

Miscellaneous Record, No. 23, Madison County, Iowa

City of Winterset

#6850

Filed for record the 29 day of November
A.D. 1939 at 4:30 o'clock P.M.

To

Fee \$ 28.00 ✓

Pearl E. Shetterly, Recorder

Howard & Mrs. Howard Hammans

CONDEMNATION PROCEEDINGS AND APPEALCERTIFICATE OF TRANSCRIPT.

STATE OF IOWA, Madison County)ss:

I, P. E. Rose, Clerk of the District Court in and for said County, do hereby certify that attached hereto is a transcript certified by A. E. Null, Sheriff of Madison County, Iowa, on November 29, 1939, and filed in my office on November 29, 1939, in connection with the condemnation of property in Sections 18, 19 and 20 in Township 76 North, of Range 27 West of the 5th P.M., in Madison County, Iowa, by the City of Winterset, Iowa, for waterworks improvements, and that there is also attached hereto, a full, true and correct copy of "Order On Final Award And For Costs, Including Attorneys Fees", in Cause entitled Howard Hammans and Mrs. Howard Hammans Plaintiffs, vs. City of Winterset, Iowa, et al., Defendants, No. 16882 law in Madison County, Iowa, District Court, as the same appears of record in my office, and that the following is a written statement of all moneys received by the undersigned Clerk in payment of damages from whom received, to whom paid, and the amount paid to each claimant:

July 8, 1939, Received from City of Winterset, Iowa,--\$410.00,
July 8, 1939, Received from City of Winterset, Iowa,--\$114.55,

that said money was distributed as follows:

To payment of costs in said case of Howard Hammans and Mrs.
Howard Hammans, vs. City of Winterset, Iowa,-----\$114.55

To payment of Attorneys fees To Hamilton & Webster,
Winterset, Iowa, Attorneys for Plaintiff in case of
Howard Hammans and Mrs. Howard Hammans vs. City of
Winterset, Iowa,-----\$410.00,

and that all costs and attorney fees taxed in said costs have been paid in full.

That no damages to Howard Hammans or Mrs. Howard Hammans were paid to the undersigned Clerk, but that said damages in the amount of \$1600.00, being the amount of the jury verdict above the award made by the commissioners, was paid by the City of Winterset, Iowa, to the Sheriff of Madison County, Iowa, as shown by the said transcript filed by said Sheriff of Madison County, Iowa, and that said papers are the original files in said proceedings, except as specifically shown to be a copy, and that the statements accompanying the same are true.

Dated this 29th day of November, 1939.

(District Court Seal)

P. E. ROSE
Clerk of the District Court of Iowa,
in and for Madison County.

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

HOWARD HAMMANS and MRS. HOWARD HAMMANS,)
Plaintiff)

No. 16875

vs:

CITY OF WINTERSET, IOWA,

Defendant)

ORDER ON FINAL AWARD AND FOR
COSTS, INCLUDING ATTORNEYS FEES

Now on this 9th day of June, A.D. 1939, this matter comes on for hearing to the Court on the question of making the final award on the verdict of the jury and fixing the attorney fees to be allowed the plaintiffs as a part of the costs of this case,

The plaintiffs appear by their attorneys, Hamilton & Webster, and the defendant appears by Daniel J. Gallery, City Attorney, and the Court having heard the evidence offered and the arguments of counsel and being well and fully advised, finds:

That at the time of the condemnation of the plaintiffs' real estate the award of the appraisers was in the sum of \$3000.00 made to the Union Central Life Insurance Company of Cincinnati, Ohio. That no award was made to the plaintiffs, That pursuant thereto an appeal was taken by the plaintiffs in this action from the award of the appraisers and this cause was tried to a jury on issues joined and on May 24, 1939, the jury returned a verdict in favor of the plaintiffs in the sum of \$4600.00. That the defendant was given until June 3rd to file motion for new trial

Condemnation Delivered
to City Hall 12-30-1939

Miscellaneous Record, No. 23, Madison County, Iowa

and exceptions to the instructions, which motion and exceptions the defendant failed to file.

The Court further finds upon this hearing held on this date that Hamilton & Webster acted as attorneys for the plaintiffs from March 20, 1939, in perfecting the appeal to this Court and in the preparation of the case and trial thereof with the result that the verdict of the jury was \$1600.00 more than the award made by the appraisers to the Union Central Life Insurance Company of Cincinnati, Ohio, which company did not appeal from said award of the appraisers.

The Court further finds that the plaintiffs should be allowed as a part of the costs in this case a reasonable attorney fee, and that \$410.00 is a reasonable fee taking into consideration the time spent in the preparation of the case and the time spent in the trial thereof.

The Court further finds, pursuant to a stipulation of the parties to this action, that \$3000.00 of the same is satisfied by the award already made to the Union Central Life Insurance Company of Cincinnati, Ohio, the warrant for which has been delivered to the Sheriff of Madison County, Iowa, That the amount to be paid the plaintiffs on the verdict of the jury in this cause, after giving credit for the \$3000.00 already awarded the Union Central Life Insurance Company of Cincinnati, Ohio, should be \$1600.00.

IT IS THEREFORE ORDERED by the Court that the defendant, City of Winterset, Iowa, pay to the plaintiffs in this cause the sum of \$1600.00 over and above the award of \$3000.00 made by the appraisers on condemnation to the Union Central Life Insurance Company of Cincinnati, Ohio.

IT IS FURTHER ORDERED by the Court that the defendant pay the costs of this action taxed in the sum of \$506.05, which costs shall include an attorney fee of \$410.00 as a reasonable fee, and that judgment be entered against the defendant for the amount of said costs, including said attorney fee.

IT IS FURTHER ORDERED that the defendant pay the accruing costs such as the fees for recording the proceedings as provided by law.

All of which is now and hereby ordered and entered of record. The plaintiffs and the defendant except to each and every adverse ruling.

W. S. Cooper
Judge of the Fifth Judicial District of Iowa.

CERTIFICATE OF SHERIFF.

FILED NOV 29 1939
P. E. Rose Clerk of District Court
Deputy

STATE OF IOWA, MADISON COUNTY)SS:

I, A. E. Null, Sheriff of Madison County, Iowa, do hereby certify: that attached hereto are papers which were filed in my office in connection with Condemnation proceedings instituted by the City of Winterset, Iowa for the condemnation of property in connection with the making of extensions and improvements to the Municipal Waterworks System of the City of Winterset, Iowa, such real estate being located in Sections 18, 19 and 20 in Township 76 North, Range 27 West of the 5th P.M., said papers being as follows:

APPLICATION TO SHERIFF FOR CONDEMNATION OF PROPERTY, filed February 15, 1939, at 2:15 P.M., APPOINTMENT OF COMMISSIONERS,

NOTICE TO COMMISSIONERS OF TIME FOR APPRAISEMENT, with copy of Appointment of Commissioners attached thereto as Exhibit "A", and with acceptance and acknowledgment of service of said Notice by each of the six commissioners, to wit: H. H. Finney, H. G. Tilton, J. F. Willcox, J. S. Hodson, D. M. Griswold and Ches. Beeler.

AFFIDAVIT FOR PUBLICATION OF NOTICE, filed in my office on February 15, 1939,

AFFIDAVIT OF PUBLICATION, showing publication of Notice of Condemnation of property by the City of Winterset, Iowa, in the Winterset Madisonian, a weekly newspaper of general circulation in Madison County, Iowa, published in Winterset, Iowa, for four consecutive weeks, the last publication being on March 8, 1939,

NOTICE OF CONDEMNATION OF PROPERTY BY THE CITY OF WINTERSET, IOWA, with returns of service thereon showing service on Robert H. Campbell, C. W. Fogarty, Mrs. C. W. Fogarty, Howard Hemmans, Mrs. Howard Hemmans, Ella Glenn, Dean Glenn, Victoria Johnson, A. Wesley Johnson, Maude Johnson, Mabel E. Simmons, Clerk E. Simmons, Lester Carl Johnson, W. T. Guher, Harold Martin W. Guye, Clyde V. Guye, Margaret Guye, John W. Casper, Mrs. John W. Casper, Dwight Casper, Beulah/ Willie Martin, Robert Casper, Mrs. Robert Casper, Farmers and Merchants State Bank, Winterset, Iowa, Madison County, Iowa, The Federal Land Bank of Omaha, a Corporation, The Union Central Life Insurance Company, a Corporation, (by sending notice to the Commissioner of Insurance of the State of Iowa, and acceptance of service by him, as provided by Iowa law), acceptance and acknowledgment of service by L. L. Blomgren, Trustee under the last will and testament of S. B. Johnson, Deceased, and by L. L. Blomgren, Executor of the last will and testament

Miscellaneous Record, No. 23, Madison County, Iowa

of S. B. Johnson, Deceased, and return of service showing service on Elizabeth Johnson, and return of service showing service on Mary Burnham Nichols, and acceptance and acknowledgment of service by Byron H. Johnson and Bessie B. Johnson;

REPORT OF COMMISSIONERS,

NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY FROM THE ASSESSMENT OF DAMAGES BY THE COMMISSIONERS APPOINTED BY A. E. NULL, SHERIFF OF MADISON COUNTY ON APPLICATION OF CITY OF WINTERSSET, Iowa, such notice of appeal being given by Howard Hammens and Mrs. Howard Hammens, together with acceptance of service thereon.

I further certify that attached hereto are certain other papers filed in said proceedings as follows:

Letter written to A. E. Null, Sheriff, by Earl A. Grimes, Attorney, The Union Central Life Insurance Company, dated June 15, 1939, with a copy of a letter attached thereto written by Earl A. Grimes, Attorney, to the Clerk of the District Court, Madison County, Winterset, Iowa, dated June 15, 1939;

Letter written to A. E. Null, Sheriff of Madison County, Winterset, Iowa, by Earl A. Grimes, Attorney, The Union Central Life Insurance Company, dated June 26, 1939;

Copy of letter written by A. E. Null, Sheriff, to Union Central Life Ins. Co., Attention: Earl A. Grimes, Kansas City, Missouri, dated June 27, 1939;

Letter to A. E. Null, Sheriff of Madison County, Winterset, Iowa, by Earl A. Grimes, Attorney, The Union Central Life Insurance Company, dated at Kansas City, Missouri, July 10, 1939;

Letter to A. E. Null, Sheriff of Madison County, Winterset, Iowa, by Earl A. Grimes, Attorney, The Union Central Life Insurance Company, dated at Kansas City, Missouri, July 22, 1939.

I further certify and state: that I have received money in payment of damages in connection with said condemnation and have paid out money in connection therewith as follows:

Received May 20, 1939, from City of Winterset, Iowa, \$174.09 for costs in Condemnation proceedings.

Disbursements.

May 20, 1939, Paid Chas. Beeler, compensation as Commissioner -----	\$ 15.00
May 20, 1939, Paid J. S. Hodson, compensation as Commissioner -----	\$ 15.00
May 20, 1939, Paid J. F. Willcox, compensation as Commissioner -----	\$ 15.00
May 20, 1939, Paid H. H. Finney, compensation as Commissioner -----	\$ 15.00
May 20, 1939, Paid D. M. Griswold, compensation as Commissioner -----	\$ 15.00
May 20, 1939, Paid H. G. Tilton, compensation as Commissioner -----	\$ 15.00
May 20, 1939, Paid Winterset Madisonian for publication in condemnation proceedings -----	\$ 61.00
May 20, 1939, Paid Daniel J. Gallery, costs advanced for service of notices of condemnation to officers in Polk County, Iowa, Floyd County, Iowa, Dallas County, Iowa, and Douglas County, Nebraska -----	\$ 7.50

I also certify and state: that I recieved warrants from the City of Winterset, Iowa, all dated May 20, 1939, payable in the amounts and to the parties hereinafter set out, as follows:

\$2400.00 to John W. Casper, Dwight Casper, Beulah Martin and Robert Casper;
 \$ 200.00 to John W. Casper and Dwight Casper;
 \$2850.00 to Harold W. Guye and Clyde V. Guye;
 \$ 150.00 to Harold W. Guye and Clyde V. Guye;
 \$ 500.00 to Richard D. Hake and Farmers and Merchants State Bank, of Winterset, Iowa, (mtgee.);
 \$ 826.80 to C.W. Fogarty and The Federal Land Bank of Omaha. (mtgee.);
 \$3000.00 to The Union Central Life Insurance Company, a Corporation;
 \$2500.00 to Ella Glenn and The Federal Land Bank of Omaha, (mtgee.);
 \$ 250.00 to Victoria Johnson, A. Wesley Johnson, Byron H. Johnson, Mabel E. Simmons, Lester Carl Johnson, Laura C. Taylor, The Federal Land Bank of Omaha, (mtgee.), and L. L. Blomgren, Trustee under the last will and testament of S. B. Johnson, Deceased, and L. L. Blomgren Executor of the last will and testament of S. B. Johnson, Deceased;
 \$3930.00 to Victoria Johnson, A. Wesley Johnson, Byron H. Johnson, Mabel E. Simmons, Lester Carl Johnson, Laura C. Taylor, L. L. Blomgren, Trustee under the last will and testament of S. B. Johnson, Deceased, and L. L. Blomgren, Executor of the last will and testament of S. B. Johnson, deceased;

and that said warrants were delivered by me and received by the parties entitled thereto.

I further certify and state; that on June 9, 1939, I received from the City of Winterset, Iowa, a warrant for \$1600.00, payable to Howard Hammens and Mrs. Howard Hammens, and that on the same date the said warrant was delivered by me and received by the parties entitled thereto.

That there is attached hereto, marked Exhibit "1" and made part hereof, a Receipt book containing signed receipts for said payments.

I further certify and state: that I have no other papers to be certified in connection with said condemnation proceedings; that the papers attached hereto are the original files in the

Miscellaneous Record, No. 23, Madison County, Iowa

proceedings, and that the statements accompanying the same are true, as I verily believe.

Dated this 29th day of November, 1939.

A. E. Null
Sheriff of Madison County, Iowa.

Exhibit "1"

MONEY RECEIPTS

Harold W		:	Harold W	
Clyde V. Guye	May 20, 1939	:	Clyde V. Guye	May 20 1939
Received of A E Null Sheriff		:	Received of A E Null Sheriff	
One hundred fifty 00/100 DOLLARS		:	Two thousand eight hundred fifty DOLLARS	
Item #20 Easement for Water Main.		:	Tract #10,13,14,15 condemned land	
Docket Ia 1535 F		:	used on Docket Ia 1535 F	
\$150.00	Clyde V. Guye	:	\$2850.00	Clyde V. Guye
.....				
John Casper		:		
Dwight Casper		:		
Beulah Martin		:		
Robert Casper	May 20 1939	:		May 20 1939
Received of A. E. Null Sheriff		:	Received of A E Null Sheriff	
Twenty four hundred DOLLARS		:	Two Hundred 00/100 DOLLARS	
Tract # 16, 17, 18 of the condemned land		:	Tract # 19 of the Condemned land used on	
used on Docket Ia 1535 F		:	Docket Iowa 1535 F	
\$2400.00	Dwight Casper	:	\$200.00	John W. Casper
.....				
Received of A E Null Sheriff	May 20 1939	:	Received of A. E. Null Sheriff	May 20 1939
Sixty one DOLLARS		:	Seven and 50/100 DOLLARS	
Publication City Condemnation		:	Cost adv Polk, Floyd, Douglas Co Neb	
proceedings The Winterset Madisonian		:	Dallas Co. Sheriffs offices	
\$61.00	J. C. Moore	:	\$7.50	Daniel J. Gallery
.....				
Chas. Beeler	May 20 1939	:	J S Hodson	May 20 1939
Received of A E Null Sheriff		:	Received of A E Null Sheriff	
Fifteen 00/100 DOLLARS		:	Fifteen 00/100 DOLLARS	
Appraisers fee City Cond.Proc.		:	City cond Proceeding appraiser	
\$15.00	Chas. Beeler	:	\$15	J. S. Hodson
.....				
J F Willcox	May 20 1939	:	H. H. Finney	May 20 1939
Received of A E Null Sheriff		:	Received of A E Null Sheriff	
Fifteen 00/100 DOLLARS		:	Fifteen 00/100 DOLLARS	
Appraiser fee City Cond. Proc		:	Appraisers fee City Cond. Proc	
\$15.00	J. F. Willcox	:	\$15.00	H. H. Finney
.....				
D. M. Griswold	May 20 1939	:		May 20 1939
Received of A E Null Sheriff		:	Received of A E Null Sheriff	
Fifteen DOLLARS		:	Fifteen Dollars	
Appraisers fee City Cond Proc		:	Appraisers fee City Cond Proc	
\$15.00	D. M. Griswold	:	\$15.00	H. C. Tilton
	by GHG	:		
.....				
Received of A E Null Sheriff	May 27 1939	:	Received of A E Null Sheriff	May 27 1939
Three Thousand Nine hundred thirty DOLLARS		:	Two Hundred Fifty DOLLARS	
Tract 8-9-11-12 Docket Iowa 1535F		:	Tract # 7 of Iowa Docket 1535 F	
\$3939.00	C. D. Van Werden Atty	:	\$250.00	C. D. Van Werden Atty
.....				
Received of A E Null Sheriff	May 27 1939	:		Winterset Ia. 6-5 1939
Five Hundred Dollars		:	Received of A E Null	
Tract # 1 Docket Ia 1535F		:	Eight Hundred Twenty six & 80/100 DOLLARS	
\$500.00	Farmers and Merchants State Bank:	:	in check #.20.	
	By N. E. Kelley	:	\$826.80	C. W. Fogarty
.....				
Received of A. E. Null	Winterset Ia. 6-5 1939	:	Received of A. E. Null - Sheriff	Winterset Iowa 6-9 1939
Twenty five Hundred & no/100 DOLLARS		:	\$1600.00 DOLLARS	
in check # 22		:	in check #27	
\$2500.00	Elle Glenn	:	\$1600.00	Mrs Howard Hammans

Financial Department
THE UNION CENTRAL LIFE INSURANCE COMPANY
Glenn A. Bryant, Manager
Kansas City Office, Financial Branch
1600 Dierks Building

Kansas City, Missouri

Mr. A. E. Null, Sheriff
Madison County
Winterset, Iowa

Dear Mr. Null:

We have your letter of no date, informing us that you have in your possession a check payable to this Company in the ~~14~~ ~~14~~ amount of \$3000.00, signed by the City of Winterset, with the purpose of paying for condemned land docket Iowa 1535-F, commonly known as the Howard Hammond land.

We are not able to identify this land from this information, We are writing to the Clerk of the Court on the theory that he will be able to advise us what your letter is about. We enclose a copy of our letter to the Clerk.

Miscellaneous Record, No. 23, Madison County, Iowa

Please hold the money until we may know what this matter is about. We will write ^{to} you again shortly.
 enc.
 EAG:EM
 June 15, 1939

Yours very truly,
 Earl A. Grimes
 Earl A. Grimes Attorney

Clerk of the District Court
 Madison County
 Winterset, Iowa

Dear Sir:

We have a letter from the Sheriff of Madison County, without date, from which we quote as follows:

"We have in our possession a check in the amount of \$3,000.00 made payable to the Union Central Life Insurance Company signed by the City of Winterset. This being in payment of condemned land docket Iowa 1535-F, commonly known here as the Howard Hammond land."

We do not know what the Sheriff refers to. Will you advise us what is the case under docket 1535-F? Please let us have a description of the real estate, and let us know what has been done, or attempted to be done, to affect the rights of this Company. We enclose a self-addressed and stamped envelope for your convenience and will thank you for an immediate answer, and we will thank you for information advising us when this condemnation proceedings was instituted, when an award was made, whether or not the right of appeal still exists under the regular rules of the Court, assuming that we were in Court when the award was made. We, however, want it understood that we were not in Court, insofar as we at this office know. Thanking you in advance for a prompt answer, I am

EAG:EM
 June 15, 1939

Yours very truly,
 Earl A. Grimes Attorney

FINANCIAL DEPARTMENT
 THE UNION CENTRAL LIFE INSURANCE COMPANY
 GLENN A. BRYANT, MANAGER
 Kansas City Office, Financial Branch
 1600 Dierks Building

Mr. A. E. Null
 Sheriff of Madison County
 Winterset, Iowa

Kansas City, Missouri
 #020,206 Howard Hammans
 Madison County, Iowa

Dear Sir:

You wrote to us prior to the 15th of June, advising us that you then held a check ^{signed} by the City of Winterset, payable to this Company in the amount of \$3000.00, representing the proceeds of an award made in condemnation of certain real estate. We are now advised that on the 9th day of June, the Court made an order increasing the award to \$4600.00, and directing the City of Winterset to pay over \$1600.00 in addition to the \$3000.00 which had theretofore been paid. This causes us to believe that you now hold \$4600.00 for this Company. Will you please forward it to us as the holders of a first mortgage upon the land which was taken by the condemnation proceeding

We will credit the proceeds of the award to the last maturing of the principal of the debt secured by our mortgage. We are writing to Hamilton and Webster, ^{who} lawyers/represented Howard Hammans and his Wife, in the condemnation proceeding, advising them that the proceeds of the award will be credited as is stated herein above.

Yours very truly,
 Earl A. Grimes
 Earl A. Grimes Attorney

EAG:EM
 June 26, 1939

OFFICE OF
 SHERIFF MADISON COUNTY
 A. E. NULL, SHERIFF
 CHAS. H. NEIDT, DEPUTY

Union Central Life Ins. Co.
 Attn: Earl A. Grimes
 Kansas City Missouri

Winterset, Iowa
 June 27, 1939
 RE: #020,206 Howard Hammans
 Madison County, Iowa

Dear Sir:

I am in receipt of your letter of June 26th in regard to the above numbered case and would say that the appeal on the condemnation jury's findings was made in the name of Howard Hammans and the check for \$1600.00 which you mentioned in your letter has been delivered to Mr.

Miscellaneous Record, No. 23, Madison County, Iowa

Hammans several days ago for which I hold receipt in my file.

I do have in my possession check for \$3000.00 made payable to Union Central Life Ins.Co. which I mentioned in my previous letter. Will you please advise me what disposition I should make of this check?

Copy

Yours truly,

A.E.NULL Madison County Sheriff.

FINANCIAL DEPARTMENT
THE UNION CENTRAL LIFE INSURANCE COMPANY
GLENN A. BRYANT, MANAGER
KANSAS CITY OFFICE, FINANCIAL BRANCH
1600 Dierks Building

Mr. A.E.NULL,
Sheriff of Madison County
Winterset, Iowa

Kansas City, Missouri
#020, 206 Hammans
Madison County, Iowa

Dear Sir: Condemnation Proceeding #16875 In District Court for Madison County, Iowa.

We desire to assure you that we appreciate your letters advising that you hold \$3000.00 payable to this Company and are ready to deliver the check of the City of Winterset for such amount.

We did not know of this condemnation by any means until after the final judgment and award was made on the 9th day of June. We are trying to determine what our rights are with reference to the \$1600.00 additional award which was made on the 9th day of June. We will shortly advise you what is our desire with reference to the check which you hold.

Yours very truly,

Earl A. Grimes

Earl A. Grimes Attorney

EAG:EM
July 10, 1939
CC: P.R.Kyrlach

FINANCIAL DEPARTMENT
THE UNION CENTRAL LIFE INSURANCE COMPANY
GLENN A. BRYANT, MANAGER
KANSAS CITY OFFICE, FINANCIAL BRANCH
1600 Dierks Building

Mr. A.E.Null
Sheriff of Madison County
Winterset, Iowa

Kansas City, Missouri
#020, 206 Howard Hammans
Madison County, Iowa

Dear Sir:

Please be referred to your letter which was mailed to you prior to the answer we made thereto on the 15th day of June, in which letter you informed us that you then held in your possession check of the City of Winterset, payable to this Company in the amount of \$3000.00, and please refer to your letter of June 27 in which you referred to that same check.

We now respectfully ask that you mail the check in question to this Company by return mail. We enclose a self-addressed and stamped envelope for your convenience and will thank you for an immediate response.

You may be assured that we appreciate the courtesies you have extended in connection with this matter.

Yours very truly,

Earl A. Grimes

Earl A. Grimes Attorney

EAG:EM
July 22, 1939

NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY FROM THE ASSESSMENT OF DAMAGES BY THE COMMISSIONERS APPOINTED BY A.E.NULL, SHERIFF OF MADISON COUNTY ON APPLICATION OF CITY OF WINTERSET, IOWA

TO THE CITY OF WINTERSET, IOWA, and to D.J.GALLERY, CITY ATTORNEY FOR THE CITY OF WINTERSET, IOWA, and to A.E.NULL, SHERIFF OF MADISON COUNTY, IOWA:

YOU AND EACH OF YOUR ARE HEREBY NOTIFIED that Howard Hammans and Mrs. Howard Hammans do hereby appeal from the assessment of damages awarded herein March 18, 1939, by the Commissioners appointed by A.E.Null, Sheriff of Madison County, Iowa, on the application of the City of Winterset, Iowa, filed with said Sheriff on February 15, 1939, under which appointment said Commissioners assessed the damages to tracts numbered 3 and 4 in said Application of the City of Winterset, Iowa, and described therein as follows:

STATE OF IOWA MADISON COUNTY JCC:
I, Clair E. Hamilton, on oath state that the within and foregoing Notice of Appeal to the District Court of Iowa, in and for Madison County, came into my hands for service on the 17th day of April, A.D. 1939, and that on said date I served the same on the City of Winterset, Iowa, a municipal corporation, by offering to read said notice to C. E. Baker, the City Clerk of the City of Winterset, Iowa, which reading he waived, and by delivering to him a true copy thereof; and by offering to read said notice to Eugene Wilson, Mayor of the City of Winterset, Iowa, which reading he waived, and by delivering to him a true copy thereof.

All done in Center Township, Madison County, Iowa, on April 17, 1939
Subscribed and sworn to before me and in my presence by Clair E. Hamilton this 17th day of April, 1939 Notary Public in and for Madison County, Iowa. 131

Miscellaneous Record, No. 23, Madison County, Iowa

The South Half (S½) of the East Quarter (E¼) of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) and the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section Nineteen (19) Township Seventy-six (76) North, Range Twenty-seven (27) Madison County, Iowa.

YOU ARE FURTHER NOTIFIED that the grounds of appeal are that the damages awarded are not sufficient and that the assessment of damages should be in the Sum of Five Thousand Dollars (\$5000.00), being the actual damages. Said grounds of appeal will be more fully stated in the Petition which will be filed by the said Howard Hammans and Mrs. Howard Hammans in the Office of the Clerk of the District Court of Iowa, in and for Madison County, on or before May 2, 1939, pursuant to statute.

YOU ARE FURTHER NOTIFIED that unless you appear hereto and defend before noon of the second day of May A.D. 1939, term of said Court which will commence and be held at the Court House in Winterset, Iowa, on May 2, A.D. 1939, default will be entered against you and judgment rendered thereon as prayed in said Petition.

Hamilton & Webster
Hamilton & Webster, Winterset, Iowa,
Attorneys for Howard Hammans and Mrs.
Howard Hammans, Plaintiffs and Appellants.

ACCEPTANCE OF SERVICE

Service of the above and foregoing notice of appeal is hereby accepted and a receipt of copies hereby acknowledged by the undersigned this 17th day of April, A.D. 1939.

A E Null
Sheriff of Madison County, Iowa.
.....
City Attorney for the City of Winterset, Iowa

RECEIVED Apr 17 1939
SHERIFF'S OFFICE
MADISON CO., IOWA

IN THE MATTER OF THE APPLICATION BY THE CITY OF WINTERSET, IOWA, A MUNICIPAL CORPORATION, LOCATED IN MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR EXTENSIONS AND IMPROVEMENTS TO ITS EXISTING MUNICIPAL WATERWORKS SYSTEM.

REPORT OF COMMISSIONERS.

TO A.E.NULL, Sheriff of Madison County, Iowa:

The undersigned, J.S.Hodson, J.F.Willcox, H.C.Tilton, H.H.Finney, D.M.Griswold and Chas. Beeler, commissioners appointed by you by order of appointment, dated February 15, 1939, to inspect the real estate hereinafter described and assess the damages which the several owners and parties interested therein will sustain, by reason of the condemnation and appropriation thereof, for the uses of the City of Winterset, Iowa, in connection with extensions and improvements to the municipal waterworks system of said City of Winterset, Iowa, as stated in its Application for Condemnation of Property, filed with said Sheriff of Madison County, Iowa, on February 15, 1939, do hereby make report that upon due notice we have inspected the said premises and we met on the said premises on the 18th day of March, 1939, at 10:00 o'clock A.M., and viewed said premises on said 18th day of March, 1939, and appraised the same and assessed the damages sustained by the condemnation, taking and appropriation thereof as follows:

Tract. No. 1. The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-Township 76 North, Range 27 West of the 5th P.M.

To Richard D.Hake, owner of said Tract No. 1, the sum of \$500.00. This award is made subject to the mortgage lien of The Farmers and Merchants State Bank, Winterset, Iowa, and the warrant for payment of this award is to be made payable to Richard D.Hake and Farmers and Merchants State Bank, Winterset, Iowa

Tract No. 2. East Quarter of the Northwest quarter of the southwest quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M.

To C.W.Fogarty, owner of said Tract No. 2, the sum of \$826.80. This award is subject to the mortgage lien of The Federal Land Bank of Omaha, and the warrant for payment of said award is to be made payable to C.W.Fogarty and The Federal Land Bank of Omaha.

Miscellaneous Record, No. 23, Madison County, Iowa

Tract No. 3. and Tract No. 4. The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., and the Southeast quarter of the northwest quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M.

To The Union Central Life Insurance Company, a corporation, of Cincinnati, Ohio, the owner of said Tracts No. 3 and 4, the sum of \$3000.00.

Tract No. 5 and Tract No. 6. The West half of the northeast quarter of the southwest quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., and a triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M.

To Ella Glenn, the owner of said Tracts No. 5 and 6, the sum of \$2500.00. This award is subject to lien of The Federal Land Bank of Omaha, on its mortgage, and the warrant for payment of said award is to be made payable to Ella Glenn and The Federal Land Bank of Omaha.

Tract No. 7. A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18, Township 76 North, Range 27 West of the 5th P.M.

To Victoria Johnson, A. Wesley Johnson, Byron H. Johnson, Mabel E. Simmons, Lester Carl Johnson, Laura C. Taylor, owners of said Tract No. 7, the sum of \$250.00.

This award is subject to the mortgage lien of The Federal Land Bank of Omaha, and to the rights of L.L. Blomgren, Executor of the last will and testament of S.B. Johnson, deceased, and L.L. Blomgren, Trustee under the last will and testament of S.B. Johnson, deceased, and the warrant for payment of said award is to be made payable to Victoria Johnson, A. Wesley Johnson, Byron H. Johnson, Mabel E. Simmons, Lester Carl Johnson, Laura C. Taylor, The Federal Land Bank of Omaha, L.L. Blomgren, Executor of the last will and testament of S.B. Johnson, deceased, and L.L. Blomgren, Trustee under the last will and testament of S.B. Johnson, deceased.

> Tracts No. 8, 9, 11, and 12. The East Half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M.; and the east half of the northwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M.; and the west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18, Township 76 North, Range 27 West of the 5th P.M.; and the northeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M.

To Victoria Johnson, A. Wesley Johnson, Byron H. Johnson, Mabel E. Simmons, Lester Carl Johnson, Laura C. Taylor, owners of said Tracts No. 8, 9, 11, and 12, the sum of \$3930.00. This award is made subject to the rights of L.L. Blomgren, Executor of the Last Will and testament of S.B. Johnson, deceased, and L.L. Blomgren, Trustee under the last will and testament of S.B. Johnson, deceased, and the warrant for the payment of said award is to be made payable to Victoria Johnson, A. Wesley Johnson, Byron H. Johnson, Mabel E. Simmons, Lester Carl Johnson, Laura C. Taylor, L.L. Blomgren, Executor of the last will and testament of S.B. Johnson, deceased, and L.L. Blomgren, Trustee under the last will and testament of S.B. Johnson, deceased.

Tracts No. 10, 13, 14 and 15; All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the Southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M.; a piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is

Miscellaneous Record, No. 23, Madison County, Iowa

eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning; and a triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

To Harold W. Guye and Clyde V. Guye, the owners of said Tracts No. 10, 13, 14 and 15, the sum of \$2850.00. The warrant for the payment of this award is to be made payable to Harold W. Guye and Clyde V. Guye, their interests being undivided.

✓ Tracts No. 16, 17 and 18. The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20, Township 76 North, Range 27 West of the 5th P.M.; and the west quarter of the south half of the northwest quarter of the northwest quarter of Section 20, Township 76 North, Range 27 West of the 5th P.M.; and the west quarter of the southwest quarter of the northwest quarter of Section 20, Township 76 North, Range 27 West of the 5th P.M.

To John W. Casper, Dwight Casper, Beulah Martin and Robert Casper, owners of said Tracts No. 16, 17 and 18, the sum of \$2400.00. The warrant for the payment of said award is to be made payable to John W. Casper, Dwight Casper, Beulah Martin and Robert Casper.

✓ Tract No. 19. All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20, Township 76 North, Range 27 West of the 5th P.M., lying north of the center line of the existing highway.

To John W. Casper and Dwight Casper, the owners of said Tract No. 19 the sum of \$200.00. The interests of said owners are undivided, and the warrant for the payment of said award is to be made payable to John W. Casper and Dwight Casper.

Item No. 20. For the easement in, to and upon and across certain real estate hereinafter described, in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, such easement being the right to enter upon and construct and build in and upon such real estate and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit;

Commencing at a point in the north line of the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway.

To Harold W. Guye and Clyde V. Guye, the owners of said real estate described in said Item 20, the sum of \$150.00. The interests of said owners being undivided, the warrant for the payment of said award is to be made payable to Harold W. Guye and Clyde V. Guye.

.....
All of said real estate hereinbefore described is located in Madison County, Iowa, in Township 76 North, Range 27 West of the 5th P.M.
.....

The awards hereinbefore set out are the only awards made.
.....

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

Cost of Notices:

The Winterset Madisonian, publication -----	\$61.00
Sheriff of Polk County, Iowa, (advanced by Daniel J. Gallery)-----	1.40
Sheriff of Floyd County, Iowa, (advanced by Daniel J. Gallery)-----	1.00
Sheriff of Douglas County, Nebraska, (advanced by Daniel J. Gallery)-----	3.00
Sheriff of Dallas county, Iowa, (advanced by Daniel J. Gallery)-----	2.10
Sheriff of Madison County, Iowa, -----	9.75

Miscellaneous Record, No. 23, Madison County, Iowa

Cost of Mileage and attendance of Sheriff's office	Mileage attendance	1.80 4.00 <u>5.80</u>	5.80
Appraiser's Fees--Each appraiser 30 hours at 50c. per hour			
J. S. Hodson-----			15.00
J. F. Willcox-----			15.00
H. G. Tilton-----			15.00
H. H. Finney-----			15.00
D. M. Griswold-----			15.00
Chas. Beeler-----			15.00
			<u>174.05</u>

STATE OF IOWA, MADISON COUNTY)ss:

We, the undersigned, J. S. Hodson, J. F. Willcox, H. G. Tilton, H. H. Finney, D. M. Griswold and Chas. Beeler, each being duly sworn, hereby depose and say: that we are the commissioners appointed by the Sheriff of Madison County, Iowa, to appraise and assess the damages in connection with the condemnation of real estate in Madison County, Iowa, by the City of Winterset, Iowa, for extension; and improvements to the municipal waterworks system of the said City of Winterset, Iowa, and that we have viewed the premises involved and have appraised and assessed such damages, and that the above and foregoing Report contains the assessment of damages as made by us, as such commissioners, and that in making such assessment, we have, to the best of our ability, faithfully and impartially assessed such damages; all of which is true as we verily believe.

J. S. Hodson	J. F. Willcox
H. G. Tilton	H. H. Finney
D. M. Griswold	Chas. Beeler

Subscribed in my presence and sworn to before me by said J. S. Hodson, J. F. Willcox, H. G. Tilton, H. H. Finney, D. M. Griswold and Chas. Beeler, this 18th day of March, 1939.

(Notarial Seal)

Daniel J. Gallery
Notary Public in and for Madison
County, Iowa.

NOTICE OF CONDEMNATION OF PROPERTY BY
THE CITY OF WINTERSET, IOWA.

RECEIVED MAR 4 1939
SHERIFF'S OFFICE
MADISON CO., IOWA
POSTED

TO: Richard D. Hake; Robert H. Campbell; Farmers and Merchants State Bank, Winterset, Iowa; C. W. Fogarty; Mrs. C. W. Fogarty; The Federal Land Bank of Omaha, a Corporation; The Union Central Life Insurance Company, a Corporation; Howard Hammans; Mrs. Howard Hammans; Ella Glenn; Dean Glenn; Victoria Johnson; A. Wesley Johnson; Maude Johnson; Byron H. Johnson; Bessie Johnson; Mabel E. Simmons; Clark E. Simmons; Lester Carl Johnson; Laura C. Taylor; Leo Taylor; Mary Burnham Nichols; E. G. Nichols; Elizabeth Johnson; L. L. Blomgren, Trustees under the last will and testament of S. B. Johnson, deceased; L. L. Blomgren, Executor of the last will and testament of S. B. Johnson, deceased; W. T. Guher; Harold W. Guye; Clyde V. Guye; Margaret Guye; John W. Casper; Mrs. John W. Casper; Dwight Casper; Beulah Martin; Willis Martin; Robert Casper; Mrs. Robert Casper; Madison County, Iowa, and any and all other persons, companies or corporations having any interest in or owning any of the real estate hereinafter described;

You are hereby notified that the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, desires the condemnation of the real estate hereinafter described, and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of such real estate, which real estate is situated in Madison County, Iowa, in Sections 18, 19 and 20 in Township 76 North, Range 27 West of the 5th P.M., as is described as follows, to wit:

The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27.
East quarter of the northwest quarter of the southwest quarter of Section 19-76-27.

The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19-76-27.

The southeast quarter of the northwest quarter of Section 19-76-27.

The west half of the northeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of // the southwest quarter of Section 19-76-27.

A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27.

Miscellaneous Record, No. 23, Madison County, Iowa

The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-75-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27.

The northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27.

The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-76-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27.

The northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

Error - Repetition of portion immediately preceding

Miscellaneous Record, No. 23, Madison County, Iowa

The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27.

All that part of the West quarter of the northwest quarter of the southwest quarter of Section 20-76-27 lying north of the center line of the existing highway; all of said real estate being situated in Township 76 north, Range 27 West of the 5th P.M.

That condemnation of said real estate is sought for the following purposes; for making extensions and improvements to the existing municipal water works system of said City of Winterset, Iowa, which are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with existing electric distribution system of the said City, a water main supply line from the filtration and pumping plant to a connection with the existing water main system of the said City, miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site; and in connection therewith a reservoir of water is to be created and maintained; and soil and other materials located on said real estate is to be used in making such extensions and improvements.

You are further notified that said City of Winterset, Iowa, desires, and in said application has asked for the condemnation of additional real estate hereinafter described for the purpose of an easement therein, such easement being the right to enter upon, and to construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the Southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway; that said water main is to be used for conducting water in connection with said extensions and improvements to said water works system of said City.

You are further notified that a commission of six commissioners has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

You are further notified that said commissioners will, on the 18th day of March, 1939, 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.

CITY OF WINTERSET, IOWA, Applicant,
By Daniel J. Gallery
City Attorney for said City of Winterset, Iowa.

RETURN OF NOTICE

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 4th day of March 1939, and I certify that I served the same on the defendants named below, by offering to read the original to each of them which they waived, and delivering to each of them a true copy of the same at the time and place set

opposite their names:
Names of Persons

Names of Persons	Month	Day	Yr.	Township	County	State
Robert H. Campbell	Mar.	6	1939	Douglas	Madison	Iowa
C.W. Fogarty	Mar.	6	1939	Union	Madison	Iowa
Mrs C.W. Fogarty	Mar.	6	1939	Union	Madison	Iowa
Howard Hammans	Mar.	6	1939	Union	Madison	Iowa
Mrs Howard Hammans	Mar.	6	1939	Union	Madison	Iowa
Elle Glenn	Mar.	6	1939	Union	Madison	Iowa
Dean Glenn	Mar.	6	1939	Union	Madison	Iowa
Victoria Johnson	Mar.	6	1939	Center	Madison	Iowa
A. Wesley Johnson	Mar.	6	1939	Union	Madison	Iowa

Miscellaneous Record, No. 23, Madison County, Iowa

Maude Johnson	Mar.	6	1939	Union	Madison	Iowa
Mabel E. Simmons	Mar.	6	1939	Union	Madison	Iowa
Clark E. Simmons	Mar.	6	1939	Union	Madison	Iowa
Lester Carl Johnson	Mar.	6	1939	Union	Madison	Iowa

FEES

Service,	\$	3.50
Copies,	\$	0.00
Mileage,	\$	3.00
Total,	\$	6.50
Total	\$	9.75
Paid by		

A. E. Null
Sheriff of Madison County, Iowa.
By Chas. H. Neidt Deputy
Subscribed and sworn to before me by
this.....day ofA.D.19...
.....in and for Madison County, Iowa.

RETURN OF NOTICE

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 4th day of March 1939, and I certify that I served the same on the defendants named below, by offering to read the original to each of them which they waived, and delivering to each of them a true copy of the same at the time and place set opposite their names:

Names of Persons	Month	Day	Yr.	Township	County	State
W. T. Guhier	Mar.	6	1939	Center	Madison	Iowa
Harold W. Guye	Mar.	6	1939	Jefferson	Madison	Iowa
Clyde V. Guye	Mar.	6	1939	Jefferson	Madison	Iowa
Margaret Guye	Mar.	6	1939	Jefferson	Madison	Iowa
John W. Casper	Mar.	6	1939	Union	Madison	Iowa
Mrs John W. Casper	Mar.	6	1939	Union	Madison	Iowa
Dwight Casper	Mar.	6	1939	Union	Madison	Iowa
Paulah Martin	Mar.	6	1939	Center	Madison	Iowa
Willis Martin	Mar.	6	1939	Center	Madison	Iowa
Robert Casper	Mar.	6	1939	Union	Madison	Iowa
Mrs Robert Casper	Mar.	6	1939	Union	Madison	Iowa

FEES

Service,	\$	2.75
Copies,	\$	0.00
Mileage	\$	0.00
Total	\$	2.75
Paid by		

A. E. Null
Sheriff of Madison County, Iowa
By Chas H Neidt Deputy
Subscribed and sworn to before me by
thisday ofA.D.19...
.....in and for Madison County, Iowa

RETURN OF NOTICE

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 4th day of March 1939, and on the 6th day of March, 1939, I served the same upon the Farmers and Merchants State Bank, Winterset, Iowa, by offering to read the same to N. E. Kelley he being the Cashier of said corporation, which he waived, and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

FEES

Service	-	\$	.25
Copies	-	\$	0.00
Mileage	-	\$	0.00
Total	-	\$	.25
Paid by			

A. E. Null
Sheriff of Madison County, Iowa.
By Chas. H. Neidt Deputy

RETURN OF NOTICE

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 4th day of March 1939, and on the 6th day of March, 1939, I served the same upon Madison County, Iowa, by offering to read the same to R. O. Brock, he being the Auditor of Madison County, Iowa, which he waived and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

FEES

Service	-	\$	.25
Copies	-	\$	0.00
Mileage	-	\$	0.00
Total	-	\$	.25
Paid be			

A. E. Null
Sheriff of Madison County, Iowa
By Chas H. Neidt Deputy

RETURN OF SERVICE.

STATE OF NEBRASKA COUNTY OF DOUGLAS)SS.

I, J. Gail Moredick, being first duly sworn, depose and say; that I am now, and was, at all times herein mentioned, Deputy Sheriff in and for Douglas County, Nebraska; that I received the within Notice of Condemnation of Property by The City of Winterset, Iowa, for service on the 24th day of February, 1939, and that on the 24th day of February, 1939, I served the said Notice on the within named defendant, The Federal Land Bank of Omaha, a Corporation, by offering to read the same to Charles McCumsey, President of the said corporation, The Federal Land Bank of

Miscellaneous Record, No. 23, Madison County, Iowa

Omaha, who was in charge of the office, at the usual place of business of said Corporation in the City of Omaha, Douglas County, Nebraska, which he waived, and by delivering to him a true copy of said Notice; all done in the City of Omaha, Douglas County, Nebraska.

J. Gail Moredick Deputy Sheriff

Subscribed in my presence and sworn to before me by said affiant this 11th day of March, 1939.

My Commission expires Oct. 5 - 1939

Albert W. Elsasser
Notary Public in and for Douglas County,
Nebraska

FEES.
Fees \$2.35
Mileage .15
Notary .25
" .25
\$3.00

(Recorder's Note: a portion omitted, look forward to page 165.)

RECEIVED
INSURANCE DEPT. OF IOWA
FEB 25 1939
Chas. R. Fischer
Commissioner of Insurance

(Notarial Seal) Pd. by Daniel J. Gallery.

NOTICE OF CONDEMNATION OF PROPERTY BY
THE CITY OF WINTERSSET, IOWA.

TO: Richard D.Hake; Robert H.Campbell; Farmers and Merchants State Bank,Winterset,Iowa;
C.W.Fogarty; Mrs.C.W.Fogarty; The Federal Land Bank of Omaha, a Corporation; The Union Central
Life Insurance Company, a Corporation; Howard Hammans; Mrs.Howard Hammans; Ella Glenn;Dean Glenn;
Victoria Johnson; A.Wesley Johnson; Maude Johnson; Byron H. Johnson; Bessie Johnson; Mabel E.
Simmons; Clerk E.Simmons; Lester Carl Johnson; Laura C.Taylor; Leo Taylor; Mary Burnham Nichols;
E.G.Nichols; Elizabeth Johnson; L.L.Blomgren,Trustee under the last will and testament of S.B.
Johnson,deceased; L.L.Blomgren,Executor of the last will and testament of S.B.Johnson,deceased;
W.T.Guher; Harold W.Guye; Clyde V.Guye;Margaret Guye; John W.Casper; Mrs.John W.Casper; Dwight
Casper;Beulah Martin; Willis Martin; Robert Casper; Mrs.Robert Casper;Madison County,Iowa, and
any and all other persons,companies or corporations having any interest in or owning any of the
real estate hereinafter described:

You are hereby notified that the City of Winterset,Iowa, a municipal corporation,located
in Madison County,Iowa, desires the condemnation of the real estate hereinafter described,and
has filed with the Sheriff of Madison County,Iowa, a written application for the condemnation
of such real estate,which real estate is situated in Madison County,Iowa, in Sections 18,19,and
20 in Township 76 North, Range 27 West of the 5th P.M., as is described as follows, to wit;

The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27.

East quarter of the northwest quarter of the southwest quarter of Section 19-76-27.

The south half of the east quarter of the southwest quarter of the northwest quarter of
Section 19-76-27.

The southeast quarter of the northwest quarter of Section 19-76-27.

The west half of the northeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the northwesterly half of the northwest quarter of the
southeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the southeast half of the southeast quarter of the south-
west quarter of the southeast quarter of Section 18-76-27.

The east half of the southwest quarter of the northwest quarter of the northeast quarter
of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-76-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North,
Range 27 West of the 5th P.M.,except a triangular piece of land being the southeast half of the
southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the south-
east quarter of Section 18-76-27.

The northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A piece of land in the south half of the southeast quarter of the northeast quarter of
Section 19,Township 76 North,Range 27 West of the 5th P.M.,described as follows;

Miscellaneous Record, No. 23, Madison County, Iowa

Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27.

All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20-76-27 lying north of the center line of the existing highway;

all of said real estate being situated in Township 76 north, Range 27 West of the 5th P.M.

That condemnation of said real estate is sought for the following purposes: for making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with existing electric distribution system of the said City, a water main supply line from the filtration and pumping plant to a connection with the existing water main system of the said City, miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site; and in connection therewith a reservoir of water is to be created and maintained; and soil and other materials located on said real estate is to be used in making such extensions and improvements.

You are further notified that said City of Winterset, Iowa, desires, and in said application has asked for the condemnation of additional real estate hereinafter described for the purpose of an easement therein, such easement being the right to enter upon, and to construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit: Commencing at a point in the north line of the south half of the Southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence Southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway; that said water main is to be used for conducting water in connection with said extensions and improvements to said waterworks system of said City.

You are further notified that a commission of six commissioners has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

You are further notified that said commissioners will, on the 18th day of March, 1939, 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.

City of Winterset, Iowa, Applicant,
By Daniel J. Gallery City Attorney for said City of
Winterset, Iowa.

Miscellaneous Record, No. 23, Madison County, Iowa

ACCEPTANCE OF SERVICE

STATE OF IOWA COUNTY OF POLK)ss Service of the foregoing Notice is hereby accepted as is provided by law for the Union Central Life Insurance Co., defendant named therein, this 25 day of Feb 1939 Des Moines, Iowa.

COMMISSIONER OF INSURANCE
By C C Kirkpatrick Deputy Commissioner

RECEIVED MAR 2 1939 SHERIFF'S OFFICE
MADISON CO., IOWA
by Registered Mail 11:00-A.M.

AFFIDAVIT AND RETURN OF SERVICE OF NOTICE

STATE OF IOWA, MADISON COUNTY)SS:

I, Arleta Cox, being duly sworn, depose and say: that on the 24th day of February, 1939, there came into my hands for service a notice denominated "Notice of Condemnation of Property By the City of Winterset, Iowa", and that on the 24th day of February, 1939, I sent said notice and a true copy thereof, by registered letter, to the Commissioner of Insurance of the State of Iowa, such notice, and copy thereof, being placed in a sealed envelope addressed to Commissioner of Insurance, State Insurance Department of Iowa, Southern Surety Building, Des Moines, Iowa, which letter was duly registered and placed in the United States Post Office at Winterset, Iowa, on the 24th day of February, 1939, with proper postage attached for sending ~~sending~~ said letter by registered mail, and that the notice to which this Affidavit and Return is attached is a true and correct duplicate of the said notice which, with copy thereof, was sent to said Commissioner of Insurance of the State of Iowa as aforesaid, and that the postage for sending said letter by registered mail was paid by Daniel J. Gallery in the sum of 21¢; all of which is true, as I verily believe.

Arletta Cox

Subscribed in my presence and sworn to before me by said Arletta Cox this 14th day of March, 1939.

(Notarial Seal)

Daniel J. Gallery
Notary Public in and for Madison County, Iowa.

NOTICE OF CONDEMNATION OF PROPERTY BY
THE CITY OF WINTERSET, IOWA.

TO: Richard D. Hake; Robert H. Campbell; Farmers and Merchants State Bank, Winterset, Iowa; C. W. Fogarty; Mrs. C. W. Fogarty; The Federal Land Bank of Omaha, a Corporation; The Union Central Life Insurance Company, a Corporation; Howard Hammans; Mrs. Howard Hammans; Ella Glenn; Dean Glenn; Victoria Johnson; A. Wesley Johnson; Maude Johnson; Byron H. Johnson; Bessie Johnson; Mabel E. Simmons; Clark E. Simmons; Lester Carl Johnson; Laura C. Taylor; Leo Taylor; Mary Burnham Nichols; E. G. Nichols; Elizabeth Johnson; L. L. Blomgren; Trustee under the last will and testament of S. B. Johnson, deceased; L. L. Blomgren, Executor of the last will and testament of S. B. Johnson, deceased; W. T. Guher; Harold W. Guye; Clyde V. Guye; Margaret Guye; John W. Casper; Mrs. John W. Casper; Dwight Casper; Beulah Martin; Willis Martin; Robert Casper; Mrs. Robert Casper; Madison County, Iowa, and any and all other persons, companies or corporations having any interest in or owning any of the real estate hereinafter described:

You are hereby notified that the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, desires the condemnation of the real estate hereinafter described, and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of such real estate, which real estate is situated in Madison County, Iowa, in Sections 18, 19, and 20 in Township 76 North, Range 27 West of the 5th P.M., as is described as follows, to wit:

The Northeast quarter of the southwest quarter of the Southwest quarter of Section 19-76-27.
East quarter of the northwest quarter of the southwest quarter of Section 19-76-27.

The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19-76-27.

The southeast quarter of the northwest quarter of Section 19-76-27.

The west half of the northeast quarter of the southwest quarter of Section 19-76-27.

Miscellaneous Record, No. 23, Madison County, Iowa

A triangular piece of land, being the northwesterly half of the northwest quarter of the quarter of the southeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27.

The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-76-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27.

The northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27.

All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20-76-27 lying north of the center line of the existing highway;

All of said real estate being situated in Township 76 north, Range 27 West of the 5th P.M.

That condemnation of said real estate is sought for the following purposes; for making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with existing electric distribution system of the said City, a water main supply line from the filtration and pumping plant to a connection with the existing water main system of the said City, miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site; and in connection therewith a reservoir of water is to be created and maintained, and soil and other materials located on said real estate is to be used in making such extensions and improvements.

You are further notified that said City of Winterset, Iowa, desires, and in said application has asked for the condemnation of additional real estate hereinafter described for the purpose of an easement therein, such easements being the right to enter upon, and to construct and build

Miscellaneous Record, No. 23, Madison County, Iowa

in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit: Commencing at a point in the north line of the south half of the Southeast quarter of the northeast quarter of Section 19, Township 76 north, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence Southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway; that said water main is to be used for conducting water in connection with said extensions and improvements to said waterworks system of said City.

You are further notified that a commission of six commissioners has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

You are further notified that said commissioners will, on the 18th day of March, 1939, 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.

CITY OF WINTERSSET, IOWA, Applicant,
By Daniel J. Gallery
City Attorney for said City of
Winterset, Iowa.

ACCEPTANCE AND ACKNOWLEDGMENT OF SERVICE.

STATE OF ILLINOIS, COUNTY OF Fayette)ss;

I, L. L. Blomgren, Trustee under the last will and testament of S. B. Johnson, Deceased, named in the attached Notice of Condemnation of Property By The City of Winterset, Iowa, do hereby accept and acknowledge due, legal and timely service of said Notice of Condemnation of Property By The City of Winterset of Winterset, Iowa, and acknowledge receipt of a copy of said Notice, and I waive time and place of the service of said notice and waive any irregularities or defects in the manner of service or the length of the notice given prior to March 18, 1939, at 10:00 o'clock A.M.

Dated at St Elmo, in the County of Fayette, State of Illinois, this 25th day of February, 1939.

L L Blomgren
Trustee under the last will and
testament of S. B. Johnson, Deceased.

State of Illinois, County of Fayette ,ss:

I, L. L. Blomgren, Executor under the last will and testament of S. B. Johnson, Deceased, named in the attached Notice of Condemnation of Property by the City of Winterset, Iowa, do hereby accept and acknowledge due, legal and timely service of said Notice of Condemnation of Property By The City of Winterset, Iowa, and acknowledge receipt of a copy of said Notice, and I waive time and place of service of said notice and waive any irregularities or defects in the manner of service or the length of the notice given prior to March 18, 1939, at 10:00 o'clock A.M.

Dated at St Elmo, in the County of Fayette, State of Illinois, this 25th day of February, 1939.

L L Blomgren
Executor of the last will and testament of
S. B. Johnson, Deceased

NOTICE OF CONDEMNATION OF PROPERTY BY
THE CITY OF WINTERSSET, IOWA.

TO: Richard D. Hake; Robert H. Campbell; Farmers and Merchants State Bank, Winterset, Iowa; C. W. Fogarty; Mrs. C. W. Fogarty; The Federal Land of Omaha, a Corporation; The Union Central Life Insurance Company, a Corporation; Howard Hammans; Mrs. Howard Hammans; Ella Glenn; Dean Glenn; Victoria Johnson; A. Wesley Johnson; Maude Johnson; Byron H. Johnson; Bessie Johnson; Mabel E. Simmons; Clark E. Simmons; Lester Carl Johnson; Laura C. Taylor; Leo Taylor; Mary Burnham Nichols; E. G. Nichols; Elizabeth Johnson; L. L. Blomgren, Trustee under the last will and testament of S. B. Johnson, deceased; L. L. Blomgren, Executor of the last will and

Miscellaneous Record, No. 23, Madison County, Iowa

testament of S. B. Johnson, Deceased; W. T. Guher; Harold W. Gue, Clyde V. Gue; Margaret Gue; John W. Casper; Mrs. John W. Casper; Dwight Casper; Paulah Martin; Willis Martin; Robert Casper; Mrs. Robert Casper; Madison County, Iowa and any and all other persons, companies or corporations having any interest in or owning any of the real estate hereinafter described;

You are hereby notified that the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, desires the condemnation of the real estate hereinafter described, and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of such real estate, which real estate is situated in Madison County, Iowa, in Sections 18, 19 and 20 in Township 76 North, Range 27 West of the 5th P.M., as is described as follows, to wit:

The northeast quarter of the southwest quarter of the southwest quarter of Section 18-76-27.
East quarter of the northwest quarter of the southwest quarter of Section 19-76-27.

The South half of the east quarter of the southwest quarter of the Northwest quarter of Section 19-76-27.

The southeast quarter of the northwest quarter of Section 19-76-27.

The west half of the northeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 19-76-27.

The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-76-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27.

The Northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80'), west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27.

All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20-76-27 lying north of the center line of the existing highway; all of said real estate/

being

Miscellaneous Record, No. 23, Madison County, Iowa

situated in Township 76 north, Range 27, West of the 5th P.M.

That condemnation of said real estate is sought for the following purposes: for making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with existing electric distribution system of the said City, a water main supply line from the filtration and pumping plant to a connection with the existing water main system of the said City, miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site; and in connection therewith a reservoir of water is to be created and maintained; and soil and other materials located on said real estate is to be used in making such extensions and improvements.

You are further notified that said City of Winterset, Iowa, desires, and in said application has asked for the condemnation of additional real estate hereinafter described for the purpose of an easement therein, such easement being the right to enter upon, and to construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the Southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway; that said water main is to be used for conducting water in connection with said extensions and improvements to said water works system of said City.

You are further notified that a commission of six commissioners has been appointed/by law as provided for the purpose of appraising the damages which will be caused by said condemnation.

You are further notified that said commissioners will, on the 18th day of March, 1939, 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.

CITY OF WINTERSET, IOWA, Applicant,
By Daniel J. Gallery City Attorney for said
City of Winterset, Iowa.

RETURN OF ORIGINAL NOTICE

STATE OF IOWA, Floyd County)ss:

The within notice came into my hands on the 23rd day of February, 1939, and I certify that I served the same on the defendant named below by offering to read the original to Her which she waived; and delivering to Her a true copy of the same at the time and place set opposite Her names:

Name of Persons	Month	Day	Year	Township	County	State
Elizabeth Johnson	February	24th	1939	Charles City	Floyd	Iowa

(Sheriffs Seal)

B. F. Atherton
Sheriff of Floyd County
By..... Deputy

STATE OF IOWA, Floyd County,)ss.

The within notice came into my hands on theday of19... and on the ---day of.... 19... I served the same on, by leaving a true copy thereof at the house of, situated in the township ofCounty, Iowa, the same being the usual place of residence of said defendants, with a member of said defendant's family, with whom he resides, and over 14 years of age, the said defendant not being found within the county.

.....
Sheriff of Floyd County
By Deputy

STATE OF IOWA, Floyd County, ss.

The within notice came into my hands on theday of19.../and theday of ... 19... I served the same upon theby reading the same to, he being the of said corporation or company, or by offering to read the same to him, which he waived, and by giving him a true copy thereof, all done in..... Township,County, Iowa.

.....
Sheriff of Floyd County
By Deputy

Miscellaneous Record, No. 23, Madison County, Iowa

FEES	
Service	\$.50
Copies	..
Mileage	.50
Total	\$ 1.50

Pd by Plaintiffs Attorney
Daniel Gallery
B. F. Atherton Sheriff

NOTICE OF CONDEMNATION OF PROPERTY BY
THE CITY OF WINTERSSET, IOWA.

TO: Richard D. Hake; Robert H. Campbell; Farmers and Merchants State Bank, Winterset, Iowa; C. W. Fogarty; Mrs. C. W. Fogarty; The Federal Land Bank of Omaha, a Corporation; The Union Central Life Insurance Company, a Corporation; Howard Hammans; Mrs. Howard Hammans; Ella Glenn; Dean Glenn; Victoria Johnson; A. Wesley Johnson; Maude Johnson; Byron H. Johnson; Bessie Johnson; Mabel E. Simmons; Clark E. Simmons; Lester Carl Johnson; Laura C. Taylor; Leo Taylor; Mary Burnham Nichols; E. C. Nichols; Elizabeth Johnson; ~~Elizabeth Johnson~~; L. L. Blomgren, Trustee under the last will and testament of S. B. Johnson, deceased; L. L. Blomgren, Executor of the last will and testament of S. B. Johnson, deceased; W. T. Guher; Harold W. Guye; Clyde V. Guye; Margaret Guye; John W. Casper; Mrs. John W. Casper; Dwight Casper; Beulah Martin; Willis Martin; Robert Casper; Mrs. Robert Casper; Madison County, Iowa, and any and all other persons ^{companies} or corporations having any interest in or owning any of the real estate hereinafter described:

You are hereby notified that the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, desires the condemnation of the real estate hereinafter described, and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of such real estate, which real estate is situated in Madison County, Iowa, in Sections 18, 19, and 20 in Township 76 North, Range 27 West of the 5th P.M., as is described as follows, to wit:

The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27.
East quarter of the northwest quarter of the southwest quarter of Section 19-76-27.

The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19-76-27.

The southeast quarter of the northwest quarter of Section 19-76-27.

The west half of the northeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27.

The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-76-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27.

The northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A peice of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as

Miscellaneous Record, No. 23, Madison County, Iowa

follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27.

All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20-76-27 lying north of the center line of the existing highway; all of said real estate being situated in Township 76 north, Range 27 West of the 5th P.M.

That condemnation of said real estate is sought for the following purposes; for making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with existing electric distribution system of the said City, a water main supply line from the filtration and pumping plant to a connection with the existing water main system of the said City, miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site; and in connection therewith a reservoir of water is to be created and maintained; and soil and other materials located on said real estate is to be used in making such extensions and improvements.

You are further notified that said City of Winterset, Iowa, desires, and in said application has asked for the condemnation of additional real estate hereinafter described for the purpose of an easement therein, such easement being the right to enter upon, and to construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the Southeast quarter of the of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway; that said water main is to be used for conducting water in connection with said extensions and improvements to said water works system of said City.

You are further notified that a commission of six commissioners has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

You are further notified that said commissioners will, on the 18th day of March, 1939, 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.

CITY OF WINTERSET, IOWA, Applicant,
By Daniel J. Gallery City Attorney for said
City of Winterset, Iowa.

NOTICE OF CONDEMNATION OF PROPERTY BY
THE CITY OF WINTERSET, IOWA.

TO: Richard D. Heke; Robert H. Campbell; Farmers and Merchants State Bank, Winterset, Iowa; C. W. Fogarty; Mrs. C. W. Fogarty; The Federal Land Bank of Omaha, a Corporation; The Union Central Life Insurance Company, a Corporation; Howard Hamman; Mrs. Howard Hamman; Ella Glenn; Dean Glenn; Victoria Johnson; A. Wesley Johnson; Maude Johnson; Byron H. Johnson; Bessie Johnson; Mabel E. Simmons; Clark E. Simmons; Lester Carl Johnson; Laura G. Johnson; Laura C. Taylor; Leo Taylor; Mary Burnham Nichols; E. G. Nichols; Elizabeth Johnson; L. L. Blomgren, Trustee under the

Miscellaneous Record, No. 23, Madison County, Iowa

last will and testament of S. B. Johnson, deceased; L. L. Blomgren, Executor of the last will and testament of S. B. Johnson, deceased; W. T. Cuiher; Harold W. Guye; Clyde V. Guye; Margaret Guye; John W. Casper; Mrs. John W. Casper; Dwight Casper; Beulah Martin; Willis Martin; Robert Casper; Mrs. Robert Casper; Madison County, Iowa, and any and all other persons, companies or corporations having any interest in or owning any of the real estate hereinafter described:

You are hereby notified that the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, desires the condemnation of the real estate hereinafter described, and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of such real estate, which real estate is situated in Madison County, Iowa, in Sections 18, 19, and 20 in Township 76 North, Range 27 West of the 5th P.M., as is described as follows, to wit:

The Northwest quarter of the southwest quarter of the southwest quarter of Section 19-76-27.
East quarter of the northwest quarter of the southwest quarter of Section 19-76-27.

The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19-76-27.

The southeast quarter of the northwest quarter of Section 19-76-27.

The west half of the northeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27.

The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-76-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27, West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27.

The northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty^{feet} (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27.

All that part of the west quarter of the northwest quarter of the southwest quarter of

Miscellaneous Record, No. 23, Madison County, Iowa

Section 20-76-27 lying north of the center line of the existing highway; all of said real estate being situated in Township 76 north, Range 27 West of the 5th P.M.

That condemnation of said real estate is sought for the following purposes; for making extensions and improvements to the existing municipal waterworks system of said City of Winterset Iowa, which are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with existing electric distribution system of the said City, a water main supply line from the filtration and pumping plant to a connection with the existing water main system of the said City, miscellaneous, accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site; and in connection therewith a reservoir of water is to be created and maintained; and soil and other materials located on said real estate is to be used in making such extensions and improvements.

You are further notified that said City of Winterset, Iowa, desires, and in said application has asked for the condemnation of additional real estate hereinafter described for the purpose of an easement therein, such easement being the right to enter upon, and to construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the Southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway: that said water main is to be used for conducting water in connection with said extensions and improvements to said waterworks system of said City.

You are further notified that a commission of six commissioners has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

You are further notified that said commissioners will, on the 18th day of March, 1939, at 10 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.

CITY OF WINTERSET, IOWA, Applicant,
By Daniel J. Gallary City Attorney for said
City of Winterset, Iowa.

STATE OF IOWA POLK COUNTY, ss:

Received the within notice this 24th day of Feb., 1939, and on the 25th day of Feb., 1939, I personally served the same on the within named defendant Mary Burnham Nichols by reading the original to Mary Burnham Nichols and delivered to her a true copy thereof. All done in Polk County, Iowa.

Notary Fee \$.50
Mileage \$.15
County Fee \$.75
Total, \$ 1.40
Paid by Plaintiff's Atty.
(Notarial Seal)

W. A. McNamara
Subscribed and sworn to before me this 25th day of Feb., A.D. 1939.
H. F. Wood
Notary Public in and for Polk County, Iowa.
My Commission expires July 4, 1939

NOTICE OF CONDEMNATION OF PROPERTY BY
THE CITY OF WINTERSET, IOWA.

TO: Richard D. Heke; Robert H. Campbell; Farmers and Merchants State Bank, Winterset, Iowa; C. W. Fogarty; Mrs. C. W. Fogarty; The Federal Land Bank of Omaha, a corporation; The Union Central Life Insurance Company, a Corporation; Howard Hammans; Mrs. Howard Hammans; Ella Glenn Dean Glenn; Victoria Johnson; A. Wesley Johnson; Maude Johnson; Byron H. Johnson; Bessie Johnson; Mabel E. Simmons; Clark E. Simmons; Lester Carl Johnson; Laura C. Taylor; Leo Taylor; Mary Burnham Nichols; E. C. Nichols; Elizabeth Johnson; L. L. Blomgren, Trustee under the last will and Testament of S. B. Johnson, deceased; L. L. Blomgren, Executor of the last will and testament of S. B. Johnson, deceased; W. T. Guher; Harold W. Guye; Clyde V. Guye; Margaret Guye; John

STATE OF IOWA, POLK COUNTY, ss.
RECEIVED the within notice this 24th day of Feb. 1939, and on the 25th day of Feb. 1939, I personally served the same on the within named defendant E.C. Nichols by offering to read the original to E.C. Nichols which he waived and delivered to him a true copy thereof. All done in Polk County, Iowa.
Filed by Plaintiff Subscribed and sworn to before me this 25th day of Feb. 1939 H.F. Wood, Notary Public in and for Polk County, Iowa. My Commission Expires July 4, 1939
W.A. McNamara

Miscellaneous Record, No. 23, Madison County, Iowa

Casper; Mrs. John W. Casper; Dwight Casper; Beulah Martin; Willis Martin; Robert Casper; Mrs. Robert Casper; Madison County, Iowa, and any and all other persons, companies or corporations having any interest in or owning any of the real estate hereinafter described:

You are hereby notified that the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, desires the condemnation of the real estate hereinafter described, and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of such real estate, which real estate is situated in Madison County, Iowa, in Sections 18, 19 and 20 in Township 76 North, Range 27 West of the 5th P.M., as is described as follows, to wit:

The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27.

East quarter of the northwest quarter of the southwest quarter of Section 19-76-27.

The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19-76-27.

The southeast quarter of the northwest quarter of Section 19-76-27.

The west half of the northeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27.

The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-76-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27.

The northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27.

The West Quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27.

All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20-76-27 lying north of the center line of the existing highway; all of said real estate being situated in Township 76 North, Range 27 West of the 5th P.M.

Miscellaneous Record, No. 23, Madison County, Iowa

That condemnation of said real estate is sought for the following purposes: for making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with existing electric distribution system of the said City, a water main supply line from the filtration and pumping plant to a connection with the existing water main system of the said City, Miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site; and in connection therewith a reservoir of water is to be created and maintained; and soil and other materials located on said real estate is to be used in making such extensions and improvements.

You are further notified that said City of Winterset, Iowa, desires, and in said application has asked for the condemnation of additional real estate hereinafter described for the purpose of an easement therein, such easement being the right to enter upon, and to construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit: Commencing at a point in the north line of the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence Southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said ^{section} 19, which point is in the north right of way line of the existing highway; that said water main is to be used for conducting water in connection with said extensions and improvements to said waterworks system of said City.

You are further notified that a commission of six commissioners has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

You are further notified that said commissioners will, on the 18th day of March, 1939, 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.

CITY OF WINTERSET, IOWA, Applicant,
By Daniel J. Gallery City Attorney for
said City of Winterset, Iowa.

State of Iowa, Dallas County, Iowa, ss.

March 3, 1939

We, the undersigned Byron H. Johnson and Bessie Johnson, each hereby accept and acknowledge due, legal and timely service of the within notice of Condemnation of the property by the City of Winterset, Iowa, waiving any irregularities in manner of service or defects in length of time of notice or place of service. All done in Van Meter Township, Dallas County, Iowa, this 3rd day of March, 1939.

Byron H. Johnson
Bessie B. Johnson.

AFFIDAVIT OF PUBLICATION

STATE OF IOWA Madison County)ss:

Marion S. Moore being duly sworn says she is Publisher of the WINTERSET MADISONIAN a weekly newspaper of general circulation in Madison County, Iowa, published in Winterset, Iowa, and that the notice, a copy of which is annexed and made part hereof, was correctly published in said newspaper for the period of 4 consecutive weeks, the last publication thereof being on the 8th day of March, 1939.

Subscribed and sworn to before me this 14th day of March, 1939.
Fee \$61.00/100

Marion S. Moore
Paul J. White
Notary Public in and for Madison County

(Notarial Seal)

NOTICE OF CONDEMNATION OF PROPERTY BY
THE CITY OF WINTERSET, IOWA.

TO: Richard D. Hake; Robert H. Campbell; Farmers and Merchants State Bank, Winterset, Iowa;

Miscellaneous Record, No. 23, Madison County, Iowa

C. W. Fogarty; Mrs. C. W. Fogarty; The Federal Land Bank of Omaha, a Corporation; The Union Central Life Insurance Company, a Corporation; Howard Hemmens; Mrs. Howard Hemmens; Ella Glenn; Dean Glenn; Victoria Johnson; A. Wesley Johnson; Maude Johnson; Byron H. Johnson; Bessie Johnson; Mabel E. Simmons; Clark E. Simmons; Lester Carl Johnson; Laura C. Taylor; Leo Taylor; Mary Burnham Nichols; E. G. Nichols; Elizabeth Johnson; L. L. Blomgren, Trustee under the last will and testament of S. B. Johnson, deceased; L. L. Blomgren, Executor of the last will and testament of S. B. Johnson, Deceased; W. T. Guher; Harold W. Guye; Clyde V. Guye; Margaret Guye; John W. Casper; Mrs. John W. Casper; Dwight Casper; Beulah Martin; Willis Martin; Robert Casper; Mrs. Robert Casper; Madison County, Iowa and any and all other persons, companies or corporations having any interest in or owning any of the real estate hereinafter described:

You are hereby notified that the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, desires the condemnation of the real estate hereinafter described, and has filed with the sheriff of Madison County, Iowa, a written application for the condemnation of such real estate, which real estate is situated in Madison County, Iowa, in Sections 18, 19 and 20 in Township 76 North, Range 27 West of the 5th P.M., as is described as follows, to wit:

The northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27.
East quarter of the northwest quarter of the southwest quarter of Section 19-76-27.

The South half of the east quarter of the southwest quarter of the Northwest quarter of Section 19-76-27.

The southeast quarter of the northwest quarter of Section 19-76-27.

The west half of the northeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27.

The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-76-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27.

The Northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows; Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80'), west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

The west eight hundred feet (800') of the north half of the northwest quarter of the north-

Miscellaneous Record, No. 23, Madison County, Iowa

west quarter of Section 20-76-27.

The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27.

All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20-76-27 lying north of the center line of the existing highway; all of said real estate being situated in Township 76 North, Range 27 West of the 5th P.M.

This condemnation of said real estate is sought for the following purposes: for making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with existing electric distribution system of the said City, a water main supply line from the filtration and pumping plant to a connection with existing water main system of the said City, miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site; and in connection therewith a reservoir of water is to be created and maintained; and soil and other materials located on said real estate is to be used in making such extensions and improvements.

You are further notified that said City of Winterset, Iowa, desires, and in said application has asked for the condemnation of additional real estate hereinafter described for the purpose of an easement therein, such easement being the right to enter upon, and to construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the Southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway; that said water main is to be used for conducting water in connection with said extensions and improvements to said water works system of said City.

You are further notified that a commission of six commissioners has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

You are further notified that said commissioners will, on the 18th day of March, 1939, 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.

CITY OF WINTERSET, IOWA, Applicant,
By Daniel J. Gallery City Attorney for said
City of Winterset, Iowa.

AFFIDAVIT FOR PUBLICATION OF NOTICE.

In the matter of the Application by the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, for the appointment of commissioners to assess damages for the taking of real estate for extensions and improvements to its existing municipal waterworks system.

STATE OF IOWA, Madison County, ss:

I, Daniel J. Gallery, being duly sworn, depose and say: that I am the City Attorney for the City of Winterset, Iowa; that I am engaged in handling proceedings in connection with the condemnation of real estate in Sections 18, 19 and 20, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, for extensions and improvements to the existing municipal water works system of said City; that certain nonresident persons, companies or corporations own certain real estate affected by such condemnation, or have liens ^{or} incumbrances upon the same, or have some

Miscellaneous Record, No. 23, Madison County, Iowa

other interests therein, the same being Richard D. Hake, Laura C. Taylor, Leo Taylor, The Federal Land Bank of Omaha, a corporation, and The Union Central Life Insurance Company, a corporation, and that said Richard D. Hake and Laura C. Taylor and Leo Taylor are each non residents of the State of Iowa, and personal service of notice of such condemnation can not be had upon them, or any of them in the State of Iowa, and that The Federal Land Bank of Omaha, a corporation, is a nonresident of the State of Iowa, and is a foreign corporation, and The Union Central Life Insurance Company, a corporation is a nonresident of the State of Iowa, and is a foreign corporation; and that personal service of notice of such condemnation can not be had upon either of said corporations in the State of Iowa, except insofar as service might be made upon some process agent, commissioner of insurance or other agent, and that it is necessary to publish notice of said condemnation proceedings as to said persons and corporations in some newspaper of Madison County, Iowa, as provided by law; all of which is true, as I verily believe.

Daniel J. Gallery

Subscribed in my presence and sworn to before me by said affiant this 15th day of February, 1939.

(Notarial Seal)

W. T. Guinet
Notary Public in and for Madison County, Iowa.
Filed RECEIVED FEB 15 1939
SHERIFF'S OFFICE MADISON CO., IOWA
2:30 P.M. A. E. Null, Sheriff
by Chas. H. Neidt

In the Matter of the Condemnation of)
Real Estate By the City of Winterset, Iowa.) Notice to Commissioners of
time for Appraisement.

To J. S. Hodson; J. F. Willcox; H. G. Tilton; H. H. Finney; D. M. Griswold; Chas. Beeler:

You and each of you, having been heretofore appointed by me as Commissioners to appraise real estate in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, which the City of Winterset, Iowa, asks to have condemned in an application filed by said City with the undersigned Sheriff on February 15, 1939, are hereby notified 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 notices as the time when the Commissioners will view the premises and appraise the damages is the 18th day of March, 1939, at 10 o'clock A.M., and 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, on the 18th day of March, 1939, at 10 o'clock A.M.

You are further notified that the real estate affected by such condemnation is described in said application, and in the copy of said application which is attached to this notice, marked Exhibit "A" and made part hereof.

Dated this 14th day of March, 1939.

A. E. Null
Sheriff of Madison County, Iowa.

Acceptance and Acknowledgments of Service.

We, the undersigned, having been appointed as Commissioners to appraise damages to real estate in connection with condemnation by the City of Winterset, Iowa, do hereby acknowledge and accept due and legal service of the above and foregoing notice, on this 14th day of March, 1939.

H. H. Finney
H. G. Tilton

J. F. Willcox
J. S. Hodson

D. M. Griswold
Chas Beeler

APPOINTMENT OF COMMISSIONERS

In the matter of the Application by the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, for the appointment of commissioners to assess damages for the taking of real estate for extensions and improvements to its existing municipal waterworks system.

Whereas, written application has been made to me by said City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, for the appointment of commissioners to assess

Miscellaneous Record, No. 23, Madison County, Iowa

the damages sustained by those having interests in certain real estate in Madison County, Iowa, by reason of the appropriation of such real estate for the purposes of extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which are more particularly described in said application, a copy of which application is attached to this order, marked Exhibit "1" and made part hereof.

It is now hereby ordered that the following persons, to wit:

J. S. Hodson	, Winterset, Iowa;	J. F. Willcox	, Winterset, Iowa;
H. G. Tilton	, Winterset, Iowa;	H. H. Finney	, Winterset, Iowa;
D. M. Griswold	, Winterset, Iowa;	Chas. Beeler	, Winterset, Iowa;

being six freeholders of Madison County, Iowa, and of said City of Winterset, 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 several parcels of real estate described in the said application and ^{Exhibit "A"} assess the damages which the several owners thereof and parties interested therein will sustain by the appropriation of said lands for the use of said City of Winterset, Iowa, and make report thereof in writing to the undersigned Sheriff as provided by law, said real estate being separated for convenience in description and reference into tracts numbered consecutively, and being the following described real estate in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, to wit:

1. The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27
2. East quarter of the northwest quarter of the southwest quarter of Section 19-76-27
3. The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19-76-27
4. The southeast quarter of the northwest quarter of Section 19-76-27
5. The west half of the northeast quarter of the southwest quarter of Section 19-76-27
6. A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27
7. A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27
8. The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27
9. The east half of the northwest quarter of the northeast quarter of Section 19-76-27
10. All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof
11. The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27
12. The northeast quarter of the northeast quarter of Section 19-76-27
13. The north half of the southeast quarter of the northeast quarter of Section 19-76-27
14. A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet, (80') to the southeast corner of said south half, thence north to the place of beginning.
15. A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.
16. The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27
17. The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27
18. The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27
19. All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20, Township 76 North, Range 27 West of the 5th P.M., lying north of the center line of the existing highway.

All of said real estate included in said tracts, numbered 1 to 19, inclusive, being located in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, and being real

Miscellaneous Record, No. 23, Madison County, Iowa

estate in which said City desires to acquire full and complete ownership; And also additional real estate located in Section 19, Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, which said City of Winterset, Iowa, is desirous of taking and holding for the purpose of an easement therein, such easement being the right to enter upon /^{and} construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway.

Dated at Winterset, Madison County, Iowa, this 15th day of February, 1939.

A. E. NULL
Sheriff of Madison County, Iowa.

APPOINTMENT OF COMMISSIONERS

Filed
RECEIVED FEB 15 1939
SHERIFF'S OFFICE, MADISON CO., IOWA
A. E. Null 2:15 P.M.

In the matter of the Application by the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, for the appointment of commissioners to assess damages for the taking of real estate for extensions and improvements to its existing ^{municipal} waterworks system.

Whereas, written application has been made to me by said City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, for the appointment of commissioners to assess the damages sustained by those having interests in certain real estate in Madison County, Iowa, by reason of the appropriation of such real estate for the purposes of extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which are more particularly described in said application, a copy of which application is attached to this order, marked Exhibit "1" and made part hereof,

It is now hereby ordered that the following persons, to wit:

J. S. Hodson	, Winterset, Iowa;	J. F. Willcox	, Winterset, Iowa;
H. C. Tilton	, Winterset, Iowa;	H. H. Finney	, Winterset, Iowa;
D. M. Griswold	, Winterset, Iowa;	Chas. Beeler	, Winterset, Iowa;

being six freeholders of Madison County, Iowa, and of said City of Winterset, 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 several parcels of real estate described in the said application and assess the damages which the several owners thereof and parties interested therein will sustain by the appropriation of of said lands for the use of said City of Winterset, Iowa, and make report thereof in writing to the undersigned Sheriff as provided by law, said real estate being separated for convenience in description and reference into tracts numbered consecutively and being the following described real estate in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, to wit:

1. The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27
2. East quarter of the northwest quarter of the southwest quarter of Section 19-76-27
3. The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19-76-27
4. The southeast quarter of the northwest quarter of Section 19-76-27
5. The west half of the northeast quarter of the southwest quarter of Section 19-76-27
6. A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27
7. A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27
8. The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27
9. The east half of the northwest quarter of the northeast quarter of Section 19-76-27
10. All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

Miscellaneous Record, No. 23, Madison County, Iowa

11. The west nine hundred feet (900') of the south half of the southeast quarter of the south east quarter of Section 18-76-27
12. The northeast quarter of the northeast quarter of Section 19-76-27
13. The north half of the southeast quarter of the northeast quarter of Section 19-76-27
14. A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.
15. A triangular piece of land in the northeast corner of the northeast quarter of the south east quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.
16. The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27
17. The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27
18. The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27
19. All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20 Township 76 North, Range 27 West of the 5th P.M., lying north of the center line of the existing highway.

All of said real estate included in said tracts, numbered 1 to 19, inclusive, being located in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa; and being real estate in which said City desires to acquire full and complete ownership;

And also additional real estate located in Section 19, Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, which said City of Winterset, Iowa, is desirous of taking and holding for the purpose of an easement thereon, such easement being the right to enter upon and construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway.

Dated at Winterset, Madison County, Iowa, this 15th day of February, 1939.

A. E. Null
Sheriff of Madison County, Iowa.

APPLICATION TO SHERIFF FOR CONDEMNATION OF PROPERTY.

To, A. E. Null, Sheriff of Madison County, Iowa:

WHEREAS, the undersigned, City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, is desirous of taking and acquiring full and complete ownership of, and holding certain real estate hereinafter described for the purpose of making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, and

WHEREAS, said City of Winterset, Iowa, can not agree with the owners of the real estate hereinafter described as to compensation to be paid therefor, nor as to the taking of such real estate, and

WHEREAS, said City of Winterset, Iowa, is desirous of having said real estate condemned and appropriated to it for such purposes under its powers under the laws of the State of Iowa for such purposes, and

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

WHEREAS, all the property sought to be condemned under this application, for said purposes, is set out herein, being separated, for convenience in description and reference, and assessment

Miscellaneous Record, No. 23, Madison County, Iowa

of damages, into tracts numbered consecutively, and being the following described real estate, located in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, to wit:

Exhibit "1"

1. The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27
 2. East quarter of the northwest quarter of the southwest quarter of Section 19-76-27
 3. The South half of the east quarter of the southwest quarter of the Northwest quarter of Section 19-76-27
 4. The southeast quarter of the northwest quarter of Section 19-76-27
 5. The west half of the northeast quarter of the southwest quarter of Section 19-76-27
 6. A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27
 7. A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27
 8. The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27
 9. The east half of the northwest quarter of the Northeast quarter of Section 19-76-27
 10. All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof
 11. The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27
 12. The northeast quarter of the northeast quarter of Section 19-76-27
 13. The north half of the southeast quarter of the northeast quarter of Section 19-76-27
 14. A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.
 15. A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100ft. south of the place of beginning, thence north to the place of beginning.
 16. The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27
 17. The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27
 18. The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27
 19. All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20, Township 76 North, Range 27 West of the 5th P.M. lying north of the center line of the existing highway;
- from
- All of said tracts, numbered 1 to 19, inclusive, being located in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa;

And, WHEREAS, there is attached to this application a plat showing the location of the property sought to be effected by condemnation under these proceedings and the location of the said extensions and improvements, which plat is marked Exhibit "A", and made part of this application, and

And, WHEREAS, the record owners of said real estate, and their spouses, if any, and the record holders of liens and incumbrances on said real estate, including lessees are as follows, being shown for the tracts to which their ownership, liens or incumbrances, leasehold interests or other interests apply, together with their respective places of residence, so far as known to this applicant, to wit:

Tract No.	Name	Place of Residence	P.O. Address
1	Richard D. Hake (Owner)	State of Wyoming	Worland, Wyoming
	Robert H. Campbell (lessee)	Madison County, Iowa,	Winterset, Iowa
	Farmers and Merchants State Bank,	Winterset, Iowa	Winterset, Iowa
	Winterset, Iowa, (Incumbrancer)		

Miscellaneous Record, No. 23, Madison County, Iowa

Tract No. 2.

C.W. Fogarty (owner)	Madison County, Iowa	Winterset, Iowa
Mrs. C.W. Fogarty (Spouse of C.W. Fogarty)	Madison County, Iowa	Winterset, Iowa
The Federal Land Bank of Omaha, a corporation (Incumbrancer)	Omaha, Nebraska	Omaha, Nebraska

Tracts No. 3 and 4.

The Union Central Life Insurance Company, a corporation (owner)	Cincinnati, Ohio	Cincinnati, Ohio
Howard Hammans	Madison County, Iowa	Winterset, Iowa
Mrs. Howard Hammans (spouse of Howard Hammans)	Madison County, Iowa	Winterset, Iowa

Tracts No. 5 and 6.

Ella Glenn (owner)	Madison County, Iowa	Winterset, Iowa
Dean Glenn	Madison County, Iowa	Winterset, Iowa
The Federal Land Bank of Omaha, a corporation (Incumbrancer)	Omaha, Nebraska	Omaha, Nebraska

Tracts No. 7, 8, 9, 11, and 12.

Victoria Johnson	Madison County, Iowa	Winterset, Iowa
A. Wesley Johnson	Madison County, Iowa,	Winterset, Iowa
Kaude Johnson (spouse of A. Wesley Johnson)	Madison County, Iowa,	Winterset, Iowa
Byron H. Johnson	Madison County, Iowa,	Winterset, Iowa
Bessie Johnson (spouse of Byron H. Johnson)	Madison County, Iowa,	Winterset, Iowa
Mabel E. Simmons	Madison County, Iowa,	Winterset, Iowa
Clark E. Simmons (spouse of Mabel E. Simmons)	Madison County, Iowa,	Winterset, Iowa
Lester Carl Johnson	Madison County, Iowa,	Winterset, Iowa
Laura C. Taylor	State of Oregon	R.F.D. #1 Big Rock Lodge, Central Point, Oregon
Leo Taylor (Spouse of Laura C. Taylor)	State of Oregon	R.F.D. #1 % Big Rock Lodge Central Point, Oregon
Mary Burnham Nichols	Polk County, Iowa	625 West 3rd St., Des Moines, Iowa
E.G. Nichols (spouse of Mary Burnham Nichols)	Polk County, Iowa	625 West 3rd St., Des Moines, Iowa
Elizabeth Johnson	State of Iowa	107 Ferguson St., Charles City, Iowa
L.L. Blomgren, Trustee under the last Will and Testament of S.B. Johnson, Deceased	Winterset, Iowa	Winterset, Iowa
L.L. Blomgren, Executor of the last Will and Testament of S.B. Johnson, Deceased.	Winterset, Iowa	Winterset, Iowa
The Federal Land Bank of Omaha, a corporation (Incumbrancer)	Omaha, Nebraska	Omaha, Nebraska
W.T. Guither (Holder of Tax Certificate)	Winterset, Iowa	Winterset, Iowa

Tracts No. 10, 13, 14 and 15.

Harold W. Guye	Madison County, Iowa	Winterset, Iowa
Clyde V. Guye	Madison County, Iowa	Winterset, Iowa
Margaret Guye (spouse of Clyde V. Guye)	Madison County, Iowa	Winterset, Iowa

Tracts No. 12, 17, 18 and 19.

John W. Casper	Madison County, Iowa	Winterset, Iowa
Mrs. John W. Casper (spouse of John W. Casper)	Madison County, Iowa	Winterset, Iowa
Dwight Casper	Madison County, Iowa	Winterset, Iowa
Beulah Martin	Winterset, Iowa	Winterset, Iowa
Willis Martin (spouse of Beulah Martin)	Winterset, Iowa	Winterset, Iowa
Robert Casper	Madison County, Iowa	Winterset, Iowa
Mrs. Robert Casper (spouse of Robert Casper)	Madison County, Iowa	Winterset, Iowa

Madison County, Iowa, is a lien holder on said tracts by reason of unpaid taxes thereon.

WHEREAS, the undersigned, City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, is desirous of taking and acquiring full and complete ownership of, and holding said real estate hereinbefore described for the purpose of making extensions, and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which extensions and improvements are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with the electric

Miscellaneous Record, No. 23, Madison County, Iowa

distribution system of the City, a water main supply line from the filtration and pumping plant to a connection with the water main system of the City, miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site, and, in connection with such extensions and improvements a reservoir of water is to be created and maintained, which water will cover all or part of the real estate hereinbefore described for use in connection with said municipal waterworks system, and soil and other materials located on the real estate hereinbefore described, or parts thereof, is to be used in making the said extensions and improvements; and

WHEREAS, in connection with said extensions and improvements to the existing municipal water works system of said City of Winterset, Iowa, the said City of Winterset, Iowa, also is desirous of acquiring an easement in and to and upon and across certain real estate hereinafter described in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, and is desirous of taking and holding said real estate for the purpose of an easement therein, such easement being the right to enter upon and construct and build in and upon such real estate and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of the said described tract, thence southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, ~~Section 19~~, which point is in the north right of way line of the existing highway;

And, WHEREAS, said City of Winterset, Iowa, has been unable to agree with the owners of said real estate as to the compensation to be paid therefor, and as to the right to such easement, and

WHEREAS, the location of the said easement and of the property to be affected thereby is shown in the plat hereinbefore referred to, which is attached to this Application as Exhibit "A", and made part hereof, and

WHEREAS, the names of all record owners of said real estate to be affected by said easement are as follows: Harold W. Guye, place of residence, Jefferson Township, Madison County, Iowa, Post Office Address, Winterset, Iowa; Clyde V. Guye, place of residence, Jefferson Township, Madison County, Iowa, Post Office Address, Winterset, Iowa; and Margaret Guye (spouse of Clyde V. Guye), place of residence, Jefferson Township, Madison County, Iowa, Post Office address, Winterset, Iowa. That there are no record holders of liens or incumbrances on said land sought to be affected by said easement, so far as known to this applicant, except Madison County, Iowa, a municipal corporation, with its county seat at Winterset, Iowa, on account of unpaid taxes, which may be a lien, although not yet delinquent; and

WHEREAS, said easement is sought for public purposes, and

WHEREAS, said easement is to be in, upon and across the said real estate through which the said line of water main runs which is hereinbefore described, and all of the same is shown on the said plat hereinbefore referred to, marked Exhibit "A" and made part hereof, and

WHEREAS, such easement is necessary and proper for the purpose of conducting water so as to supply the existing waterworks system of said City of Winterset, Iowa;

NOW, THEREFORE, this applicant, City of Winterset, Iowa, requests that you appoint six (6) disinterested freeholders of Madison County, Iowa, and of said City of Winterset, Iowa, not interested in the same or a like question, to inspect the said real estate hereinbefore described and to assess the damages which will be sustained by the owners and any other persons or parties interested in said real estate by reason of the taking hereunder, appropriating, holding and condemnation of said real estate for all of said purposes hereinbefore stated, by said City of Winterset, Iowa, and you are requested to proceed in connection with this application as provided by law.

Miscellaneous Record, No. 23, Madison County, Iowa

Dated this 15th day of February, 1939.

City of Winterset, Iowa, a municipal corporation,
by Daniel J. Gallery City Attorney of said
City of Winterset, Iowa.

STATE OF IOWA, MADISON COUNTY)SS:

I, Daniel J. Gallery, being duly sworn, depose and say: that I am City Attorney of said City of Winterset, Iowa; that I prepared the above and foregoing application for condemnation; that said application was drawn in accordance with instructions of the City Council of said City of Winterset, Iowa; that I have made investigation of the facts and know the facts stated in the above and foregoing Application; that the statements and allegations therein contained are true, as I verily believe.

Daniel J. Gallery

Subscribed in my presence and sworn to before me by the said affiant this 15th day of February, 1939.

(Notarial Seal)

W. T. Guiher
Notary Public in and for Madison County, Iowa.

RECORDER'S NOTE: Blue Print attached here, as Exhibit "A"

OATH AND QUALIFICATION OF COMMISSIONER.

STATE OF IOWA, MADISON COUNTY)SS:

I, J. S. Hodson, being duly sworn, depose and say: that I am one of the persons appointed by A. E. Null, Sheriff of Madison County, Iowa, on February 15, 1939, as a Commissioner to assess damages to real estate which the City of Winterset, Iowa, asks to have condemned in an application filed with said Sheriff by said City of Winterset, Iowa, on February 15, 1939, in connection with extensions and improvements to the existing municipal waterworks system of said City, said real estate being located in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., in Madison County Iowa, and being more particularly described in the order for the appointment of commissioners, to which this oath and qualification is attached, and that I am a resident freeholder of the City of Winterset, in Madison County, Iowa, and that I will to the best of my ability faithfully and impartially assess said damages and make written report to the sheriff, as provided by law.

J. S. Hodson

Subscribed in my presence and sworn to before me by said affiant this 15th day of February, 1939.

(Notarial Seal)

Daniel J. Gallery
Notary Public in and for Madison County, Iowa.

OATH AND QUALIFICATION OF COMMISSIONER.

STATE OF IOWA, MADISON COUNTY)SS:

I, J. F. Willcox, being duly sworn, depose and say: that I am one of the persons appointed by A. E. Null, Sheriff of Madison County, Iowa, on February 15, 1939, as a Commissioner to assess damages to real estate which the City of Winterset, Iowa, asks to have condemned in an application filed with said Sheriff by said City of Winterset, Iowa, on February 15, 1939, in connection with extensions and improvements to the existing municipal waterworks system of said City, said real estate being located in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, and being more particularly described in the order for the appointment of commissioners, to which this oath and qualification is attached, and that I am a resident freeholder of the City of Winterset, in Madison County, Iowa, and that I will to the best of my ability faithfully and impartially assess said damages and make written report to the sheriff, as provided by law.

J. F. Willcox

Subscribed in my presence and sworn to before me by said affiant this 15th day of February, 1939.

(Notarial Seal)

Daniel J. Gallery
Notary Public in and for Madison County, Iowa.

OATH AND QUALIFICATION OF COMMISSIONER.

STATE OF IOWA, MADISON COUNTY)SS.

Miscellaneous Record, No. 23, Madison County, Iowa

I, H. G. Tilton, being duly sworn, depose and say: that I am one of the persons appointed by A. E. Null, Sheriff of Madison County, Iowa, on February 15, 1939, as a Commissioner to assess damages to real estate which the City of Winterset, Iowa, asks to have condemned in an application filed with said Sheriff by said City of Winterset, Iowa, on February 15, 1939, in connection with extensions and improvements to the existing municipal waterworks system of said City, said real estate being located in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, and being more particularly described in the order for the appointment of commissioners, to which this oath and qualification is attached, and that I am a resident freeholder of the City of Winterset, in Madison County, Iowa, and that I will to the best of my ability faithfully and impartially assess said damages and make written report to the Sheriff, as provided by law.

H. G. Tilton

Subscribed in my presence and sworn to before me by said affiant this 15th day of February, 1939.

(Notarial Seal) Daniel J. Gallery
Notary Public in and for Madison County, Iowa.

OATH AND QUALIFICATION OF COMMISSIONER.

STATE OF IOWA, MADISON COUNTY)SS:

I, H. H. Finney, being duly sworn, depose and say: that I am one of the persons appointed by A. E. Null, Sheriff of Madison County, Iowa, on February 15, 1939, as a commissioner to assess damages to real estate which the City of Winterset, Iowa, asks to have condemned in an application filed with said Sheriff by said City of Winterset, Iowa, on February 15, 1939, in connection with extensions and improvements to the existing municipal waterworks system of said City, said real estate being located in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, and being more particularly described in the order for the appointment of commissioners, to which this oath and qualification is attached, and that I am a resident freeholder of the City of Winterset, in Madison County, Iowa, and that I will to the best of my ability faithfully and impartially assess said damages and make written report to the sheriff, as provided by law.

H. H. Finney

Subscribed in my presence and sworn to before me by said affiant this 15th day of February, 1939.

(Notarial Seal) Daniel J. Gallery
Notary Public in and for Madison County, Iowa.

OATH AND QUALIFICATION OF COMMISSIONER

STATE OF IOWA, MADISON COUNTY)SS:

I, D. M. Griswold, being duly sworn, depose and say: that I am one of the persons appointed by A. E. Null, Sheriff of Madison County, Iowa, on February 15, 1939, as a Commissioner to assess damages to real estate which the City of Winterset, Iowa, asks to have condemned in an application filed with said Sheriff by said City of Winterset, Iowa, on February 15, 1939, in connection with extensions and improvements to the existing municipal waterworks system of said City, said real estate being located in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, and being more particularly described in the order for the appointment of commissioners, to which this oath and qualification is attached, and that I am a resident freeholder of the City of Winterset, in Madison County, Iowa, and that I will to the best of my ability faithfully and impartially assess said damages and make written report to the sheriff, as provided by law.

D. M. Griswold

Subscribed in my presence and sworn to before me by said affiant this 15th day of February, 1939.

(Notarial Seal) Daniel J. Gallery
Notary Public in and for Madison County, Iowa.

Miscellaneous Record, No. 23, Madison County, Iowa

STATE OF IOWA, MADISON COUNTY) OATH AND QUALIFICATION OF COMMISSIONER
ss:

I, Chas. Beeler, being duly sworn, depose and say: that I am one of the persons appointed by A. E. Null, Sheriff of Madison County, Iowa, on February 15, 1939, as a Commissioner to assess damages to real estate which the City of Winterset, Iowa, asks to have condemned in an application filed with said Sheriff by said City of Winterset, Iowa, on February, 15, 1939, in connection with extensions and improvements to the existing municipal waterworks system of said City, said real estate being located in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, and being more particularly described in the order for the appointment of commissioners, to which this oath and qualification is attached, and that I am a resident freeholder of the City of Winterset, in Madison County, Iowa, and that I will to the best of my ability faithfully and impartially assess said damages and make written report to the sheriff, as provided by law.

Chas. Beeler

Subscribed in my presence and sworn to before me by said affiant this 15th day of February, 1939.

Daniel J. Gallery
Notary Public in and for Madison County, Iowa.

(Notarial Seal)

APPLICATION TO SHERIFF FOR CONDEMNATION OF PROPERTY.

To, A. E. Null, Sheriff of Madison County, Iowa;

WHEREAS, the undersigned, City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, is desirous of taking and acquiring full and complete ownership of, and holding certain real estate hereinafter described for the purpose of making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, and

WHEREAS, said City of Winterset, Iowa, can not agree with the owners of the real estate hereinafter described as to compensation to be paid therefor, nor as to the taking of such real estate, and

WHEREAS, said City of Winterset, Iowa, is desirous of having said real estate condemned and appropriated to it for such purposes under its powers under the laws of the State of Iowa for such purposes, and

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

WHEREAS, all the property sought to be condemned under this application, for said purposes is set out herein, being separated, for convenience in description and reference, and assessment of damages, into tracts numbered consecutively, and being the following described real estate, located in Sections 18, 19 and 20, in Township 76 North, Range 27 West of the 5th P.M. Madison County, Iowa, to wit:

Filed RECEIVED FEB 15 1939
SHERIFF'S OFFICE MADISON CO., IOWA
A.E. Null 2:15 P.M.

1. The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27.
2. East quarter of the northwest quarter of the southwest quarter of Section 19-76-27
3. The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19-76-27
4. The southeast quarter of the northwest quarter of Section 19-76-27
5. The west half of the northeast quarter of the southwest quarter of Section 19-76-27
6. A triangular piece of land, being the the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27
7. A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27
8. The East half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27
9. The east half of the northwest quarter of the northeast quarter of Section 19-76-27
10. All of the southwest quarter of the northeast quarter of Section 19, Township 76 North,

Miscellaneous Record, No. 23, Madison County, Iowa

Range 27 West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof

11. The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27
12. The northeast quarter of the northeast quarter of Section 19-76-27
13. The north half of the southeast quarter of the northeast quarter of Section 19-76-27
14. A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.
15. A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence south-east to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.
16. The west eight hundred feet (800') of the north half of the northwest quarter of the northwest quarter of Section 20-76-27
17. The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27
18. The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27
19. All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20, Township 76 North, Range 27 West of the 5th P.M., lying north of the center line of the existing highway;

All of said tracts, numbered ^{from} 1 to 19, inclusive, being located in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa;

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

And, WHEREAS, the record owners of said real estate, and their spouses, if any, and the record holders of liens and incumbrances on said real estate, including lessees, are as follows, being shown for the tracts to which their ownership, liens or incumbrances, leasehold interests, or other interests apply, together with their respective places of residence, so far as known to this applicant, to wit:

Tract No.	Name	Place of Residence	P.O. Address
Tract No. 1.	Richard D. Hake (owner)	State of Wyoming	Worland, Wyoming
	Robert H. Campbell (lessee)	Madison County, Iowa	Winterset, Iowa
	Farmers and Merchants State Bank, Winterset, Iowa (incumbrancer)	Winterset, Iowa	Winterset, Iowa
Tract No. 2.	C. F. Fogarty (owner)	Madison County, Iowa	Winterset, Iowa
	Mrs. C. W. Fogarty (spouse of C. F. Fogarty)	Madison County, Iowa.	Winterset, Iowa
	The Federal Land Bank of Omaha, a corporation (Incumbrancer)	Omaha, Nebraska	Omaha, Nebraska
Tracts No. 3 and 4.	The Union Central Life Insurance Company, a corporation (owner)	Cincinnati, Ohio	Cincinnati, Ohio
	Howard Hemmans	Madison County, Iowa	Winterset, Iowa
	Mrs. Howard Hemmans (spouse of Howard Hemmans)	Madison County, Iowa	Winterset, Iowa
Tracts No. 5 and 6.	Ellis Glenn (owner)	Madison County, Iowa	Winterset, Iowa
	Deen Glenn	Madison County, Iowa	Winterset, Iowa
	The Federal Land Bank of Omaha, a corporation (Incumbrancer)	Omaha Nebraska	Omaha, Nebraska
Tracts No. 7, 8, 9, 11, and 12.	Victoria Johnson	Madison County, Iowa	Winterset, Iowa
	A. Wesley Johnson	Madison County, Iowa	Winterset, Iowa
	Maude Johnson (spouse of A. Wesley Johnson)	Madison County, Iowa	Winterset, Iowa

Miscellaneous Record, No. 23, Madison County, Iowa

Byron H. Johnson	Madison County, Iowa	Winterset, Iowa
Bessie Johnson (spouse of Byron H. Johnson)	Madison County, Iowa	Winterset, Iowa
Mabel E. Simmons	Madison County, Iowa	Winterset, Iowa
Clerk E. Simmons (spouse of Mabel E. Simmons)	Madison County, Iowa	Winterset, Iowa
Lester Carl Johnson	Madison County, Iowa	Winterset, Iowa
Laura C. Taylor	State of Oregon	R.F.D. #1 % Big Rock Lodge, Central Point, Oregon
Leo Taylor (spouse of Laura C. Taylor)	State of Oregon	R.F.D. #1 % Big Rock Lodge Central Point, Oregon
Mary Burnham Nichols	Polk County, Iowa	625 West 3rd St., Des Moines, Iowa
E.G. Nichols (spouse of Mary Burnham Nichols)	Polk County, Iowa	625 West 3rd St., Des Moines, Iowa
Elizabeth Johnson	State of Iowa	107 Ferguson St., Charles City, Iowa
L.L. Blomgren, Trustee under the last Will and Testament of S.B. Johnson, Deceased	Winterset, Iowa	Winterset, Iowa
L.L. Blomgren, Executor of the last Will and Testament of S.B. Johnson, deceased.	Winterset, Iowa	Winterset, Iowa
The Federal Land Bank of Omaha, a corporation (Incumbrancer)	Omaha, Nebraska	Omaha, Nebraska
W.T. Guier (Holder of Tax Certificate)	Winterset, Iowa	Winterset, Iowa

Tracts No. 10, 13, 14 and 15.

Harold W. Guye	Madison County, Iowa	Winterset, Iowa
Clyde V. Guye	Madison County, Iowa	Winterset, Iowa
Margaret Guye (spouse of Clyde V. Guye)	Madison County, Iowa	Winterset, Iowa

Tracts No. 16, 17, 18 and 19.

John W. Casper	Madison County, Iowa	Winterset, Iowa
Mrs. John W. Casper (spouse of John W. Casper)	Madison County, Iowa	Winterset, Iowa
Dwight Casper	Madison County, Iowa	Winterset, Iowa
Beulah Martin	Winterset, Iowa	Winterset, Iowa
Willis Martin (spouse of Beulah Martin)	Winterset, Iowa	Winterset, Iowa
Robert Casper	Madison County, Iowa	Winterset, Iowa
Mrs. Robert Casper (spouse of Robert Casper)	Madison County, Iowa	Winterset, Iowa

Madison County, Iowa, is a lien holder on said tracts by reason of unpaid taxes thereon.

WHEREAS, the undersigned, City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, is desirous of taking and acquiring full and complete ownership of, and holding said real estate hereinbefore described for the purpose of making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which extensions and improvements are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with the electric distribution system of the City, a water main supply line from the filtration and pumping plant to a connection with the water main system of the City, miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site, and, in connection with such extensions and improvements a reservoir of water is to be created and maintained, which water will cover all or part of the real estate hereinbefore described for use in connection with said municipal waterworks system, and soil and other materials located on the real estate hereinbefore described, or parts thereof, is to be used in making the said extensions and improvements; and

WHEREAS, in connection with said extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, the said City of Winterset, Iowa, also is desirous of acquiring an easement in and to and upon and across certain real estate hereinafter described in Township 76 North, Range 27 West of the 5th P.M., in Madison County, Iowa, and is desirous of taking and holding said real estate for the purpose of an easement therein, such easement being the right to enter upon and construct and build in and upon such real estate and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence southwesterly to a point in the west line of the east half of

Miscellaneous Record, No. 23, Madison County, Iowa

the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway;

And, WHEREAS, said City of Winterset, Iowa, has been unable to agree with the owners of said real estate as to the compensation to be paid therefor, and as to the right to such easement, and

WHEREAS, the location of the said easement and of the property to be affected thereby is shown in the plat hereinbefore referred to, which is attached to this Application as Exhibit "A", and made part hereof, and

WHEREAS, the names of all record owners of said real estate to be affected by said easement are as follows: Harold W. Guye, place of residence, Jefferson Township, Madison County, Iowa, Post Office address, Winterset, Iowa; Clyde V. Guye, place of residence, Jefferson Township, Madison County, Iowa, Post Office address, Winterset, Iowa; and Margaret Guye (spouse of Clyde V. Guye), place of residence, Jefferson Township, Madison County, Iowa, Post Office address, Winterset, Iowa. That there are no record holders of liens or incumbrances on said land sought to be affected by said easement, so far as known to this applicant, except Madison County, Iowa, a municipal corporation, with its county seat at Winterset, Iowa, on account of unpaid taxes, which may be a lien, although not yet delinquent; and

WHEREAS, said easement is sought for public purposes, and

WHEREAS, said easement is to be in, upon and across the said real estate through which the said line of water main runs which is hereinbefore described, and all of the same is shown on the said plat hereinbefore referred to, marked Exhibit "A" and made part hereof, and

WHEREAS, such easement is necessary and proper for the purpose of conducting water so as to supply the existing waterworks system of said City of Winterset, Iowa;

NOW, THEREFORE, this applicant, City of Winterset, Iowa, requests that you appoint six (6) disinterested freeholders of Madison County, Iowa, and of said City of Winterset, Iowa, not interested in the same or a like question, to inspect the said real estate hereinbefore described and to assess the damages which will be sustained by the owners and any other persons or parties interested in said real estate by reason of the taking, acquiring, appropriating, holding and condemnation of said real estate for all of said purposes hereinbefore stated, by said City of Winterset, Iowa, and you are requested to proceed in connection with this application as provided by law. Dated this 15th day of February, 1939.

CITY OF WINTERSET, IOWA,
a municipal corporation,
by Daniel J. Gallery,
City Attorney of said City of Winterset,
Iowa.

STATE OF IOWA, MADISON COUNTY)SS:

I, Daniel J. Gallery, being duly sworn, depose and say: that I am City Attorney of said City of Winterset, Iowa; that I prepared the above and foregoing application for condemnation; that said application was drawn in accordance with instructions of the City Council of said City of Winterset, Iowa; that I have made investigation of the facts and know the facts stated in the above and foregoing Application; that the statements and allegations therein contained are true, as I verily believe.

Daniel J. Gallery

Subscribed in my presence and sworn to before me by said affiant this 15th day of February, 1939.

(Notarial Seal)

W.T. Guither
Notary Public in and for Madison County, Iowa.

Recorder's note: Blue print attached at this point, as Exhibit "A"
Recorder's note: A portion that should have been on page 188 follows

NOTICE OF CONDEMNATION OF PROPERTY BY THE
CITY OF WINTERSET, IOWA.

TO: Richard D. Hake; Robert H. Campbell; Farmers and Merchants State Bank, Winterset, Iowa;
C.W. Fogarty; Mrs. C.W. Fogarty; The Federal Land Bank of Omaha, a Corporation; The Union Central

Miscellaneous Record, No. 23, Madison County, Iowa

Life Insurance Company, a Corporation; Howard Hammans; Mrs. Howard Hammans; Ella Glenn; Dean Glenn; Victoria Johnson; A. Wesley Johnson; Maude Johnson; Byron H. Johnson; Bessie Johnson; Mabel E. Simmons; Clark E. Simmons; Lester Carl Johnson; Laura C. Taylor; Leo Taylor; Mary Burnham Nichols; E. C. Nichols; Elizabeth Johnson; L. L. Blomgren, Trustee under the last will and testament of S. B. Johnson, deceased; L. L. Blomgren, Executor of the last will and testament of S. B. Johnson, deceased; W. T. Guher; Harold W. Guye; Clyde V. Guye; Margaret Guye; John W. Casper; Mrs. John W. Casper; Dwight Casper; Beulah Martin; Willis Martin; Robert Casper; Mrs. Robert Casper; Madison County, Iowa, and any and all other persons, companies or corporations having any interest in or owning any of the real estate hereinafter described;

You are hereby notified that the City of Winterset, Iowa, a municipal corporation, located in Madison County, Iowa, desires the condemnation of the real estate hereinafter described, and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of such real estate, which real estate is situated in Madison County, Iowa, in Sections 18, 19, and 20 in Township 76 North, Range 27 West of the 5th P.M., as is described as follows, to wit:

The Northeast quarter of the southwest quarter of the southwest quarter of Section 19-76-27.

East quarter of the northwest quarter of the southwest quarter of Section 19-76-27.

The south half of the east quarter of the southwest quarter of the northwest quarter of Section 19-76-27.

The southeast quarter of the northwest quarter of Section 19-76-27.

The west half of the northeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the northwesterly half of the northwest quarter of the southeast quarter of the southwest quarter of Section 19-76-27.

A triangular piece of land, being the southeast half of the southeast quarter of the southwest quarter of the southeast quarter of Section 18-76-27.

The east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 19-76-27.

The east half of the northwest quarter of the northeast quarter of Section 19-76-27.

All of the southwest quarter of the northeast quarter of Section 19, Township 76 North, Range 27, West of the 5th P.M., except a triangular piece of land being the southeast half of the southeast quarter thereof.

The west nine hundred feet (900') of the south half of the southeast quarter of the southeast quarter of Section 18-76-27.

The northeast quarter of the northeast quarter of Section 19-76-27.

The north half of the southeast quarter of the northeast quarter of Section 19-76-27.

A piece of land in the south half of the southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of said south half, thence west along the north line of said south half for a distance of five hundred feet (500'), thence southeasterly to a point in the south line of said south half, which point is eighty feet (80') west of the southeast corner of said south half, thence east for a distance of eighty feet (80') to the southeast corner of said south half, thence north to the place of beginning.

A triangular piece of land in the northeast corner of the northeast quarter of the southeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., described as follows: Commencing at the northeast corner of the southeast quarter of said Section 19, thence west for a distance of eighty feet (80'), thence southeast to a point in the east line of said southeast quarter, which point is 100 ft. south of the place of beginning, thence north to the place of beginning.

The west eight hundred feet (800') of the north half of the northwest quarter of the north-

Miscellaneous Record, No. 23, Madison County, Iowa

west quarter of Section 20-76-27.

The west quarter of the south half of the northwest quarter of the northwest quarter of Section 20-76-27.

The west quarter of the southwest quarter of the northwest quarter of Section 20-76-27.

All that part of the west quarter of the northwest quarter of the southwest quarter of Section 20-76-27 lying north of the center line of the existing highway; all of said real estate being situated in Township 76 north, Range 27 West of the 5th P.M.

That condemnation of said real estate is sought for the following purposes: for making extensions and improvements to the existing municipal waterworks system of said City of Winterset, Iowa, which are to consist of an earth dam, a spillway, a water filtration and pumping plant, a caretaker's dwelling, a roadway from the site of the above improvements to the adjacent highway, an electric transmission line from the pumping station to a connection with existing electric distribution system of the said City, a water main supply line from the filtration and pumping plant to a connection with the existing water main system of the said City, miscellaneous accessories, including ground grading, planting, fencing, walkways, clearing and grubbing of reservoir site; and in connection therewith a reservoir of water is to be created and maintained; and soil and other materials located on said real estate is to be used in making such extensions and improvements.

You are further notified that said City of Winterset, Iowa, desires, and in said application has asked for the condemnation of additional real estate hereinafter described for the purpose of an easement therein, such easement being the right to enter upon, and to construct and build in and upon such real estate, and operate and keep in repair in and upon such real estate, a water main along the following described route, to wit:

Commencing at a point in the north line of the south half of the Southeast quarter of the northeast quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., which point is five hundred seventy feet (570') east from the west line of said described tract, thence Southwesterly to a point in the west line of the east half of the northwest quarter of the southeast quarter of said Section 19, which point is in the north right of way line of the existing highway; that said water main is to be used for conducting water in connection with said extensions and improvements to said waterworks system of said City.

You are further notified that a commission of six commissioners has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

You are further notified that said commissioners will, on the 18th day of March, 1939, 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.

3:30

COMPARE

CITY OF WINTERSET, IOWA, Applicant,
By Daniel J. Gallery,
City Attorney for said City of
Winterset

RECEIVED (Sheriff's Filing Stamp) Feb 24 1939 PM