JENKINS-FERGEMANN CO., WATERLOO, IOWA—99067

Alfred W. Lienemann
To
Iowa Power & Light Co.

#2155

Fee $5.20
Plat $1.00

Filed for record the 21 day of April A. D. 1960 at 4:03 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 "TRANSCRIPT OF CONDEMNATION PROCEEDINGS FROM SHERIFF OF MADISON COUNTY, RECEIPT OF PAYMENT OF AMOUNT OF AWARD, RULING ON APPLICATION FOR FIXING FEES FOR PLAINTIFF'S ATTORNEYS, JUDGMENT ENTRY AND AFFIDAVIT BY CLERK OF THE DISTRICT COURT." In Cause Entitled Alfred W. Lienemann, Plaintiff-vs-Iowa Power & Light Company, Defendant, Law No. 18619, 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 14th day of April, 1960.

(DISTRICT COURT SEAL)

Marguerite Morrissey Clerk

STATE OF IOWA MADISON COUNTY)

CERTIFICATE OF TRANSCRIPT #18619

FILED
1957 Jan 4 AM 11:37
MARGUERITE MORRISSEY
CLERK, DISTRICT COURT
MADISON COUNTY, IOWA

I, Rex Rouse, Sheriff of Madison County, Iowa, hereby certify that the attached constitute all of the papers remaining in my hands pertaining to the condemnation proceedings undertaken on the application of the Iowa Power & Light Company against Alfred W. Lienemann or true and correct copies thereof insofar as said papers pertain to said landowners, which papers are hereby filed with the Clerk of the District Court of the State of Iowa in and for Madison County, Iowa in compliance with Section 472.20, of the 1954 Code of Iowa.

JENKINS-FERGEMANN CO., WATERLOO, IOWA—99087

Dated this 4th day of January, A.D. 1956.

Rex Rouse
Rex Rouse, Sheriff
Madison County, Iowa

BEFORE THE SHERIFF OF THE COUNTY OF MADISON
STATE OF IOWA

IN THE MATTER OF THE APPLICATION OF IOWA POWER AND LIGHT COMPANY FOR CONDEMNATION OF RIGHT OF WAY FOR TRANSMISSION LINE IN MADISON COUNTY, IOWA	:	APPLICATION FOR CONDEMNATION AND APPOINTMENT OF COMMISSION TO APPRAISE DAMAGES

TO: Rex Rouse, Sheriff of Madison County, Iowa:

The Applicant, Iowa Power and Light Company, an Iowa corporation with its general office in Des Moines, Iowa, hereby applies to Rex Rouse, the duly elected, qualified and acting Sheriff of Madison County, Iowa, for the appointment of a Commission to appraise the damages to the real estate, hereinafter described, and in connection therewith applicant states as follows:

1. That applicant, Iowa Power and Light Company, is a corporation organized under the laws of the State of Iowa, with its principal place of business and its general offices in the City of Des Moines, Polk County, Iowa, and is engaged in the business of generating and distributing electricity at various points and places within the State of Iowa.

2. That applicant holds a franchise issued by the Iowa State Commerce Commission authorizing the construction and operation of a transmission line in Madison County, Iowa, to be located upon the property hereinafter described and other property located in Madison County, Iowa. The franchise above referred to is more particularly described as follows:

DATE	DOCKET NO.	FRANCHISE NO.	LOCATION
June 13, 1956	E-11657	9688	Madison County, Iowa

3. That on or about the 24th day of September, 1956, under its Docket No. EEE-212 the Iowa State Commerce Commission issued to applicant its Certificate of Necessity to condemn certain lands for transmission line purposes, wherein the Iowa State Commerce Commission finds that the lands hereinafter described are necessary for the use of applicant for the construction, operation and maintenance of said transmission line in Madison County, Iowa. That said Certificate of Necessity prescribes the amount and sets forth a description of the land necessary for such purpose.

4. Applicant seeks to condemn and acquire by the process of eminent domain a right of way and easement one hundred (100) feet in width over, upon and across the real estate hereinafter set forth for the construction, maintenance and operation of said transmission line together with the permanent and perpetual right to cut and trim trees, overhang, and of ingress and egress over and across said 100 foot strip of property for the purpose of erecting, operating, maintaining, repairing, altering or removing the poles, structures or other equipment incident to the construction, maintenance and operation of said transmission line.

5. That the description of the property to be affected or sought to be condemned by its congressional numbers, a description of the specific property sought to be condemned from the said parcel of property, together with the name of the record owner and party in possession of the parcel of property sought to be condemned, and the place of residence of such person, so far as is known to applicant or as shown of record, are as follows, to-wit: - - -

Received 10-3-56, 8:59 A.M. - Rex Rouse, Sheriff

Parcel No. 213 The East 135 acres of the Southeast Quarter (SE¼) of Section 4 Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as a strip of land 100 feet in width across the above described property and properties adjacent to it. The centerline of the said strip shall enter the said Section 4 at a point approximately 180 feet north of the southwest corner of the Section and extend thence northeasterly to a point approximately 2565 feet south of the northeast corner of the said Section 4.

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

Attached hereto, marked "Exhibit A", and by this reference made a part hereof, is a plat showing the location of property south to be condemned.

The owner of record of the above described real estate is Alfred W. Lieneman, whose post office address is R.F.D., Van Meter, Iowa.

Applicant hereby requests that the Sheriff of Madison County, Iowa, appoint a Commission to appraise the damages to said land in accordance with the terms and provisions of Chapter 472, Code of Iowa (1954).

Dated at Des Moines, Iowa, on this 1st day of October, 1956.

IOWA POWER AND LIGHT COMPANY, Applicant
By - - - Its Attorney

BEFORE THE SHERIFF OF THE COUNTY OF MADISON, STATE OF IOWA

IN THE MATTER OF THE APPLICATION OF IOWA POWER AND LIGHT COMPANY FOR CONDEMNATION OF RIGHT OF WAY FOR TRANSMISSION LINE IN MADISON COUNTY, IOWA	:	NOTICE OF HEARING BEFORE COMMISSIONERS

TO: Alfred W. Lieneman, Owner

and all other persons, companies, or corporations having any interest in or owning any of the following described real estate:

The East 135 acres of the Southeast Quarter (SE¼) of Section 4, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa.

You are hereby notified that Iowa Power and Light Company, a corporation organized under the laws of the State of Iowa, with its principal place of business in the City of Des Moines, Polk County, Iowa, desires the condemnation of right of way and easement over and across the following described real estate, to-wit:

A strip of land 100 feet in width across the above described property and properties adjacent to it. The centerline of the said strip shall enter the said Section 4 at a point approximately 180 feet north of the southwest corner of tne Section and extend thence northeasterly to a point approximately 2565 feet south of the northeast corner of the said Section 4.

That such condemnation is sought for the following purpose: for the construction, maintenance and operation of an electric transmission line, together with the permanent and perpetual right to cut and trim trees, overhang and of ingress and egress over and across said property for the purpose of erecting, operating, maintaining, repairing, altering or removing the equipment incident to the construction, operation and maintenance of said transmission line.

That a Commission has been appointed, as provided by law, for the purpose of appraising the damage which will be caused by said condemnation.

That said Commissioners will on the 5 day of November, 1956, at 9:30 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.

IOWA POWER AND LIGHT COMPANY,
A CORPORATION OF DES MOINES, IOWA
By Webster & Frederick
Farmers and Merchants State Bank Bldg.
Winterset, Iowa, its attorneys

STATE OF IOWA, MADISON COUNTY) SS. RETURN OF ORIGINAL NOTICE

The within notice received this 3rd day of Oct. 1956, and I 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 thier respective names:

Name of defendent	Month	Day	Year	City, Town or Township	County	State
Alfred W. Lieneman	Oct.	10	1956	Jefferson	Madison	Ia.

FEES:
Service $ .75 fees pd. by plaintiff
11-26-56 RRR

Rex Rouse, Sheriff

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99087

BEFORE THE SHERIFF OF THE COUNTY OF MADISON, STATE OF IOWA

IN THE MATTER OF THE APPLICATION OF IOWA POWER AND LIGHT COMPANY FOR CONDEMNATION OF RIGHT OF WAY FOR TRANSMISSION LINE IN MADISON COUNTY, IOWA : AWARD OF COMMISSIONERS

We, the undersigned Commissioners, appointed by the Sheriff of Madison County, Iowa, to assess and appraise the damages to real estate in Madison County, Iowa by reason of the condemnation of easements over lands for electric transmission line purposes by Iowa Power and Light Company, under the applications filed in the office of the Sheriff of Madison County, Iowa, on Oct. 3 1956, do hereby make our report and award in writing as follows:

Pursuant to our appointment, each of the Commissioners so appointed by you, duly qualified on the 5th day of November, 1956, by taking and subscribing an oath in writing before the Clerk of the District Court of Madison County, Iowa, that each of us would to the best of his ability faithfully and impartially assess and appraise the damages to real estate in Madison County, Iowa, by reason of the appropriation of lands for electric transmission line purposes under said application, and make report thereof to the Sheriff.

On the 5th day of November, 1956, at - - A.M., we viewed the real estate described in the application for condemnation now on file with the Sheriff of Madison County, Iowa, as owned by Alfred W. Lieneman and that after hearing the statement and claims of the applicant and record owner, we do now hereby report that we have assessed the damages to the tract of real estate herein referred to by reason of the appropriation and condemnation of a transmission line easement over said land as follows:

For damages to the interest of Alfred W. Lieneman record owners, the sum of $2012.33

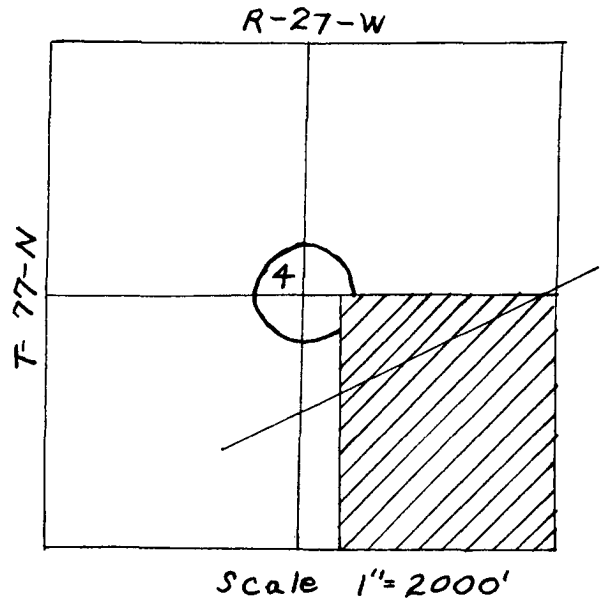
The Award herein made is subject to the lien of Madison County, Iowa, if any, for unpaid general taxes upon the real estate and any unpaid personal taxes of the record owner.

In Witness Whereof, the undersigned Commissioners, have hereunto subscribed their names at Winterset, Iowa, this 9 day of Nov. 1956.

Lloyd Bond	C. F. Ruth	John W. Foster
Don Beeler	Wm. A. Ryner	Roy Huston

The above and foregoing award of Commissioners was received and filed in my office on the 9 day of Nov. 1956, at 5:00 o'clock P. M.

Rex Rouse Sheriff
of Madison County, Iowa



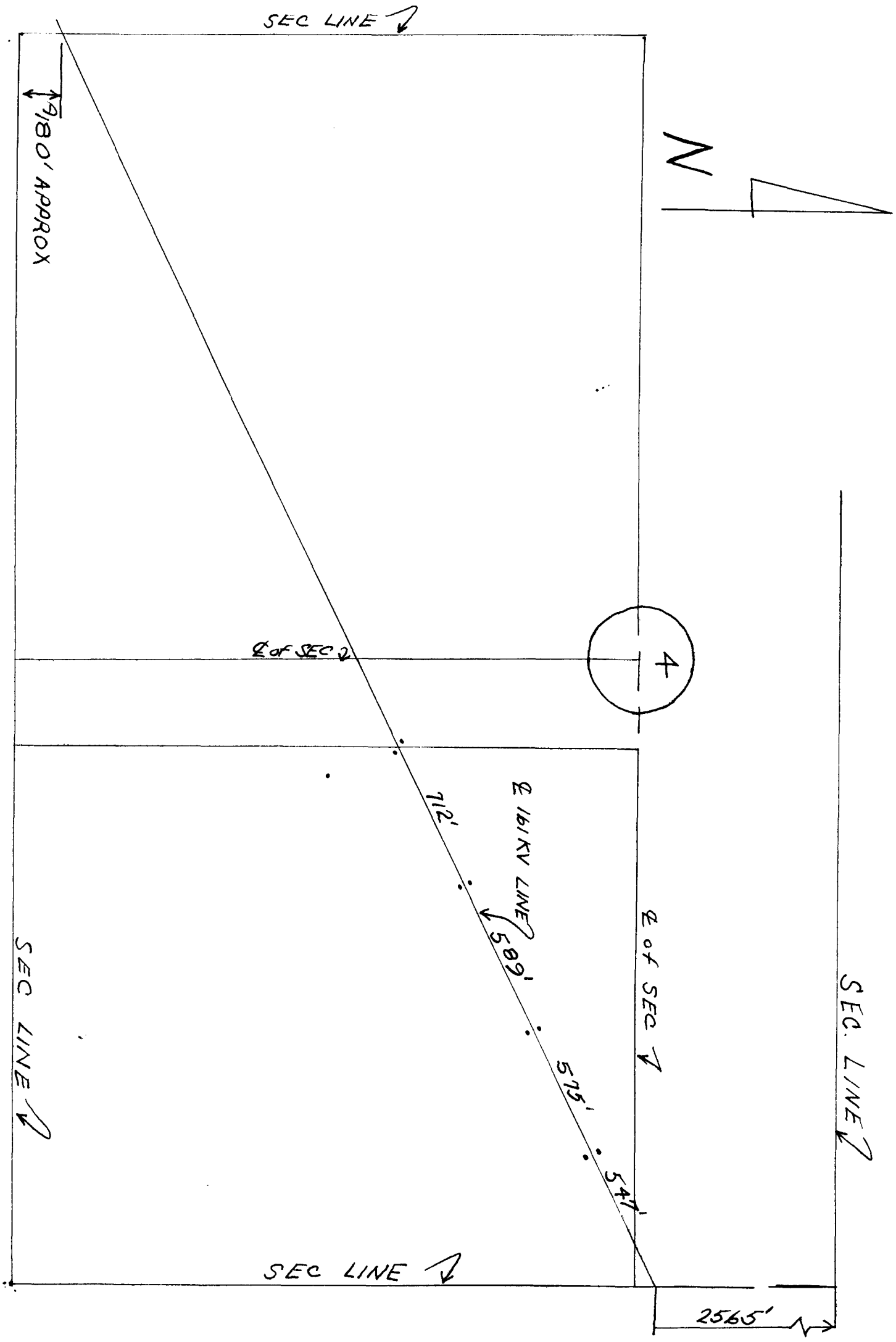
Horizontal distance from nearest conductor to nearest building not less than 100 feet.
All dimensions are approximate.

OWNER: ALFRED W. LIENEMANN

TENANT: NONE

IOWA POWER AND LIGHT CO.
PARCEL NO. 213 MADISON COUNTY
Drawn By L. Griffin Date: 8-17-56
Checked DDW Ell Scale As Shown
Approved E E Campbell
Approved J. N. Culhane Exhibit A

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067



IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

Alfred W. Lienemann, Plaintiff, : Law No. 18619
-vs-
Iowa Power & Light Company, Defendant. : Receipt of payment of Amount of Award.

FILED
1960 JAN 19 AM 8:52
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

I, Gordon K. Darling, attorney of record for Alfred W. Lienemann, hereby acknowledge receipt from the defendant, Iowa Power & Light Company, of the sum of Twenty-six Hundred Dollars ($2,600) being the total amount for which said company offered to confess judgment in favor of the plaintiff in the foregoing cause, which offer was accepted by plaintiff, Alfred W. Lienemann, on May 9, 1958.

Dated at Winterset, Iowa, this 14 day of January, 1960.

ALFRED W. LIENEMANN,
By Gordon K. Darling
Gordon K. Darling, his attorney

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

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

NO. 18619 LAW

Alfred W. Lienemann, Plaintiff, vs. Iowa Power & Light Company, Defendant. : Ruling on Application for Fixing Fees for Plaintiff's Attorneys

FILED 1960 MAR 7 AM 8:01
MARGUERITE MORRISSEY CLERK OF DISTRICT COURT MADISON COUNTY, IOWA

STATEMENT OF FACTS

This was a condemnation case in which the plaintiff appealed from the award of the condemnation commission.

The case was ready for trial when defendant filed an offer to confess judgment, which offer was accepted by the plaintiff. The confession of judgment exceeded the award of the condemnation commission by $406.67.

The plaintiff has filed an application for the Court to determine and fix the amount of the attorney fees to be paid to the plaintiff's attorneys under the provisions of Section 472.33 of the Iowa Code. The parties submitted the matter to the Court for ruling upon a stipulation of certain facts and that the Court shall consider the original files or pleadings as having been offered in evidence.

In addition to the usual instruments prepared and filed in such an appeal, there was a special appearance filed by the defendant which was later withdrawn and five motions filed by the defendant.

The plaintiff's attorneys devoted forty-five hours in performing their services for the plaintiff in this case, or it was stipulated that they would so testify. The defendant's attorney asked the Court to determine whether or not that amount of time was necessary.

RULING

The Court, after examining the pleadings and files in this case and after considering them and the stipulations as to the testimony of the plaintiff's lawyers, finds and rules that a reasonable fee for the services of the plaintiff's lawyers is the sum of $787.50 and said sum is allowed by the Court.

The plaintiff's attorneys are to prepare a proper order in accordance with this ruling and present it to the Court for signature.

Dated this 4th day of March, 1960.

Geo. H. Sackett Judge
of the Fifth Judicial District of Iowa

Copy Hereof Mailed to
John Connolly III
Ben Webster, Jr.
Delivered to Webster & Frederick
Gordon K. Darling
3-7-60
M. Morrissey Clerk of District Court Madison County, Iowa

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

ALFRED W. LIENEMANN, Plaintiff, -vs- IOWA POWER & LIGHT COMPANY, Defendant : No. 18619 Law : JUDGMENT ENTRY

COMPARED
FILED 1960 MAR 31 PM 2:41
MARGUERITE MORRISSEY CLERK OF DISTRICT COURT, MADISON COUNTY, IOWA

BE IT REMEMBERED that this cause is before the Court on the Application for fixing fees for Plaintiff's attorneys. Said matter having been argued and submitted to the Court, and the Court having heretofore on March 7, 1960, filed written Ruling herein, and the Court being well and fully advised in the premises finds that an Order should be entered herein allowing attorneys' fees in favor of Plaintiff's attorneys in the total sum of $787.50 in accordance with said written Ruling, and entering judgment thereon.

IT IS NOW THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff's

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

attorneys, Gordon K. Darling and John Connolly III, be and they are now and thereby allowed a fee herein, pursuant to written Ruling hereinbefore filed as aforesaid, in the total sum of $787.50, to be paid by the Defendant, the same to be taxed as a part of the costs herein. Judgment is now and hereby ordered and entered of record against the Defendant, Iowa Power & Light Company, for costs including said attorneys' fees in the total sum of $835.09.

IT IS FURTHER ORDERED that the attorneys' fees herein allowed Plaintiff's attorneys shall bear interest from the date hereof at the rate of five per cent per annum.

All of which is now and hereby ordered and entered of record this 31st day of March, 1960.

Geo. H. Sackett Judge
of the Fifth Judicial District of Iowa.

Approved as to form:
Shirley A. Webster
Defendant's attorneys.

AFFIDAVIT

THE STATE OF IOWA, Madison County, ss:

I, Marguerite Morrissey, Clerk of the District Court in and for Madison County, Iowa, do hereby certify that in the cause entitled Alfred W. Lienemann, Plaintiff, -vs-Iowa Power & Light Company, Defendant, Law No. 18619, that there was no money paid into my office for damages in said cause. That there is attached to this transcript of the proceedings in said cause a receipt of payment of Amount of the Award paid by Iowa Power & Light Company to Mr. Gordon K. Darling, Attorney for Alfred W. Lienemann.

WITNESS my hand and the Seal of said Court hereto affixed, at my office in Winterset, in said County, on this 14th day of April, 1960.

(DISTRICT COURT SEAL) COMPARED

Marguerite Morrissey Clerk
of the District Court
in and for Madison County, Iowa.