

-----  
First National Bank of Montgomery,  
Minnesota,

Plaintiff,

-vs-

Jerome Daly,

Defendant.

ORDER DIRECTING  
RETURN OF FILE

-----  
Upon an oral application having been made by the Plaintiff through its respective counsel for an order requiring the Defendant above named to make return of certain files and records now held in his possession and which are a part of an action in Justice Court in and for Scott County, Minnesota, all based upon the files and records herein and it appearing to the Court as follows:

That a notice of appeal was duly served and filed herein on December 17, 1968, by the Plaintiff above named from a decision or judgment in the Justice of the Peace Court which was presided over by the late Martin V. Mahoney in an action entitled First National Bank of Montgomery, Minnesota versus Jerome Daly.

That the required deposit of two dollars was made with the Clerk of the District Court above named to be delivered to the Justice of the Peace upon his return being made;

That no return was forthcoming from said Justice of the Peace although directed to do so by this Court;

That upon the Defendant's objection to the order requiring the return and Defendant's contention that such return could only be obtained by a writ of attachment, such a writ of attachment was duly issued and served upon the Justice of the Peace and the Defendant;

That a return was duly made upon said writ by the Sheriff's office of Scott County, Minnesota, containing the statement that the Justice of the Peace no longer had any of the file and that the Defendant, Jerome Daly, had the same. That said return also certified as to its service upon the Defendant and stating that upon demand for the file the Defendant, "refused to talk about the matter";

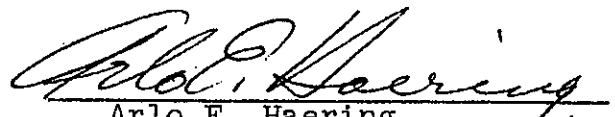
That to date no return has been made and the file of the Justice Court has not been returned to this Court;

That more than ten months have elapsed since the appeal was served and filed.

NOW, THEREFORE, Upon consideration of the foregoing, the disobedience heretofore displayed and the unreasonable delay in making the return on appeal, all of which was brought about by the conduct and actions of Jerome Daly, the Defendant, who is also a member of the Bar of this State and an officer of the Court,

IT IS ORDERED that the Defendant Jerome Daly forthwith deliver and deposit the entire file of the Justice of the Peace Court formerly presided over by the late Martin V. Mahoney in the action entitled First National Bank of Montgomery, Minnesota, versus Jerome Daly, with the Clerk of the District Court in and for Scott County, Minnesota, there to be retained by the Clerk of said Court until the further order of this Court.

Dated November 4, 1969.

  
Arlo E. Haering  
Judge of District Court

State of Minnesota,

County of Scott

ss. I Hereby Certify and Return, That at the Village

of Savage in County and State aforesaid, on the 6th day of November 1969

I served the hereunto attached Order Directing Return of File upon the within named

Jerome Daly personally by then and there handing to and leaving with him a true and correct

copy thereof, and at the same time and place exhibiting to him so that he could see

and read the same, the original signature of Honorable Arlo E. Haering

Judge of the District Court of Scott County, Minnesota, to said original.

Dated this 6th day of November 1969

Sheriff Fees—Service, \$ 4.00

W. B. Schroeder

Travel, \$ 3.00

Sheriff of Scott County, Minn.

Total, \$ 7.00

By Cynid W. Mafal Deputy Sheriff

State of Minnesota  
COUNTY OF SCOTT

FIRST JUDICIAL DISTRICT  
DISTRICT COURT

File No. 19144

First National Bank of Montgomery, Minn

McGuire and Mellby

Plaintiff's Attorney

Plaintiff

-vs-

Jerome Daly

Defendant's Attorney

Defendant

McGuire and Mellby - Montgomery, Minnesota 56069

To : Jerome Daly - Savage, Minnesota 55378

YOU ARE HEREBY NOTIFIED, That a Order directing return of file.

in the above entitled cause was, on the 14th day of November A. D. 1969  
filed-entered in the office of the Clerk of said District Court.

Dated 11/14/ A. D. 1969

Hugo P. Hentges

Clerk

By \_\_\_\_\_

Deputy