

6B Vermillion Plain Talk**2010 Legal and Public Notices**

NOTICE OF PUBLIC HEARING OF APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 1st day of December, 2014 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Site Transfer for Municipal Off sale Package Liquor license until December 31, 2015:

City of Vermillion for the Municipal Liquor Store at 826 Cottage Avenue site transfer to 820 Cottage Avenue on or about January 6, 2015.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application.

Dated at Vermillion, South Dakota this 14th day of November, 2014.

Michael D. Carlson, Finance Officer

Publish: November 21, 2014

Published once at the approximate cost of \$15.39.

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Retail on-off sale malt beverage license with video lottery until June 30, 2015:

City of Vermillion for the Municipal Liquor Store at 820 Cottage Avenue.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application.

Dated at Vermillion, South Dakota this 14th day of November, 2014.

Michael D. Carlson, Finance Officer

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Published once at the approximate cost of \$15.39.

PUBLIC NOTICE**Clay County Board of Commissioners and Vermillion City Council to hold Joint Meeting**

Notice is hereby given that an Open Meeting will be held between the Clay County Board of Commissioners and the Vermillion City Council in joint session at 11:45 a.m. Tuesday, November 25, 2014 at RED Steakhouse for a presentation regarding construction plans for the Sanford Vermillion Hospital.

In compliance with the Americans with Disabilities Act (ADA), if you wish to attend this hearing and need assistance, please contact the Vermillion City Manager's Office at (605) 677-7050 or the Clay County Auditor's Office at (605) 677-7120. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the City and County to make reasonable arrangements to ensure accessibility to this hearing.

All interested persons are encouraged to attend this open meeting. Those interested persons not able to attend are invited and encouraged to send written comments before November 25, 2014 to the Clay County Auditor, 211 W. Main Street, Suite 200, Vermillion, SD, 57069.

**Carri R. Crum
Clay County Auditor**

Published once at the approximate cost of \$17.88.

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November 18, 2014

The Board of County Commissioners met in regular session Tuesday, November 18, 2014 at 9:00 a.m. Members present: Mockler, Packard, Powell, Kephart, and Passick.

Kephart moved, seconded by Mockler and carried to approve the agenda.

Mockler moved, seconded by Packard and carried to approve the November 6, 2014 minutes with a correction as follows. "Bob Iverson, City of Vermillion Solid Waste Director, met with the Board to present the landfill permit application forms. Powell moved, seconded by Kephart and carried to authorize the Chairman to sign the permit application paperwork."

The Register of Deeds Monthly Activity Report was accepted and placed on file.

At 9:15 a.m., a public hearing was held for the first reading of ORDINANCE #2014-03, an ordinance amending Ordinance #2013-04, a request to re-zone land (two parcels) from Agriculture to L1: Light Industrial to build industrial structures. The legal descriptions of the properties are: the South 175 feet of the East 422.27 feet of the West 1,625.62 feet of Heikes Tract 4, a subdivision of the SE1/4 SE1/4, SW1/4 SE1/4, the S1/2 SW1/4 NE1/4 SE1/4, the E1/2 SE1/4 SE1/4 NW1/4 SE1/4, and the East 23.5 acres of the S1/2 of Lot 1 of the SW1/4, Section 7, T92N, R52W of the 5th P.M. and the South 175 feet of the East 633.49 feet of the West 1,203.35 feet of Heikes Tract 4, a subdivision of the SE1/4 SE1/4, SW1/4 SE1/4, the S1/2 SW1/4 NE1/4 SE1/4, the E1/2 SE1/4 SE1/4 NW1/4 SE1/4, and the East 23.5 acres of the S1/2 of Lot 1 of the SW1/4, Section 7, T92N, R52W of the 5th P.M. Cynthia Aden, Zoning Administrator, reported that the rezoning petition would allow Richard Hammond to build a storage building. Aden said the joint session between the City of Vermillion Planning Commission and the Clay County Planning Commission resulted in a unanimous approval. The second reading will take place in a joint session between the City of Vermillion City Council and the Board of Clay County Commissioners at 11:15 a.m. November 25, 2014 at City Hall, 25 Center St., Vermillion, SD.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Powell moved, seconded by Kephart and carried to approve travel for Polley to attend an Executive Board Meeting in Chamberlain on December 4th.

Powell moved, seconded by Mockler and carried to declare surplus 170 bridge deck planks to be sold at Girard's Auction on December 5th in Wakonda.

An Application for Entrance from a Clay County Highway was presented on behalf of Heine Partnership on the Burbank Road in the SE1/4 of Section 20, Fairview Township. Mockler moved, seconded by Powell and carried to approve the application as presented.

The Highway Department will be returning to winter hours (8 hour days) on November 24th.

Polley reported that the Wakonda Highway Shop has not been completed by the November 1st deadline. However, the County has received another bill. Teddi Gertsma, State's Attorney, advised that a letter should be sent to the contractor. Polley said the contractor is working on wiring, and the plumbing is done but not the bathroom fixtures. He estimates that the building is 95% complete. It was decided that Polley and Gertsma would work together to draft a letter.

An Application for Entrance from a Clay County Highway was presented on behalf of Daniel Heine on the Clay County Park Road in Section 21, T92N, R52W. Powell moved, seconded by Kephart to approve the application as presented.

Powell moved, seconded by Packard and carried to authorize the Chairman to sign the 2014 Flood Force Account Agreement. The agreement is an authorization for reimbursement to the County for eligible costs for restoration of roads damaged in the 2014 flood event.

Cynthia Aden, Welfare Director, met with the Board to present Welfare Case #C14-34. The applicant meets poverty guidelines, however not the welfare guidelines for the type of request. Powell moved, seconded by Mockler and carried to deny the request as it does not meet the County's welfare guidelines.

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Andy Howe, Sheriff, met with the Board to discuss adding a payroll shift differential in his departments. He reported that he would like an extra \$.50/hour during the hours of 6:00 p.m. - 6:00 a.m. Sunday - Saturday and an additional \$.75/hour from 6:00 p.m. - 6:00 a.m. Friday - Monday. It would cost approximately \$6,664 in the jail and approximately \$3,553 for the Sheriff's Office annually. Although the cost was not previously budgeted, Howe reported that the County will receive a \$16,500 grant from the 24/7 Sobriety Project for the jail. He would use jailers to work under the 24/7 Sobriety Project, helping to offset the cost of the shift differential. Powell moved, seconded by Kephart and carried to approve the request, effective January 1, 2015.

It was discussed whether to change payroll from monthly to every two weeks. Employee surveys were read and considered. Mockler moved, seconded by Packard to leave payroll monthly as is. A vote of the Commission commenced: Mockler Aye, Packard Aye, Powell Nay, Kephart Aye, Passick, Aye. Motion passed.

At 9:48 a.m., Mockler moved, seconded by Packard and carried to commence Executive Session for personnel matters, inviting Michael Manning to be present.

Kephart excused himself from the meeting at 10:40.

At 11:08 a.m., Packard moved, seconded by Mockler and carried to cease Executive Session. No action was taken.

Powell moved, seconded by Kephart and carried to approve the following claims for payment. November Bills: (Payroll Withholdings) Tasc Pvr \$2,915.82; (Professional Services and Fees) Abild, Lillian \$145.00; Aden, Cynthia \$35.00; Beringer, Jessica \$121.19; Bottelfson, Darlene \$170.00; Bremer, Ruth \$135.00; Brunick, Brad \$50.00; Bylander, Ruth \$135.00; Carlsen, Nancy \$135.00; Carlson, Michael \$35.00; Chaney, Cynthia \$135.00; City of Vermillion \$7,800.00; Cody, Denise \$45.00; Crum, Carri R \$24.05; Devany, F Arlene \$141.66; Devries, Robin \$135.00; Eidem, Michelle \$35.00; Frick, Carol \$141.66; Halvorson, Roma \$176.66; Hansen, Carol \$150.92; Heles, Kathryn L \$168.48; Hoden, Doris \$170.00; Holter, Joan \$135.00; Isaacson, Marilyn \$135.00; Johnson, Kaili \$135.00; Johnson, Lisa \$170.00; Labahn, Darlis \$170.00; Larson, Erma \$170.00; Lewis & Clark Behavior \$320.00; Lewno, Lucille M \$449.97; Lincoln County Auditor \$90.00; Madsen, Mary K \$181.66; Manning, Linda \$35.00; Martinson, Marsha \$135.00; Miller, Angela \$141.48; Moore, Michele \$135.00; Nelsen, Peggy \$158.50; Netsys Plus, Inc. \$319.00; Orr, Beverly \$135.00; Osborne, Kent \$170.00; Peterson, Angie \$135.00; Peterson, Dona Dee \$135.00; Peterson, Ina \$170.00; Pharmchem, Inc. \$400.00; Pravecek, Ethelyn (Wess) \$170.00; Sample, Ranah \$144.81; Schmidt, Betty \$170.00; Sorensen, Mary \$135.00; Stewart, Layne \$146.25; Swanda, Karen \$45.00; Terwilliger, Lisa \$35.00; Walker, Brenda \$110.00; Westergaard, Sally \$177.22; Wilson, James P \$135.00; Yankton Co Sheriff \$75.00; Zimmerman, Joyce P \$145.00; Mehlhaf, Jeanne \$135.00 and Szymonski, Deann \$135.00; (Other Professional Services) Bergendahl, David L \$52.20; Brevik Law Office LLC \$466.42; Cherry Street Grille \$7,412.40; Mannschreck, Scot D \$4,028.32 and Dept of Revenue \$3,355.97; (Publishing) The Equalizer \$67.20; USD Volante \$34.50; Broadcaster Press \$1,158.08 and Star Publishing \$1,072.66; (Repairs and Maintenance) A & B Business \$52.74; Butler Machinery Co. \$708.00; First Bank & Trust Visa \$9.00; Johnson Controls, Inc. \$502.50; Kone, Inc. \$615.48; Midwest Bldg. Maint. \$24.00; Netsys Plus, Inc. \$63.75; Office Elements \$3.37; Paul's Plumbing, Inc. \$272.47; Presto-X Company LLC \$67.16; Sooland Bobcat \$100.00; Steffen, Bernard \$465.00; ESRI \$400.00; Microfilm Imaging System \$432.00 and SD Assn of Co Officials \$340.00; (Clay Creek Ditch Expense) Broadcaster Press \$31.57; (Laterals 50A & 50B Expense) Star Publishing \$32.20; (Supplies & Materials) A & B Business \$105.50; A-Ox Welding Supply Co \$317.59; Allied Oil & Supply, Inc. \$912.16; Appera \$21.96; Boyer Trucks SF Inc. \$26.06; Brunick Machinery Co. \$2,838.51; Butler Machinery Co. \$3,878.85; Campbells Supply Co. \$264.51; Dakota PC Warehouse \$20.99; First Bank & Trust Visa \$770.71; Higan Sand & Gravel \$647.49; John Deere Financial \$339.50; Johnson Feed, Inc. \$48.82; K&P Services, Inc. \$191.50; Lawson Products, Inc. \$376.95; Midwest Bldg. Maint. \$63.00; Midwest Oil Company \$1,129.14; Mills & Miller, Inc \$2,924.10; Neve's Uniforms & Equipment \$44.95; Office Elements \$300.00; Orr Farm Supply

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\$14.30; Print Source \$208.00; Quill Corporation \$249.50; River-side Hydraulics A \$134.04; SD Dept of Trans \$31,904.93; Sign-Up Ltd. \$22.68; Sooland Bobcat \$705.20; Sturdevant's Auto Parts \$446.23; The Equalizer \$70.00; Truck-Trailer Sales \$153.00; True Value \$10.99; US Postal Service \$49.00 and Western Office Tech \$32.70; (Copier Supplies) Century Business Products \$93.16; (Travel and Conference) Brunick Service, Inc. \$159.70; First Bank & Trust Visa \$360.00 and Polley, Rodney \$56.00; (Utilities) Brunick Service, Inc. \$93.00; CenturyLink \$523.60; City of Vermillion \$34.25; Clay Union Electric Co \$395.41; Hartelco \$89.95; Mid-American Energy \$11.38; Midcontinent Comm. \$270.00; Steffen, Bernard \$2,694.68 and Vermillion Garbage Svc \$60.00; (Machinery/Auto) American Tire Distribution \$445.08; Brunick Service Inc. \$1,648.44; Butler Machinery Co. \$22,913.00; Henderson's Exhaust Plus \$100.00; Lycop \$36,340.00; Quality Motors \$193.90; Vermillion Federal Credit \$286.81; (Locations) Beresford Public Library \$375.00; Clay Co Agr Fair Association \$3,250.00; Clay Co Conservation \$8,750.00; Dakota Senior Meals \$1,750.00; Dept of Revenue \$973.00; Domestic Violence \$356.00; Lewis & Clark Behavior \$4,557.75; National Music Museum \$725.00; Vermillion Public Library \$750.00; Vermillion Senior Center \$3,500.00; Wakonda Public Library \$500.00 and Wakonda Senior Center \$512.50; (Juvenile Detention) Minnehaha County JDC \$155.00; Sirchie \$401.60; Volunteers of America \$115.00; and Thomson Reuters - West \$486.41; (Furniture and Minor Equipment) First Bank & Trust Visa \$122.20; Microfilm Imaging System \$120.00; Netsys Plus, Inc. \$2,528.99 and Patrick Rubendall \$375.00.

At 11:09 a.m. Powell moved, seconded by Mockler and carried to adjourn and reconvene Tuesday, November 25, 2014 at 9:00 a.m.

Raymond Passick, Chairman

ATTEST:

Board of County Commissioners

Carri R. Crum, County Auditor
Published once at the approximate cost of \$112.31.

STATE OF SOUTH DAKOTA

COUNTY OF CLAY

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Trust 2007-HE2, Mortgage Pass-Through Certificates, Series 2007-HE2,

Plaintiff,

vs.

Chris Tieszen; Jessica Tieszen; Mortgage Electronic Registration Systems; City of Vermillion; Accounts Management; Credit Collections Bureau; Credit Collection Services; Hauge Associates Inc; and any person in possession,

Defendants.

Civil No. 13-113

NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$120,196.90 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 June 11, 2014, 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 October 27, 2006, which Chris Tieszen and Jessica Tieszen, Mortgages, executed and delivered to Mortgage Electronic Registration Systems, Inc. as nominee for New Century Mortgage Corporation, Mortgagee:

THE EAST 37 FEET OF LOT 10 AND THE WEST 16 FEET OF LOT 11, BLOCK 4, HOLIDAY VILLAGE 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 27th of October 2006 in Book 125 of Mortgages Page 205, said mortgage

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was assigned to Deutche Bank National Trust Company as Trustee for the Certificateholders of the Morgan Stanley ABS Captial I Inc. Trust 2007-HE2, Mortgage Pass-Through Certificates, Series 2007-HE2, by assignment of Mortgage recorded May 12, 2011 in Book 132 of Mortgages, Page 25, in order to realize the amount of \$92,000.00, as of October 27, 2006, plus interest accruing thereafter on said amount at the rate of 6.5% 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 December 10, 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 October 6, 2014.

Sheriff of Clay County, South Dakota

MACKOFF KELLOGG LAW FIRM

B y :

Elizabeth A. Ebert, Attorney #4462
38 Second Avenue East
Dickinson, ND 58601
(701) 227-1841
Attorneys for Plaintiff

Published twice at the total approximate cost of \$78.95.

STATE OF SOUTH DAKOTA)

COUNTY OF CLAY)

IN CIRCUIT COURT

FIRST DAKOTA NATIONAL BANK,

Plaintiff.

vs.

GARY L. DEJONG, PRIME-BANK, DISCOVER BANK and CHASE BANK USA,

Defendants.

Civ. 14-88

NOTICE OF FORECLOSURE SALE

Notice is hereby given that under and by virtue of a Default Judgment dated October 1, 2014, wherein Plaintiff First Dakota National Bank, holder of a certain note and mortgage attached as Exhibits to the Complaint on file herein, the note executed by Defendant Gary L. DeJong in favor of First Dakota National Bank. The mortgage was dated February 16, 2004, and recorded on February 17, 2004, in Book 120 of Mortgages, page 390 in the Office of the Register of Deeds of Clay County, South Dakota. First Dakota National Bank obtained a Default Judgment against Defendant Gary L. DeJong herein on October 1, 2014, which Default Judgment was in the aggregate amount of \$40,529.31, excluding attorney's fees, post judgment interest and disbursements. In accordance with the Default Judgment, First Dakota National Bank is authorized to sell his real estate described as follows:

Lot Eighteen (18), Block Twenty-seven (27), original town of Vermillion, according to the City Council replat of Main and Market Streets, City of Vermillion, Clay County, South Dakota.

on Wednesday, December 10, 2014, at 10:00 o'clock a.m.

This sale is made pursuant to SDCL 21-49 and 15-19. Said property is sold and subject to only real property taxes, interest, liens, special assessments, and penalties due to Clay County, South Dakota. After performing an updated title search on July 23, 2014, only two junior judgment liens and one junior mortgage appear against the Defendant or the affected real estate and the Court has determined that these liens are inferior to First Dakota National Bank's first position mortgage lien.

This sale is made subject to reduced redemption in the manner provided by law and prior court order and in accordance with the total indebtedness as at the time of

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such redemption, as authorized by law, in satisfaction of all said obligations. The redemption rights of the parties are subject to the Court's prior finding that the property has been abandoned since before the time litigation was initiated.

Public notice is hereby given that on December 10, 2014, at 10:00 o'clock a.m. at the front door of the Clay County Courthouse, Vermillion, South Dakota, I will in conformity with the Default Judgment, sell the above described property or so much thereof as may be necessary to raise sufficient money to satisfy such Default Judgment together with any additional interest and costs to the highest and best bidder.

Dated this 20th day of October, 2014.

/s/ Sheriff Andrew Howe

Sheriff Andrew Howe
Clay County, South Dakota

Dated this 20th day of October, 2014.

/s/ Steven K. Huff

Steven K. Huff, SDBA #3097
Johnson, Miner, Marlow,
Woodward & Huff, Prof. LLC
200 W. Third St.
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Attorneys for First Dakota National Bank

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