

2010 Legal and Public Notices

day of December, 2013, Jerald A. Munkvold, whose address is 509 Dows Street, Garretson, SD 57030, was appointed as Personal Representative of the Estate of Donald Allen Munkvold.

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 mailed to the Personal Representative.

Jerald A. Munkvold
509 Dows Street
Garretson, SD 57030

Yankton County Clerk of Courts
410 Walnut, Suite 205
Yankton, SD 57078

Michael D. Stevens
Blackburn & Stevens, Prof.
L.L.C.
100 West 4th Street
Yankton, SD 57078
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12+24+31
STATE OF SOUTH DAKOTA)
:SS
COUNTY OF YANKTON)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

CORTRUST BANK, N.A.,

Plaintiff,

vs.

BRIAN M. SIMEK; GENTRY FINANCE CORP. OF SOUTH DAKOTA, d/b/a Gentry Finance, Convenient Loan, and Convenient Loans; and YANKTON COUNTY, SOUTH DAKOTA,
Defendants.

CIV. 12-250

NOTICE OF SHERIFF'S FORECLOSURE SALE

NOTICE IS HEREBY GIVEN that under and by virtue of a Default Judgment dated December 10, 2013, entered in that action wherein CorTrust Bank, N.A., Plaintiff and holder of a certain note and mortgage executed by Brian M. Simek in favor of CorTrust Mortgage Inc., which mortgage was dated June 27, 2011, and recorded in the Office of the Yankton County Register of Deeds in Book 499 on Page 430 on July 1, 2011, and was subsequently assigned to CorTrust Bank, N.A. pursuant to an Assignment of Mortgage recorded in the Office of the Yankton County Register of Deeds in Book 499 on Page 431 on July 1, 2011, and obtained a judgment against Defendant Brian M. Simek, which Default Judgment was in the amount of \$61,262.89, including interest, disbursements, and fees, and adjudging the mortgage lien of CorTrust Bank, N.A. to be a prior lien, I am commanded to sell the real estate described as follows:

South Half (S 1/2) of Lot Five (5) and all of Lot Six (6), Block Twenty-one (21), Lower Yankton, City and County of Yankton, South Dakota as per

plat

recorded in Book G, Page 6.

This sale is made subject to redemption in the manner provided by law and in accordance with the total indebtedness due at the time of such redemption as authorized by law in satisfaction of all of said obligations.

Public notice is hereby given that on Tuesday, January 21, 2014, at 10:00 a.m., on the front steps of the Yankton County Courthouse, 410 Walnut Street #205, Yankton, South Dakota, I will, in obedience to such Judgment, sell the above-described property in the fashion indicated herein, or so much thereof as may be necessary to raise sufficient money to satisfy such Judgment with interest and costs, to the highest and best bidder for cash, lawful money of the United States.

Dated this 17 day of December, 2013.

/s/ James C. Vlahakis

Jim Vlahakis, Yankton County Sheriff

**Nebraska**

Audit: State Lost Out On \$5.8M In Fed Aid

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska failed to take advantage of nearly \$5.8 million in federal funding that could have been used to make homes more energy-efficient or reduce residents' utility bills, state auditor Mike Foley said Monday.

Foley blamed the Department of Health and Human Services, which manages the federal Low Income Home Energy Assistance Program. The federal block-grant program is administered by states to help low-income residents cover their energy costs. States can also use the money for residential weatherization programs or energy-related home repairs.

"We had an opportunity to use \$5.8 million — 100 percent federal funds — for weatherization programs and to clean up stale utility bills from low-income people, and we didn't do it," Foley said.

Foley, a Republican candidate for governor, has said he wants to fix how the department is managed by dismantling it "brick by brick."

He said the department waited until the last minute to make the federal money for weatherization programs available to the Nebraska Energy Office. The money arrived at the energy office within the last few days of the federal fiscal year, and officials didn't have time to use it, he said.

In an advisory letter released Monday, the auditor's office said DHHS also exceeded its limit for administrative expenses by more than \$656,000. States are allowed to use up to 10 percent of their federal aid for administrative costs, but auditors found the department spent nearly 13 percent.

The department acknowledged in a written response that state dollars should have covered about \$431,000 worth of administrative ex-

penses in 2012 and 2013. The department said it will reimburse that amount to the federal government.

Foley said he believes the energy-assistance money went unused because the department doesn't understand what federal and state rules allow. Using some of the money to cover past-due energy bills could have reduced the cost for other ratepayers who end up making up the difference, he said.

In a written response, department officials said all qualified applicants who sought the federal grant money received the maximum amount allowed. Distributing additional money would have violated the state's approved plan, DHHS officials said.

Foley countered that the department was free to change the state plan as long as it complied with federal rules. He said the state also could have applied for a waiver to increase the money available for weatherization and energy-related home repairs.

DHHS spokesman Russ Reno said in a statement that the department acknowledges overspending on its administrative expenses. Reno said funding the weatherization program would have required expanding the state plan, and the federal government should instead keep the money for use when the need is greater.

A state audit in April found that the department misspent nearly \$8 million from the energy-assistance program. Auditors said the department violated its own rules when it mailed checks directly to customers instead of their utility companies.

Some of the recipients were dead, and Foley said there was no way to confirm how the money was spent. A random sample found checks that had been cashed at restaurants, grocery stores, funeral homes, paycheck-advance businesses and a keno parlor.

South Dakota

State Sees \$19M Windfall Off Uncollected Project Refunds

BY BOB MERCER
State Capitol Bureau

PIERRE — The Legislature has an extra \$19.4 million to spend next year, because businesses didn't take everything they were owed under South Dakota's construction-tax refund program.

Gov. Dennis Daugaard disclosed the existence of the windfall in his budget speech to legislators earlier this month.

Businesses had paid the money in state taxes on large projects that were eligible for partial refunds under a Rounds-era incentive program.

The Legislature made changes in the incentive program in 2010 and shut it down effective Dec. 31, 2012.

Forty-nine companies were paid more than \$99.6 million in refunds through Nov. 30, 2013, according to a report from the state Department of Revenue, which administered the program.

Some companies have multiple projects. Eight companies received state permits to apply for refunds but their names don't appear on the department's list showing payments.

The Legislature's Republican majorities approved a replacement program in 2011 at the urging of Daugaard.

But Democrats successfully petitioned for a statewide referendum on the replacement plan and voters in 65 of 66 counties rejected it in the November 2012 election. The results were 139,751 in favor of the replacement and 190,126 against it.

The period for applying for refunds under the old program is now closed for those projects that started after the 2010 changes took effect. Those projects left behind the \$19.4 million.

Another \$5.1 million of liabilities remain on the state's books in potential refunds for projects that enrolled in the program prior to the 2010 changes. Those companies don't have a

deadline to make a request for refund payment.

There are various reasons why companies didn't receive refunds in the amounts that they originally estimated they would be owed, according to Candy Holbrook, a spokeswoman for the state Department of Revenue.

Many companies carried forward their refunds until projects were completed and they made requests for refund payments in amounts less than anticipated;

Some companies for internal administrative reasons requested refunds smaller than they could have sought under state laws;

Some projects turned out smaller than estimated;

The program used a sliding scale that allowed bigger refunds to bigger projects, and estimating the refund amounts became "very difficult" in some instances; and

Some companies didn't apply for their refunds and some projects simply didn't happen.

One of the changes made in 2010 partially opened the refund program's books so that the names of companies receiving the refunds and the corresponding amounts became publicly available for the first time.

Previously only the names of companies that received refund permits were public records. That was accomplished through a state hearing examiner's decision in response to a newspaper reporter's challenge to the Department of Revenue.

Legislators decided to take the next step and require the department to publicly report the refund amounts by company.

Still unknown is which companies specifically left behind some of the \$19.4 million and how much.

Likewise for the specific companies that could still collect some of the other \$5.1 million that remains an open liability for state government.

State taxpayer-confidentiality laws protect that specific information, according to Revenue Secretary Andy Gerlach.

Extension

From Page 1

was handling the volume with error rates of less than 1 in 200 and response times of less than one second.

The Obama administration is hoping for a surge of year-end enrollments to show that the technical problems were merely a temporary setback. That would also go a long way toward easing concerns that insurance companies won't be able to sign up enough young, healthy people to keep prices low for everyone.

But the grace period may have been a tacit acknowledgment that the website remains vulnerable to heavy traffic. What's more, the delay offered critics of "Obamacare" another opportunity to argue that the law still isn't working and that President Barack Obama keeps changing the rules.

In Ohio, Lt. Gov. Mary Taylor called the deadline extension "a clear sign Healthcare.gov continues to struggle."

"Consumers are already confused and insurers are overwhelmed with the administration's last-minute changes, yet there seems to be no end in sight," Taylor, who heads Ohio's insurance department, said.

The administration was careful not to characterize Tuesday as a new deadline or an extension, likening the move instead to the Election Day practice in which people who are in line when the polls close are still allowed to vote.

Monday had been the deadline for Americans in the 36 states served by the federal site to sign up if they wanted coverage at the start of the new year. The remaining states operate their own online marketplaces, and some of them have also extended their deadlines.

As the deadline drew near, more than 1 million people visited the website over the weekend, and a federal call center received more than 200,000 calls.

Roger Colyn, 60, of Des Moines, Iowa, was happy when he left his Monday morning appointment with a state enrollment navigator. She helped him sign up for a "silver" plan that will cost him \$10.79 in monthly premiums after government aid is factored in.

"I feel relieved," Colyn said. Others said they will let the date pass without making a decision.

"I'm in no hurry, though it'd be nice to be able to visit a doctor without stress," said Kyle Eichenberger, an uninsured 34-year-old from Oak Park, Ill., who said he hit a wall on the website when he first tried to enroll early on.

"I'm an Obamacare supporter, though I think it is full of problems," Eichenberger said. "I'd like to see the whole system streamlined to be more user-friendly. Keep the basic idea, but don't make me feel like I'm navigating a maze to get a simple checkup."

The government's original deadline already had been pushed back a week because of the website problems. The extra day will add to the already daunting administrative problems that insurance com-

Man Sentenced In SF Homeless Killing

SIoux FALLS (AP) — A judge in Sioux Falls sent a man to prison for 25 years for his role in the killing of another homeless man.

KDLT-TV reports that Clint Cottonwood was sentenced Monday to 70 years in prison but will serve a shorter time as part of a plea agreement.

Prosecutors say the 52-year-old was drinking alcohol at a homeless camp in May 2012 with Eugene Martin and Robert Thunder Hawk when Thunder Hawk made comments about Martin's girlfriend that led to a fight. Martin and Cottonwood both began beating Thunder Hawk and Martin killed Thunder Hawk with a blow to the head with a shovel.

Cottonwood earlier pleaded guilty to first-degree manslaughter and testified against Martin, who was convicted last month of first-degree murder.

RC Guardsmen Back From Afghanistan

RAPID CITY (AP) — More than 100 South Dakota Army National Guard members are home for the holidays.

The 124 soldiers with the 235th Military Police Company were welcomed home Monday in Rapid City after a nine-month deployment to Afghanistan.

Family and friends packed the Rapid City Rushmore Plaza Civic Center for a ceremony that included speeches by the governor, Rapid City mayor and adjutant general of the Guard.

It was the third mobilization for the 235th. The unit earlier deployed in 2003 to Fort Carson, Colo., and in 2006 to Afghanistan.

Accused Pierre Teen Can Get Out Of Jail

PIERRE (AP) — A Pierre teen accused of killing a classmate will be released from jail.

KCCR-AM reports a judge granted a defense request Monday to release 17-year-old Braiden McCahren on bond.

Authorities say 10 percent of the \$250,000 bond already has been posted, so he could get out of jail Monday.

McCahren pleaded not guilty to first-degree murder and other charges in the shooting death last Dec. 18 of 16-year-old Dalton Williams in McCahren's home.

McCahren was 16 and has been in custody without bond for more than a year.

He'll be under house arrest at his grandparents' home in Vermillion and will attend high school classes online offered by an alternative school in Vermillion.

McCahren's still waiting to find out whether he'll be tried as a juvenile or adult.

2nd Teen Dies From Plattsmouth Crash

PLATTSMOUTH, Neb. (AP) — A second teenager has died from a two-vehicle crash Sunday near Plattsmouth.

The *Omaha World-Herald* reports 17-year-old Savannah Robertson, of Plattsmouth, died Monday at the Nebraska Medical Center. On Sunday, 14-year-old Jenna Miner, of Murray died at the scene of the crash on U.S. Highway 75.

The Cass County Sheriff's Office says the crash happened Sunday morning when a car driven by Robertson crossed the center line and collided with a car driven by 36-year-old Travis Laporte, of Papillion.

Laporte and his brother, 34-year-old Kevin Laporte, of Bellevue, were in good condition Monday at the medical center.

Brian Miner says his daughter and Savannah were close friends who were on the way to Omaha for Christmas shopping.

Miner calls the crash "a crying shame."

Man Sentenced For Sexual Assault

LINCOLN, Neb. (AP) — A man from central Nebraska was sentenced to prison for 15 to 30 years after being convicted of having sex with a 14-year-old girl.

The *Lincoln Journal Star* reports Donald Grafe denied at his trial that he'd had sex with the girl at a Lincoln truck stop in 2012, but on Monday he broke down crying and apologized before being sentenced for first-degree sexual assault of a child. A jury found Grafe guilty in November.

Lancaster County District Judge Karen Flowers sentenced Grafe, of Clarks, to 15 to 30 years. Grafe won't be eligible for parole until he serves 15 years.

The girl's mother is serving 92 to 120 years in prison, having been convicted of prostituting her 14- and 7-year-old daughters in Buffalo, Franklin and Furnas counties.

Program Jump Starts College Careers

SIoux FALLS (AP) — A Crazy Horse Memorial summer education program aimed at Native American high school graduates is giving participants a jump start on their college careers.

Crazy Horse CEO Ruth Ziolkowski says 68 percent of the students who have attended the Indian University of North America have continued to pursue degrees at private public or tribal colleges and universities. She says the retention rate for Native American college students is typically less than 20 percent.

Participants take courses in algebra, English and Native American Studies and are eligible to earn up to 12 college credits toward their degree. Students receive a scholarship for tuition, books and supplies and a portion of food and lodging costs.

The Crazy Horse Memorial Foundation runs the school in partnership with the University of South Dakota.

Jail Exemption For E-cigarettes Sought

BEATRICE, Neb. (AP) — Some Gage County inmates have been eagerly buying e-cigarettes since they went on sale at the jail commissary.

The *Beatrice Daily Sun* says the jail bought 100 e-cigarettes for \$2.55 each and is selling them to inmates for \$7 each.

The jail administrator, Lt. Tony Shepardson, told a county Board of Supervisors committee on Friday that the water vapor cigarettes have "been selling like hotcakes."

E-cigarettes are plastic tubes the shape and size of a rolled cigarette. They carry nicotine into the lungs through water vapor.

Gage County has banned smoke and smokeless tobacco products from county property. A proposed ban of e-cigarettes has been added to a revised draft of the county employee handbook.

Sheriff Millard "Gus" Gustafson says he's seeking an exemption for e-cigarettes at the jail.

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