

Plaintiff

-vs-

AFFIDAVIT

Jerome Daly,

Defendant

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Theodore R. Mellby being duly sworn, on oath, deposes and states:

Several affidavits in support of plaintiff's unlawful detainer cause of action are in the above courts file. These affidavits are dated 12-30-68, 6-24-69, 7-17-69, 8-28-69, 10-9-69, and 11-4-69. These affidavits set forth the events indicating the defendant has used every possible legal maneuver designed to delay the trial de novo of this matter in District Court.

As a supplement to said affidavits the following information is added:

On July 22, 1969, the Scott County Sheriff served a writ of attachment on Jerome Daly in order to obtain possession of the Justice Court file in the above matter. Daly "refused to talk about the matter".

On October 1, 1969, John F. Casey was officially appointed Justice of the Peace, Credit River Township, Scott County, Minnesota. On the same date said court demanded Daly to return its file in the above matter. On November 4, 1969, a similar order was obtained from the District Court.

A contempt hearing against Jerome Daly was held on November 7, 1969, and at that time he testified he returned said file to former Justice Mahoney a few days after service of the Writ of Attachment upon Daly on July 22, 1969.

On November 10, 1969, John Mahoney, son of former Justice of Peace, Martin V. Mahoney, signed an affidavit indicating the courts file was not among the personal effects of his father. He resides at the home occupied by his deceased father. John Mahoney indicated all the Justice Court records which his father had mysteriously disappeared from the truck where he kept them shortly after his father's death.

On November 12, 1969, I requested the Scott County Register of Deeds to forward to my office certified copies of plaintiff's foreclosure record. Said copies were forwarded to Justice Casey on November 18, 1969. On November 20, 1969, Justice Casey made his return to the Clerk of the above Court.

Plaintiff has been entitled to possession of the real estate involved in this matter since June 8, 1968. The conduct of the defendant and former Justice Martin V. Mahoney has unnecessarily delayed and deprived plaintiff of its legal right to possession thereof. Further delay in the disposition of this case would cause plaintiff additional loss of use of real property to which it is legally entitled. "Justice delayed is justice denied". BLACKSTONE.

DATED: December 1, 1969.

Subscribed and sworn to  
before me this 1st day of  
December, 1969

Wilma V. Fortney  
Wilma V. Fortney, Notary Public  
Le Sueur County, Minnesota  
My commission expires November 23, 1971

MCGUIDE & MELLBY

BY: Theodore R. Mellby  
Theodore R. Mellby  
Attorney for Plaintiff  
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Montgomery, Minnesota 56069

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County of Scott

FIRST Judicial District

First National Bank of Montgomery,

Plaintiff

Affidavit of Service by Mail

-vs-

Jerome Daly,

Defendant

State of Minnesota,

County of Le Sueur

Wilma V. Fortney of the City of Montgomery

County of Le Sueur in the State of Minnesota, being duly sworn, says that on the

1st day of December, 1969, she served the annexed

MOTION NOTICE OF MOTION AND AFFIDAVIT

on Jerome Daly

the Attorney Pro Se in this action, by mailing to

him a copy thereof, inclosed in an envelope, postage prepaid, and directed to said

Jerome Daly at Savage, Minnesota 55378

Subscribed and sworn to before me, this

1st day of December, 1969

Handwritten signature of Theodore R. Mellby and printed name: Theodore R. Mellby, Notary Public, LeSueur County, Minnesota. My commission expires November 30, 1971