

IN THE DISTRICT COURT FOR WORTH COUNTY

IN THE MATTER OF A CRIMINAL
INVESTIGATION

Case No. SWSW 000360

APPLICATION FOR SEARCH WARRANT
IOWA CODE SECTION 808.3

DULY SWORN UNDER OATH, I, Deputy Andy Grunhovd, am your affiant and provide the following information:

1. I am a certified Deputy Sheriff with the Worth County Sheriff's Office.
2. I have good reason to believe that certain property is being used in such a manner to render it subject to a search warrant because:
 - ☒ The property has been used and/or is being possessed with the intent to be used as the means of committing a public offense or concealed to prevent an offense from being discovered.
 - ☒ The property is relevant and material as evidence in a criminal prosecution.
3. The property is located at: 1071 Highway 9, Manly Iowa.
 - A. The property is approximately 8.87 acres and includes the residence, surrounding area, curtilage, vehicles and other structures/outbuildings including but not limited to: a pole barn, lean-tos, sheds/utility buildings, kennels, cribs and granary or granaries.
 - B. The property is commonly called Whitefire Kennels and is known to be owned, possessed and occupied by Barbara Kavars.
4. I have probable cause to believe that evidence of animal neglect, in violation of Iowa Code § 717B.2, exists on the above-described property as set forth in **Attachment A**.
5. Facts and circumstances lead me to believe probable cause exists for this search based on my training and experience.
 - A. **Experience:** I am a certified peace officer in the State of Iowa and have been a certified peace officer in the State of Iowa for 8 1/2 years. I have been a deputy sheriff with the Worth County Sheriff's Office for 8 1/2 years. I have a total of 8 1/2 years of law enforcement experience. I am a graduate of the Iowa Law Enforcement Academy, class of 236, December 2010. At ILEA, we received training in investigation, criminal law, animal crimes, applicable to this case, and many other subjects. I've also received extra training in mental health and interview and interrogations.
 - B. **First-Hand Knowledge:** The basis for my belief that probable cause exists to search are facts personally known to me as set forth in **Attachment B**, and photographic evidence set forth in **Attachment C**.

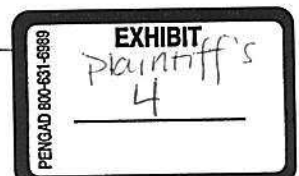
The facts establishing the grounds for issuance of a search warrant are as set forth in the attachments which are made part of this affidavit.

Andy Grunhovd 98-5
Affiant

Subscribed and sworn to me by Deputy Andy Grunhovd before me this 9th day of

November, 2018.

Douglas A. Kniff
Magistrate/Judge



ATTACHMENT A
SEARCH WARRANT APPLICATION
DETAILED DESCRIPTION OF EVIDENCE/PROPERTY TO BE SEIZED

Your affiant conducted an investigation and believes probable cause exists to search for and seize the following evidence of animal neglect, in violation of Iowa Code § 717B.2:

1. All living, deceased, and unborn dogs on the property, and all remains of deceased dogs, both above and below ground;
2. Cages, pens, bedding, or other items used as enclosures or for the housing of dogs, and any and all animal containers;
3. Any and all food, food receptacles, and containers used to feed or provide water to dogs;
4. Medical records pertaining to dogs;
5. Medications, substances, and supplies related to the housing, care, feeding, and treatment of dogs;
6. Any and all tools, instruments, or other items used to move, transport, or bury dogs;
7. Records pertaining to dogs, including but not limited to breed registrations, handwritten ledgers, bills of sale, veterinary bills, receipts, pedigrees, vaccination certificates, and handwritten or typed correspondence relating to dogs;
8. Records pertaining to the transportation of dogs both to and from the aforementioned property;
9. Records pertaining to the operation of an animal-related business on the property, including but not limited to financial records, corporate documents, tax records, government registration, inspection by regulatory entities, communications with or invoices from suppliers, customer lists, marketing materials, communications with customers or potential customers, or records reflecting the purchase or sale of dogs;
10. Any and all dog ownership records or other indicia of ownership;
11. Keys that provide access to locked areas or sections wherein dogs are boarded, kept or otherwise housed;
12. Any devices used to store evidence of the above-referenced crime in electronic form, including but not limited to computers, computer discs, hard drives (internal or external), thumb drives, compact discs, memory cards, cameras, recording devices, and cell phones;
13. Any and all physical or trace evidence tending to support the commission of the above-referenced crime;
14. Any items used to conceal or prevent the discovery of the foregoing.

ATTACHMENT B
SEARCH WARRANT APPLICATION
LAW ENFORCEMENT NARRATIVE

The following form the basis for your affiant's belief that probable cause exists to search the aforementioned property:

1. On March 27, 2018, I visited the subject property after receiving reports from multiple animal welfare agencies that numerous Samoyed adult dogs and puppies were being kept there in a possible hoarding situation, deprived of food, water and adequate shelter and with some suffering injuries. I walked around the property, which includes a residence and numerous outbuildings -- a pole barn, sheds, lean-tos and multiple uncovered pens -- with the consent of Barbara Kavars, Owner. I was accompanied by Scott Wilson and Josh Colvin of the Animal Rescue League of Iowa and Sybil Soukup, Executive Director and Stacy Rooney, Shelter Manager, of the Humane Society of North Iowa. I observed approximately 150 adult Samoyed dogs and puppies in unroofed enclosures, barns and lean-tos. I observed no potable water available to any of the dogs on the property, with water buckets present not only empty but dry. Owner stated that she does not provide water in the winter as she believes the dogs can eat snow for hydration. I observed multiple dogs with matted hair and significant mud accumulation on their bodies. I witnessed numerous fights among numerous dogs due to the cramped conditions, and Owner admitted that dogs have become injured fighting with one another.

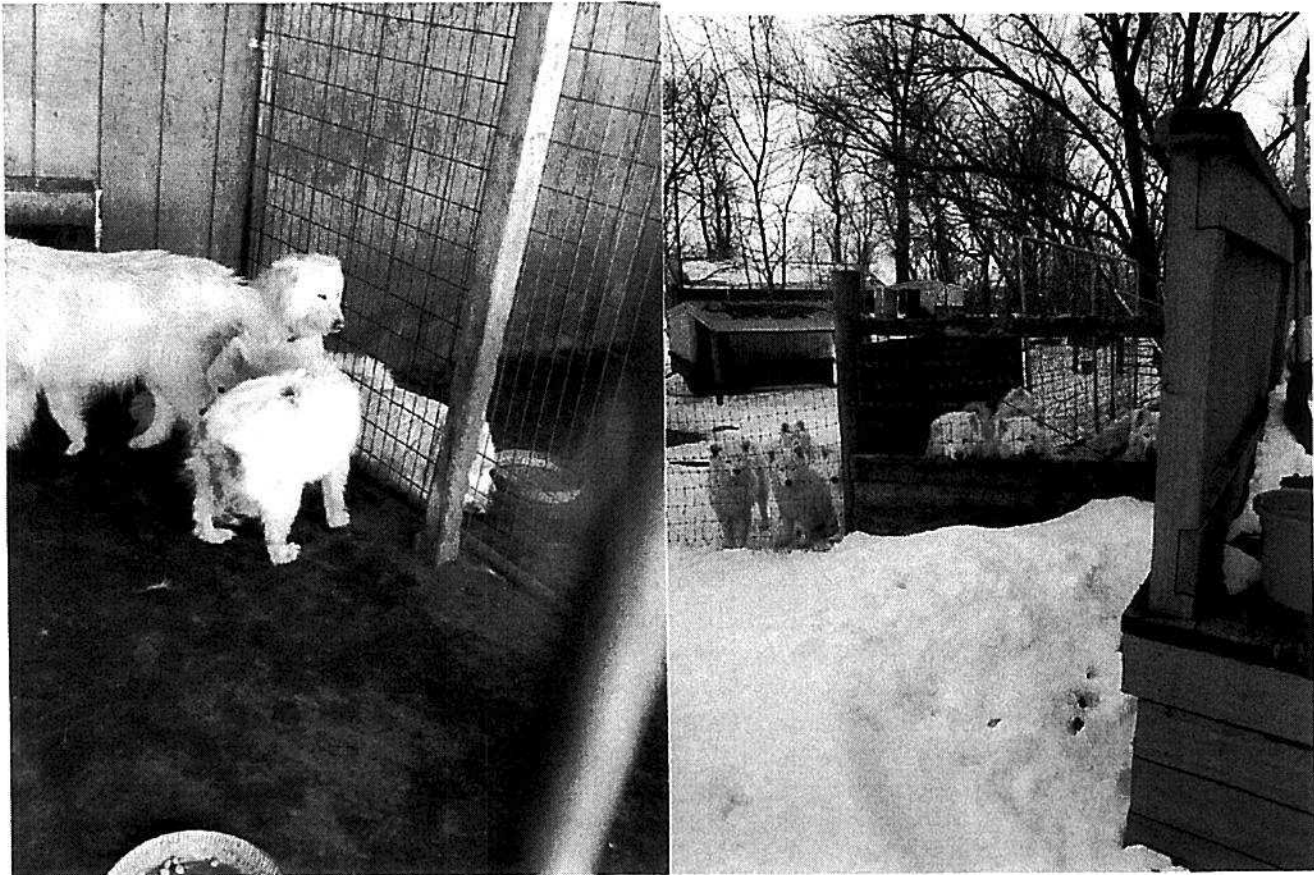
I observed three dogs with significant, untreated injuries: one with untreated wounds to its right leg and left foot; one with an open and necrotic wound to the area where the tail meets the buttock, with tissue and possible bone exposed, and one with a broken tail and an open wound to the area where the tail meets the buttock. I advised Owner to provide immediate veterinary care to these three dogs. I am informed and believe that two of the dogs required tail amputations. I was advised by Dr. Krystal Ranes at Forest City Veterinary Clinic that one of those dogs, following the amputation, awakened and ate kibble but then vomited, became lethargic and died the day after surgery.

2. On April 19, 2018, I visited the subject property with the consent of Owner and accompanied by State Inspector for Breeding Facilities Marc Rue of the Iowa Dept. of Agriculture and Land Stewardship. I observed approximately 87 adult dogs and 64 puppies. I observed multiple dogs fighting in crowded, dirty enclosures. I observed numerous dogs with severely matted hair and one dog with what appeared to be an older wound on its back that was red in the center. No water buckets contained water. A few water buckets contained ice or snow.
3. On May 3, 2018, I visited the subject property with the consent of Owner and accompanied by State Inspector for Breeding Facilities Marc Rue of the Iowa Dept. of Agriculture and Land Stewardship. I observed that the dogs' pens were full of mud and feces. Areas for housing and exercising dogs were not adequately covered or cleaned. Puppy areas were not cleaned. There was no water available to more than half the kenneled dogs, and most dogs appeared dirty and severely matted. Owner failed this state inspection.
4. On July 30, 2018, I visited the subject property briefly with the consent of Owner. This was a hot summer day, and I observed that almost all the dogs' water buckets were empty.
5. On Sept. 6, 2018, I visited the subject property with the consent of Owner. I observed approximately 150 to 200 dogs on the property. Approximately half of the dogs' water buckets were not just empty but were also dry, and there was no food in any of the dogs' food containers. I observed several skinny dogs and many with very tight collars. I further observed pens, with dogs inside, that were full of mud and packed with feces.

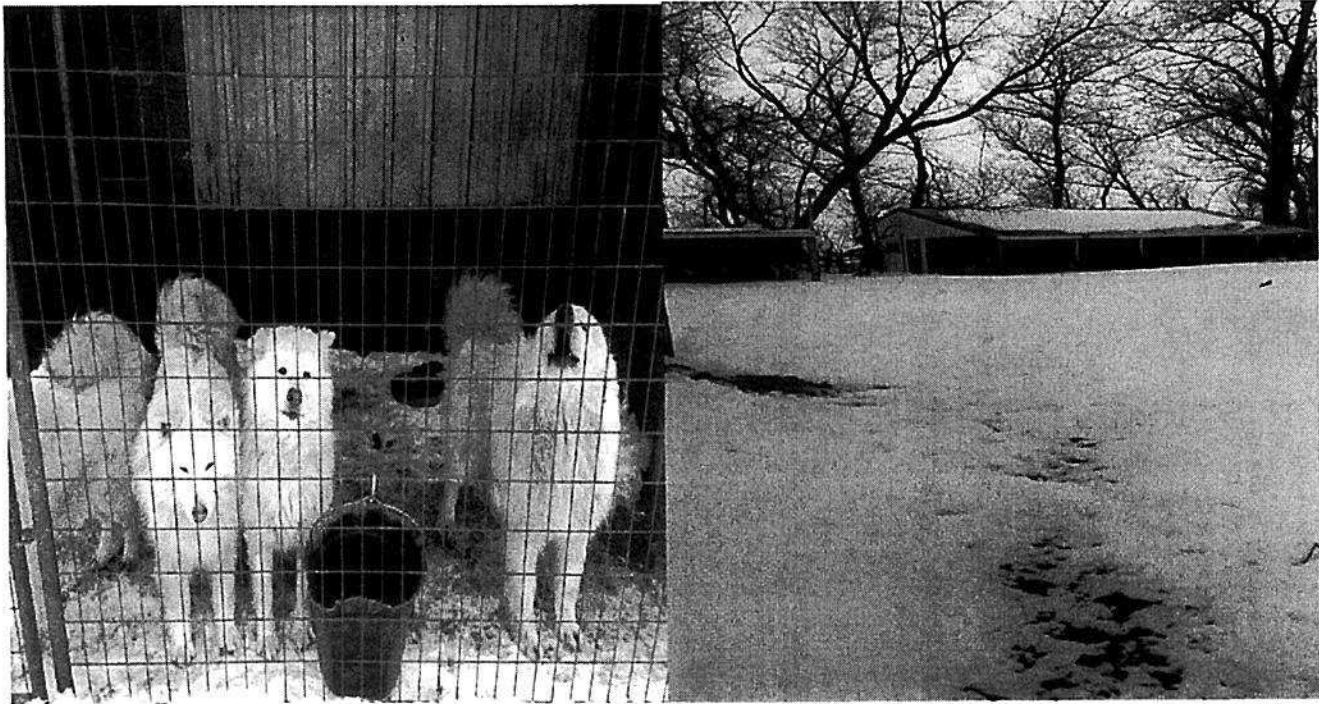
6. On Oct. 18, 2018, I visited the subject property with the consent of Owner. I viewed a limited number of dogs during this visit. I observed a single bowl of water for several young puppies and their mother to share and held one puppy whose collar was so tight that I could not get one finger between the collar and its neck.
7. On Oct. 18, 2018, Owner stated that she could not afford to spay and neuter many of her dogs and chose not to spay and neuter older puppies as she had no intention of trying to sell them so did not want to financially invest in them. Owner further stated that she did not neuter some of her male dogs as she could not catch them and load them into her car by herself. Owner further stated that an older dog I observed on a previous visit had died.
8. On Nov. 6, 2018, after receiving information from a third party that Owner was in need of assistance with one her dogs, I visited the subject property. Upon arriving, I encountered Owner dragging a dog in a tarp, and Owner asked me for assistance. The dog was covered in feces, severely injured, and Owner stated that the dog had been attacked by another dog. After loading the dog into the Owner's vehicle I could see several bites to the hind leg. There was a strong smell of feces coming from the dog. The dog never made any attempt to get up or move other than to lift its head. Owner stated this was an older dog and claimed that the injury happened this morning. I found the dog's name to be Yeager. Owner stated she heard barking about 7:30 am and went out about 8 am and found the dog. Owner explained that a tree had fallen this summer over top of the fencing between the kennels and hadn't been a problem until now. Owner also stated that an aggressive male dog climbed the fallen tree and got into the other kennel and attacked Yeager as there are several females in that kennel in heat. I was not on the property very long as I wanted Owner to get the dog to the Vet for care immediately.
9. On Nov. 7, 2018, Dr. Ceara Mullins, DVM, , at Forest City Veterinary Clinic, informed me that Owner brought the injured Samoyed dog, Yeager, to her on November 6, 2018 and that the dog died on or about November 7, 2018 at Forest City Veterinary Clinic. I am informed and believe, based upon a conversation with Dr. Ceara Mullins, DVM, at Forest City Veterinary Clinic, that Yeager presented with multiple puncture wounds to its right thigh, back, tail, anus and scrotum. The dog's gums were pale, indicating possible dehydration.
10. On Nov. 9, 2018, I visited the property to follow up with the dog attack. Owner advised me that they were unable to save the dog and that there weren't any other injuries to any of the other dogs that she was aware of. With the fresh snow on the ground I could see that Owner had only been to the roughly 5 kennels in the middle area to feed and water. There was a small amount of kibble in about two kennels and the only water available was frozen in a couple of buckets. The two pens right off of the house also appeared to have had some attention but I could not see any food or water in either pen. Owner walked me out to the area where Yeager had been attacked and there was a large amount of tree debris lying across several fences. It was a large enough tree that the building housing several kennels was damaged to the south side of the roof. The tree is still lying across the fences and on the building. There is a large amount of tree damage and debris in many of the kennels throughout the property. The barns housing the puppies also did not have fresh water or food as there was no evidence of tracks through the snow. Pictures show the tree was down in our visit from March, however Owner said it fell this summer.

ATTACHMENT C

**SEARCH WARRANT APPLICATION
PHOTOGRAPHIC EVIDENCE**



ATTACHMENT C,
CONTINUED
SEARCH WARRANT APPLICATION
PHOTOGRAPHIC EVIDENCE



1. In issuing the search warrant, the undersigned relied upon the sworn testimony of the following person(s) together with the statement and information contained in the application and any attachments thereto:

Name

Address

Deputy Andy Grunhove

Worth County Sheriff's Office, Northwood, Iowa

2. Abstract of testimony: (Information received in addition to that set forth in the application and attachments thereto,) plus the following:

Deputy Andy Grunhove testified exactly as set forth in the Application and Attachment "A" & "B". The Court also reviewed Attachment "C".

3. ☒ The undersigned has not relied on information supplied by a confidential informant to the peace officer(s).
4. ☐ A portion of the grounds for issuance of this search warrant is based upon a confidential informant who provided information to _____.

(If informant used:)

- ☐ I find from sworn testimony and/or the affiant's affidavit that the informant has given reliable information on previous occasions.
- ☐ I find from sworn testimony and/or the affiant's affidavit that the informant's information is reliable because: _____.

(Select ONE :)

5. ☒ The information is found to justify probable cause and I therefore issue the warrant.
- ☒ The information is not found to justify probable cause and I therefore do not issue the warrant.


Magistrate/Judge

IN THE IOWA DISTRICT COURT FOR WORTH COUNTY

IN THE MATTER OF A CRIMINAL
INVESTIGATION

Case No. SWSW 000360

SEARCH WARRANT
IOWA CODE SECTION 808.4

TO ANY PEACE OFFICER IN THE STATE OF IOWA:

1. Proof has been made before me, as provided by law, on this date that property (a) is or has been possessed with the intent to be used as a means of committing a public offense or (b) is relevant and material as evidence in a criminal prosecution.
2. **Description.** Proof has been made to me that the property is described as live property in the form of dogs and related equipment, supplies, documentation associated with their care and lack thereof as set forth in Attachment A.
3. **Location.** Proof has been made to me that the property is located at: 1071 Highway 9, Manly, Iowa, known to be owned by Barbara Kavars. Any and all occupants of the property.
4. **Person in Possession.** Proof has been made to me that the property is in the possession of Barbara Kavars.
5. You are hereby commanded, without prior notice or authority, to search the above-described premises for the items described in Attachment A and, if such items are found, to seize the same, leaving a copy of this warrant and a receipt for the items seized, and to prepare a written inventory of such items that shall be returned with this warrant to the Court after execution thereon.

You are further authorized to take the following actions with the assistance of the ASPCA and any appropriate designees:

- A. Videotape and photograph the exterior and interior of the targeted premises;
- B. Process the target premises for fingerprints and to analyze, test and in any way scientifically process the target premises, any animals found therein and all items seized for any and all forensic evidence;
- C. Conduct thorough and complete examinations, testing, treatment and/or necropsies that an Iowa-licensed veterinarian should deem necessary for the thorough and complete diagnosis and treatment of any dog seized pursuant to this warrant;
- D. Provide housing and care for any dogs seized pursuant to this warrant.

Dated this 9th day of November, 2018.


Magistrate/Judge

ATTACHMENT A**SEARCH WARRANT****DETAILED DESCRIPTION OF EVIDENCE/PROPERTY TO BE SEIZED**

Your affiant conducted an investigation and believes probable cause exists to search for and seize the following evidence of animal neglect, in violation of Iowa Code § 717B.2:

1. All living, deceased, and unborn dogs on the property, and all remains of deceased dogs, both above and below ground;
2. Cages, pens, bedding, or other items used as enclosures or for the housing of dogs, and any and all animal containers;
3. Any and all food, food receptacles, and containers used to feed or provide water to dogs;
4. Medical records pertaining to dogs;
5. Medications, substances, and supplies related to the housing, care, feeding, and treatment of dogs;
6. Any and all tools, instruments, or other items used to move, transport, or bury dogs;
7. Records pertaining to dogs, including but not limited to breed registrations, handwritten ledgers, bills of sale, veterinary bills, receipts, pedigrees, vaccination certificates, and handwritten or typed correspondence relating to dogs;
8. Records pertaining to the transportation of dogs both to and from the aforementioned property;
9. Records pertaining to the operation of an animal-related business on the property, including but not limited to financial records, corporate documents, tax records, government registration, inspection by regulatory entities, communications with or invoices from suppliers, customer lists, marketing materials, communications with customers or potential customers, or records reflecting the purchase or sale of dogs;
10. Any and all dog ownership records or other indicia of ownership;
11. Keys that provide access to locked areas or sections wherein dogs are boarded, kept or otherwise housed;
12. Any devices used to store evidence of the above-referenced crime in electronic form, including but not limited to computers, computer discs, hard drives (internal or external), thumb drives, compact discs, memory cards, cameras, recording devices, and cell phones;
13. Any and all physical or trace evidence tending to support the commission of the above-referenced crime;
14. Any items used to conceal or prevent the discovery of the foregoing.

RETURN OF SERVICE

(IOWA CODE CHAPTER 808)

SWSW000360

STATE OF IOWA

COUNTY OF WORTH

RETURN TO SEARCH WARRANT

Being duly sworn, I, the undersigned, say that I have executed the attached search warrant and the following, to the best of my knowledge, is a complete inventory of the property seized pursuant to the warrant:

☒ SEE ATTACHED LIST

Dated the 20 day of November, 2018.

[Signature]
98-5
Officer's Signature

Subscribed and sworn to before me this 20th day of November, 2018.

Patricia Irons, Clerk of Court designee
Judge/Magistrate.

Clerk or Deputy Clerk of Court, or Notary Public

ANIMAL ID/TYPE	BREED	COLOR	SEX	CONTACTS
Dog: 2038-1 A73	SAMOYED	WHITE	M	
Dog: 2038-1 B321	SAMOYED	WHITE	UNK	
Dog: 2038-1 B322	SAMOYED	WHITE	UNK	
Dog: 2038-1 B323	SAMOYED	WHITE	UNK	
Dog: 2038-1 B324	SAMOYED	WHITE	UNK	
Dog: 2038-1 B325	SAMOYED	WHITE	UNK	
Dog: 2038-1 C9	SAMOYED	WHITE	UNK	
Dog: 2038-1 C10	SAMOYED	WHITE	UNK	
Dog: 2038-1 C11	SAMOYED	WHITE	UNK	
Dog: 2038-1 C12	SAMOYED			
Dog: 2038-1 CAT C12	SAMOYED	DILUTE CALICO	F	
Dog: 2038-1 CAT C13	SAMOYED	LONG HAIR ED CALICO	F	
Dog: 2038-1 CAT C14	SAMOYED	WHITE DOMESTIC SHORT HAIR	F	
Dog: 2038-1 CAT C15	SAMOYED	CALICO WHITE	F	
Dog: 2038-1 C16	SAMOYED			

520 8th Avenue, 7th Floor
New York, NY 10018

ASPCA Case #:

Lead Agency:

Agency Case #:

EVIDENCE INVENTORY

Item #	IMG#	Date/Time	Description and Location	Disposition
AF		11/10	23 CALENDARS w/ NAMES & MED Schedule from kit cabinet & wall	
KH3		11/12	PAPERWORK from side of fridge	
KH4		11/12	PAPERWORK from upstairs office book shelf	
KH5		11/12	PAPERWORK from laundry BASKET IN upstairs office	
KH6		11/12	AKC & SALES records from upstairs office	
KH7		11/12	PAPERWORK from bookshelf IN upstairs office	
KH8		11/12	PAPERWORK from DESK TOP DOB & BANK RECORDS	
KH9		11/12	PAPERWORK from pile on Floor of office	
KH10		11/12	cell phone from kitchen counter	
KH11		11/12	computer from office DESK	