

# Miscellaneous Record No. 9

Cass County

STATE OF NEBRASKA  
COUNTY OF LANCASTER

STATE OF NEBRASKA )  
                          ) ss.  
COUNTY OF LANCASTER )

On this 11th day of July, 1963, before me, the undersigned, a Notary Public in and for said county, personally came Gary Glen Brown and Nancy Kay Brown, husband and wife, to me personally known to be the identical persons whose names are affixed to the above and foregoing instrument as Purchasers therein, and they acknowledged the execution of same to be their voluntary act and deed for the purpose therein expressed.

(JANICE A. SALBER )  
(GENERAL NOTARY SEAL )  
(COMMISSION EXPIRES )  
(APR. 15, 1967 )  
(STATE OF NEBRASKA )

My commission expires the 15th day of April, 1967

COMPARED

Janice A. Salber  
Notary Public  
Filed May 4, 1964 at 9:55 A.M.  
Lucille Horn Gaines  
Register of Deeds  
\$2.25

AFFIDAVIT  
Gerald Switzer et al  
to  
Public

AFFIDAVIT OF POSSESSION

State of Nebraska )  
                          ) ss.  
County of Cass )

~~XX~~ We, Gerald Switzer and Ruth Switzer, being first duly sworn, upon ~~my~~ our oath state that ~~XXXXXX~~ we are residents of Cass County, State of Nebraska; that ~~XXXXM~~ we are acquainted with the use, ownership and occupancy of the following-described lands in Cass County, State of Nebraska:

Lot 5 in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; and Lot  
9 and Sublot 1 of Lot 10 in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  ----- 5 10N 13 E 6th P.M.

and that ~~X~~ we know of our ~~my~~ own knowledge that Gerald Switzer and Ruth Switzer as joint tenants ~~XX~~ are now in possession of all of said lands.

X Gerald Switzer  
Ruth Switzer

Subscribed and sworn to before me the undersigned, a Notary Public in and for said County and State on May 1, 1964.

(HAROLD C. ELLIOTT )  
(GENERAL NOTARY SEAL )  
(COMMISSION EXPIRES )  
(NOV. 3, 1967 )

My commission expires Nov. 3, 1967.

RETURN OF APPRAISERS  
A.W. Propst et al, Appr.  
to  
Mary G. Carr et al,  
COMPARED  
Harold C. Elliott  
Notary Public  
Filed May 7, 1964 at 10:35 A.M.  
Lucille Horn Gaines  
Register of Deeds  
\$10.50

BEFORE THE COUNTY JUDGE OF CASS COUNTY, NEBRASKA

STATE OF NEBRASKA )  
DEPARTMENT OF ROADS, )  
Condemner, )

S T I P U L A T I O N

v.

MARY G. CARR, et al, )  
Condemnees. )

Now on this 15 day of April, 1964, it is stipulated and agreed as a condition and part of the appraisal and assessment of damages, by and between the State of Nebraska,

Department of Roads, through one of its attorneys, and the condemnee, through her attorney, Carl D. Ganz, as follows:

That a Type "B" 20-foot farmstead entrance located on the property of Mary G. Carr, one of the condemnees in the above condemnation action, designated as Station 631+74 of Project F-133 (21) be changed to a Type "E" 40-foot commercial entrance and moved to Station 631+58 of Project F-133(21) lying directly south of a street entering the town of Eagle, Nebraska.

At the time of entering into the foregoing Stipulation and agreement, the three appraisers appointed by the County Judge were notified of the contents thereof and were instructed by the parties to take the foregoing stipulation and agreement into account in their appraisal and assessment.

IN WITNESS WHEREOF, the respective parties or their attorneys have hereunto affixed their signatures.

MARY G. CARR, et al  
Condemnees,

By Carl D. Ganz  
Her Attorney

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
CLARENCE A. H. MEYER  
Attorney General

By Richard L. Dunning  
Special Assistant Attorney General

BEFORE THE COUNTY JUDGE OF CASS COUNTY, NEBRASKA

THE STATE OF NEBRASKA  
DEPARTMENT OF ROADS

) Docket \_\_\_\_\_ Page \_\_\_\_\_  
)  
)  
)

) Condemner  
)

) vs.  
)

) MARY G. CARR, a widow, Holder of an  
) undivided  $\frac{1}{2}$  interest; MARY G. CARR,  
) a widow, Trustee of an undivided  $\frac{1}{2}$   
) interest in trust for RICHARD E. CARR;  
) RICHARD E. CARR, Beneficiary of trust;  
) DIXIE LEE CARR, Wife of Richard E.  
) CARR; FEDERAL LAND BANK OF OMAHA,  
) Mortgagee;  
)

) ARTHUR BURDICK, RAYMOND BURDICK and  
) VIOLA WHEATLEY, a widow, Heirs of  
) THERESA BURDICK, deceased, Owner;  
) RUTH BURDICK, wife of Arthur Burdick;  
) NELLIE BURDICK, wife of Raymond  
) Burdick;  
)

) FRED A REITTER, a single person,  
) CAROLINE REITTER, a single person,  
) ELIZABETH PLYMALE, ANDREW B.  
) SCHULTZE and JEAN V. SCHULTZE,  
) husband and wife, Holders of Inter-  
) est; FRANK L. PLYMALE, husband of  
) Elizabeth Plymale;  
)

) Condemnees )  
)

TO HONORABLE RAYMOND J. CASE, COUNTY JUDGE, CASS COUNTY, NEBR.

We, the undersigned appraisers, do hereby certify that under and by virtue of an "Appointment of Appraisers" duly served upon us by Fred Tesch, Sheriff or Deputy Sheriff of Cass County, Nebraska, on the 11th day of March, 1964, and after having taken and filed the "Oath of Appraisers" that we did carefully inspect and view the property described herein, sought to be appropriated by the State of Nebraska, Department of Roads, and also other property

of the condemnees alleged damaged thereby and did hear all parties interested therein in reference to the amount of damages sustained while we were so inspecting and viewing the property herein described and thereafter did assess the damages that the condemnees have sustained or will sustain by such appropriation of the property herein described for State highway purposes and also damage to such other property of the condemnees as in our opinion was damaged by the appropriation of the property herein described:

RLW-648

C O N D E M N A T I O N

Land Owners: Mary G. Carr, a widow, an undivided 1/2 interest and Mary G. Carr, an undivided 1/2 interest in trust for Richard E. Carr.

Mortgagee: Federal Land Bank of Omaha.

Project: F-133 (21) AFE: R-206b Cass County, Nebraska.

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Fee simple title to a tract of land and all improvements thereon, if any, for highway right of way purposes located in the Northeast Quarter of Section 29, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Beginning at the northeast corner of said Section 29; thence westerly on the North line of the Northeast Quarter of said Section 29 a distance of 2,597.8 feet to the northwest corner of said Northeast Quarter; thence southerly on the West line of said Northeast Quarter a distance of 65.0 feet; thence easterly on a line 65.0 feet southerly from and parallel to said North line a distance of 2,052.2 feet; thence continuing easterly a distance of 200.2 feet to a point 75.0 feet southerly from said North line; thence continuing easterly on a line 75.0 feet southerly from and parallel to said North line a distance of 345.5 feet to a point on the East line of said Northeast Quarter; thence northerly on said East line a distance of 75.0 feet to the point of beginning, containing 3.98 acres, more or less, which includes 2.00 acres, more or less, previously occupied as a public highway, the remaining 1.98 acres, more or less, being the additional acreage to be secured in this action.

There will be no ingress or egress from the above described tract of land onto the remainder of said Northeast Quarter, except over one field entrance, not to exceed 20 feet in width, to provide for the movement of farming implements and crops so long as it is used consistent with normal farming operations of the owner, the centerline of which is to be located 2,125.5 feet westerly from the East line of said Northeast Quarter as measured along the centerline of the highway, except over two farmstead entrances, not to exceed 20 feet in width, to provide ingress and egress to dwelling and out building site of the owner so long as they are used consistent with rural living and farming activities, the centerlines of which are to be located 640.5 feet and 971.5 feet westerly from said East line as measured along the centerline of the highway and except over the existing public road along said East line as illustrated on the attached plat.

All mineral rights in the above described tract shall be retained and reserved to the Condemnees, their heirs, successors or assigns. The Condemnees, their heirs, successors or assigns shall have no right to use or enter the surface of the above described tract for any

purpose concerning the reserved mineral rights; nor shall the Condemnees, their heirs, successors or assigns in extracting such minerals, damage or in any way impair the use of the above described tract.

Also, temporary easement to a tract of land and all improvements thereon, if any, for construction purposes located in the Northeast Quarter of Section 29, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Referring to the northeast corner of said Section 29; thence southerly on the East line of the Northeast Quarter of said Section 29 a distance of 75.0 feet; thence westerly on a line 75.0 feet southerly from and parallel to the North line of said Northeast Quarter and on the southerly highway right of way line a distance of 255.5 feet to the point of beginning; thence continuing westerly

C O N D E M N A T I O N

Land Owners: Mary G. Carr, a widow, an undivided 1/2 interest and Mary G. Carr, and undivided 1/2 interest in trust for Richard E. Carr.

Mortgagee: Federal Land Bank of Omaha.

Project: F-133(21) AFE: R-206b Cass County, Nebraska.

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on the last described course produced a distance of 30.0 feet; thence southerly 90 degrees 00 minutes left a distance of 10.0 feet; thence easterly 90 degrees 00 minutes left a distance of 30.0 feet; thence northerly a distance of 10.0 feet to the point of beginning, containing 300 square feet, more or less, to be secured in this action.

And also, temporary easement to a tract of land and all improvements thereon, if any, for construction purposes located in the Northeast Quarter of Section 29, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Referring to the north quarter corner of said Section 29; thence southerly on the West line of the Northeast Quarter of said Section 29 a distance of 65.0 feet to a point on the southerly highway right of way line; thence easterly on a line 65.0 feet southerly from and parallel to the North line of said Northeast Quarter and on said highway right of way line a distance of 872.2 feet to the point of beginning; thence continuing easterly on the last described course produced a distance of 10.0 feet; thence southerly 90 degrees 00 minutes right a distance of 5.0 feet; thence westerly 90 degrees 00 minutes right a distance of 10.0 feet; thence northerly a distance of 5.0 feet to the point of beginning, containing 50 square feet, more or less, to be secured in this action.

Plat No. 1 filed in Plat Book 5 Page 90

C O N D E M N A T I O N

Land Owner: Thresa Burdick, Estate.

Project: F-133(21) AFE: R-206b Cass County, Nebraska.

Fee simple title to a tract of land and all improvements thereon, if any, for highway right of way purposes located in part of the Southwest Quarter of the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, as