13.

STATE OF MINNESOTA

COUNTY OF OLMSTED

DISTRICT COURT
THIRD JUDICIAL DISTRICT
CIVIL DIVISION

Case Type: Condemnation

CX97537

County of Olmsted, a political Subdivision of the State of Minnesota,

Petitioner,

-vs-

Paul E. Kuehn and Maureen Kuehn, Husband and Wife, and Production Credit Association of Southeast Minnesota,

Respondent.

EX-PARTE PETITION FOR ORDER TRANSFERRING TITLE AND POSSESSION AND ORDER

COUNTY RECORDER OFFICE
Olmsted County Minn.
I hereby certify that the within instrument was filed on

755952

JUL 15 1997

at 11 o'clock A M.
by Wendy von Wald Deputy

City Atty

Petitioner, the County of Olmsted, by its undersigned counsel, requests that the Court issue its ORDER transferring title and possession of the following property to Olmsted County, pursuant to Minn. Stat. §117.042:

Land described in Exhibit A attached.

Said Petition is based on the following grounds:

Pt NE-NE 25-106-15

1. The amount of the Petitioner's approved appraisal of value of the property, to-wit: $1,050.00 has been paid to Counsel for Kuehns or to the Court Administrator, as evidenced by the Receipt attached.

2. That $1,050.00 is the amount of the County's approved appraisal the subject land.

3. That the County requires title and exclusive possession of the property as of June 2, 1997 in order to meet the schedule set for roadway development.

4. On June 2, 1997, the Court granted the County's Petition and need for the title and possession under Minn. Stat. §117.042. Petitioner, by its undersigned counsel, agrees that payment of its approved appraisal to Respondents or to the Court Administrator does not impair Respondents' right to contest the adequacy of just compensation in the manner provided by statute.

Dated this 23rd day of June, 1997.

Raymond F. Schmitz, #97159
Olmsted County Attorney
Counsel for Petitioner
Government Center, 151 4th Street SE
Rochester, MN 55904-3710
(507) 285-8138

Subscribed and sworn to before me
this 23rd day of June, 1997.

Lynn M. Holets
Notary Public, Olmsted County, MN

LYNN M. HOLETS
NOTARY PUBLIC - MINNESOTA
OLMSTED COUNTY
My Commission Expires Jan. 31, 2000

ORDER

Based on the foregoing Petition and all the files and records herein, the Court finds that the statutory requisites of Minn. Stat. §117.042 have been met.

IT IS THEREFORE ORDERED, That Olmsted County shall have the title to, and exclusive possession of, the following property and all improvements thereon as of June 23, 1997.

Lands described in Exhibit A attached.

BY THE COURT:

Dated: June 23, 1997

Gerard Ring

Gerard W. Ring
Judge of District Court

STATE OF MINNESOTA
COUNTY OF OLMSTED
I certify this to be a true copy of the original record in my custody.
Dated 7-15-97
JEANNE A. HABEN
Court Administrator
By Deputy Clerk

No delinquent taxes & transfer entered this 15th day of July 1997
BOB Ryan
County Auditor / Treasurer
Mindy Bartel deputy

EXHIBIT A

Fee Simple
All that part of the Northeast (NE 1/4) of Section 25, T106-R15W, which lies within the right of way boundary of County Road No. 117 delineated as in said tract of land as Parcel No. 5 of the plat designated as Olmsted County Highway Right of Way Plat No. 113 on file and of record in the office of the County Recorder in and for Olmsted County. Containing approximately 0.4 acres more or less in addition to the existing and presently used right of way of County Road No. 117.

Temporary Easement
As shown on Olmsted County Highway Right of Way Plat No. 113 as Parcel no. 5. Approximately 0.09 acres and shall expire at the completion of Project No. S.P. 55-598-36.

OWNER: Paul E. Kuehn, Jr. and Maureen Kuehn

MORTGAGEE: Production Credit Association of Southeast Minnesota

TAXES: Olmsted County