

**CONDAMNATION PETITION AND REQUEST FOR TRANSFER OF TITLE AND POSSESSION
UNDER MINN. STAT. §117.042**

STATE OF MINNESOTA
COUNTY OF SHERBURNE
DISTRICT COURT
TENTH JUDICIAL DISTRICT
Condemnation
Court File No. 71-CV-18-1336
Co. Atty No. 201217
Sherburne County,
Petitioner,
vs.
Lance S. Doyle aka Lance Severin Doyle; Bank Mutual Corporation nka Associated Bank, N.A.; Justin Oakes; Brittney Oakes; Lakeview Loan Servicing, LLC; Wells Fargo Bank, N.A.; Mortgage Electronic Registration System, Inc. as nominee for US Bank, N.A.; US Bank, N.A.; Frank Androff, Deceased; Mortgage Electronic Registration System, Inc. as nominee for Quicken Loans, Inc.; Quicken Loans, Inc.; Ocwen Loan Servicing, LLC; Webster Bank, N.A.; Mortgage Electronic Registration System, Inc. as nominee for E Mortgage Management, LLC; E Mortgage Management, LLC; PennyMac Corp.; Austin Lindell; Nicole Vermillion; Mortgage Electronic Registration System, Inc. as nominee for Envision Capital, Inc.; Envision Capital, Inc.; The Money Source, Inc.; Ryan G. Severson; Katherine L. Severson; Mortgage Electronic Registration System, Inc. as nominee for SunTrust Mortgage, Inc.; SunTrust Mortgage, Inc.; Mortgage Electronic Registration System, Inc. as nominee for Marketplace Home Mortgage LLC; Deutsche Bank Trust Company Americas; Michael J. Steckelberg; Phyllis M. Steckelberg fka Phyllis M. Gorecki; US Bank National Association; Mortgage Electronic Registration System, Inc. as nominee for Mortgages Unlimited, Inc.; Wells Fargo Home Mortgage; Robert G. Hamner; Jerzy A. Drazkowicz; Anna Drazkowicz; James O. Edlund; Sally L. Edlund; Mortgage Electronic Registration System, Inc. as nominee for Summit Mortgage Corporation; Summit Mortgage Corporation; Freedom Mortgage Corporation; Matthew J. Westin; Sarah E. Westin; First Minnesota Bank; Gail D. Wilkinson as Trustee of Gail D. Wilkinson Revocable Trust Agreement Dated December 1, 2016; AgStar Financial Services, FLCA; David G. Paulson, Gwen A. Paulson; Mortgage Electronic Registration System, Inc.; obo Alerus Financial, N.A.; Steven Frank Duthler; Marie Louise Duthler; Liberty Savings Bank, FSB; Gary Hamner; and all other persons unknown claiming any right, title, interest or lien in the real estate described herein;
Respondents.

PETITION

**IN THE MATTER OF THE CONDEMNATION OF CERTAIN REAL PROPERTY LOCATED IN SECTIONS 26, 27, 34, 35 AND 36
TOWNSHIP 35, AND SECTIONS 01 AND 02, TOWNSHIP 34, RANGE 28, COUNTY OF SHERBURNE, STATE OF MINNESOTA
FOR SHERBURNE COUNTY STATE AID HIGHWAY 16 PROJECT.**

TO THE DISTRICT COURT AND ALL RESPONDENTS ABOVE NAMED:

The County of Sherburne, a political subdivision of the State of Minnesota ("Sherburne County"), brings this Petition for Condemnation and respectfully states and alleges as follows:

I.

This proceeding is taken pursuant to law in the name of and on behalf of the County of Sherburne, State of Minnesota, by Kathleen A. Heaney, the Sherburne County Attorney, at the request of the Sherburne Board of County Commissioners, as evidenced by the certified copy of the County Board Resolution No. 100918-AD-1864, dated October 9, 2018, attached hereto as Exhibit B and incorporated herein by reference.

II.

The Sherburne County Board of Commissioners deems it necessary, expedient, and for a public use and purpose for the County of Sherburne to acquire by condemnation permanent and/or temporary easements as well as remanent property in fee the Parcels as shown on Exhibit A of Sherburne County Right-Of-Way Plat No. 83, Doc. No. 857472 and Torrens No. 54909, together with the following rights:

To acquire all structures, trees, shrubs, grass, aggregate, and herbage. Said taking is subject to existing highways, easements and right-of-way of record. Such interest in Parcel 37 shall be in easement form and shall be subject to the existing utility easement for Lakewood Telephone Company. A copy of the Right of Way map is on file with the Sherburne County Recorder/Registrar as Document No. 857472 and Torrens No. 54909.

Further, it is the intention of the above-named petitioner to move the court for an order transferring title and possession of the parcels described herein, prior to the filing of an award by the Court appointed commissioners, pursuant to Minnesota Statutes §117.042 at midnight on May 1, 2019. The Petitioner shall, as a condition precedent, tender to the owner(s) of the Parcels the appraised value or shall tender the appraised value with the Court.

The Petitioner reserved its right to recover costs of clean up and testing and all other damages resulting from the presence of pollutants, contaminants, or hazardous materials on the property described herein, from all potential responsible parties in a separate legal action.

III.

The lands as Parcel Numbers in the attached Exhibit A in these proceedings being condemned are situated in the County of Sherburne, State of Minnesota; that the names of all persons appearing of record or known to your Petitioner to be the owners of said lands or interested therein, including all whom your Petitioner has been able by investigation and inquiry to discover, together with the nature of ownership of each, as nearly as can be ascertained are set forth in Exhibit A and made part of this Petition. Further, if there are any occupants who are not owners, their interest in the lands to the extent Petitioner has been able to ascertain is set forth in Exhibit A.

IV.

Pursuant to Minnesota Statute 117.036:

A. The properties sought to be condemned have been appraised.
B. Attempt has been made to contact and confer with the fee owner by the appraiser regarding the appraisals.

C. Good faith attempt has been made by Sherburne County Public Works to contact each owner and try to negotiate personally with each landowner to acquire the property by direct purchase instead of the use of condemnation.

D. Each owner has been provided a copy of the appraisal and has been given information on right to obtain their own appraisal at a cost borne by the Petitioner. The date of the last appraisal and notice mailed was the 23rd day of July, 2018.

E. Sixty (60) or more days have elapsed between the provision of the appraisal and the presentation of this Petition for condemnation for the District Court pursuant to Minnesota Statute 117.036(2).

F. The Petitioner shall provide affidavits of Service to this Court of service of the Petition being effectuated at least twenty (20) days prior to the time of the request for Quick Take scheduled for May 1, 2019, at midnight.

Respondents are placed on notice that if they seek to challenge a Court determination on public use, public purpose, necessity or authority to take the lands by condemnation, the Respondent is required to appeal the Court's determination within 60 days of the service of the Court Order making such findings.

WHEREFORE, Petitioner prays for an Order of this Court as follows:

1. Adjudging that said taking is for a public purpose, is necessary, and is such as is authorized by law and prerequisites under Minnesota Statute 117.036 have been met;

2. Appointing three (3) disinterested commissioners, and at least two (2) alternates to ascertain and report the amount of damages that will be sustained by the several owners on account of the taking; fixing the time and place of the first meeting of the three commissioners; prescribing their compensation which is to be paid by the County of Sherburne as the Petitioner; and requiring the commissioners to file their report with the District Court Administrator in accord with the law;

3. To authorize a taking of the easement on the lands and remanent parcels in fee as set forth in Exhibit A pursuant to Minnesota Statute 117.042 at midnight on May 1, 2019 and to have the Court accept deposit of the appraised damages if the owner has not yet received the monies; and,

4. For such other and further relief as may be proper and pursuant to law.

Dated at Elk River, Minnesota, this 11th day of October, 2018.

KATHLEEN A. HEANEY
SHERBURNE COUNTY ATTORNEY

Kathleen A. Heaney, I.D. 167642

Sherburne County Attorney

13880 Business Center Drive

Elk River, MN 55330-4601

(763) 241-2565

ATTORNEY FOR PETITIONER

EXHIBIT A

PARCEL NO. 2A SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-034-2103 INTEREST NEEDED: Permanent Easement

TORRENS

ADDRESS: xxxx 57th St SE, Becker, MN

PARTIES THAT HAVEN'T SIGNED:

Lance S. Doyle - 5929 165th Ave, Becker, MN 55308

Bank Mutual - 4949 W. Brown Deer Rd, Milwaukee, WI 53223

Associated Bank c/o Elizabeth Zorn - 1305 Main St, Stephens Point, WI 54481

INTEREST
Owner
Mortgage
Mortgage

PARCEL NO. 3 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-034-2102 INTEREST NEEDED: Permanent Easement

TORRENS

ADDRESS: 16787 57th St SE, Becker, MN 55308

PARTIES THAT HAVEN'T SIGNED:

Justin & Brittney Oakes - 16787 57th St SE, Becker, MN 55308

Lakeview Loan Servicing, LLC - Coral Gables, FL

Lance S. Doyle - 5929 165th Ave, Becker, MN 55308

INTEREST
Owner
Mortgage
Access

PARCEL NO. 4 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-034-21000 INTEREST NEEDED: Permanent and Temporary Easement

TORRENS

ADDRESS: xxxx 57th St SE, Becker, MN 55308

PARTIES THAT HAVEN'T SIGNED:

Lance S. Doyle - 5929 165th Ave, Becker, MN 55308

INTEREST
Owner

PARCEL NO. 6 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-034-2110 INTEREST NEEDED: Permanent Easement

TORRENS

ADDRESS: 16959 57th St SE, Becker, MN 55308

PARTIES THAT HAVEN'T SIGNED:

Lucas T. Anderson - 16959 57th St SE, Becker, MN 55308 (RESOLVED 10/10/18)

Wells Fargo Bank, N.A. - 101 North Phillips Ave, Sioux Falls, SD 57104

INTEREST
Owner
Mortgage

PARCEL NO. 7 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-027-4300 INTEREST NEEDED: Permanent Easement

ABSTRACT

ADDRESS: 17248 57th St SE, Becker, MN 55308

Owner: David & Kimberly Konkol

PARTIES THAT HAVEN'T SIGNED:

Wells Fargo Bank, N.A. - 101 North Phillips Ave, Sioux Falls, SD 57104

INTEREST
Mortgage

PARCEL NO. 8 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-027-4401 INTEREST NEEDED: Permanent Easement

TORRENS

ADDRESS: 17306 57th St SE, Becker, MN 55308

Owner: Robert & Julie Volk

PARTIES THAT HAVEN'T SIGNED:

Mortgage Electronic Registration System, Inc. - PO Box 2026, Flint, MI 48501-2026

US Bank, N.A. - 4801 Frederica St, Owensboro, KY 42301

INTEREST
Nominee
Mortgage

PARCEL NO. 9 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-027-4403 INTEREST NEEDED: Permanent Easement

TORRENS

ADDRESS: 17358 57th St SE, Becker, MN 55308

Owner: Christine Androff

PARTIES THAT HAVEN'T SIGNED:

Frank Androff - deceased

Mortgage Electronic Registration System, Inc. - PO Box 2026, Flint, MI 48501-2026

Quicken Loans Inc. - 20555 Victor Pkwy, Livonia, MI 48152

Ocwen Loan Servicing, LLC - 2711 Centerville Rd #400, Wilmington, DE 19808

INTEREST
Owner
Nominee
Mortgage

PARCEL NO. 10 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-027-4402 INTEREST NEEDED: Permanent Easement

TORRENS

ADDRESS: 5680 175th Ave SE, Becker, MN 55308

Owner: Daniel G. & Corinne D. Berndt

PARTIES WHO HAVEN'T SIGNED:

Webster Bank, N.A. Returned unk fwd addr 609 West Johnson Ave, Cheshire, CT 06410

Mortgage Electronic Registration System, Inc. - PO Box 2026, Flint, MI 48501-2026

E Mortgage Management, LLC - 3 Executive Campus #520, Cherry Hill, NJ 08002

PennyMac Corp. 3043 Townsgate Rd #200, Westlake Village, CA 91361

INTEREST
Mortgage
Nominee
Mortgage

PARCEL NO. 12 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-034-1205 INTEREST NEEDED: Permanent Easement

TORRENS

ADDRESS: 17071 57th St SE, Becker, MN 55308

Owner: Christopher A. Streit

PARTIES WHO HAVEN'T SIGNED:

Wells Fargo Bank, N.A. - 101 North Phillips Ave, Sioux Falls, SD 57104

INTEREST
Mortgage

PARCEL NO. 16 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-034-1105 INTEREST NEEDED: Permanent Easement and Temporary Easement

TORRENS

ADDRESS: 5728 175th Ave SE, Becker, MN 55308

Nicole Vermillion - 5728 175th Ave SE, Becker, MN 55308

Mortgage Electronic Registration System, Inc. - PO Box 2026, Flint, MI 48501-2026

Envision Capital, Inc. - 10590 Wayzata Blvd #150, Minnetonka, MN 55305

The Money Source, Inc. - 500 South Broad St #100A, Meriden, CT 06450

INTEREST
Owner
Nominee
Mortgage

PARCEL NO. 19 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-035-2205 INTEREST NEEDED: Permanent Easement

TORRENS

ADDRESS: 17613 57th St SE, Becker, MN 55308
PARTIES WHO HAVEN'T SIGNED:

Ryan G. & Katherine L. Severson - 17613 57th St SE, Becker, MN 55308
Mortgage Electronic Registration System, Inc. - PO Box 2026, Flint, MI 48501-2026
SunTrust Mortgage, Inc. - 901 Semmes Ave., Richmond, VA 23224

INTEREST
Owner
Nominee
Mortgage

PARCEL NO. 21 SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 83
PIN: 45-035-2210 INTEREST NEEDED: Permanent Easement