

DEED BOOK

474

DEED RECORD No. 272

78443-STATE JOURNAL COMPANY, LINCOLN, NEB.

first above written.

Signed, sealed and delivered in presence of Gladys M. Fee



United Lumber and Millwork Co.

By Alfred H. Robertson, President

STATE OF NEBRASKA, ss. Lancaster County.

On this 26th day of January 1928, before me, the undersigned, a Notary Public in and for said County, personally came Alfred H. Robertson, President of the United Lumber and Millwork Co., to me personally known to be the President and the identical person whose name is affixed to the above conveyance, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act of the said United Lumber and Millwork Co. and that the Corporate seal of the said United Lumber and Millwork Co. was thereto affixed by its authority.

Witness my hand and Notarial Seal at Lincoln in said county the day and year last above written.

My commission expires the 4th day of December 1932.

Gladys M. Fee, Notary Public.

Decree District Court To Ira Birt, et al Filed for Record March 20, 1928, at 1:15 P.M. T. E. Wheeler Register of Deeds Fee \$1.75 of the estates of Robert Buel and Edwin Buel, minors, Lydia Brokema, and Emily Berk,

PLEAS: In the District Court, Third Judicial District of Nebraska in and for the county of Lancaster, at the January 1928 term of said court, begun and held in the city of Lincoln in said county and state on the 26th day of January 1928 and on a day therein to-wit: On the 10th day of February 1928 (that being the 14th Judicial Day of the January 1928 term of said court) Present: Honorable Fred Shepherd, Judge Presiding, Claude P. Hensel, Sheriff and J.S. Baer, Clerk. The following proceedings were had and done to-wit: Ira Birt; Clara Birt; Benjamin F. Garner; Emma Garner; Benjamin T. Garner; Carrie Garner; Herman F. Oelschlagel; Emma Oelschlagel; Ernest A. Fowle; Maude Fowle; Cora B. Hanenkamp; Donald V. Hanenkamp; Delmont S. Hanenkamp, minor, by his mother and next friend, Cora B. Hanenkamp; Virginia Buel Moser; Paul O. Fisselman, as Guardian of the estates of Robert Buel and Edwin Buel, minors, Lydia Brokema, and Emily Berk, 97-197

DECREE.

vs The Village of Hickman, of Lancaster County, Nebraska, a municipal corporation, Defendant.

On this 17th day of January 1928, being one of the days of the September 1927, Term of said Court, this cause came on for trial before said Court on the Petition of the plaintiffs and the Answer of the defendant, the plaintiffs, being represented by C. A. Sorensen, Attorney and the defendant by John C. Whitten of the law firm of Mann & Whitten. Oral and documentary evidence was introduced on behalf of the plaintiffs and on behalf of the defendant and it was stipulated and agreed that the Hon. Fred Shepherd, Judge of the Court, should personally view the land in controversy.

To conform to proof of ownership, on motion of their counsel the plaintiffs were permitted to add as additional parties plaintiff, Lydia Brokema, Emily Berk, and Emma Garner, and the name of Sarah Garner as party plaintiff was stricken out.

And now, the Court having read and heard the evidence and the argument of counsel for the plaintiffs and the defendant, and having personally visited the land in controversy, and being fully advised in the premises, finds generally for the plaintiffs and against the defendant

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and more particularly as follows:

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(1) That the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), and the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section 28; the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), and Lot One of Irregular Tracts, Section 27; the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section 34; the North One-half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section 33; Lot 20, Irregular Tract, in the Northeast Quarter (NE $\frac{1}{4}$) of Section 33; and the West One-half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 34, all in Township 8, Range 7, Lancaster County, Nebraska, is territory within and adjacent to the corporate limits of the Village of Hickman, Lancaster County, Nebraska.

(2) That the plaintiffs constitute all of the owners of and all of the legal voters residing on said land.

(3) That all of said land is used exclusively for agricultural purposes.

(4) That no part of said land has been platted or divided into lots and blocks and no streets have been surveyed or laid out on said land.

(5) That said land is not urban in character and has no natural connection or community of interest with the platted portion of the Village of Hickman.

(6) That the Village of Hickman is not growing in population and there is no prospective demand or necessity for the use of any part of said land for village business or residence purposes.

(7) That the taxes imposed on said land constitute an unjust and grievous burden and justice and equity require that all of said land be disconnected from the Village of Hickman.

It is therefore ordered, adjudged and decreed, that the land described in the petition of the plaintiffs, to-wit, the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), and the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section 28; the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), and Lot One of Irregular Tracts, Section 27; the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section 34; the North One-half (N $\frac{1}{2}$) of

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the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section 33; Lot 20, Irregular Tract, in the Northeast Quarter (NE $\frac{1}{4}$) of Section 33; and the West One-half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 34, all in Township 8 - Range 7 - Lancaster County, Nebraska, be and the same hereby is severed and disconnected from the corporate limits of the Village of Hickman, Lancaster County, Nebraska, a municipal corporation, and the defendant herein.

It is further ordered and decreed that the defendant shall pay the costs of these proceedings taxed at \$---.

To all of which the defendant excepts and in open court gave notice of appeal to the Supreme Court of Nebraska.

Upon application of counsel for defendant made in open court, the defendant is granted forty days from the rising of this Court within which to prepare and present a bill of exceptions. Upon further application of counsel for the defendant made in open court it is hereby ordered that a supersedeas bond be allowed herein and that said bond be fixed in the sum of Four Hundred Dollars and that said bond be conditioned that defendant will prosecute its appeal to the Supreme Court of Nebraska without delay, pay all costs and expenses incurred in said appeal and pay all damages that the plaintiffs or any of them may suffer by reason of said appeal, said bond to be approved by the Clerk of this Court.

Dated this 10th day of February, 1928.

Fred Shepherd,
Judge of the District Court of Lancaster County, Nebraska.

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