

CHARLES H. RICHTER

LAWYER  
616½ ST. GERMAIN STREET  
ST. CLOUD, MINN.

July 10, 1952

(Registered and Return Receipt Requested)

Secretary of State  
State Capitol  
St. Paul, Minnesota

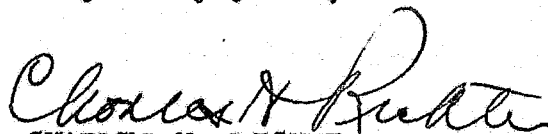
Re: Notice of action on highway bond

Dear Sir:

It would appear that the office of the Secretary of State shall receive all records and documents in behalf of the State except as the law expressly otherwise requires. MSA, Sec. 501. A judgment against a surety on the bond of a public contractor cannot be entered until thirty days after notice is given to the obligee. MSA Sec. 574.29. Nothing in Chapter 161 or any other part of the law appears to require such notice to be served upon the Commissioner of Highways, whether it be on a state contract or on a state aid road contract with a county. The bond in the case of the appended notice named both the state and the county as obligees.

The attached notice is given to your office as a technical compliance with the law. The Commissioner of Highways is being furnished with a copy of this letter and with a duplicate of the enclosed notice, inasmuch as his office is interested in the matter. This letter is mailed to you by way of explanation.

Very truly yours,

  
CHARLES H. RICHTER

CHR:la  
cc: Commissioner of Highways

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SECRETARY OF STATE  
CORPORATION DIVISION

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NOTICE

To State of Minnesota and to County of Aitkin and to County of Roseau:

Notice is hereby given as required by Section 574.29, Minnesota Statutes Annotated, to State of Minnesota and to County of Aitkin as obligees named in the bond on June 19, 1950 approved and filed by the Commissioner of Highways, executed by Carl Ische as principal and by Hartford Accident and Indemnity Company as surety, in the sum of \$14,518.45 conditioned for the performance of the contract for construction of State Project No. 01-505-01 on State Aid Road No. 7 between SAR 1 at Swatara and T.H. 169, and

Notice is further given as required by said Section to County of Roseau as obligee named in the bond on June 12, 1950 approved and filed by the County Auditor of the County of Roseau, executed by Carl Ische as principal and by Western Surety Company as surety, in the sum of \$24,148.66 conditioned for the performance of repairing County Ditch No. 7 in Roseau County, Minnesota,

that an action was commenced in the District Court in and for Itasca County, Minnesota, in the Fifteenth Judicial District of said state by Milton L. Thayer, Leonard L. Thayer, and Wayne W. Thayer, doing business as Thayer Company, as plaintiffs, against Carl Ische, Western Surety Company and Hartford Accident and Indemnity Company, as Defendants, by service of summons and complaint upon said Carl Ische on July 1, 1952, and upon the said two corporate sureties as defendants on June 27, 1952, to recover from said Carl Ische an unpaid balance of \$2,300.67 and interest thereon at six per cent per annum from March 8, 1951, together with fair and reasonable attorney's fees to be awarded separately as to the enforcement of each bond, and for the costs and disbursements of the action, and for judgment against said respective sureties; that said action was brought after notice of claim was duly filed in the several offices as required by law;

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that a portion of said unpaid balance, interest, fees, costs and disbursements is chargeable to each of said contracts, and that one of the purposes of said action was to determine the amount of the indebtedness chargeable to each contract and to the bond furnished therewith.

Dated July 10, 1952.

*Charles H. Richter*

CHARLES H. RICHTER  
Attorney for Thayer Company, plaintiffs.  
616 1/2 St. Germain Street  
St. Cloud, Minnesota

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUL 11 1952

*H. H. H. H.*

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