

RETURN OF SERVICE

Service of the original notification and petition complaint filed April 28, 2008 for Case #EQCV010968 April 29, 2008: Filed "Typo" Correcting Terence C. Kern spelling of Terence from Terrence, May 30, 2008: Filed Motion for Leave to Serve by Publication, July 3, 2008: Filed Motion for Summary Judgment, Brief in Support, Order & Judgment, Affidavit of Publication by Newspaper July 18, 2008: Filed Motion to Recuse Judge Kimes, whom Jerry DeWayne Mercer sued in Federal Case 4:05-CV-00009 on January 7, 2005, July 24, 2008: Received Court Calendar, noting Motion to Recuse will be forwarded to Judge Kimes for his consideration, July 31, 2008: Order setting dead line, Proof of certified mail delivery and acceptance, Mandatory Judicial Notice and Pre-Trial Brief

Was made by me (1) DATE 01 August 2008 NAME OF SERVER Angela Andrews
TITLE: Process Server

Name of person with whom the original notification, complaint and ect. were left: For an individual Phil Lombardi, individual Paul J. Cleary and individual Terrence C. Kern at address 333 W 4th Tulsa Oklahoma.

Name of person with whom the original notification, petition complaint and the filing above were left with under Rule 1.305(1) Upon any individual who has attained majority and who has not been adjudged incompetent either by taking the individual's signed, AMDA dated: 7-1-08 acknowledgment of service endorsed on the notice;

STATEMENT OF SERVICE FEES: NA

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on: 01 August 2008

At 11:00 AM.

Date Signature of Server: 

Address of Server:

Angela Andrews
P.O. Box 625
Sapulpa, Ok 74067

Rule 1.308 Returns of service.

1.308(2) *Contents.* A return of personal service shall state the time, manner, and place thereof and name the person to whom copy was delivered; and if delivered under rule 1.305(1) to a person other than defendant, respondent, or other party, it must also state the facts showing compliance with said rule.

IN THE IOWA DISTRICT 5 COURT FOR CLARKE COUNTY

UPON THE PETITION OF

Jerry DeWayne Mercer,
and Eddie Leon Andrews
Petitioners,

Case No. EQCV 010968

AND CONCERNING

INDIVIDUALS:
Elisabeth A. Shumaker
and Phil Lombardi
and Paul J. Cleary
and Terrence C. Kern
Respondents,

ORIGINAL NOTICE

TO THE ABOVE-NAMED PETITIONERS:

You are notified that a Petition Complaint has been filed in the office of the clerk of this court naming you as the Respondent in this action. A copy is attached to this Notice.

You must serve a motion or answer upon the Respondent within 20 days after service of this Original Notice upon you and, within a reasonable time thereafter, file your motion or answer with the Clerk of Court for Clarke County, at the courthouse in Osceola, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator. The Clerk of Court will be able to provide you with this number. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

Plaintiffs' Addresses:

Mercer: General Delivery, Osceola, Ia [50213-9999]

Andrews: 4 Smedley Lane, Newtown Square, Pa 19073

Julia D. Cattell
Rebecca Howe Clerk of Court
Clarke County Courthouse
Osceola, Iowa, 50213
Phone 641-342-6096