

1705 Items \$100 or Less

2-Lawnmowers \$30/each. Fertilizer spreader \$25. Electric edger \$5. Homemade yard cart \$10. (605)689-3817.

Black leather chaise lounge chair. Great condition. \$50. (605)689-0200. Call anytime.

Full length formal dress worn once. blue/gray in color. Size approximately 12-14, \$49. Call (605)668-9520.

Lawnmower \$40; leather jacket, size large \$50. (605)664-9539.

Navy love seat, \$45. Vintage Lane Cedar chest, \$35. Stereo record player, \$10. 10 pair work jeans 40x30, \$10. (605)665-2069 to see.

Snapper self-propelled rear bagging lawnmower \$100. (605)689-3817.

Whirlpool dryer for sale. Only 3-1/2 years old, used for two years. Great condition \$100. (605)660-4355.

1775 Home Furnishings



HUGE microfiber sofa. Blue, lots of pillows, very comfortable! Only 1 year old! Paid \$650. \$300/OBO. (605)670-8482.

1790 Lawn - Garden

U.S.A 2010 vegetable seeds, \$1 a pack. In soon, Certified Red Norland potato eyes. Locally grown bedding plants, ready May 1st. (605)665-2069. Buy local. Buy Safe, Save Shipping cost.

1820 Give Aways

Giveaway to a good home: 8 months old brown German Shorthair Lab. Male, shots. Call (605)603-0422.

Giveaway: All white male cat with blue eyes, very lovable & playful, needs good home. (605)500-6446.

1830 Rummage Sales

SAVE THE DATE!
2010 Yankton Annual Citywide Rummage Sales
May 13, 14, 15, & 16
Watch your Yankton Daily Press & Dakotan for details!

1840 Lost and Found

Lost: A black and white border collie on 3/21/10 from Burleigh. No tags or collar. Comes to the name Gus. (605)760-3261.

2010 Legal and Public Notices

3+9+16+23

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON: ss

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

In The Matter Of The Estate Of
EVELYN G. SORENSEN,
Deceased.

Pro. No. 10-7
NOTICE TO CREDITORS
AND NOTICE OF
INFORMAL PROBATE
AND APPOINTMENT
OF PERSONAL
REPRESENTATIVE

Notice is given that on the 22nd day of February, 2010, Marilyn Tramp, whose address is 55219 892 Rd., Crofton, NE 68730, was appointed as Personal Representative of the Estate of Evelyn G. Sorensen.

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.

Marilyn Tramp
55219 892 Rd.
Crofton, NE 68730

Yankton County Clerk of Courts
P.O. Box 155
Yankton, SD 57078

Michael D. Stevens
Blackburn & Stevens,
Prof. L.L.C.
P.O. Box 753
100 West Fourth Street
Yankton, SD 57078-0753
(605) 665-5550

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2010 Legal and Public Notices

3+23

NOTICE OF MINOR AIR QUALITY PERMIT APPLICATION AND DRAFT PERMIT

The South Dakota Department of Environment and Natural Resources (DENR) has received and reviewed the application for a minor air quality permit for the following applicant:

APPLICANT NAME:
Barnes Hay & Feed Company

FACILITY LOCATION:
Gayville, South Dakota

The minor air quality permit will allow the operation of the following processes and units:

- Unit #1 1974 Champion shredder and grinder
- Unit #2 MEC alfalfa natural gas rotary dryer, model #SD85-25
- Unit #3 1968 Champion grinder, model #20X44A
- Unit #4 1968 Sprout Waldron pellet cooler, model #21V200

A review of this facility indicates it can operate in compliance with South Dakota's Air Pollution Control rules and the federal Clean Air Act. DENR, therefore, recommends that the Board of Minerals and Environment issue this operating permit with conditions to ensure compliance with SDCL 34A 1 and the federal Clean Air Act.

In accordance with the Administrative Rules of South Dakota (ARSD) 74:36:04-12, any person desiring to comment on DENR's draft permit must submit written comments to the address below within thirty days of this public notice. Comments may be directed to the following mailing address: Lita Magedanz, PMB 2020, Department of Environment and Natural Resources; Division of Environmental Services; Air Quality Program; 523 East Capitol, Joe Foss Building, Pierre, South Dakota 57501. DENR will consider and address all comments submitted, and issue a final permit decision pursuant to ARSD 74:36:04-12.01. DENR will notify the applicant and each person that submitted written comments or requested notice of DENR's final permit decision, including notification of any changes to the permit based on the comments.

Any person desiring to contest the issuance of this permit and have a contested case hearing must file a petition, which complies with ARSD 74:09-01-01. This petition must be filed either within thirty days of this public notice or, if that person submits comments on DENR's draft permit pursuant to the paragraph above, within thirty days of receiving notice of DENR's final permit decision. Upon receipt of a petition, DENR will schedule this matter for a contested case hearing before the Board of Minerals and Environment.

If no comments or objections are received within thirty days of this public notice, the draft permit becomes the final permit decision and the proposed permit will be issued.

Copies of DENR's draft permit and other information may be obtained from Lita Magedanz, Natural Resources Engineer, at the above address or telephone (605) 773-3151.

Published once at the total approximate cost of \$38.89.

2010 Legal and Public Notices

Steven M Pirner, Secretary
Department of Environment and Natural Resources

COURT

From Page 1

messages. She was able to speak with Swenson once in either April or May 2005, and met with him in person during fall 2005. Swenson assured her both times that he was negotiating a settlement with the Star Brite Inn. Thereafter, Anson attempted to contact Swenson at least twice a month by telephone. She left messages with the office secretary through fall 2006, but then was only able to reach an answering machine. During fall 2006, Anson was in Sioux Falls and stopped by Swenson's office in an effort to reach him. She arrived around 2 p.m. and found the office door locked, but did not think anything was wrong. Anson continued to call and leave messages for Swenson during the next 11-12 months. Finally, in August 2007, Anson discovered Swenson's number had been disconnected. She immediately called every Chad Swenson in the Sioux Falls telephone directory but failed to reach him. Anson's work took her to Colorado for three months immediately following her discovery that Swenson's telephone number had been disconnected. She planned to make further attempts to reach Swenson or retain another attorney when she returned to South Dakota. In January 2008, shortly after returning from Colorado, Anson received a letter from Sioux Falls attorney Nichole Carper, who was representing the Zahrbrocks in a suit against Star Brite Inn. Carper advised Anson that Swenson had been disbarred by the South Dakota Supreme Court in June 2007. After retaining Carper, Anson learned the statute of limitations had expired on her claim and that Swenson,

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CALL THE P&D AT (605) 665-7811

contrary to what he told Anson, had never filed a complaint.

During Monday's Supreme Court hearing, de Castro Jr. said Anson was reassured by Swenson in 2005 that the case was "progressing." "Swenson said he was talking to the lawyer on the other side and that things were fine," de Castro Jr. said. "Swenson said he had talked to an expert but hadn't hired him yet because of the expense." However, Anson was unable to reach Swenson personally in the following months. Anson's efforts were further hampered because she suffered memory loss from the carbon-monoxide poisoning, de Castro Jr. said.

Fritz argued that Anson did not receive a certificate that the suit had been filed and did not take the necessary steps to protect herself. While Anson testified that she thought the lawsuit was filed, she never testified that Swenson actually told her that it was, Fritz said.

Anson could have checked on the status of Swenson and her case by contacting the bar association, the clerk of courts or another attorney, Fritz said. "When she called all the Chad Swensons in the phone book, there was already an issue (in her mind) about his lack of diligence," Fritz said.

During Monday's hearing, the Supreme Court justices noted that Swenson's handling of the case bordered on fraud. The judges questioned whether Anson should suffer for her attorney's unprofessionalism. On the other hand, the justices asked whether Anson had two-way communication with Swenson. The judges asked if Anson received formal notice of a lawsuit and whether she continued pursuing her lawsuit while in Denver.

The justices noted the other plaintiffs hired other attorneys to file their case. The judges asked whether

Anson pursued other means of learning the status of her case.

The justices also questioned whether Anson received an official notice of Swenson's disbarment. They also asked when Anson realized the suit was not filed.

The Supreme Court justices reiterated that Star Brite was not at fault in any way for Anson missing the statute of limitations. Questions were raised on the impact on Star Brite if Anson's claims were continued.

Star Brite was not aware of Anson's intentions to file a claim against the motel, Fritz said.

de Castro Jr. countered that other three other persons had already filed lawsuits.

"This puts them on notice, (Anson's claim) wasn't just out of the blue," he said. "Plaintiffs weren't just popping up."

Fritz argued that South Dakota courts have said the statute of limitations should be strictly followed. Overturning the lower court decision would set a dangerous precedent, he said.

"If we don't enforce the tolling statute, we could be talking about indefinite (length for lawsuit filings)," he said.

de Castro Jr. disagreed, saying his appeal would not set a far-reaching precedent.

"This (lawyer's) conduct was so outrageous, so egregious, we would not open the floodgates," he said. de Castro Jr. characterized Swenson's actions as "willful, wanton, fraudulent conduct." Swenson has no malpractice insurance left, so Anson will be left with nothing if her case is not allowed to proceed, he said.

"Ms. Anson acted in a reasonable, good faith effort," he said. "I believe Ms. Anson has met the burden and should be allowed to continue her lawsuit."

The Supreme Court justices will hear oral arguments at USD through Wednesday and render decisions at a later date.

MIDWEST DIGEST

S.D. Justices Hear R.C. Prison Case

VERMILLION (AP) — An attorney for the owner of property in Rapid City near where South Dakota is building a minimum security prison told the state Supreme Court on Monday that officials failed to hold required public hearings before buying land.

Attorney Gary Jensen, who represents Perdue Inc., told the justices the Corrections Department executed the purchase agreement in March 2009, then held public meetings in April and May, Jensen says that violated a bill signed by the governor in March 2009.

"Because they didn't follow the law, the contract they entered into is null and void," Jensen said.

But Assistant Attorney General Patricia Archer argued that a purchase agreement is just an agreement, and the actual sale didn't occur until much later when the state took possession of the land, acquired the title and took on the burdens of property ownership.

"It is not a purchase," Archer told the justices. Legislators this year agreed to spend \$3.8 million in state and federal funds to renovate a building on the prison site. The Corrections Department has said the new prison would put inmates closer to their families and help them find work-release jobs to prepare for their eventual release.

The Supreme Court heard oral arguments in the case Monday. A decision is not expected for at least several months.

Nelson To Vote No On Health Care Bill

WASHINGTON (AP) — Democratic Sen. Ben Nelson of Nebraska says he will vote against the health care legislation scheduled to reach the Senate floor this week.

Democratic leaders can afford to lose Nelson and several other party members and still pass the bill, which President Barack Obama supports. Nelson's announcement was not a surprise.

Nelson supported the health care bill that the Senate passed in December and that Obama will sign into law on Tuesday. But he said Monday he will vote against the package of changes the House approved Sunday night.

He said he objects to a proposed restructuring of the student loan program that could eliminate 30,000 banking industry jobs, some of them in Nebraska.

Aberdeen Area Battles Floodwaters

ABERDEEN (AP) — The emergency management director in northeastern South Dakota's Brown County says sandbagging help is needed.

Scott Meints asked for volunteers to help on Monday, saying sandbags were needed in a housing development in northeast Aberdeen.

The National Weather Service on Monday issued flood warnings for central Brown County, including Aberdeen, but said both Moccasin Creek and the Maple River were expected to slowly fall in the coming days.

Man Jailed For Threatening Neb. Judge

OMAHA, Neb. (AP) — A Missouri inmate has been sentenced to eight years in federal prison for threatening to kill a federal appeals judge in Lincoln.

Jeffrey Phillips of St. Genevieve, Mo., was sentenced Monday. He had pleaded guilty to sending a threatening letter to Senior Circuit Judge C. Arlen Beam of the 8th U.S. Circuit Court of Appeals.

A written release from the U.S. Attorney's Office in Nebraska says Phillips mailed the letter that contained white powder in July to the judge. The letter claimed the powder was anthrax and included threats against the judge and his family.

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CROSSWORD

By THOMAS JOSEPH

ACROSS

- 2 Louvre contents
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- 7 Light particle
- 8 Use the track
- 9 Grow older
- 10 Agree-able answer
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- 16 Type a password
- 17 Singing cowboy Gene
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YESTERDAY'S ANSWER

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26 Homer's dad
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31 Hardens
32 Impassive
34 Places to drive slowly
40 Verse expert
41 Swiss city
42 — Domini
43 Complete the bill

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NEW CROSSWORD BOOK! Send \$4.75 (check/m.o.) to Thomas Joseph Book, 2, P.O. Box 536475, Orlando, FL 32853-6475

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A X Y D L B A A X R
is L O N G F E L L O W

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

CRYPTOQUOTE

B U T L D H R W Z R Q W L P A H J N
M W U B O N L P R W U P X H Y
Y Z U N P L D D , M Z N U P S Z P O
U P R L S N U R A , R W L A R W U P X H Y

A H J . — W . I Z M X D H P V N H Q P I N .
Yesterday's Cryptoquote: MUCH UNHAPPINESS HAS COME INTO THE WORLD BECAUSE OF BEWILDERMENT AND THINGS LEFT UNSAID. — FYODOR DOSTOYEVSKY

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Lewis & Clark Home Builders Association

5th Annual 2010 Home Show

Landscaping by **Curby Appeal** Landscaping. Sponsored in part by **HousingNet**

March 27th & 28th, 2010
Saturday: 10 a.m. - 5 p.m. • Sunday: Noon - 4 p.m.
Kiwans 4-H Ice Center • 709 Whiting Drive, Yankton, SD
Admission: \$3⁰⁰ per person • Children 12 & Under Free

The Lewis & Clark Home Builders Association Home Show is designed for home owners in all stages of building, remodeling, landscaping and decorating their homes.

FREE PROGRAMS OFFERED:

- Saturday 11:00 a.m. Boy Scouts of America
- Saturday 1:00 p.m. Yankton County EMS
- Saturday 3:00 p.m. Master Gardeners
- Sunday 1:00 p.m. Dogs 'R' Us 4-H Club

COUPON Lewis & Clark HBA
\$1⁰⁰ OFF Good for up to 4 people
Admission to 2010 Home Show

Product Demonstrations and exhibits will include:
Home Builders • Design & Construction • Windows & Doors • Lighting & Electrical Supplies • Millwork Construction Products • Sunrooms, Fencing & Decks • Closet & Garage Organization • Fireplaces Plumbing • Gutters & Siding • Water Conditioning • Heating & Cooling • Financial Institutions & much more!