

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT

CITY OF JONESBORO, ARKANSAS

FILED
08 MAY -2 PM 2:38
PLAINTIFF
CIRCUIT COURT CLERK

V.

NO. CIV-2007-0448

SHIRLEY ANN KUSTER

DEFENDANTS

EMC MORTGAGE

MORTGAGEE

ORDER OF ENTRY AND DISBURSEMENT OF FUNDS

On this date was presented to the court the ORDER of the plaintiff, City of Jonesboro, by and through its City Attorney, Phillip Crego and based upon the pleadings, and other matters of proof before the court, the court doth find:

1. That the plaintiff, City of Jonesboro, Arkansas, herein filed its complaint in condemnation alleging its right to condemn a drainage easement across the lands of the defendants and the mortgagee under the power of eminent domain, and deposited into the registry of the court the sum of \$2,230.00 as just compensation for the taking of the land of the defendant and the mortgagee.

2. That plaintiff is entitled to a permanent easement on said land of the defendants to construct, maintain and utilize improvements.

3. That the defendants Shirley Ann Kuster, defendant and EMC Mortgage, Mortgagee are entitled to the funds deposited into the registry of the court for the taking of their land. That the sum of \$2,230.00 deposited shall be given to the defendants and the mortgagee.

IT IS SO ORDERED.



CIRCUIT JUDGE, DAVID LASER

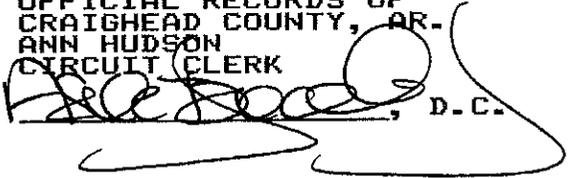
DATE 5/2/08

APPROVED AS TO FORM:



ATTORNEY FOR PLAINTIFF, PHILLIP CREGO

Law Bk 77 Pg 928-929
DATE :05-06-2008
TIME :11:24:55 AM
RECORDED IN
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY, AR.
ANN HUDSON
CIRCUIT CLERK



, D.C.

*Summary
Issued*

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS,
WESTERN DISTRICT

FILED

07 JUL -3 PM 2:34

CITY OF JONESBORO, ARKANSAS

v.

NO. CIV-2007- 0448

PLAINTIFF
A. J. ROUSON
CIRCUIT AND CHANCERY
COURT CLERK

SHIRLEY ANN KUSTER
EMC MORTGAGE CORPORATION

DEFENDANT
MORTGAGEE

COMPLAINT IN CONDEMNATION

Now comes the plaintiff, the City of Jonesboro, by and through its City Attorney, Phillip Crego and for its Complaint in Condemnation, states and alleges:

1. The plaintiff, City of Jonesboro, Arkansas, is a city of the first class under the laws of the State of Arkansas. Defendant, SHIRLEY ANN KUSTER is a citizen owning and operating property in Craighead County, Arkansas, which is the subject of this action. Defendant, EMC Mortgage Corporation is a lending entity doing business in Craighead County, Arkansas.

2. The plaintiff, in the exercise of its governmental powers and authority, has contracted for improvements within the City of Jonesboro. Additional easements and right of ways for this work of improvement are needed from property owners, including the defendant's property.

3. The description of the property owned by the defendant which is required for plaintiff's purposes is as follows:

The North part of Lot 24, Block 2 , Section 30, Township 14, N.

Range 04. of Ridgcrest Addition, and also known as 502 Parkview, being 30 ft by 74.4 feet or 2232 square feet more or less, situated in the City of Jonesboro, Craighead County, Arkansas.

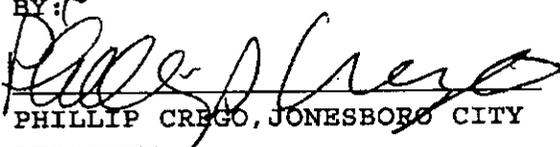
4. Pursuant to provisions of state law, including Arkansas Code Annotated 18-15-309, plaintiff is vested with the power of eminent domain and is authorized to enter upon private property for the construction of its designed improvements and is proceeding under eminent domain to acquire a permanent easement, along with temporary easements described above, for the purposes related. The acquisition of easement for these purposes is a necessary public use providing for improvements in the City of Jonesboro.

5. Plaintiff has had this property appraised, with the appraisal report indicating that there were no damages to the defendant owner by reason of the proposed taking of said easement, in that the land owned by the defendant, which is the subject of this action, has an appraisal value of \$2,230.00, Therefore Plaintiff suggests a sum of (\$2,230.00) as just compensation under these circumstances, and plaintiff is entitled to immediate entry upon these lands for the purposes stated upon the filing of this complaint, deposit into the registry of the Court of the sum mentioned as just compensation and notice of this action to defendant. Plaintiff herewith deposits into the registry of the Court the sum of (\$ 2,230.00) as such just compensation.

6. The defendant, EMC Mortgage Corporation may claim an interest in this property by virtue of a mortgage held by it on this property.

WHEREFORE, plaintiff prays that the above described lands be condemned for the aforesaid public use, both for temporary easements and permanent easement, and that defendant's damages be assessed at (\$ 2,230.00) for the taking of such land for these uses, and that this Court issue its order for immediate entry on the above described land by plaintiff for the purposes stated above.

CITY OF JONESBORO, ARKANSAS

BY: 

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