

**STATE OF MINNESOTA
IN DISTRICT COURT
COUNTY OF OTTER TAIL
SEVENTH JUDICIAL DISTRICT**

Case Number: 56-CV-20-1752

Case Type: Quiet Title

SUMMONS

Fergus Falls Port Authority, a corporate body politic of the State of Minnesota, by the City Attorney of the City of Fergus Falls, Minnesota, Rolf H. Nycklemoe

Plaintiff,

vs.

Adams Investment Company, a Minnesota corporation; Fergus Packing Company, a Minnesota corporation; Fergus Co-Operative Packing Company, a Minnesota corporation; Dairy Farmers of America, Inc., *in/a* Mid-America Dairymen, Inc., a Kansas cooperative marketing association; Otter Tail Valley Railroad Company, a Minnesota corporation; Fergus Dairy Cooperative, *a/k/a* Fergus Dairy Co-op, a Minnesota corporation; Northwestern Improvement Company, a Delaware corporation; Fergus Cooperative Creamery Association, a Minnesota cooperative; Fergus Falls Industrial Development Corporation, a Minnesota corporation; Fergus Dairy, a Minnesota corporation; Northstar Dairy Lake Region *a/k/a* Fergus Dairy or Lake Region Dairy, a Minnesota corporation; Don Herzog, Inc., a Minnesota corporation; Centerre Trust Company of St. Louis, a Missouri trust company, as Trustee of the Mid-Am Equipment Trust dated October 1, 1982 including the Mid-Am Equipment Trust established pursuant to a Trust Agreement dated October 1, 1982; Lehigh Enterprises Acquisition Corporation, a Delaware corporation; Harry A. Anderson and Arthur Sandberg, co-partners, doing business under firm name and style of Anderson – Sandberg Oil Company, a Minnesota partnership; Harry A. Anderson and Ester Anderson, married to each other; Arthur Sandberg and Effie M. Sandberg, married to each other; W.E. Atkinson and Grace P. Atkinson, married to each other; National Tea Company, a Delaware corporation; National Tea Company, an Illinois Corporation; Annie Burton; Metro Meat Packing, Incorporated, a Minnesota corporation; Anderson Bros. Construction Company, a Minnesota corporation; Fred Gruen Co., Inc., a Minnesota company; Nationwide Properties, a Minnesota partnership; Northern Pacific Railway Company, a Wisconsin corporation; and all other persons unknown claiming any right, title, estate, interest, or lien in the real estate described in the Complaint herein,

Defendants.

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to serve upon Plaintiff's attorneys an Answer to the Complaint, which is on file in the office of the Court Administrator of the above-named Court, within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

This action involves, affects, or brings into question real property in the County of Otter Tail, State of Minnesota, described as follows:

Government Lots One (1), Two (2), and Three (3) of Section Four (4), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying South of

the southerly right-of-way line of the Northern Pacific Railway, n/k/a Burlington Northern Santa Fe Railroad, lying westerly of the southerly extension of the west line of Broadway.

Except the following tracts:

1) A plot 20.00 feet by 60.00 feet in Government Lot One (1) of Section Four (4), Township One Hundred Thirty-two (132) North of Range Forty-three (43) West, Otter Tail County, Minnesota, more particularly described as follows:

Starting at the intersection of the Southerly right-of-way line of the Northern Pacific railway over and across said Lot 1, and the Southerly projection of the East line of Buse Street of the City of Fergus Falls; thence East along said Southerly right-of-way line of the Northern Pacific Railway a distance of 372.40 feet to the point of beginning; thence Southerly at right angles to said railway Right-of-way a distance of 20.00 feet; thence Easterly, parallel to said railway Right-of-way a distance of 60.00 feet; thence at right angles Northerly a distance of 20.00 feet to the South line of said railway Right -of-way; thence Westerly along said railway Right-of-way line a distance of 60.00 feet to the point of beginning.

2) All that part of Government Lot Three (3) of Section Four (4), Township One Hundred Thirty-two (132) North of Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the northwest corner of said Govt. Lot 3; thence on an assumed bearing of South 00°15'34" West along the west line of said Govt. Lot 3 a distance of 640.65 feet to the southerly right-of-way line of the Burlington Northern Santa Fe Railroad, the point of beginning of the land to be described; thence North 81°57'44" East along said southerly right-of-way line of the Burlington Northern Santa Fe Railroad a distance of 762.99 feet; thence South 00°15'34" West a distance of 390 feet more or less to the shoreline of the Otter Tail River; thence in a general westerly direction following along said shoreline to said west line of Govt. Lot 3; thence North 00°15'34" East along said west line a distance of 122.00 feet, more or less, to the point of beginning;

together with all hereditaments and appurtenances belonging thereto.

NOTICE IS FURTHER GIVEN, that the object of said action is to obtain a judgment declaring that Plaintiff(s) is the owner in fee of the property described above, and that the Defendants, and each of them, have no right, title, estate, interest, or lien in or upon the said real estate.

NOTICE IS FURTHER GIVEN, that no personal claim in made by Plaintiff against any of the Defendants.

Civil cases are subject to Alternative Dispute Resolution processes as provided in Rule114 of the General Rules of Practice for the Districts Courts. Alternative Dispute Resolution includes mediation, arbitration, and other processes set forth in the rules. You may contact the Court Administrator for information about these processes and about resources available in your area.

Dated this 16 day of July, 2020

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