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# **Legal Notices**

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ORIGINAL NOTICE FOR PUBLICATION IN THE IOWA DISTRICT COURT IN AND FOR MADISON COUNTY CASE NO: EQCV035955

GREENSTATE CREDIT UNION,

NICKOLAUS MICHAEL JUERGENS; UNKNOWN SPOUSE OF NICKOLAUS MICHAEL JUERGENS, IF ANY; VELOCITY INVESTMENTS, LLC; HEART-LAND ROOFING, SIDING, AND WINDOWS, LLC; IOWA DEPARTMENT OF REVENUE; and ANY AND ALL UNKNOWN PARTIES IN POSSESSION OF THE REAL PROPERTY LOCATED AT 3393 265th St, St Charles, IA 50240, Defendants.

NICKOLAUS MICHAEL JUERGENS; UNKNOWN SPOUSE OF NICKOLAUS MICHAEL JUERGENS, IF ANY and ANY AND ALL UNKNOWN PARTIES IN POSSESSION OF THE REAL PROPERTY LOCATED AT 3393 265th St, St Charles, IA 50240:

You are notified that a petition has been filed in the office of the clerk of the above named court naming you as a defendant in this action. The Petition was filed on June 4, 2025 and prays for foreclosure of Plaintiffs Mortgages in favor of GreenState Credit Union and upon the property described by this notice and judgment for the unpaid principal balance on the First Note, as of May 22, 2025, of \$301.803.12 together with interest on the First Note at the contractual rate of 3.375% upon the unpaid first note principal balance from the date of default through May 22, 2025, in the amount of \$7,327.11 plus fees in the amount of \$941.90 and for the unpaid principal balance on the Second Note, as of May 22, 2025, of \$32,560.89 together with interest on the Second Note at the contractual rate of 3.875% upon the unpaid second note principal balance from

the date of default through May 22, 2025, in the amount of \$653.34 plus fees in the amount of \$50.64 to date of filing of this petition, plus interest due from May 22, 2025 accrued and accruing at the rate of 3,424% upon the combined principal balances due and owing, plus a negative Escrow balance of \$5,999.19 as of May 22, 2025, plus all reasonable attorney's fees, taxes, assessments, insurance, abstracting fees, and the costs of this action.

PLAINTIFF FURTHER PRAYS that said Mortgages be established as priority liens against the real estate described as:

The East Half (1/2) of the West Half (1/2) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Twenty-Five (25), in Township Seventy-Five (75) North, Range Twenty-Six (26) West of the 5th P.M., in Madison County, Iowa.

and such lien is superior and paramount to the interests, lien, and claims of each and all Defendants and that said Mortgages be foreclosed and all claims, rights, title, and interest of the Defendants in this suit, and each of them, in or to or upon said real estate, may be decreed to be junior and inferior to the rights and lien of this Plaintiff, and that the right, title, and interest of the Defendants, and each of them be forever barred and foreclosed. PLAINTIFF FURTHER PRAYS that special execution may issue for the sale of said mortgaged real estate or so much thereof as is necessary to satisfy Plaintiffs judgment, together with interest, cost, and accruing costs, to satisfy the judgment to be entered herein. For further details, please review the petition on file with the Linn County

THE PLAINTIFF HAS ELECTED FORECLOSURE WITHOUT REDEMPTION. THIS MEANS THAT THE SALE OF THE MORTGAGED PROPERTY WILL OCCUR PROMPTLY AFTER ENTRY OF JUDGMENT UNLESS YOU FILE WITH THE COURT A WRITTEN DEMAND TO DELAY THE SALE. IF YOU FILE A WRITTEN DEMAND, THE SALE WILL BE DELAYED UNTIL SIX MONTHS

(or THREE MONTHS if the petition includes a waiver of deficiency judgment) FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING OR UNTIL TWO MONTHS FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS YOUR RESIDENCE BUT NOT A ONE-FAMILY OR TWO-FAMILY DWELLING. YOU WILL HAVE NO RIGHT OF REDEMPTION AFTER THE SALE. THE PURCHASER AT THE SALE WILL BE ENTITLED TO IMMEDIATE POSSESSION OF THE MORTGAGED PROPERTY. YOU MAY PURCHASE AT THE SALE. Iowa Code 654.20 - 2019.

This County utilizes the Electronic Document Management System. You are directed to Iowa Court Rules Chapter 16 for general rules and information on electronic filing and, in particular Division VI regarding the protection of personal information in Court Filings. A copy of the petition (and any documents filed with it) is on file with the Clerk of Court. The attorney for the plaintiff is CHRISTO-PHER PECH and whose address is PO Box 800, North Liberty, IA 52317. That attorney's telephone number is 319 248 7164; facsimile number 319 665 2197. You must serve a motion or answer on or before the 30th day of September, 2025 and, within a reasonable time thereafter, file your motion or answer with the Clerk of Court for Madison County, Clerk of Court, PO Box 152, Winterset, IA 50273. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at 515-561-5818 (If you are hearing impaired, call Relay Iowa TTY at 1 800 735 2942). IMPORTANT: YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

#### Winterset City Council September 2, 2025

The City Council of the City of Winterset, Iowa met on September 2, 2025 in accordance with the above Notice and Call of Public meeting. The meeting was called to order at 7 P.M. by Mayor Pro Tem Chris Fairholm and recited the pledge of allegiance.

PRESENT: Michael Cook, Christopher Fairholm, Michael Eller

Mike Fletcher, Mary Ann Orr ABSENT: Tom Leners- Mayor

The Mayor Pro Tem asked for a motion to adopt the presented agenda. There being no further additions or deletions to the agenda and no further discussion, Council Member Eller made a motion, seconded by Council Member Orr. On roll call vote, all Council Members present voted Aye.

#### **Consent Agenda**

City Council Meeting Minutes from August 18, 2025 Parks and Recreation Board minutes from August 12, 2025

Tree Commission Minutes from August 6, 2025

Library Board Minutes from August 20, 2025

Special Class C Retail Alcohol License - Gettin' Slushed South of 35 LLC -

Special Class C Retail Native Wine License - Covered Bridges Winery

Class E Retail Alcohol License – Casey's General Store #1706

Special Class C Retail Alcohol License - Hy-Vee, Inc. Special Class C Retail Alcohol License - Oviatt Enterprises LLC

Special Class C Retail Alcohol License - Urban Taproom & Grille LLC Class C Retail Alcohol License – Apres Bar Co LLC

Utility Bill Adjustment for 201 W Filmore, 812 S 4th Ave, 520 W Fremont The Mayor Pro Tem stated that the minutes of the August 18, 2025 City Council meeting were previously distributed to the Council Members for their review. There being no further discussion; a motion was made to approve the Consent Agenda by Council Member Fletcher and seconded by Council Member Cook to approve the minutes as submitted. On roll call vote, all Council Members voted Aye.

#### Receipts, Filings, and Affidavits

The claims submitted are in the amount of \$765.337.53.

The Mayor Pro Tem called for a report on the claims. Council Member Orr stated that she reviewed the claims and moved to approve the following list of claims. Council Member Eller seconded the motion. On roll call vote, all Council Members voted Aye.

#### Reports from City Boards and Departments

Library Director Dave Hargrove reported the retirement of Tonya Porter and thanked her for decades of service. Completed lighting upgrades, Planned construction relative to meeting space and HVAC controls. Preliminary plans were presented and discussed with council.

Park & Recreation Director Sky Smothers was excused from attendance. Fire Chief Jayson McDonald was excused from attendance.

Police Chief Ryan Pittman presented monthly statistics. Highlighting training, community engagement, and certifications achieved by officers. Officer tenure anniversaries were as follows: Officer Camp- 8 years, Officer Douglas- 10 years, Sgt Wood- 21 years.

Code Enforcement Officer Hollie Burgus was excused from attendance. A report highlighting calls for the month, Planning and Zoning meeting, and Board of Adjustment determinations were shared.

City Administrator Report included acknowledging work and effort of city staff. Report included project updates, attendance at meetings and consultations, and the pending contribution to the Airport Land purchase. Public Comment - Individuals wishing to speak shall sign up prior to the meeting. When called upon please stand and give your address for the record. Each person may speak for up to three minutes. Please professionally and tactfully express your specific concerns and not disrespect individuals.

A citizen at 201 W Lane stated the insurance adjuster was not great to work with and questioned prior compensation for a like flooding event. Additional request for an appeal of the insurance providers decision was requested.

A citizen at 1103 Dale Dr requested visibility improvements for Hwy 169 and Hwy 92 intersection.

A citizen at 209 W Lane reported soil erosion and depressions via a storm water easement and infrastructure adjacent to their property has caused house foundation problems and requested restitution for the damages.

A motion was made by Council Member Fletcher to approve Resolution No. 2025-49 a Resolution Suspending Title III Health, Safety, Welfare, Chapter 3.4, Misdemeanor, Section 3.404 A and Street Closures for a Peroid of Time Durning Covered Bridge Festival October 2025 seconded by Council Member Orr. There being no further discussion; On roll call vote, all Council Members

A motion was made by Council Member Eller to approve Resolution No. 2025-50 a Resolution Approving Plat of Seven Oaks Subdivision Plat No. 2 seconded by Council Member Fletcher. There being no further discussion: On roll call vote, all Council Members voted Aye.

A motion was made by Council Member Cook to approve Resolution No. 2025-51 a Resolution to Support a Community Event seconded by Council Member Orr. There being no further discussion; On roll call vote, all Council Members voted Ave.

#### **Council Considerations and Actions**

Presentation of Ordinances and Policies for discussion:

Sump Pump Program Planned Unit Development

Flood Plain

Parkland Dedication

Mayor and Council Compensation

Council reviewed and discussed purpose and parameters of Ordinance changes. Compensation will be published September 8th, 2025, and a public hearing and first reading considered on September 15th, 2025. Other Ordinances will begin drafting or revision for future consideration.

# In accordance with Iowa Code §21.5. Section 1, c. "To discuss strategy with

counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation." A motion was made by Council Member Eller to enter closed session

seconded by Council Member Orr. There being no further discussion; On roll call vote, all Council Members voted Ave. Whereupon the Mayor Pro Tem declared that the motion carried and entered

closed session at 8:39 p.m. A motion made by Council Member Cook to exit a closed session second by

Council Member Eller. There being no further discussion; On roll call vote, all Council Members voted Ave.

Whereupon the Mayor Pro Tem declared that the motion carried and exited closed session at 9:05 p.m.

## **Mayor and Council Discussion**

## No further discussion was held.

### The Adjournment

There being no further business, Council Member Fletcher then made a motion to adjourn the meeting. The motion to adjourn was seconded by Council Member Eller. All Council Members voted Aye.

Whereupon the Mayor Pro Tem declared that the motion carried, and the meeting was adjourned at 9:07 p.m.

GENERAL		Stryker, supplies	1,219.90	GreatAmerica Financial Svcs, server lease	349.72	SEWER UTILITY FUND	
POLICE:		Verizon Wireless, cellular service	624.75	IFG Insurance, cyber policy	8,250.00	SANITARY SEWER:	
Bomgaars Supply, supplies	132.42	Waldinger Corp, equipment repairs	1,551.46	Mediacom, phone/internet service	583.71	Bomgaars Supply, supplies	280.06
Iowa Dept of Public Safety, training	85.00	ADMINISTRATION:		MMIT Business Solutions Group, copier		Bomgaars Supply, supplies	722.36
Logan Camp, ILEA Training	21.59	Iowa Alcoholic Beverages, permit surrender	56.25	maintenance	79.86	Cintas Corporation, first aid supplies	22.36
Mediacom, phone/internet service	783.80	Payroll Account, salaries	8,663.11	Quadient Finance USA Inc, postage	1,444.23	IA DNR-Storm Water Coordinator, permit fee	1,275.00
Payroll Account, salaries	29,991.32	Tom Leners, meals for flood cleanup crew	197.10	Quill Corporation, office supplies	319.83	Microbac Laboratories Inc, lab testing	357.90
Rouch Collison & Restoration, parts/labor	1,109.23	Winterset Madisonian, publications	402.43	Warren Water District, readings fee	25.00	Payroll Account, benefits	382.38
FIRE:		BUILDING INSPECTOR:		ROAD USE TAX		Payroll Account, salaries	2,279.55
Brittains Standard Parts, parts	35.76	Payroll Account, salaries	3,185.67	ROADWAY MAINTENANCE:		SEWER IMPROVEMENT PROJECT	T
CenturyLink, phone service	121.03	Veenstra & Kimm Inc, building inspections	2,347.60	American Underground Supply, supplies	698.45	SANITARY SEWER:	
Fareway Stores, supplies	212.11	GARBAGE FUND		Bomgaars Supply, supplies	169.99	Strand Associates Inc, engineer fees	84,409.73
Feld Fire, function flow test	1,520.00	SOLID WASTE/GARBAGE:		Bomgaars Supply, supplies	75.47	Woodruff Construction, LLC, WWTF	
Indian Hills Community College, training	250.00	Payroll Account, benefits	177.96	Cintas Corporation, first aid supplies	39.25	improvements	579,517.77
Madison Co Health System, collection	210.00	Payroll Account, salaries	1,065.86	Granite Telecommunications, utilities	264.68	TRUST & AGENCY	
Mediacom, phone/internet service	601.92	INTERNAL SERVICE FUND		Iowa Dept of Transportation, supplies	1,312.93	POLICE:	
MMIT Business Solutions Group, copier		ADMINISTRATION:		Madison Co Health System, collection	43.00	Payroll Account, benefits	4,976.21
maintenance	40.00	Access Systems, maintenance contract	171.43	Martin Marietta Aggregates, rock	2,968.94	ADMINISTRATION:	
Orkin, Pest Control	164.00	Copy Systems, repairs	237.92	Payroll Account, salaries	10,323.97	Payroll Account, benefits	2,096.19
Reagan Rater, window cleaning	125.00	D & D Pest Control, pest control	45.00	Ryan Flaherty, boots	139.99	ROADWAY MAINTENANCE:	
Reliant Fire Apparatus Inc, repairs	4,264.94	First Citizens Bank & Trust Co, copier lease	365.56	Shane Dakins, boots	207.09	Payroll Account, benefits	1,741.79

# **Estate Notice**

THE IOWA DISTRICT COURT FOR MADISON COUNTY IN THE MATTER OF CASE NO. ESPR013592 THE ESTATE OF NOTICE OF PROBATE OF WILL, EARL BINNS, OF APPOINTMENT OF EXECUTORS, Deceased AND NOTICE TO CREDITORS To All Persons Interested in the Estate of Earl Binns, Deceased, who died on or

about August 5, 2025: You are hereby notified that on August 19, 2025, the Last Will and Testament

of Earl Binns, deceased, bearing date of November 14, 2024, was admitted to probate in the above named court and that Robert Herrick and Susan McDonald have been appointed Executors of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated August 19, 2025.

Robert Herrick, Executor of Estate PO Box 375 Waukee, IA 50263 Susan McDonald, Executor of Estate 221 W. Buchanan Winterset, IA 50273

Mark L. Smith, ICIS#: AT0007354 Attorney for Executors Jordan, Oliver, Walters & Smith, P.C. 101 1/2 W. Jefferson Winterset, Iowa 50273 Date of second publication: September 10, 2025 Probate Code Section 304

# **Estate Notice**

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY IN THE MATTER OF THE ESTATE OF KENNETH E CRESWELL Deceased. CASE NO. ESPR013595 NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR. AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of Kenneth F. Creswell, Deceased, who died on or about the 30th day of July, 2025.

You are hereby notified that on the 27th day of August, 2025, the Last Will And Testament of Kenneth F. Creswell, deceased, bearing date of the 31st day of May, 2024, was admitted to probate in the above-named Court and that Lila M. Creswell was appointed executor of the estate. Any action to set aside the Will must be brought in the district court of said county within the later to occur of four (4) months from the date of the second publication of this notice or one (1) month from the date of mailing of this notice to all heirs of the decedent and devisees under the Will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four (4) months from the second publication of this notice or one (1) month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated this 27th day of August, 2025. Lila M. Creswell, Executor of the Estate 1155 Creamery Road Earlham, Iowa 50072 Samuel H. Braland Attorney for Executor Peer, Nelson & Braland 115 E. First Street Earlham, Iowa 50072

Date of second publication: September 10th, 2025

INCREASING THE COMPENSATION ALLOWED TO MEMBERS OF THE WINTERSET CITY COUNCIL AND MAYOR BY AMENDING WINTERSET MUNICIPAL CODE SECTIONS 1.204 AND 1.505.

NOTICE OF PUBLIC HEARING FOR THE CONSIDERATION OF

Notice is hereby given that the City Council of the City of Winterset, Iowa, will conduct a public hearing for the consideration of increasing the compensation allowed to members of the Winterset City Council and Mayor by amending Winterset Municipal Code sections 1.204 and 1.505.

Copies of the proposed code of ordinances are available at the city clerk's office as this notice states. The public hearing will be held on September 15, 2025, at 7:00 PM, at the Winterset City Hall. City Council will receive oral or written objections from any resident or property owner of the City; written objections must be received at City Hall prior to the beginning of the hearing. All interested persons are invited to attend this hearing. This notice is given by order of the City Council of Winterset, Iowa, in accordance with Section 362.3 of the Code of Iowa.

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