

2010 Legal and Public Notices

The County hereby authorizes the Chairman and Auditor to appoint an Escrow Agent.

Section 6.6. Escrow Refunding Agreement.

The Chairman and Auditor are authorized to enter into an Escrow Agreement. The final form of the Escrow Agreement shall be filed with the Auditor and open to public inspection.

Section 6.7. Verification Agent.

The County Commission hereby authorizes the Chairman and Auditor to appoint the Verification Agent.

ARTICLE VII DEFEASANCE OF BONDS

Section 7.1. Defeasance of Bonds.

If the County shall pay and discharge the indebtedness evidenced by any of the Bonds in any one or more of the following ways, to wit:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Bonds as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"); which Agent may be the Registration Agent in trust or escrow, on or before the date of maturity or redemption, sufficient money or Federal Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay premium, if any, and interest thereon when due until the maturity or redemption date (provided, if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice);

(c) By delivering such Bonds to the Registration Agent, for cancellation by it; and if the County shall also pay or cause to be paid all other sums payable hereunder by the County with respect to such Bonds, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Agent to pay amounts when and as required to the Registration Agent for the payment of principal of and interest and redemption premiums, if any, on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the County to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void. If the County shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Federal Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Federal Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Federal Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and premium, if any, and interest on said Bonds; provided that any cash received from such principal or interest payments on such Federal Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the County as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Federal Obligations maturing at times and in amounts sufficient to pay when due the principal and premium, if any, and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the County, as received by the Registration Agent. For the purposes of this Section, Federal Obligations shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under South Dakota Law for the purposes described in this Section, which Bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

ARTICLE VIII SALE OF BONDS, DEPOSIT OF PROCEEDS AND TAX MATTERS

Section 8.1. Sale of Bonds.

The Bonds shall be sold to the Underwriter as set forth in the Bond Purchase Agreement. The Chairman and the Auditor, or either of them, in consultation with the Underwriter, are authorized to make such changes in the structuring of the terms and sale of the Bonds as they shall deem necessary to maximize the savings from

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the refunding of the Refunded Bonds. In this regard, they, or either of them, in consultation with the Underwriter, are authorized to cause to be sold an aggregate principal amount of the Bonds less than that authorized herein, cause fewer than all the Refunded Bonds to be refunded, to sell any or all of the Bonds as term Bonds with annual mandatory redemption requirements which will produce substantially the same annual principal reductions as authorized herein, to change the dated date of the Bonds, to adjust principal and interest payment dates and redemption dates of the Bonds and to sell as one or more series. The form of the Bond set forth in Exhibit A attached hereto shall be conformed to reflect any changes, if any, as hereinbefore mentioned. The Chairman and the Auditor, or either of them, are hereby authorized to execute and the Auditor is authorized to attest the Purchase Agreement with the Underwriter providing for the purchase and sale of the Bonds. The Purchase Agreement shall be in form and content acceptable to the Chairman and Auditor, the execution thereof by either of them to constitute conclusive evidence thereof, and approved as to form and legality by the Countys attorney; provided the Purchase Agreement effects the sale of the Bonds in accordance with the provisions of this Resolution, and is not inconsistent with the terms hereof. If legally possible the Chairman and Auditor are authorized to designate any series of the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code. The Chairman and the Auditor, are authorized to cause the Bonds to be authenticated and delivered by the Registration Agent to the Underwriter and to execute, publish, and deliver all certificates and documents, including the Official Statement, and closing certificates and documents, as they shall deem necessary in connection with the sale and delivery of the Bonds.

Section 8.2. Official Statement.

The Chairman, Auditor, and the Underwriter are hereby authorized and directed to provide for the preparation and distribution of a Preliminary Official Statement describing the Bonds (the "Preliminary Official Statement"). After the Bonds have been sold, the Chairman and Auditor shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(c)(3) of the Securities and Exchange Commission.

To comply with paragraph (b) (3) of Rule 15c2 12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule") and with Rule G 32 and all other applicable rules of the Municipal Securities Rule-making Board, the County agrees to deliver to the Underwriter, the Official Statement (which shall be a final official statement, as such term is defined in the Rule, as of its date) in an electronic format as prescribed by the MSRB.

Section 8.3. Disposition of Bond Proceeds.

The proceeds of the sale of the Bonds shall be disbursed as follows:

(a) An amount which, together with other legally available funds of the County, if any, and investment earnings thereon and on said Bond proceeds, will be sufficient to (i) crossover advance refund and refinance Bonds maturing December 1, 2017 to December 1, 2025 validly issued outstanding General Obligation Law Enforcement Center Bonds, Series 2006A (collectively the Refunded Bonds), (ii) to pay interest on the 2015 Bonds from date of Issuance until December 1, 2016 shall be transferred to the Escrow Agent under the Escrow Agreement to be deposited to the escrow fund established thereunder to be held and applied as provided therein; and

(b) The remaining proceeds of the sale of the Bonds shall be used to pay the costs of issuance and sale of the Bonds including necessary legal, accounting and fiscal expenses, printing, engraving, advertising and similar expenses, administrative and clerical costs, rating agency fees, Registration Agent fees, and other necessary miscellaneous expenses incurred in connection with the issuance and sale of the Bonds. Any funds remaining after payment of said expenses shall be used to pay interest on the Bonds on the first interest payment date following delivery of the Bonds.

Section 8.4. Tax Matters.

(a) The County covenants and agrees with the registered owners from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the basic interest on the Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

(b) The Chairman and the Auditor, being the officers of the County charged with the responsibility for issuing the Bonds pursuant to this Resolution are hereby authorized and directed to exe-

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cute and deliver to the Underwriter thereof a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, it is reasonably expected that the proceeds of the Bonds will be used in a manner that would not cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

(c) The County further certifies and covenants as follows with respect to the requirements of Section 148 of the Code.

(d) The County further certifies and covenants as follows with respect to the requirements of Section 148 of the Code that the County reasonably expects, as of the Bond Date, that the aggregate face amount of all tax exempt bonds (other than private activity bonds) issued by it and all subordinate entities during the calendar year of 2015 will not exceed \$5,000,000.

(e) The County shall file with the Secretary of the Treasury a statement concerning the Bonds containing the information required by Section 149(e) of the Code.

(f) Pursuant to Section 265(b)(3) (B)(ii) of the Code, the County hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The County hereby represents that it does not anticipate that obligations bearing interest not includable in gross income for purposes of federal income taxation under Section 103 of the Code (including refunding obligations as provided in Section 265 (b) (3) of the Code and including "qualified 501 (c) (3) Bonds" but excluding other "private activity Bonds," as defined in Sections 141(a) and 145(a) of the Code) will be issued by or on behalf of the County and all "subordinate entities" of the County in 2015 in an amount greater than \$10,000,000.

ARTICLE IX NOTICE OF REFUNDING

Section 9.1 Notice of Refunding.

Prior to the issuance of the Bonds, notice of the Countys intention to refund the Refunded Bonds shall be posted on <http://emma.msrb.org> and be given, at the direction of the Auditor, by the respective paying agents for the Refunded Bonds, to the respective Registered Owners of the Refunded Bonds. Such notice shall be in substantially the form as provided in Exhibit B attached hereto and by this reference made a part hereof.

ARTICLE X MISCELLANEOUS

Section 10.1. Failure to Present Bonds.

(a) Subject to the provisions of Section 4.7 hereof, in the event any Bond shall not be presented for payment when the principal or redemption price hereof becomes due, either at maturity or at the date fixed for prior redemption thereof or otherwise, and in the event monies sufficient to pay such Bond shall be held by the Registration Agent for the benefit of the Owner thereof, all liability of the County to such Owner for the payment of such Bond shall forthwith cease, determine, and be completely discharged. Whereupon, the Registration Agent shall hold such monies, without liability for interest thereon, for the benefit of the Owner of such Bond who shall thereafter be restricted exclusively to such monies for any claim under the Resolution or on, or with respect to, said Bond. (b) If any Bond shall not be presented for payment within a period of five years following the date when such Bond becomes due, whether by maturity or otherwise, the Registration Agent shall, subject to the provisions of any applicable escheat or other similar law, pay to the County any monies then held by the Registration Agent for the payment of such Bond and such Bond shall (subject to the defense of any applicable statute of limitation) thereafter constitute an unsecured obligation of the County.

Section 10.2. Payments Due on Saturdays, Sundays, and Holidays.

In any case where the date of maturity or interest on or principal of any Bond, or the date fixed for redemption of any Bond, shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions similar to the Registration Agent are authorized by law to close, then the payment of the interest on, or the principal, or the redemption price of, such Bond need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions similar to the Registration Agent are authorized by law to close, with the same force and effect as if made on the date of maturity or the date fixed for redemption, and no interest shall accrue for the period after such date.

Section 10.3. Miscellaneous Acts.

The appropriate officers of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, deliver, and, if applicable file or record, or cause to be filed or recorded, in any appropriate pub-

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lic offices, all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may, in their discretion, be necessary or desirable to implement or comply with the intent of this Bond Resolution, or any of the documents herein authorized and approved, or for the authorization, issuance, and delivery by the County of the Bonds.

Section 10.4. Amendment.

The County Commission is hereby authorized to make such amendments to the Bond Resolution as will not impair the rights of the Bondholders.

Section 10.5. No Recourse Under Bond Resolution or on Bonds.

All stipulations, promises, agreements, and obligations of the County contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the County and not of any officer, director, or employee of the County in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on the Initial Resolution or the Resolution against any officer, director, or employee of the County or against any official or individual executing the Bonds.

Section 10.6. Partial Invalidity.

If any one or more of the provisions of the Bond Resolution, or of any exhibit or attachment thereto, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but the Bond Resolution, and the exhibits and attachments thereto, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 10.7. Continuing Disclosure.

The County hereby covenants and agrees that it will provide financial information which is customarily prepared and publicly available and material event notices as required by Rule 15c2-12 of the Securities Exchange Commission for the Bonds. The Chairman is authorized to execute at the Closing of the sale of the Bonds, an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the County to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the County to comply with its undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

Section 10.8. Post Issuance Compliance.

The County does hereby adopt Meierhenry Sargent Post-Issuance Compliance Policy and Tax-Advantaged Obligations and Continuing Disclosure with regard to the Certificates attached hereto with regard to the Bonds. The County appoints the Auditor as its chief post issuance compliance officer.

Section 10.9. Conflicting Resolutions Repealed.

All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10.10. Effective Date.

This Bond Resolution shall take effect from and after its adoption, the welfare of the County requiring it. Said motion was made by Bodensedt and seconded by Freng and upon vote being taken the following voted.

AYE: 4

NAY: 0

Todd Woods
Yankton County Chairman

ATTEST:
Patty Hojem
Auditor
Published once at the approximate cost of \$638.55.

6+5+12+19+26
STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF YANKTON)

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

66 Civ. 15-113

SUMMONS

STATE OF SOUTH DAKOTA,)
Plaintiff,

v.

\$815 IN AMERICAN CURRENCY,
Defendant.

GREETINGS FROM THE
STATE OF SOUTH DAKOTA
TO THE ABOVE-NAMED DEFENDANT AND AARON

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ROBERT MAREK AND CHARLEEN MARIE MAREK BOTH OF 301 WEST 31ST STREET, APARTMENT 206, YANKTON, SOUTH DAKOTA 57078-4807, CHAD BURDELL SCHROEDER OF 307 CEDAR STREET, CANISTOTA, SOUTH DAKOTA 57034 AND SAVANNAH KAY FLYNN OF 2007 ELM STREET, YANKTON, SOUTH DAKOTA 57078-2128:

You are hereby summoned and required to serve upon the Attorney General, Plaintiff's attorney, whose address is the Office of the Attorney General, 1302 East Highway 14, Suite 1, Pierre, South Dakota 57501-8501, a verified Answer to the Complaint, which is herewith served upon you (and will be filed with the Clerk of the Circuit Court of the First Judicial Circuit at Yankton, County of Yankton, State of South Dakota), within thirty (30) days after the service of this Summons and Complaint upon you, exclusive to the date of service. If you fail to file an Answer within thirty days of the date of service upon you, judgment by default will be taken against you for the relief as prayed for in the Complaint. The object of the above action is forfeiture of the above described property to the State of South Dakota.
Dated this 22nd day of April, 2015.

Jeffery J. Tronvold
Assistant Attorney General
Office of the Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Telephone: (605) 773-3215

Poultry

From Page 1A

Hutchinson counties, affecting a total of 120,000 birds.

Yankton, Hutchinson, Knox and Dixon counties lie in the same region. However, the bird flu cases don't appear connected, said South Dakota state veterinarian Dr. Dustin Oedekoven.

"There were no direct links established between the Nebraska and South Dakota flocks," he told the *Press & Dakotan*.

While a bird flu vaccine has been discussed, the commercially available vaccines are considered only about 60 percent effective against the current strain of H5N2, Oedekoven said. The U.S. Department of Agriculture (USDA) has ruled the current vaccine doesn't work well enough to approve for emergency use.

"USDA and vaccine companies are working to develop a new vaccine against this strain that may not be available until fall," he said.

With Thursday's announcement, the Nebraska ban on poultry events will prevent 4-H members from taking their birds to the Nebraska county and state fairs this season, according to a news release. However, youth in the Husker State are still encouraged to complete their projects.

Nebraska Extension is working to identify other options for youth enrolled in poultry projects. Those options would allow 4-Hers to showcase their learning and participate in fairs in other ways than having their birds present.

"We know 4-H'ers statewide have been learning about the science of animals through their poultry projects," said Nebraska Extension Associate Dean Kathleen Lodl. "We will help them showcase that work and celebrate their successes in other ways."

Ibach said he applauds Nebraska Extension for working to identify options for youth enrolled in poultry projects.

"As a parent of past 4-H and FFA members, I understand the time and commitment that our youth put into their projects and can understand the disappointment they may feel in not being able to exhibit their projects this year," he said.

"This decision was not made lightly, but (it) is necessary to assure we do everything possible to protect our collective poultry flock from further spread of the virus."

BATTLING THE BIRD FLU

As of Tuesday, the NDA reported one new preliminary case of bird flu in Dixon County. Currently, five farms are impacted in Nebraska – four in Dixon County and one in Knox County.

The first three Dixon County cases, owned by the same producer, represent 3.5 million laying hens and 500,000 pullets (young hens). The depopulation is nearing completion or is in progress, and composting is in progress.

The Knox County flock of 3 million laying hens is also owned by the same pro-

The Latest On China Boat Sinking

By The Associated Press

Chinese state media say that rescue workers have now righted the river cruise ship that capsized in bad weather on Monday night in the Yangtze River. That will quicken the search for the more than 360 who are still missing from the accident. Nearly 80 bodies were recovered before the ship was righted. There were 14 survivors.

Disaster teams are preparing to use cranes to right the ship to quicken the search for more than 360 missing victims. A total of 77 people have been confirmed dead.

The operation shifts the focus from finding survivors more than 72 hours after it overturned to salvaging the vessel and retrieving bodies.

Transport Ministry spokesman Xu Chengguang said divers would put steel bars underneath the ship, which would then be lifted by two 500-ton cranes. A huge net has been placed near the cranes and another one a few meters (yards) downstream to catch bodies.

Two smaller cranes are also on site and boats have been stopped from entering the area.

Xu told a news conference that the chance of finding anyone else alive is "very slim." It is therefore time to right the ship to speed up recovery efforts, he said.

ducer as the first three Dixon County flocks.

The Knox County flock remains under quarantine based on a preliminary positive test last week. Follow-up testing has not confirmed the preliminary result. This facility remains a suspect flock and will remain under quarantine and continue to undergo regular testing.

In consultation with USDA officials, the NDA has determined the Knox County site will require 21 days of negative testing before the quarantine can be released. Biosecurity procedures will remain in place.

The fourth Dixon County flock, which is not owned by the producer of the other flocks, consists of fewer than 100 mixed fowl. The site, located within the 6.2 mile radius of the other Dixon County locations, remains under quarantine as a suspect flock at this time.

As part of NDA's surveillance work, 23 additional farms with poultry have been quarantined in Dixon County and 29 additional farms with poultry have been quarantined in Knox County.

NDA is working with the Dixon County producers to test their flocks. Testing is on hold at the 29 farms in Knox County because the USDA hasn't confirmed the preliminary test results at the original Knox County facility. These farms will remain under quarantine until further notice.

Other state agencies working with bird flu include the Nebraska Emergency Management Agency (NEMA), the Nebraska Department of Environmental Quality (NDEQ) and the Nebraska Department of Health and Human Services (HHS).

The bird flu has hit hard and will remain a challenge, U.S. Sen. John Thune (R-S.D.) told the *Press & Dakotan* this week.

"They have tried to isolate this (virus) and confine it," he said. "We have had 10 flocks affected in nine South Dakota counties. Nationwide, (more than) 40 million birds have been affected, according to reports we have seen."

Lawmakers continue urging federal officials to make the bird flu situation a national priority, Thune said.

"We have sent letters to Agriculture Secretary Tom Vilsack to make sure the USDA is using all available resources to combat the bird flu," the senator said.

State officials are doing the best they can with the situation, Thune said. "The (South Dakota) Animal Industry Board has done an excellent job of staying on response in our state," he said.

South Dakota and Iowa seem particularly hard hit by the bird flu, Thune said. He has also acknowledged the northeast Nebraska cases just across the border from South Dakota.

The bird flu represents a growing challenge, Thune said. "They are following protocols to rein this in, but it seems to get larger by the week," he said.

However, he remains hopeful that a solution will be found.

"I think it will run its course," he said. "All the steps have been taken that need to be taken."

Follow @RDockendorf on Twitter.