

**2010 Legal and Public Notices**

7+29+30 & 8+1+2+3+4+5

**Environmental Assessment  
LEGAL NOTICE  
For Proposed Site**

Cellular Inc. Network Corporation ("VZW"), recently submitted an application to the Federal Communications Commission ("FCC") seeking approval for a communications tower located at 920 Broadway, Yankton, SD. By FCC Public Notice dated July 27, 2011, the FCC granted the application, concluding that the construction would not have a significant impact on the environment. A copy of this public notice may be obtained by sending a written request to Mary Julius, Verizon Wireless, 10801 Bush Lake Road, Bloomington, MN 55438.

**2010 Legal and Public Notices**

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STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON: SS

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

In The Matter Of The Estate Of  
KENNETH C. SPENCE,  
Deceased.

**Pro. No. 11-32**

**NOTICE TO CREDITORS  
AND  
NOTICE OF INFORMAL  
PROBATE  
AND APPOINTMENT OF  
PERSONAL  
REPRESENTATIVE**

Notice is given that on the 25th day of July, 2011, Diana L. Spence, whose address is 30272 437th Avenue, Utica, South Dakota 57067, was appointed as Personal Representative of the Estate of Kenneth C. Spence.

Creditors of Decedent

**2010 Legal and Public Notices**

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must file their claims within four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the Personal Representative or may be filed with the Clerk, and a copy of the claim mailed to the Personal Representative.

Diana L. Spence  
30272 437th Avenue  
Utica, South Dakota 57067

Yankton County Clerk of Courts  
410 Walnut Street, #205  
Yankton, South Dakota 57078

Michael D. Stevens  
Blackburn & Stevens, Prof.  
L.L.C.  
100 West 4th Street  
Yankton, South Dakota  
57078-0753  
(605) 665-5550

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STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON:§

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE  
NAME CHANGE OF  
HAILEY J. FRAZIER,  
a minor child, by  
TROY J. HAYES and  
HEATHER L. HAYES,

Petitioners.

**CIV. NO. 11-466**

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that a hearing In the Matter of the Name Change of Hailey J. Frazier, a minor child, by Troy J. Hayes and Heather L. Hayes, will be brought before the Court on Tuesday, August 23rd, 2011 at 10:00 a.m. at the Yankton County Court-house and Public Safety Center, Yankton, South Dakota. Troy J. Hayes and Heather L. Hayes have petitioned the court to have the name of the minor child Hailey J. Frazier changed to Hailey J. Hayes.

Dated this the 27th day of July, 2011

Petition prepared by counsel for Petitioners:

HORN & KOLETZKY,  
ATTORNEYS AT LAW,  
PROF. L.L.C.  
/s/ Sherri J. Koletzky  
Sherri J. Koletzky,  
Attorney at Law  
401 Capitol Street  
P.O. Box 886  
Yankton, South Dakota 57078  
Telephone: (605) 260-1300  
Facsimile: (605) 260-1301  
E-mail: [skoletzkylaw@iw.net](mailto:skoletzkylaw@iw.net)  
Attorney for Petitioners

8+5+12+19  
STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON: SS

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

**PRO. NO. 11-35**

Estate of Lois F. Hyde,  
Deceased.

**NOTICE TO CREDITORS**

\*\*\*\*\*

Notice is given that on the 1st day of August, 2011, SANDRA R. TAGGART, whose address is 1603 W. City Limits Road, Yankton, SD 57078, was appointed as Personal Representative of the Estate of Lois F. Hyde.

Creditors of decedent must file their claims within four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim may be mailed to the personal representative.

**2010 Legal and Public Notices**

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Dated this 1st day of  
A u g u s t ,  
2011.

/s/  
Sandra R. Taggart  
1603 W. City Limits  
Road  
Yankton, SD 57078  
(605)665-6393

JODY JOHNSON  
Yankton County Clerk of Courts  
410 Walnut, Suite 205  
Yankton, SD 57078  
605-668-3080

HEATHER LACROIX  
Attorney at Law  
806 Belfast  
PO Box 632  
Yankton, SD 57078  
605-665-2535

**Tribal Head  
Convicted  
Of Bribery  
Charges**

**BY CHET BROKAW**  
Associated Press

PIERRE — A federal jury convicted Crow Creek Sioux Tribal Chairman Duane Big Eagle Sr. on bribery and conspiracy charges Thursday for his role in a scheme that rewarded tribal officials for giving construction companies contracts for new buildings at the tribe's school in central South Dakota.

The jury found Big Eagle, 61, guilty on two counts of conspiracy to bribe a tribal official and one count of bribery involving an agent of a tribal government. It acquitted him on one count of bribery.

Big Eagle declined to comment after the verdict Thursday, but his lawyer, Dana Hanna, said Big Eagle will ask a federal appeals court to overturn the convictions.

"Of course I'll appeal," Hanna said.

U.S. District Court Judge Roberto A. Lange set Big Eagle's sentencing for Oct. 24, when he could face up to 20 years in prison.

The charges relate to tribal officials' actions in awarding a \$3.5 million contract to build a new dorm and kitchen facility at the tribal school after a 2005 fire destroyed the previous building and awarding other contracts in 2008 to build housing at the school. Other tribal officials and contractors have already been convicted for their roles in the scheme, which involved contractors giving tribal officials thousands of dollars in bribes in return for receiving contracts.

Big Eagle has been chairman of the tribe for 13 of the past 19 years, according to prosecutors. The tribal council also acts as the school board on the reservation.

In closing arguments to the jury earlier Thursday, federal prosecutor Carl Rostad said Big Eagle should be convicted because evidence showed he joined other tribal officials and contractors in a system of corruption that stole federal money that should have been used to benefit the tribe.

"Ladies and gentlemen, the cycle of corruption doesn't end until all the people are held accountable," Rostad told the jury. "Duane Big Eagle should be held accountable."

But Hanna, the defense lawyer, argued that prosecutors failed to provide reliable evidence that Big Eagle knew any payments were bribes. Big Eagle should be acquitted because the main evidence against him came from two people previously convicted in the case, and those two admitted they had lied about some aspects of the case, he said.

**Keystone:  
Heineman  
Says No  
To Special  
Session**

**BY GRANT SCHULTE**  
Associated Press

LINCOLN, Neb. — A state lawmaker who wants a special session to address concerns about the Keystone XL pipeline's proposed route should have passed a bill when the Legislature was convened earlier this year, Nebraska Gov. Dave Heineman said Thursday.

Heineman, a Republican, told reporters he doesn't see the need for a special session, despite an op-ed piece by Malcolm Sen. Ken Haar that was published Wednesday in *The Omaha World-Herald*.

Haar argues in the article that lawmakers should convene a special session to protect Nebraska's Sandhills and Ogallala Aquifer from potential environmental threats. The Democrat in the officially nonpartisan Legislature said earlier confusion about the state's power to regulate the tar sands oil pipeline has been clarified, and the Nebraska can affect where the pipe runs.

Heineman said proposals introduced by pipeline critics during this year's session lacked the support to advance through the one-house Legislature. Lawmakers and the governor did pass one watered-down bill during the session, related to land reclamation costs, but critics said it failed to address their main concerns.

"They should have acted during the legislative session if they wanted a bill on siting, and they didn't act because they didn't have the votes," Heineman said. "It's my understanding in talking to the Speaker (of the Legislature) and others that not much has changed. So, it doesn't make much sense to have a special session to the tune of \$10,000 a day of taxpayer money when they're not likely to act."

TransCanada's proposed Keystone XL project is designed to carry oil from Canada across Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas. Calgary-based TransCanada submitted its Keystone XL project for State Department review in late 2008. The State Department has authority over the pipeline because it crosses an international boundary.

The U.S. State Department has said it would decide the project's fate by the end of 2011. Some Congressional Republicans want a Nov. 1 deadline.

Haar did not immediately return messages left on his office and cell phones.

"Even without a congressional mandate, a decision could be forthcoming before the Legislature could enact protective legislation," Haar wrote in the op-ed. "We do not, however, need to be victims to TransCanada and the State Department's year-end timeline."

Heineman said pipeline critics should lobby federal regulators and U.S. Sen. Ben Nelson, a conservative Democrat who is considered vulnerable in the 2012 election. Nelson has said responsibility for the pipe's route falls squarely on the state.

Heineman said Nelson should call his "best friends" President Barack Obama and U.S. Secretary of State Hillary Clinton to change the pipe's path. He said the president may owe Nelson for his key 60th vote to prevent Senate filibustering on Obama's health care law.

"Maybe that's how he deals with the Legislature, but what the governor is suggesting is illegal," Nelson said in a statement. "The state makes the routing decisions. The governor needs to stop playing politics and decide where he wants the pipeline route to be."



Heineman

**Records: Rapid City Shooting  
Suspect Had Criminal Past**

RAPID CITY (AP) — Authorities say the 22-year-old suspect in Tuesday's shooting of three Rapid City police officers had spent more than two years in jail and prison.

The *Rapid City Journal* says court and corrections records show that Daniel Tiger pleaded guilty or no contest to more than a dozen charges since 2007 including simple assault, simple assault against a law enforcement officer, petty theft and disorderly conduct.

Police say Tiger pulled a handgun and fired on officers James Ryan McCandless, Nick Armstrong and Tim Doyle. They had received complaints about the group and determined a minor alcohol violation had been committed.

McCandless died from his injuries. Armstrong was in critical condition at Rapid City Regional Hospital on Thursday and Doyle was in fair condition.

Police say Tiger died Wednesday.

**N.D. Gov. Suggests Forming  
Missouri River Compact**

BISMARCK, N.D. (AP) — North Dakota's governor says Missouri River states might be better than the Army Corps of Engineers at managing flood control.

Gov. Jack Dalrymple says plans to broach the idea of a compact to his peers. He'll travel to Omaha, Neb., on Aug. 19 for a meeting with other governors in the basin.

Flooding has impacted Missouri River states this summer after heavy spring snowmelt and rain. Corps officials have defended the way they've managed the river, saying no one could have anticipated the huge amount of water.

Dalrymple says other river systems are managed by agreements among states and such an arrangement might balance competing interests of upstream and downstream Missouri River states.

His spokesman, Jeff Zent, acknowledges that such a compact likely would require a change in federal law.

**Iowa Man Dies After Motorcycle  
Accident In South Dakota**

WASTA (AP) — Authorities say a motorcycle rider who died after a crash in western South Dakota might have been struck by lightning.

The Highway Patrol says witnesses report that a bolt of lightning hit 57-year-old Kurt Stolba of Wilton, Iowa, before his motorcycle struck a guard rail on Interstate 90 in Pennington County.

The patrol says Stolba was thrown from the bike and died on the way to a Rapid City hospital late Wednesday afternoon.

**Aberdeen Convenience Store  
Robbed At Gunpoint Wednesday**

ABERDEEN (AP) — Police in Aberdeen are investigating the armed robbery of a convenience store.

Authorities say the robber showed a handgun and left the Starline store with an undetermined amount of money early Wednesday.

The *American News* reports that no one was hurt.

**Dakotas' Flood Victims Will Get  
Into S. Dakota State Fair Free**

PIERRE (AP) — South Dakota Gov. Dennis Daugaard says flood victims in his state and in North Dakota will be offered free admission at the State Fair every day during its run in Huron next month.

Daugaard says many flood victims in the two states have not been able to enjoy a summer festival or vacation. In addition, North Dakota's state fair was canceled last month after the Souris River swamped much of Minot including the fairgrounds.

The South Dakota Fair is Sept. 1-5. State residents will be allowed in free with a valid flood identification card distributed in several communities. North Dakotans just need a valid state-issued ID.

**Man To Be Arraigned Next  
Month In Neb. Teen's rape**

FREMONT, Neb. (AP) — A man considered a suspect in the disappearance of a Peru State freshman has waived his right to a preliminary hearing in the rape of a 15-year-old girl.

Joshua Keadle, from Swansea, S.C., appeared Thursday in Dodge County Court for a charge of sexual assault of a minor. Court records show the case was sent on to district court. A hearing is set for Aug. 29.

An affidavit says the 29-year-old Keadle raped the now-18-year-old teen as she slept in December 2008 in Fremont.

In Nemaha County, Keadle has pleaded not guilty to sexual assault in the Halloween rape of a fellow Peru State student. The charges were filed after his arrest in the disappearance of Tyler "Ty" Thomas, who was last seen Dec. 3.

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8+5+12  
STATE OF SOUTH DAKOTA  
COUNTY OF CLAY

US Bank National Association, as Trustee for Structured Asset Securities Corporation Trust 2006-WF3,

Plaintiff,

vs,

Julie Anglin; David Anglin; Credit Collection Services; and any person in possession,

Defendants.

**Civil No. 11-82  
NOTICE OF  
REAL ESTATE  
SALE**

Judgment in the amount of \$134,410.18 having been entered in favor of plaintiff and against defendants, which Judgment was filed with the Clerk of Courts of Clay County, South Dakota, on July 8, 2011, for the foreclosure of a real estate mortgage.

Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated June 30, 2006, which Julie Anglin and David Anglin, Mortgagors, executed and delivered to Wells Fargo Bank, N.A., Mortgagee:

The South Four Feet (S. 4') of Lot 3 and all of Lot 4, Block 43, Snyder's Addition to the City of Vermillion, Clay County, South Dakota.

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the 5th day of July, 2006, in Book 124 of Mtgs., Page 587. Said mortgage was assigned to US Bank National Association, as Trustee for Structured Asset Securities Corporation Trust 2006-WF3, by Assignment of Mortgage recorded October 2, 2009, in Book 129 Mtgs., Page 888, in order to realize the amount of \$119,700.00, as of June 30, 2006, plus interest accruing thereafter on said amount at the rate of 4.00% per year together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate taxes and assessments of Clay County, South Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of Clay County, South Dakota, at the front door of the Clay County Courthouse, in Vermillion, South Dakota, on August 24, 2011, at 10:00 A.M. (CT).

Dated July 18, 2011.

Sheriff of Clay County, South Dakota

MACKOFF KELLOGG LAW FIRM  
By:  
David C. Piper, Attorney #4128  
38 Second Avenue East  
Dickinson, ND 58601  
(701) 227-1841  
Attorneys for Plaintiff

Published twice at the total approximate cost of \$189.00  
Estimated publishing cost per published copy: \$0.0109

8+5+12  
STATE OF SOUTH DAKOTA  
COUNTY OF CLAY

Chase Home Finance, LLC,

Plaintiff,

vs,

Charles Van Wardhuizen; and any person in possession,

Defendants.

**Civil No. 10-158  
NOTICE OF  
REAL ESTATE  
SALE**

Judgment in the amount of \$75,922.82 having been entered in favor of plaintiff and against defendants, which Judgment was filed with the Clerk of Courts of Clay County, South Dakota, on July 6, 2011, for the foreclosure of a real estate mortgage.

Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated October 3, 2008, which Charles Van Wardhuizen, Mortgagor, executed and delivered to JPMorgan Chase Bank, N.A., Mortgagee:

Lot LJ-1, Block 13, Van Meter's Addition and Lot LJ-1, Outlot "A" Torstenson's Addition to the City of Vermillion, Clay County, South Dakota; and Lot LJ-3, Block 13 Van Meter's Addition and Lot LJ-2, Outlot "A", Torstenson's Addition to the City of Vermillion, Clay County, South Dakota, according to the replat of Lot CK-1, Block 13, Van Meter's Addition and Lot CK-1, Outlot "A", Torstenson's Addition to the City of Vermillion, Clay County, South Dakota.

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the 3rd of October, 2008, in Book 128 Mtgs, Page 405; said Mortgage was assigned to Chase Home Finance, LLC by Assignment of Mortgage recorded on the 21st of June, 2010, in Book 130 of Mtg, Page 838, in order to realize the amount of \$67,322.00, as of October 3, 2008, plus interest accruing thereafter on said amount at the rate of 7.000% per year together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate taxes and assessments of Clay County, South Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of Clay County, South Dakota, at the front door of the Clay County Courthouse, in Vermillion, South Dakota, on August 24, 2011, at 10:00 A.M. (CT).

Dated July 13, 2011.

Sheriff of Clay County, South Dakota

MACKOFF KELLOGG LAW FIRM  
By:  
Sandra K. Kuntz, Attorney #03463  
38 Second Avenue East  
Dickinson, ND 58601  
(701) 227-1841  
Attorneys for Plaintiff

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