

## 12 Vermillion Plain Talk

### 2010 Legal and Public Notices

STATE OF SOUTH DAKOTA  
COUNTY OF CLAY

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

U.S. Bank N.A., in its capacity as Trustee for the registered holders of Home Equity Asset Trust 2004-2, Home Eequity Pass-Through Certificates, Series 2004-2

Plaintiff,

vs,

Hesse, Lisa: Allen Hesse; and any person in possession,

Defendants.

Civil No. 12-260

#### NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$108,720.47 having been entered in favor of plaintiff and against defendants, which Judgment was filed with the Clerk of Courts of Clay County, South Dakota, on December 11, 2013, for the foreclosure of a real estate mortgage.

Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated January 14, 2004, which Allen Hesse and Lisa Hesse, Mortgagors, executed and delivered to Mortgage Electronic Registration Systems, Inc., Mortgagee:

LOT 6 & 7, BLOCK 57

SNYDER'S ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the 20th day of January, 2004, in Book 120 of Mortgages, Page 290; said mortgage further assigned to US Bank NA, as trustee for the registered Holders of home Equity Asset Trust 2004-2, Home Equity Pass-Through Certificates, Series 2004-2, recorded September 22, 2006, in Book 125, Page 00029, in order to realize the amount of \$68,000.00, as of January 14, 2004, plus interest accruing there- after on said amount at the rate of 9.750% per year together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate taxes and assessments of Clay County, South Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of Clay County, South Dakota, at the front door of the Clay County Courthouse, in Vermillion, South Dakota, on February 12, 2014, at 10:00 A.M. (CT).

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

Dated December 18, 2013.

Sheriff of Clay County, South Dakota

MACKOFF KELLOGG LAW FIRM

By :  
David C. Piper, Attorney #4128  
38 Second Avenue East  
Dickinson, ND 58601  
(701) 227-1841  
Attorneys for Plaintiff

Published twice at the total approximate cost of \$69.68  
Published: January 24 and 31 2014

The University of South Dakota is accepting sealed bids for USD Coyote Village Environmental Services until 3:00 P.M., February 14th, 2014. Sealed bids must be delivered to the University of South Dakota, Purchasing Office, 209 Slagle Hall, 414 East Clark St., Vermillion SD. Copies of the bid solicitation and specifications are available from Purchasing Office at USD, contact Kyra Blatchford at 605-677-5667 or by email at [kyra.blatchford@usd.edu](mailto:kyra.blatchford@usd.edu). The University reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$13.70  
Published: January 24 and 31, 2014.

# Subscribe

# Today!

Call 624-4429

### 2010 Legal and Public Notices

STATE OF SOUTH DAKOTA  
COUNTY OF CLAY: SS

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE  
ESTATE OF  
JERRY KUTILEK,  
  
DECEASED.

PRO 14-1

NOTICE TO CREDITORS  
\*\*\*\*\*

Notice is given that on the 8th day of January, 2013, Charles Kutilek, whose address is 1675 N.W. Hobbs Road, Cornelius, OR 97113, was appointed as personal representative of the estate of Jerry Kutilek, Deceased.

Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

/s/:

Charles Kutilek  
1675 N.W. Hobbs Road  
Cornelius, OR 97113

JESSICA BOSSE  
CLERK OF COURTS  
211 W. MAIN STREET  
VERMILLION, SD 57069  
(605)677-6756

CRAIG K. THOMPSON  
CRAIG K. THOMPSON LAW OFFICES  
P.O. BOX 295  
VERMILLION, SD 57069  
(605)624-2097  
[craig@cktlaw.net](mailto:craig@cktlaw.net)

Published three times at the total approximate cost of \$53.79  
Published: January 17, 24, and 31.

#### NOTICE OF APPLICATION

NO. 7918-3 to Appropriate Water

Notice is given that Orin Abild, 30574 461st Ave, Wakonda SD 57073 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion:Missouri Aquifer (85 feet deep) located in the NW 1/4 SE 1/4 Section 33 for irrigation of 132 acres located in the S 1/2 NE 1/4 and N 1/2 SE 1/4 Section 33; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7918-3 for 1.78 cfs because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 3, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$0.00.  
Published: January 24, 2014

### 2010 Legal and Public Notices

STATE OF SOUTH DAKOTA  
COUNTY OF CLAY

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

JACQUELINE MARY-DENISE  
MUDROW

Plaintiff,

vs,

MITCHELL DOUGLAS  
TURNER,

Defendants.

DIV. 13-53

#### DIVORCE SUMMONS

\*\*\*\*\*  
THE STATE OF SOUTH DAKOTA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT Mitchell Douglas Turner:

You are hereby summoned and required to answer the Complaint of the above-named Plaintiff, which was the 16th day of December, 2013, filed in the office of the Clerk of the Circuit Court of the First Judicial circuit in Vermillion, Clay County, South Dakota, and to serve a copy of your answer to said Complaint on the undersigned at his office of 106 West Main, PO Box 32, Beresford, South Dakota, within thirty (30) days after the service of this summons upon you, exclusive of the date of such service, and if you fail to answer within said time, the Plaintiff in this action will take judgment against you by default as requested in Plaintiff's Complaint, after thirty (30) days have elapsed from the completed service of said Summons and Complaint.

That pursuant SDCL 25-4-33.1, and until further order of the court, both the Plaintiff and Defendant named herein are restrained from the following:

1. From transferring, encumbering, concealing or in any ways dissipating or disposing of any marital assets without the written consent of the other party or an order of the court, except as may be necessary in the usual course of business or for the necessities of life, and requiring each party to notify the other party of any proposed extraordinary expenditures and to account to the court for all extraordinary expenditures made after the temporary restraining order is in effect , and;

2. From molesting or disturbing the peace of the other party, and ;

3. From removing any minor child of the parties from the State without the written consent of the other party or an order of the court.

4. In compliance with the Uniform Child Custody Jurisdiction Act, Plaintiff States:

a. That the child know as Isabella Mary-Margaret Myers currently resides with Plaintiff at her address of 46766 302nd Street, Beresford, South Dakota 57004.

b. No other action concerning the custody of the child is pending in this or any other state other than in this action between the parties hereto.

c. No other party has claimed a right to the custody of the child, and no other person not a party to this proceeding has claimed a right to visitation privileges with said child at the time of the signing of this complaint.

5. Pursuant to SDCL 25-4A-11 upon the filing of a summons and complaint for divorce the Plaintiff shall also file and serve upon the Defendant a copy of the standard parenting guidelines. The standard guidelines attached to the summons shall become an order of the court upon fulfillment of the requirements of service. Any minor child of the marriage shall remain in the custody for the majority of the time in the twelve months preceding the filing of the summons and complaint, unless the parties agree otherwise. The standard guidelines shall apply and continue in effect, unless the parties agree, or the court orders otherwise. Imposition of the standard guidelines creates no presumption as to who may be awarded custody at any hearing.

Dated at Beresford, South Dakota this 27th day of December, 2013.

Michael J. McGill  
Attorney for Plaintiff  
PO Box 32  
Beresford, SD 57004-0032  
(605)763-2057

Published four times at the total approximate cost of \$179.51  
Published: January 3, 10, 17, and 24 2014

### 2010 Legal and Public Notices

#### NOTICE TO BIDDERS

Notice is hereby given that the Governing Body of the City of Vermillion, South Dakota, will receive bids for providing the following equipment at City Hall, 25 Center Street, Vermillion, South Dakota 57069, on the 12th day of March, 2014, at 2:00 p.m. Such bids will be publicly opened and read at that time. The bids will be acted upon by the City Council at City Hall on the 17th day of March, 2014 at 7:00 p.m. The work is described in general as follows:

The general nature of the work on which proposals will be received consists of construction of a 115 kV substation upgrade, including concrete foundations, steel structures, bus work, conduit, duct work grounding and modifications to the fence. The project also includes the construction and installation of a new control building and basement that shall connect seamlessly to the existing South control building. This work shall result in the decommissioning of the existing North control building equipment and relocating certain equipment to the proposed building. In addition, the project includes the installation and connection to the following Owner-furnished materials: two (2) 115 kV SF6 circuit breakers, five (5) 115 kV potential transformers, and modifications to the existing South control building station power.

This work shall also require the purchase and installation of 115 kV substation control panels, 13.8 kV switchgear, and also includes cutting over existing yard equipment to the proposed control panels and switchgear from existing control panels in the North control building as well as installing new.

Complete digital project bidding documents are available at [www.questcdn.com](http://www.questcdn.com). You may download the digital plan documents for \$15.00 by inputting on the website's Project Search page Quest project # 3072987. Please contact [QuestCDN.com](mailto:QuestCDN.com) at 952-233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in free membership registration, downloading, and working with this digital project information. Contractors desiring a paper copy of the bid forms and specifications for individual use may obtain them from the office of the Engineer, DGR Engineering, 1302 South Union, P.O. Box 511, Rock Rapids, Iowa 51246, telephone 712-472-2531, Fax 712-472-2710, e-mail: [dgr@dgrmet.com](mailto:dgr@dgrmet.com). Copies may be obtained upon payment of a fifty dollar (\$50.00) deposit, none of which will be refunded. Plans will be made available after February 12.

Each bid must be accompanied by a certified check, cashier's check or draft made payable to the City of Vermillion, South Dakota, in an amount equal to five percent (5%) of the total amount of the bid, such check to be certified or issued by either a State or National Bank; or in lieu thereof a bid bond made payable to the City of Vermillion, South Dakota, in an amount equal to ten percent (10%) of the total amount of the bid, such bond to be issued by a surety authorized to do business in the State of South Dakota. This deposit is a guarantee that if the bid is accepted, a contract will be entered into and its performance secured. The bid security must not contain any conditions either in the body or as an endorsement thereon. Such bid security shall be forfeited to the City as liquidated damages in the event the successful bidder fails or refuses to enter into a contract within ten (10) days after the award of contract.

Payment for the equipment herein provided for will be made from cash.

The City of Vermillion reserves the right to reject any or all bids and to waive any irregularities herein.

Dated this 21st day of January, 2014.

CITY OF VERMILLION, SD

By /s/ Jason Anderson  
Assistant City Engineer

Published twice at the approximate cost of \$76.48.

Publish: January 24 & January 31, 2014.

#### MINUTES OF THE VERMILLION SCHOOL BOARD Regular Meeting Unapproved Minutes

January 13, 2014

VERMILLION PUBLIC SCHOOLS

### 2010 Legal and Public Notices

Board members present: Esping, Schwasinger, Stammer.

Board members absent and excused: Fairholm and Lavin.

Presiding officer present: Esping-president.

Officer present: Beermann-business manager.

Administrators present: Froke-superintendent.

School attorney present: McCulloch.

Item #1-914  
Motion by Stammer, seconded by Schwasinger, to go into executive session at 6:05 p.m. for personnel matters.  
Aye: Unanimous.

Item #2-914  
Esping declared the board out of executive session at 6:45 p.m.

Item #3-914  
Vermillion Mayor Jack Powell presented a Proclamation in Recognition of School Board Appreciation Week January 13th to 17th, 2014.

Item #4-914  
Alan Fritch and Lyn Pederson, CorTrust Bank representatives, presented information relating to the bank franchise taxation and exemption issues.

Item #5-914  
Janet Mount and Jeff Olson, Federal Credit Union representatives, presented responsive information on the bank franchise taxation and exemption issues.

Item #6-914  
Motion by Stammer, seconded by Schwasinger, to approve the agenda as presented with the following addition:  
VII.A.4. Bussing.  
Aye: Unanimous.

Item #7-914  
Motion by Schwasinger, seconded by Stammer, to approve the minutes of the December 9, 2013 board meeting as presented.  
Aye: Unanimous.

Item #8-914  
Motion by Schwasinger, seconded by Stammer, to accept the business manager's report for the month ending December 31, 2013 and approve the payment of claims as presented.  
Aye: Unanimous.

Item #9-914  
Froke presented information on the following items:  
1. School calendar committee,  
2. Governor's CTE grant program,  
3. Middle school roof, and,  
4. Bussing needs.

Motion by Stammer, seconded by Schwasinger, to authorize an additional activity bus at a cost of \$40 per day for additional bussing from the middle school to the high school during the winter activities season.  
Aye: Unanimous.

Item #10-914  
Beermann presented information on TIF districts balances received from the City of Vermillion.

Item #11-914  
Motion by Stammer, seconded by Schwasinger, to hold the annual school board election in conjunction with the city and county elections on June 3, 2014 and approve the joint election agreements with both Clay and Union Counties.  
Aye: Unanimous.

Item #12-914  
Motion by Stammer, seconded by Schwasinger, to approve the waiver forms for a high school Spanish I credit course at the middle school.  
Aye: Unanimous.

Item #13-914  
Motion by Schwasinger, seconded by Stammer, to approve the employment of the following employees:  
Emily Miller-special education assistant at \$10.00/hr., and,  
Casey North-Title I education assistant at \$10.00/hr.  
Aye: Unanimous.

Item #14-914  
Motion by Stammer, seconded by Schwasinger, to approve the open enrollment #14-20-OE and

One & two bedroom apartments, **Scotland Apartments**, 821 Main St. Scotland, SD 57059. Laundry. Rental assistance available to those who qualify. For appointments or applications please call **605-624-5218** or visit [www.oakleafpm.com](http://www.oakleafpm.com).

Equal Housing Opportunity

### 2010 Legal and Public Notices

#14-21-OE requests as presented.  
Aye: Unanimous.

Item #15-914  
Motion by Schwasinger, seconded by Stammer, to adjourn the meeting at 7:54 p.m.  
Aye: Unanimous.

Chris Esping  
President

Sheila R. Beermann  
Business Manager

#### Vermillion School District #13-1 January 13, 2014 Gross Payroll Report

Administration, \$56,008.32,  
Alternative School, Instruction/Classified \$5,807.37,  
Instructional, General Fund \$266,864.02, Instructional, Special Education Fund \$43,818.55,  
Instructional, Pre-School Program \$2,544.50, Total for Administration/Instructional Staff: \$375,042.76, Beyond School Adventure, Day Care Director/Aides \$3,806.29, Board Members \$-, Co-Curricular \$16,880.09, Classified, General Fund \$52,209.57,  
Classified, Special Education Fund \$19,328.59, Guidance, Certified/Classified \$16,753.48, Library, Certified/Classified \$6,701.87, **Total for Certified/Classified Staff:** \$115,679.89  
**Grand Total of December's Gross Payroll - - -** \$490,722.65

#### Vermillion School District 13-1 BOARD REPORT FOR NEWSPAPER

Vendor Name, Vendor Description Amount  
ACP DIRECT, INC. SUPPLIES 46.90, AMERICAN BUS CORP. SERVICES 38,209.61, AMERICAN FENCE COMPANY SUPPLIES 3,642.00, ANDERSON, PATRICK SUPPLIES/SERVICES 58.24, APPLE COMPUTER SUPPLIES 4,196.00, ARAMARK UNIFORM SERVICES, INC SUPPLIES/SERVICES 35.48, ARMBRUST, SARAH SUPPLY/SERVICES 7 2 . 4 1 , AUTOMATIC BUILDING CONTROLS, INC. SERVICES 77.82, AVERA ST LUKE'S SERVICES 2 9 8 . 9 2 , BEERMANN, SHEILA R. SUPPLIES/SERVICES 331.74, BEGLEY, MARY SUPPLIES/SERVICES 109.67, BLICK ART MATERIALS SUPPLIES 684.81, BRANDON VALLEY SCHOOL DISTRICT FEES 40.00, BROADCASTER PRESS, INC. SERVICES 411.78, BRODERSEN, KAROL SUPPLIES/SERVICES 246.90, BROWN & SAENGER, INC. SUPPLIES 363.00, BRUNICK SERVICE, INC. SERVICES 9,069.35, BW INSURANCE AGENCY, INC. SERVICES 25,497.80, CAMERON, CURT SUPPLIES/SERVICES 172.42, CAMPBELL SUPPLY CO, INC. SUPPLIES/SERVICES 181.99, CANON FINANCIAL SERVICES, INC. SERVICES 1,344.78, CENTURYLINK PHONE LINES 1,026.87, CHILDREN'S CARE HOSPITAL & SCHOOL SERVICES 10,445.41, CITY OF VERMILLION SERVICES 15,566.19, COMMERCE PROPERTIES, LLC LEASE 1,700.00, CONNECTING POINT COMPUTER CENTER, INC. SUPPLIES 1,238.00, C O N S T E L L A T I O N NEWENERGY-GAS DIVISION, LLC SERVICES 9,409.62, COYOTE TWIN THEATRES SERVICES 397.00, CTL LEASING OFFICE RENT 1,253.98, CULLIGAN WATER CONDITIONING SERVICES 22.00, DAKOTA LOCK AND KEY SERVICES 180.00, DAKOTA PC WAREHOUSE SUPPLIES 171.00, DAKOTA POTTERS/WEST SIOUX CERAMICS SUPPLIES 406.97, DAKOTA SECURITY SYSTEMS INC. SUPPLIES/SERVICES 9,641.17, DAKOTA VALLEY SCHOOL DISTRICT 61-8 F E E S 193.26, DAYS INN MERLE HAY SERVICES 225.31, DEMCO, INC. SUPPLIES 207.52, DEVEREUX CLEO WAL-LACE SERVICES 1,046.88, DRAKE, JAY SUPPLIES/SERVICES 46.18, ECONOLIDGE SERVICES 224.95, EDC EDUCATIONAL SERVICES SUPPLIES 474.77, EQUALIZER SUPPLIES/SERVICES 520.00, FIRST BANK &

**Town Square I & II Apartments 505-507 W. Main St. Vermillion, SD 57069.** 1 BR apartments for anyone 55 years of age or older, or persons with disabilities. Please call **605-624-5218** or visit [www.oakleafpm.com](http://www.oakleafpm.com). Utilities are included and we are pet friendly. Rental assistance available to those who qualify.

Equal Housing Opportunity