

STINCHFIELD, MACKALL, CROUNSE & MOORE

FREDERICK H. STINCHFIELD (1879-1950)

HENRY C. MACKALL
ROBERT M. CROUNSE
PERRY R. MOORE
THOMAS P. HELMEY
DONALD A. HOLMES
JOHN M. PALMER
FLOYD E. NELSON
EDWIN P. CHAPMAN
ROBERT W. DYGERT
DONALD A. MORKEN
THOMAS M. BECKLEY
JAMES B. HANNAH
JAMES L. HETLAND, JR.

ELEVEN HUNDRED
FIRST NATIONAL-SOO LINE BUILDING

MINNEAPOLIS 2

August 16
19 51

Secretary of State
State of Minnesota
State Office Building
St. Paul, Minnesota

Dear Sir:

Re: Village of Mound Annexation

We enclose herewith for filing a certified copy
of the Writ of Ouster issued by the Supreme Court on August 13,
1951, endorsed with Affidavit of Service.

Very truly yours,

STINCHFIELD, MACKALL, CROUNSE & MOORE

By

Robert W. Dygert
11586

STATE OF MINNESOTA

IN SUPERIOR COURT

State of Minnesota ex rel Hilda Danielsen,
Albin O. Backlund, Charles J. Walton, John
F. Barr, Howard M. Smith, Herbert W. Myhre,
E. L. Breslauer, Oliver Olson, Clifford Tank,
Lambert Reiter and Robert D. Dickson,
Relators,

vs. S5197

The Village of Mound, William I. Davis, Gene
White, Bernard Winkol, Raymond Pierce, LeRoy
V. Alwin, H. A. Ely, Minnetonka Properties, Inc.,
Streater Industries, Inc., The J. R. Clark
Company, and Great Northern Railway Company,
Respondents.

WRIT OF CUSTODIA

THE STATE OF MINNESOTA TO THE VILLAGE OF MOUND, WILLIAM I. DAVIS,
GENE WHITE, BERNARD WINKOL, RAYMOND PIERCE, LEROY V. ALWIN AND
H. A. ELY:

WHEREAS, upon consideration of a writ of quo
warranto issued herein on January 28, 1950, to which you have
made return, and this court having on July 20, 1951 filed its
opinion directing that a writ of custodia issue to the Village of
Mound and to its officers and council members as to the territory
described in its annexation ordinances of October 1, 1949 and
October 6, 1949,

NOW THEREFORE, you, The Village of Mound, and
William I. Davis, Gene White, Bernard Winkol, Raymond Pierce,
LeRoy V. Alwin and H. A. Ely as officers and council members,
are hereby ousted from holding or attempting to hold office in
the territory described in the annexation ordinances of October 1,
1949 and October 6, 1949 described as follows:

Commencing on the Easterly boundary of the
Village of Mound where the same intersects the
Northerly boundary line of the Great Northern
Railway Company right-of-way, thence Easterly
along said Northerly boundary line of the Great
Northern Railway Company right-of-way to the
Westerly line of Lot Twenty-two (22), Block
Twelve (12), Townsite of Langdon Park, thence
Northerly along the Westerly line of said Lot
22 to the low water mark of West Arm, Lake
Minnetonka, thence Easterly along the shore of
West Arm, Lake Minnetonka at the low water line

to a point in a line extending northerly and at right angles with the center line of the Great Northern Railway Company right-of-way and 532.7 feet westerly from the East line of Section Eighteen (18) in Township 117, Range 23, measured along said center line, thence Southerly along said extended line to a line 100 feet northerly and at right angles to and parallel with the center line of the Great Northern Railway Company right-of-way, thence Easterly along said parallel line to the westerly line of County Road No. 51, thence Southerly along said westerly line of County Road No. 51 to the Center Line of the Great Northern Railway Company right-of-way; thence Westerly along said center line to a point where a northerly extension of the westerly line of Outlet C, Streater's Spring Park Addition intersects therewith; thence Southerly along said northerly extension of the westerly line of said Outlet C and continuing in said direction to the Northerly boundary line of Outlet D, Streater's Spring Park Addition; thence Westerly along said northerly line of Outlet D to the Easterly line of Lot Thirteen (13), Block One (1), Streater's Spring Park Addition; thence Southerly along said Easterly line of Lot Thirteen (13), Block One (1), Streater's Spring Park Addition to the shore of Spring Park Bay of Lake Minnetonka at low water mark; thence Westerly along said shore line at low water line of Spring Park Bay of Lake Minnetonka to the point where said line and the West line of Lot One (1), Block One (1), Streater's Spring Park Addition and the said shore line join the East line of County Road No. 125; thence Northerly along said East line of County Road No. 125 to the Center line of County Road No. 7, as formerly laid out; thence Northeasterly along the center line of said County Road No. 7 as formerly laid out to a point in a line parallel and distant sixty-six (66) feet Easterly at right angles from the westerly line of Lot One (1), Coronado Park, Lake Minnetonka, Hennepin County, Minnesota extended south; thence northerly on a line parallel with and distant sixty-six (66) feet easterly from and at right angles to the westerly line of said Lot One (1) Coronado Park, to the Southerly boundary of the right-of-way of the Great Northern Railway Company; thence Westerly along said Southerly boundary line of the Great Northern Railway Company right-of-way to the Easterly limits of the Village of Mound, as presently existing; being territory principally in Section Eighteen (18), Township One Hundred Seventeen (117), Range 23 in the County of Hennepin and State of Minnesota.

WITNES, The Honorable Charles Loring, Chief Justice of the Supreme Court aforesaid, and the seal of said court at Saint Paul, Minnesota this 13 day of August, 1901.

SPACE MARGARET DAVIS
 Clerk of Supreme Court

(Seal)

By Mac Sherman
 Deputy

State of Minnesota }
SUPREME COURT } ss.

I, Grace Kaercher Davis, Clerk of the above named Court and Custodian of the records thereof, do hereby certify that I have compared the within paper _____ writing, to which this certificate is attached, with the original _____ writ of ouster

In re:

State of Minnesota ex rel Hilda D. Nielsen,
Albin O. Backlund, Charles J. Walton, John
F. Bahr, Howard M. Smith, Herbert M. Myhre,
E. L. Breslauer, Oliver Olsen, Clifford Tank,
Lambert Reiter and Robert D. Dickson,
Relators,

vs. 35197

The Village of Mound, William I. Davis, Gene
White, Bernard Winkel, Raymond Pierce, LeRoy
V. Alwin, H. A. Bly, Minnetonka Properties, Inc.,
Streater Industries, Inc., The J. R. Clark
Company, and Great Northern Railway Company,
Respondents.

_____ now remaining on file in said action, and that the same is ~~is~~ a true
and correct copy _____ of said original _____ and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Supreme Court, at the

Capitol in the City of Saint Paul, Minnesota,

August 13, 1951

Grace Kaercher Davis
Clerk of Supreme Court.

By _____
Deputy Clerk.

STATE OF MINNESOTA)
(ss
COUNTY OF HENNEPIN)

AFFIDAVIT OF SERVICE

ROBERT W. DYGERT, being first duly sworn on oath deposes and says that at Minneapolis, Minnesota, where affiant resides, on August 16, 1951, he deposited copies of the attached Writ of Ouster, enclosed properly in envelopes, with full postage prepaid thereon, addressed to each of the following, who are all of the attorneys for the respondents herein: Herbert E. Wolner, Mound, Minnesota; William F. Kelly, Barnett Building, Excelsior, Minnesota; and Lewis L. Anderson, E-1306 First National Bank Bldg., St. Paul 1, Minnesota.

Affiant further states that there is regular communication by mail between the city of Minneapolis and the villages of Mound and Excelsior and the city of St. Paul, and that said villages and city are the respective residences and post office addresses of the attorneys for respondents in the above entitled action.

Robert W. Dygert

Subscribed and sworn to before me this 16th day of August, 1951.

Joyce Voeks

11586

JOYCE VOEKS
Notary Public, Hennepin County, Minn.
My Commission Expires Oct. 5, 1952.

11586
O.S.

No. 35197

STATE OF MINNESOTA
SUPREME COURT

State of Minnesota ex rel Hilda
Danielsen, et al, Relators,
vs. 35197
The Village of Mound, et al,
Respondents.

CERTIFIED COPY

WRIT OF OUSTER

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 17 1951

Marceline
Secretary of State