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September 3, 1969

Hon. Arlo E. Haering
Judge of District Court
Waconia, Minnesota

In re: First National Bank of Montgomery
-vs- Jerome Daly

Dear Judge Haering:

You previously suggested that I obtain a supplemental return to the Writ of Attachments served by the Deputy Sheriff of Scott County on Justice Mahoney and Jerome Daly in the above identified matter. I have forwarded said supplemental return to the Clerk of District Court in Shakopee for filing. I am enclosing for your information a photo-static copy of said supplemental return.

The last time I talked to you over the telephone, you indicated that you would issue an Order upon learning of the disposition by the Minnesota Supreme Court of the Contempt Hearing it held involving Justice Mahoney and Jerome Daly. I was informed yesterday by the Sheriff of Scott County that Justice Mahoney died on Sunday, August 24, 1969.

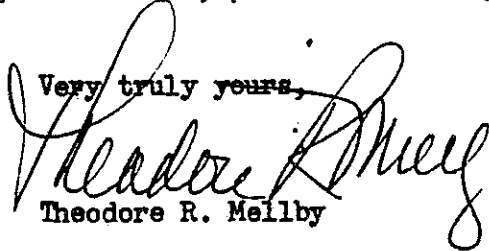
As the matter presently stands, the return of the Ramsey County Sheriff to the Writ of Attachment indicates that Wm. E. Drexler does not have the Justice Court file in his possession. The return of the Scott County Sheriff to said Writ of Attachment indicates that the Justice Court file is in the possession of Jerome Daly. Based on this information, I believe the District Court is in a position to order Jerome Daly to make the return on said file within the next few days. In the event the defendant does not comply with said order, plaintiff will be in a position to obtain certified copies of its foreclosure record and move for summary judgment.

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I would appreciate whatever immediate consideration you can give this matter inasmuch as my client has been deprived of possession of said property since July of 1968.

If you have any questions concerning this matter, please contact my office.

Very truly yours,



Theodore R. Melby

TRM:wvf
Enclosure