FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Robert Cain
By Madison County Sheriff
To
Madison County, Iowa

#1227

No Fee

Filed for record the 9 day of April A. D. 1962 at 4:45 o'clock P. M.

Mary E. Welty, Recorder

TRANSCRIPT OF CONDEMNATION

CERTIFICATE OF TRANSCRIPT

THE STATE OF IOWA, MADISON COUNTY, SS.

I, Marguerite Morrissey Clerk of the District Court in and for said County, do hereby Certify that the attached is a full, true, and correct copy of "NOTICE OF APPEAL FROM CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA, TRANSCRIPT OF CONDEMANTION PROCEEDINGS FROM SHERIFF'S OFFICE, DISMISSAL, ORDER, AND AFFIDAVIT OF CLERK OF DISTRICT COURT." In Cause Entitled Robert Cain, Plaintiff-vs-Madison County, Iowa, Law No. 19259, Madison County, Iowa District Court. as the same appears of record in my office.

WITNESS my hand and the Seal of said Court hereto affixed, at my office in Winterset, in said County, on this 9th day of April, 1962.

(DISTRICT COURT SEAL)

Marguerite Morrissey, Clerk

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

ROBERT CAIN, Plaintiff
-vs-
MADISON COUNTY, IOWA, Defendant

Law No. 19259 37-294
NOTICE OF APPEAL FROM CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

RECEIVED 9-18-61 9:20 PM
MADISON COUNTY SHERIFF
WINTERSET, IOWA

FILED 1961 SEP 19 AM 8:14
MARGUERITE MORRISSEY CLERK
OF DISTRICT COURT
MADISON COUNTY, IOWA

TO - - MADISON COUNTY, IOWA; THE BOARD OF SUPERVISORS OF MADISON COUNTY, IOWA; and REX ROUSE, SHERIFF OF MADISON COUNTY, IOWA.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the undersigned, Robert Cain, does hereby appeal from the award of damages made by the commissioners appointed in connection with the condemnation proceedings against the following described real estate, to-wit:

> Commencing at the center of Section 36 T77N R26W of the 5th P.M.; thence South 110.7 feet; thence S70°14'E 28.4 feet to the point of beginning; thence continuing S70°14'E 1115.3 feet; thence S83°18'W 173.4 feet; thence N70°14'W 927.3 feet; thence North 87.2 feet to the point of beginning and containing 1.88 acres, more or less, exclusive of the present established highway.
>
> Note: The West line of the SE¼ Section 36 is assumed to bear due North and South.

by Madison County, Iowa, Defendant, said award being dated August 24, 1961, and filed with the Sheriff of Madison County, Iowa, on said date.

YOU AND EACH OF YOU ARE FURTHER NOTIFIED that said appeal will come on for hearing

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 64101

at the November, 1961, term of the District Court of the State of Iowa in and for Madison County, which term of court will commence and be held at the Courthouse in Winterset, Madison County, Iowa, on the 7th day of November, 1961, and that on or before the first day of said term of court a written Petition will be filed by the Plaintiff stating specifically the items of Plaintiff's damage on account of taking of said real estate by the Defendant, Madison County, Iowa.

ROBERT CAIN

Jno. N. Hartley
Winterset, Iowa

C. R. Bentz
Winterset, Iowa
Attorneys for Plaintiff
By C. R. Bentz

ACKNOWLEDGMENT OF SERVICE

I, Rex Rouse, Sheriff of Madison County, Iowa, hereby acknowledge due, timely and legal service of the within and foregoing Notice of Appeal from Condemnation of Property by Madison County, Iowa.

Dated at Winterset, Iowa, this - - day of September, 1961.

- - -

Rex Rouse, Sheriff of Madison County, Iowa

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES	))))	APPLICATION TO SHERIFF FOR CONDEMNATION OF PROPERTY

TO: REX ROUSE SHERIFF OF MADISON COUNTY, IOWA:

WHEREAS, the undersigned, Madison County, Iowa, a corporation, is desirous of taking and acquiring full and complete ownership of and holding certain real estate and relocating a public highway as the same now proceeds through Section 36 in Township 77 North, of Range 26 West of the 5th P.M., Madison County, Iowa, and

WHEREAS, the said Madison County cannot agree with the owner of the real estate hereinafter described as to the compensation to be paid therefore, nor as to the taking of said real estate, and

WHEREAS, said Madison County, Iowa, is desirous of having said real estate condemned and appropriated to it for such purposes under its powers as provided by laws of the State of Iowa for such purposes to-wit: Chapters 471 and 472 of the 1958 Code of Iowa, and any and all other pertinent statutory provisions, and

WHEREAS, it is necessary and proper and within the powers of Madison County, Iowa, that said real estate should be condemned and appropriated for such purposes, the same being public purposes, and

WHEREAS, the property sought to be condemned under this Application is described in Exhibit "A" attached hereto, and made a part hereof, and

WHEREAS, there is attached to this Application a plat showing the location of property sought to be affected by condemnation under these proceedings and the location of improvements and relocations, which plat is marked Exhibit "B" and made a part of this Application, and

WHEREAS, the record owners of said real estate and their spouses, if any, and the record holders of any and all liens and encumbrances of said real estate, if any, together with each and all of their respective places of residence, so far as known to this applicant are as follows, to-wit:

The Owners:	Place of Residence	Post Office Address
Robert Cain & wife Clara	Cumming, Iowa	Cumming, Iowa

Name of Mortgage or Lien Holder: None

Name of Lessee; None

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

NOW, THEREFORE, this Applicant, Madison County, Iowa, requests that you appoint six disinterested freeholders of Madison County, Iowa, who are not interested in the same or a like question, to inspect the said real estate hereinbefore described and to assess the damages for all claims of every kind and nature including the right of lateral support, the right to light, air and view, the right of access and any other consequential damages, if any, sustained by the onwers and any other persons interested in said real estate, by reason of the taking, acquiring, appropriating and condemnation of said real estate for all of said purposes hereinbefore stated.

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES)

NOTICE OF CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

RECEIVED 8-10-61
MADISON COUNTY SHERIFF

TO: Robert Cain and wife Clara

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Madison County, Iowa, a corporation, desires the condemnation of the following described real estate,and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of said real estate, which real estate is described as follows, to-wit:

> Commencing at the center of Section 36 T77N R26W of the 5th P.M.; thence South 110.7 feet; thence S70°14'E 28.4 feet to the point of beginning; thence continuing S70°14'E 1115.3 feet; thence S83°18'W 173.4 feet; thence N70°14'W 927.3 feet; thence North 87.2 feet to the point of beginning and containing 1.88 acres, more or less, exlusive of the present established highway. Note: the West line of the SE¼ Section 36 is assumed to bear due North and South.

YOU ARE FURTHER NOTIFIED that such condemnation is sought for the purpose of widening, improving altering and relocating the public highway which now adjoins said real estate, and for further particulars you are referred to said Application now on file with the Sheriff of Madison County, Iowa, as aforesaid.

YOU ARE FURTHER NOTIFIED that a commission of six appraisers has been appointed as provided by Law for the purpose of appraising all damages which will be sustained by you and which will be caused by said condemnation of said real estate.

YOU ARE FURTHER NOTIFIED THAT SAID Commissioners will, on the 24th day of August, 1961, at 10:00 o'clock A. M., view said premises and proceed to appraise said damages, at which time you may appear before the Commissioners, if you care to do so.

MADISON COUNTY, APPLICANT
By Emery L. Goodenberger
County Attorney in and for Madison
County, Iowa.

RETURN OF ORIGINAL NOTICE

STATE OF IOWA, MADISON COUNTY, IOWA, SS.

The within notice received this 10th day of August 1961, and I hereby certify that I served the same on the defendants named below by delivering a copy thereof to each of the said defendants personally at the time and place set opposite their respective names:

Name of Defendnat	Month	Day	Year	City, Town or Township	County	State
Robert Cain	8	12	61	Lee Twp.	Madison	Iowa
Clara Cain	8	12	61	Lee Twp.	Madison	Iowa

FEES

Service	$1.25
Copies	$ -
Mileage	$3.42
Total	$4.67

Rex Rouse, Sheriff
L. E. Hooper, Deputy
by L. E. Hooper, Deputy Sheriff

by Madison County, Iowa, and you are requested to proceed in connection with this Application as provided by law.

Dated this 10th day of August, 1961.

MADISON COUNTY, IOWA
By Emery L. Goodenberger County Attorney
in and for Madison County, Iowa.

Deed Record, No. 91, Madison County, Iowa

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

EXHIBIT "A"

Description of real estate belonging to Robert Cain & wife Clara the subject matter of this condemnation proceeding:

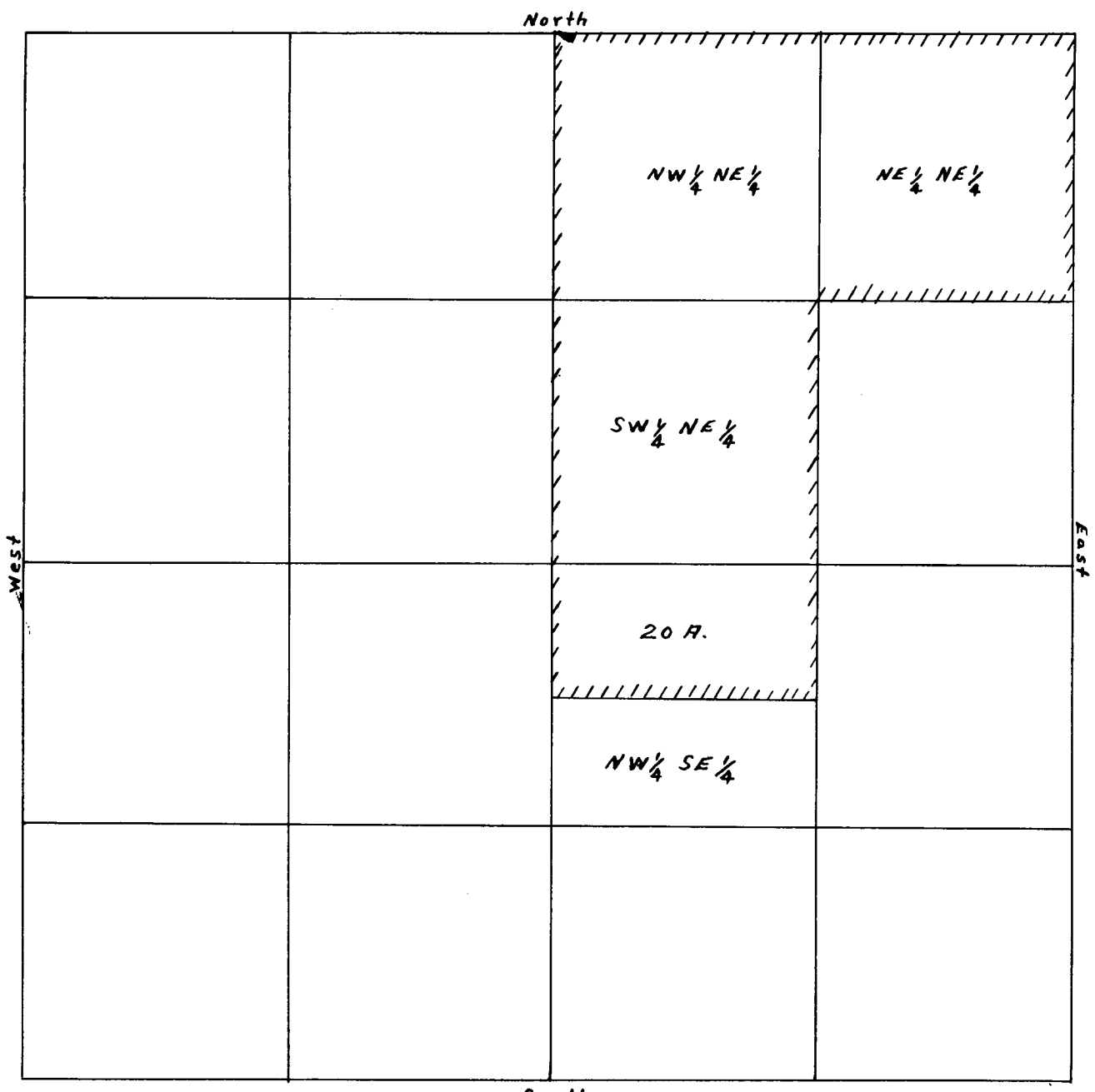
Commencing at the center of Section 36 T77N R26W of the 5th PM; thence South 110.7 feet; thence S70°14'E 28.4 feet to the point of beginning; thence continuing S70°14'E 1115.3 feet; thence S83°18'W 173.4 feet; thence N70°14'W 927.3 feet; thence North 87.2 feet to the point of beginning and containing 1.88 acres, more or less, exclusive of the present established highway.

Note: The West line of the SE¼ Section 36 is assumed to bear due North and South.

PLAT OF PROPERTY

Of Robert Cain Area 1.88 Acres. Sta. 4+85 to Sta. 15+05

Section 36 T77 N-R 26W



Madison County Project No. 7-61

PROPERTY PLAT

Acquired from Robert Cain Married or Single Clara R.O.W. Area 1.88 Acres.

Borrow Area - - Acres Total consideration $ - - Acquired by Condemnation

Date of Contract - - 19- -.

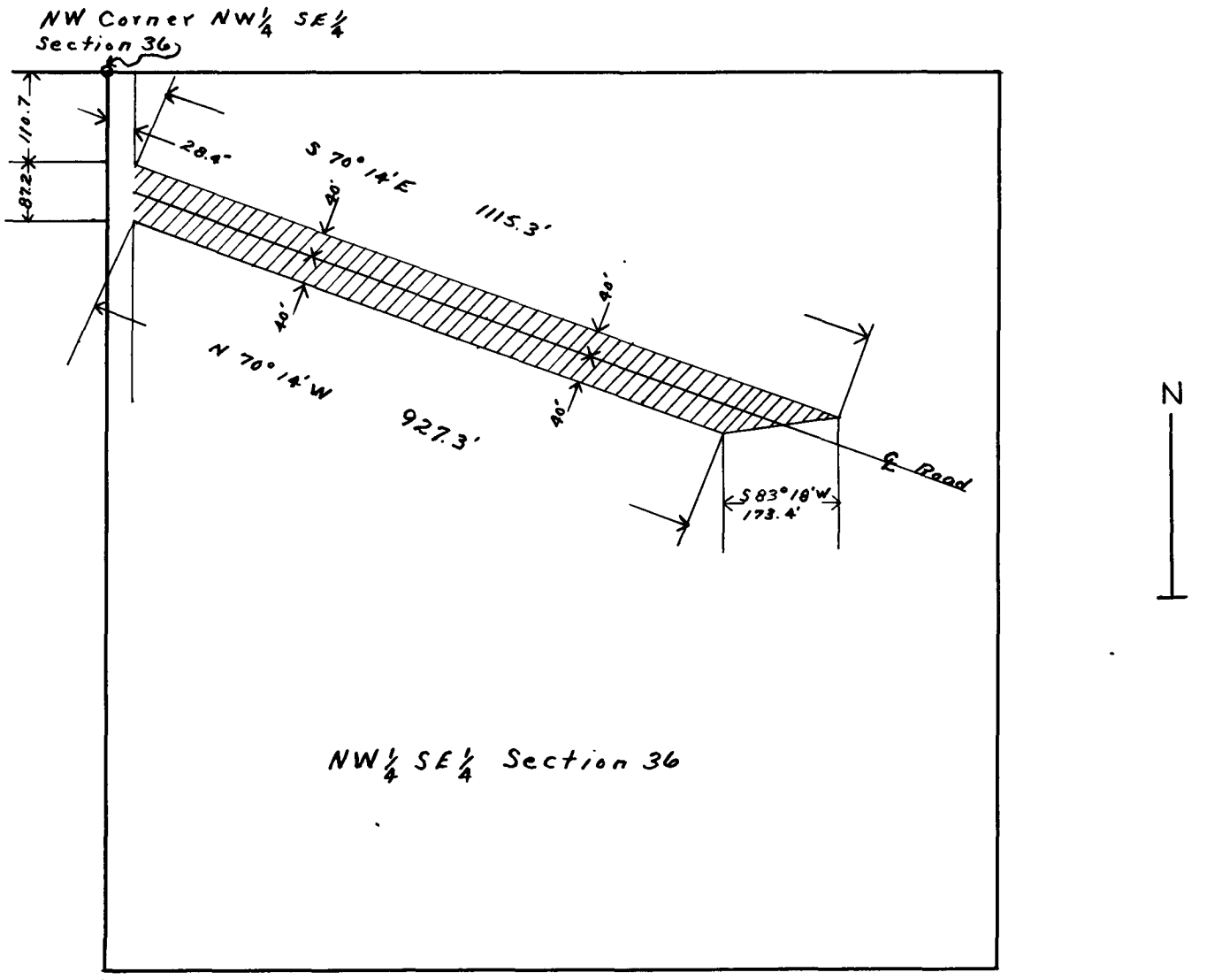
LOCATION

From CL Station 4+85 To CL Station 15+05 Section 36, Township 77 N

Range 26W Township (Civil) Lee Iowa

Deed Record, No. 91, Madison County, Iowa

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101



MADISON COUNTY PROJECT NO. 7-61

INFORMATION FOR CONDEMNATION PROCEEDINGS

County Madison Project 7-61

OWNER OF RECORD Robert Cain Spouse Clara Cumming, Iowa Address

Occupant of the Land - -

Occupant of the House Robert Cain Cumming, Iowa Address

Names and Addresses of all Lienholders: None

Legal Description of parcel to be condemned.

Commencing at the center of Section 36 T77N R26W of the 5th P.M.; thence South 110.7 feet; thence S70°14'E 28.4 feet to the point of beginning; thence continuing S70°14'E 1115.3 feet; thence S83°18'W 173.4 feet; thence N70°14'W 927.3 feet; thence North 87.2 feet to the point of beginning and containing 1.88 acres, more or less exclusive of the present established highway, and building approximately 124 rods of fence.

Note: the west line of the SE¼ Section 36 is assumed to bear due North and South.

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES) REPORT OF COMMISSIONERS

TO: REX ROUSE SHERIFF OF MADISON COUNTY, IOWA:

The undersigned, Commissioners, appointed by you by Order of Appointment dated the 14th day of August, 1961, to inspect the real estate hereinafter described and assess the damages which the owner and parties interested therein are sustaining by reason of the Condemnation and Appropriation thereof, for the use of Madison County, Iowa, in connection with the improvement of certain roads in Madison County, Iowa, as stated in the Application for Condemnation of Property, filed with you the 10th day of August, 1961, do hereby make report that upon due notice we met upon said premises, viewed and inspected the same on the 24th day of August, 1961, at 10:00 o'clock A. M. and appraised and assessed the damages sustained by reason of said condemnation as follows by reason of the taking of the following described tract of real estate by Madison County, Iowa, to-wit:

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Commencing at the center of Section 36 T77N R26W of the 5th P.M.; thence South 110.7 feet; thence S70°14'E 28.4 feet to the point of beginning; thence continuing S70°14'E 1115.3 feet; thence S83°18'W 173.4 feet; thence N70°14'W 927.3 feet; thence North 87.2 feet to the point of beginning and containing 1.88 acres, more or less, exclusive of the present established highway.

Note: The West line of the SE¼ Section 36 is assumed to bear due North and South.

TO: Robert J. Cain $1400

We further report that the costs of paid assessment are as follows:

NOTICES: Sheriff of Madison County, Iowa
Cost of mileage and attendance of Sheriff's Office

Mileage	$ -
Attendance and notices	$ 33.69

APPRAISER'S FEES:

M. S. Creger	$ 19.90
Emory Ackelson	$ 16.54
A. H. Koch	$ 16.68
W. W. Heimberger	$ 18.08
Fred Morford, Jr.	$ 17.80
Lee Wheeler	$ 17.66
Meals	$ 7.75

I further certify that costs incident to this proceeding has been taxed as follows:

1. Serving Original Notices	1.25	3.42	4.67
2. Sheriff Service Notice on Appointment of Commissioners	3.25	14.85	18.10
3. Sheriff Attending Comissioners	7.50	3.42	10.92
TOTAL SHERIFF'S COSTS			$ 33.69

4. Commissioners Expenses:

Alfred H. Kock, Jefferson Twp. 1 day service and mileage	16.68
Lee Wheeler, Sr., Grand River Twp. 1 day service and mileage	17.66
Emory Ackelson, Walnut Twp. 1 day service and mileage	16.54
Walter W. Heimberger, Penn Twp. 1 day service and mileage	18.08
Fred Morford, Jr., Penn Twp. 1 day service and mileage	17.80
Merrill Creger, Ohio Twp. 1 day service and mileage (used his car in viewing	19.90
Meals	7.75
TOTAL JURY COSTS	114.41

5. Damage awarded

Robert J. Cain $1,400.00

RECAPITULATION

TOTAL DAMAGES AWARDED	$1,400.00
TOTAL SHERIFF'S COSTS	33.69
TOTAL COMMISSIONER'S EXPENSES	114.41
GRAND TOTAL	$1,548.10

Certified a true statement of Robert J. Cain condemnation expenses and original copies of proceedings therewith.

Rex Rouse
Rex Rouse, Sheriff of Madison County, Iowa

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES) APPOINTMENT AND COMMISSION

WHEREAS, written application has been made to me by Madison County, Iowa, a corporation, for the Appointment of Commissioners to assess the damages sustained by those having interest in certain real estate for the purpose of widening, improving, altering and relocating a part of the public highway system of Madison County, Iowa, which is more

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

particularly described in said application, a copy of which application is attached to this order, marked Exhibit "A" and by this reference made a part hereof.

IT IS NOW HEREBY ORDERED that the following persons, to-wit:

Emory Ackelson of Walnut Twp.
Merrill Creger of Ohio Twp.
Walter W. Heimberger of Penn Twp.
Fred Morford, Jr. of Penn Twp.
Alfred H. Koch of Jefferson Twp.
Lee Wheeler, Sr. of Grand River Twp.

being six freeholders of Madison County, Iowa, not interested in the same or a like question, be and they are hereby appointed Commissioners whose duty it shall be to inspect the real estate described in said application and assess the damages which the owner thereof and the parties interested therein will sustain by the appropriation of such land for road purposes, for the use of Madison County, Iowa, and make Report thereof in writing to the undersigned Sheriff, as provided by law, said real estate being situated in Madison County, Iowa, and described as set out in said Exhibit "A", a part hereof.

Dated at Winterset, Madison County, Iowa, this 14th day of August, 1961.

Rex Rouse Sheriff
of Madison County, Iowa

Oath and Qualification of Commissioners

STATE OF IOWA MADISON COUNTY) SS.

We, and each of us, being first duly sworn on oath depose and state that we are each one of the persons appointed by Rex Rouse Sheriff of Madison County, Iowa, on the 14 day of August, 1961, as a Commissioner to assess damages to real estate, on account of Madison County, Iowa, asking to have certain real estate appraised, condemned, and set over to it for road purposes, said real estate being located in Section 36, in Township 77 North, of Range 26 West of the 5th P.M., Madison County, Iowa, and being more particularly described in the order for Appointment of Commissioners to which this oath and qualification is attached; we, and each of us further state that he is a resident freeholder of Madison County, Iowa; that he is not interested in the same or a like or similar question; that he will to the best of his ability faithfully and impartially assess said damages and make written report to the Sheriff, as provided by law.

W. W. Heimberger
A. H. Koch
Fred Morford, Jr.

M. S. Creger
Emory Ackelson
Lee Wheeler

Signed before me this 24 day of Autust, 1961.

(DISTRICT COURT SEAL) Marguerite Morrissey Clerk
of District Court

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES) NOTICE TO APPRAISERS OF TIME FOR APPRAISEMENT

TO: Emory Ackelson, Merrill Cerger, Walter W. Heimberger, Fred Morford, Jr., Alfred H. Kock, and Lee Wheeler, Sr.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED, that, having heretofore been appointed by me as appraisers to appraise the damages to certain real estate owned by Robert Cain and wife Clara Cain and located in Section 36, in Township 77 North, of Range 26 West of 5th P.M. Madison County, Iowa, on account of Madison County, Iowa, taking and appropriating a part thereof for road purposes, which part said Madison County, Iowa, asked to have condemned in an application filed by said Madison County, with the undersigned Sheriff on the 10th day of August, 1961. and that Notices of such Condemnation have been served on all the parties named in said application as being interested in said real estate, as shown by the Returns of Service thereon on file in my office, and that the time stated in said Notice as the time when the Commissioners will view the premises and appraise the damages

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

is the 24th day of August, 1961. at 10:00 o'clock A.M., and that you are now and hereby notified that you are required to proceed with the appraisement of damages in connection with the condemnation of said real estate at the time and date so stated.

YOU ARE FURTHER NOTIFIED that the real estate effected by said condemnation is described in said application and in the copy of said application which is attached to this Notice, marked Exhibit "A", and by this reference made a part hereof.

Dated this 14th day of August, 1961.

Rex Rouse Sheriff
of Madison County, Iowa

ACCEPTANCES AND ACKNOWLEDGEMENTS OF SERVICE

We, the undersigned, having been appointed as Commissioners to appraise the damages to real estate in connection with the Condemnation by Madison County, Iowa, do hereby acknowledge and accept due and legal service of the above and foregoing Notice this 24th day of August, 1961.

W. W. Heimberger
Fred Morford Jr.
M. S. Creger

A. H. Koch
Emory Ackelson
Lee Wheeler

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES)

APPLICATION TO SHERIFF FOR CONDEMNATION OF PROPERTY

TO: REX ROUSE SHERIFF OF MADISON COUNTY, IOWA:

WHEREAS,the undersigned, Madison County, Iowa, a corporation is desirous of taking and acquiring full and complete ownership of and holding certain real estate and relocating a public highway as the same now proceeds through Section 36, in Township 77 North, of Range 26 West of the 5th P.M., Madison County, Iowa, and

WHEREAS, the said Madison County cannot agree with the owner of the real estate hereinafter described as to the compensation to be paid therefore, nor as to the taking of said real estate, and

WHEREAS, said Madison County, Iowa, is desirous of having said real estate condemned and appropriated to it for such purposes under its powers as provided by laws of the State of Iowa for such purposes to-wit: Chapters 471 and 472 of the 1958 Code of Iowa, and any and all other pertinent statutory provisions, and

WHEREAS, it is necessary and proper and within the powers of Madison County, Iowa, that said real estate should be condemned and appropriated for such purposes, the same being public purposes, and

WHEREAS, the property sought to be condemned under this Application is described in Exhibit "A" attached hereto, and made a part hereof, and

WHEREAS, there is attached to this Application a plat showing the location of property sought to be affected by condemnation under these proceedings and the location of improvements and relocations, which plat is marked Exhibit "B" and made a part of this Application and

WHEREAS, the record owners of said real estate and their spouses, if any, and the record holders of any and all liens and encumbrances of said real estate, if any, together with each and all of their respective places of residence, so far as known to this Applicant are as follows, to-wit:

The Owners:	Place of Residence	Post Office Address
Robert Cain & wife Clara	Cumming, Iowa	Cumming, Iowa

Name of Mortgage or Lien Holder: None

Name of Lessee: None

NOW, THEREOFRE, this Applicant, Madison County, Iowa, requests that you appoint six

PIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

disinterested freeholders of Madison County, Iowa, who are not interested in the same or a like question, to inspect the said real estate hereinbefore described and to assess the damages for all claims of every kind and nature including the right of lateral support, the right to light, air and view, the right of access and any other consequential damages, if any, sustained by the owners and any other persons interested in said real estate, by reason of the taking, acquiring, appropriating and condemnation of said real estate for all of said purposes hereinbefore stated by Madison County, Iowa, and you are requested to proceed in connection with this Application as provided by law.

Dated this 10th day of August, 1961.

MADISON COUNTY, IOWA
By Emery L. Goodenberger County Attorney
in and for Madison County, Iowa

EXHIBIT "A"

Description of real estate belonging to Robert Cain & wife Clara the subject matter of this condemnation proceeding:

Commencing at the center of Section 36 T77N R26W of the 5th P.M.; thence South 110.7 feet; thence S70°14'E 28.4 feet to the point of beginning; thence continuing S70°14'E 1115.3 feet; thence S83°18'W 173.4 feet; thence N70°14'W 927.3 feet; thence North 87.2 feet to the point of beginning and containing 1.88 acres, more or less, exclusive of the present established highway.

Note: the West line of the SE¼ Section 36 is assumed to bear due North and South.

PLAT OF PROPERTY

Of Robert Cain Area 1.88 Acres Sta. 4+85 to Sta. 15+05

Section 36 T77 N-R 26W

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 91, PAGE 543

Madison County Project No. 7-61

PROPERTY PLAT

Acquired from Robert Cain Married or Single Clara R.O.W. Area 1.88 Acres. Borrow Area - - Acres. Total Consideration $ - -

Acquired by Condemnation Date of Contract - 19-

LOCATION

From CL Station 4+85 to CL Station 15+05 Section 36, Township 77N Range 26 W Township (Civil) Lee Iowa

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 91, PAGE 544

Madison County Project No. 7-61

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

ROBERT CAIN, Plaintiff -vs- MADISON COUNTY, IOWA, Defendant.

No. 19259 Law

DISMISSAL

FILED
1962 APR 9 AM 11:24
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

Comes now the Plaintiff, Robert Cain, and hereby dismisses the above and foregoing cause of action with prejudice.

C. R. Bentz
C. R. Bentz
Winterset, Iowa

Jno. N. Hartley
Jno. N. Hartley
Winterset, Iowa
Attorneys for Plaintiff

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

ROBERT CAIN, Plaintiff -vs- MADISON COUNTY, IOWA, Defendant.

No. 19259 Law

ORDER

FILED
1962 APR 9 AM 11:25
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT,
MADISON COUNTY, IOWA

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Now on this 9th day of April, A.D. 1962, it appearing to the Court that the Plaintiff has dismissed this cause of action with prejudice,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Sheriff of Madison County, Iowa, pay over to the Plaintiff, Robert Cain, all of the $1,400.00 Commissioner's award of damages heretofore deposited with the Sheriff in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court shall file with the County Recorder of Madison County, Iowa, the records required by Section 472.36 of the Code of Iowa, together with a copy of this order.

All of which is now and hereby ordered and entered on record.

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

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

ROBERT CAIN, Plaintiff -vs-	)	No. 19259 Law
MADISON COUNTY, IOWA, Defendant	)	AFFIDAVIT

I, Marguerite Morrissey, Clerk of the District Court in and for Madison County, Iowa do hereby certify that there was no money paid into my office for damages in the above referred to cause as said case was dismissed on the 9th day of April, 1962.

WITNESS my hand and seal of said Court this 9th day of April, A.D. 1962.

(DISTRICT COURT SEAL)

Marguerite Morrissey Clerk
of the District Court.

COMPARED