Total	$1,130.00

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

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

JOSEPH E. BEK and MILDRED E. BEK, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant

No. 20039 Law

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

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 $1,130.00.

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 9:09
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 or Bldg. No.	Paren or Unit	Design, Bridge or Plate & Parcel	Object Code
1	20	61	0924	001	000020	865
1	20	61	0924	001	000000	860
2	20	61	0924	001	000000	860
3	20	61	0924	001	000000	860

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

Function Code	Rural - 1 Urban - 2	Part - Non Part 2 Suspense 3	Amount
461	1	2	3050.00
463	1	2	152.93
463	1	2	1130.00
463	1	2	82.32
		Total	$4415.25

DESCRIPTION OF ABOVE ITEMS:

RE: Madison County Condemnation Appeal F-92-4(1)--20-61, Group "B"
Joseph E. and Mildred E. Bek v. ISHC--Parcel 20--Law No. 20039

AWARD per Decree filed 3/10/67 in the above entitled matter	$6,000.00
LESS amount previously paid	2,950.00
	$3,050.00
PLUS Interest at 5% per annum on $6,000.00 from 6/20/66 thru 9/15/66	72.16
PLUS Interest at 5% per annum on $3,050.00 from 9/15/66 thru 3/31/67(Approx. date of payment)	80.77
PLUS attorney fees to Plaintiffs' attorney	1,130.00
PLUS Court Costs of this action	82.32
TOTAL AMOUNT DUE THIS VOUCHER	$4,415.25

MAKE WARRANTS PAYABLE AS FOLLOWS:

1. Joseph E. Bek and Mildred E. Bek # 4876988
2. Gordon K. Darling, Attorney at Law # 4876989
3. Madison County Clerk of Court #4876990 Paid 3/30/67

STATE OF IOWA DEPARTMENT OF JUSTICE
DES MOINES

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

FILED 1967 APR 1 AM 9:09
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. 20039
Joseph E. and Mildred E. Bek v. Iowa Highway Commission

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

Warrant No. 4876988 in the amount of $3,202.93 made payable to the Plaintiffs for the amount of the award plus interest. Warrant No. 4876989 in the amount of $1,130.00 is made payable to Gordon K. Darling, Plaintiffs' attorney. Warrant No. 4876990 in the amount of $82.32 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

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

COMPARED RR 299
FILED 1967 MAR 10 AM 8:54
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

JOSEPH E. BEK and MILDRED E. BEK, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION, Defendant.

No. 20039 Law

Decree

Be it remembered that this cause was tried to a jury which returned its verdict herein on February 27, 1967, setting Plaintiffs' damages occasioned by Defendant's condemnation of Plaintiffs' land at $6,000.

Pursuant to Section 472.23 of the Code of Iowa,

IT IS NOW THEREFORE ORDERED, ADJUDGED AND DECREED that the amount of Plaintiffs' damages occasioned by Defendant's condemnation of Plaintiffs' real estate is hereby ascertained and

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

entered of record to be in the sum of $6,000, together with interest thereon at the rate of five per cent per annum from June 20, 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 September 15, 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.

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 Joseph E. Bek and Mildred E. Bek, Plaintiffs -vs- Iowa State Highway Commission, Defendants, Law No. 20039 Docket 40 Page 147.

9-21-66	Check from State Comptroller made payable to Joseph E. Bek and Mildred E. Bek for Condemnation Award from Iowa State Highway Commission	$2,950.00 Joseph E. Bek receipted out on the docket for this amount.
4-1-67	Check from State Comptroller made payable to Joseph E. Bek and Mildred E. Bek representing additional award by Jury in the sum of $3,050.00 and interest in the sum of $152.93 or	$3,202.93 Mr. Gordon K. Darling Attorney receipted out on the docket for this amount as attorney forPltff.
4-1-67	Check from State Comptroller made payable to Gordon K. Darling for attorney fees due Plaintiffs' attorney	$1,130.00 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.	82.32

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

(DISTRICT COURT SEAL)

Marguerite Morrissey
Clerk of Court.