STATEMENT

DENNY'S PLUMBING & HEATING, INC.
1618 NW 4th Street
ABILENE, KANSAS 67410

(785) 263-2661

bryant
Heating & Cooling Systems

DATE: 28 May 2004
NUMBER:

Scott Ostermann
415 Brice Court
Abilene, KS 67410

TERMS: 1 1/2% INTEREST AFTER 30 DAYS - 18% ANNUAL

DATE	CHARGES AND CREDITS		BALANCE	
	Cedar Street Studio			
	sewer camera		160	00
	1- 3" plug		7	25
			167	25
		tax	11	79
		Total	179	04

Meet w Mark + Bill Pom Fri May 21 9:30 AM at Gen Gaylord Office

If payment is not made as agreed, you could be held liable for both the amount of the bill and reasonable cost of collection, including, but not limited to, court costs, attorneys fees and collection agency fees.

Thank You

PAY LAST AMOUNT IN THIS COLUMN

Abilene Printing Co., Inc. Z-100 3/04

MISC. BOOK: 26/
PAGE: 840

WM. REX LORSON

ATTORNEY AT LAW

114 EAST IRON AVENUE

SALINA, KANSAS 67401-2608

TELEPHONE 785/825-8236

Mr. Scott Ostermann
415 Brice Ct.
Abilene, Kansas 67410

May 24, 2005

Dear Mr. Ostermann:

After we met on the 12th I had an opportunity to go over the paperwork which you had in your file, and I also had an opportunity to visit the properties when I was in Abilene on Tuesday. When I was in Abilene I had a chance encounter with Mark Guilfoyle and he told me that he does represent the Petersons as well as the operator of the bar in addition to his job as City Attorney.

I think that you have a difficult, although not impossible, task in accomplishing the objectives we spoke of, primarily getting the necessary permit to fence off a portion of your property.

I would be willing to undertake representation of you in this matter if you so desire. I bill at the rate of $150 an hour and would request a $1,000 deposit or retainer be paid to commence my representation. I would draw on this money as fees are incurred.

I will look forward to hearing from you.

Yours truly,

Wm. Rex Lorson

WRL:jdc

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MISC. BOOK: 2
PAGE: 848

MARK A. GUILFOYLE, ATTORNEY P.A.
306 N.W. SECOND • P.O. BOX 548 • ABILENE, KS 67410
(785) 263-3070 • FAX (785) 263-4363

April 19, 2006

Mr. Scott Ostermann
101 North Cedar
Abilene, Kansas 67410

RE: Drive Easement

Dear Mr. Ostermann:

Bill Peterson of Peterson Farms, Inc., owner of the property directly North of your property advises me that you are parking in the driveway between the buildings. This is preventing Peterson's tenants clients from loading seed out the Peterson building. I enclose a copy of the Deed whereby Peterson Farms deeded to Brunner's, former owners of your property, and reserved an easement for ingress and egress and not for parking from the North ten feet of your property. This means that you can not park and block that drive.

Please cease parking in the drive between the buildings immediately. Should you fail to do so, Peterson Farms would have the right to go to Court to get an injunction to prevent you from blocking the drive pursuant to the easement retained by Peterson Farms.

Sincerely yours,

MARK A. GUILFOYLE, ATTORNEY P.A.

Mark A. Guilfoyle

MAG/mjf

Enclosure:
cc of Deed
cc to Bill Peterson
(Mike Teasley ?)

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MISC. BOOK: 264
PAGE: 850

MARK A. GUILFOYLE, ATTORNEY P.A.
306 N.W. SECOND • P.O. BOX 548 • ABILENE, KS 67410
(785) 263-3070 • FAX (785) 263-4363

August 30th, 2006

Mr. Scott Ostermann
101 North Cedar
Abilene, Kansas 67410

RE: Drive Easement

Dear Mr. Ostermann:

Bill Peterson informed me that you removed the concrete drive between his building and your building without any notice to him. I previously provided you a copy of the Deed that showed that Peterson Farm's Inc. reserved an easement ten (10) feet wide over where the alley-way is located. The tenant on the Peterson property, Mr. Romberger, operates a seed business out of that location. He drives a forklift in and out of the building using that alleyway where the easement is located. By removing the concrete you have made it almost impossible for Mr. Romberger to drive his forklift in and out of the building because there isn't sufficient hard surface on which to drive.

Under Kansas Law, Mr. Peterson has the right and the duty to maintain the easement as the person who is claiming the easement. See Strauss v. Thompson, 175 KS 98. Kansas law has no cases on point as to alterations but refers to C.J.S. easements section 95, a copy of which is enclosed. In the absence of any agreement, no material change can be made in an easement by either party without the other's consent. Again you failed to provide notice to Mr. Peterson regarding your plan to remove the concrete, and therefore there could have been no consent. The easement was retained for the benefit of the Peterson tract. You can not interfere with that easement, and can not materially alter the easement so as to interfere with Mr. Peterson or his tenant's use of the property. By removing the concrete you have interfered with Mr. Peterson's tenant's use of the property, because he can not drive his forklift in and out the building using the easement, with the concrete being removed.

Please reinstall concrete and restore the easement to its original condition, the same

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being concrete, so that Mr. Peterson's tenant can safely drive the forklift in and out of the Peterson building. You have two (2) weeks in which to complete the repairs, and restore the easement to its original condition.

Sincerely yours,

MARK A. GUILFOYLE, ATTORNEY P.A.

Mark A. Guilfoyle

MAG/mjf
Enclosures:
cc of KSA statues
cc to Bill Peterson
"Mike Teasley"

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MISC. BOOK: 264
PAGE: 855

MARK A. GUILFOYLE, ATTORNEY P.A.
306 N.W. SECOND • P.O. BOX 548 • ABILENE, KS 67410
(785) 263-3070 • FAX (785) 263-4363

October 17th, 2006

Mr. Scott Ostermann
101 North Cedar
Abilene, Kansa 67410

RE: Peterson's Farms Easement

Dear Mr. Ostermann:

I have been by the Peterson property and see that you have not done anything to put the alley back the way it was, which was as a concrete drive. At this point it appears you do not intend to put the drive back in its original condition. Take notice, that if you do anything else to impair the use of the easement along the South side of their building, or to impair their ability to use the property on which you have an easement running along the East side, that I will be filing an action in Court to restrict your further interference with their rights. Please take no further action to interfere with their use of their property.

Sincerely yours,

MARK A. GUILFOYLE, ATTORNEY P.A.

Mark A. Guilfoyle

MAG/mjf
Enclosure
cc to Bill Peterson
Mike Teasley

24

MARK A. GUILFOYLE, ATTORNEY P.A.

306 N.W. SECOND • P.O. BOX 548 • ABILENE, KS 67410-0548

(785) 263-3070 • FAX (785) 263-4363

February 7, 2007

Kenneth W. Wasserman
NORTON, WASSERMAN, JONES,
KELLY, L.L.C.
PO Box 2388
Salina, KS 67402-2388

RE: Ostermann Property

Dear Ken:

I visited with Bill Peterson, on behalf of Peterson Farms, owner of the property adjoining the Ostermann property. Mr. Peterson stated that he is just not interested in putting up any fences on the property, at this time. He did indicate that if he would receive a good offer for purchase of the property, he would certainly entertain selling the property to Mr. Ostermann. If Mr. Ostermann owned both properties, he could do whatever he wanted with the alleyways.

Mr. Peterson recently obtained an appraisal from Dan Reynolds, of Reynolds Real Estate. The appraised value is $46,000.00. Any offer would have to be approaching that dollar range. Mr. Ostermann previously made an offer of $10,000.00 - $15,000.00, which is completely unacceptable, based on the appraised value. Please let me know if he wants to increase his offer.

Sincerely yours,

MARK A. GUILFOYLE, ATTORNEY, P.A.

Mark A. Guilfoyle

Mark A. Guilfoyle

MAG:sks
cc: William H. Peterson
Mike Teasley

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NORTON • WASSERMAN • JONES • KELLY LLC

FRANK C. NORTON
KENNETH W. WASSERMAN
ROBERT S. JONES
NORMAN R. KELLY
ROBERT A. MARTIN
JASON L. REED
LAWRENCE E. NORDLING

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

February 9, 2007

Mark Guilfoyle
P.O. Box 548
Abilene, KS 67410-0548

RE: Ostermann Property

Dear Mark:

I am apparently confused.

It was my understanding that you represent the City of Abilene and all I was trying to do in my recent contact with you was try to gain an understanding as to why the City refused to issue a fence permit to Mr. Ostermann when the fence is entirely on his property.

Your letter of February 7, 2007, certainly appears to me to indicate that you represent Mr. Peterson and, if that is the case, I need to know who is representing the City of Abilene in this matter since clearly there appears to be a conflict of interest. I was hoping to resolve this matter without having to file an action in mandamus, however, if the City continues to stonewall on the fence permit Mr. Ostermann may not have an option.

I will convey to him your offer on behalf of Mr. Peterson.

Very truly yours,

Kenneth W. Wasserman

KWW/ms
cc: M/M Scott Ostermann

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NORTON · WASSERMAN · JONES · KELLY LLC

FRANK C. NORTON
KENNETH W. WASSERMAN
ROBERT S. JONES
NORMAN R. KELLY
ROBERT A. MARTIN
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LAWRENCE E. NORDLING

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Fax 785-827-0538
kww@nwjklaw.com

February 27, 2007

Mr. Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: City of Abilene

Dear Scott:

Just a note to advise that the City has now agreed to the fence permit. If you want to make application directly that is certainly fine with me, however, if you want me to make application on your behalf I will also certainly be willing to do that.

In reviewing the easement, even though Mr. Guilfoyle advises that Mr. Peterson does not want the gate across the easement I do not believe that is an enforceable request since the easement is for the purpose of ingress and egress only and not for parking. If a gate is installed and he has either a key or the ability to open and close the gate then his right of ingress and egress is not restricted.

Once the fencing permit is obtained I will then contact Mr. Guilfoyle and simply advise him that the gate will be included in the construction of the fence.

Let me know how I can help further.

Very truly yours,

Kenneth W. Wasserman

KWW/ms

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MARK A. GUILFOYLE, ATTORNEY P.A.

COPY

306 N.W. SECOND • P.O. BOX 548 • ABILENE, KS 67410-0548
(785) 263-3070 • FAX (785) 263-4363

February 26, 2008

Lawrence E. Nordling
NORTON WASSERMAN JONES & KELLY, LLC
PO Box 2388
Salina, KS 67402-2388

RE: Ostermann v. Peterson

Dear Larry:

Pursuant to our telephone conversation of February 26, 2008, I am enclosing a copy of the appraisal for the property adjoining Mr. Ostermann's, that is currently in dispute. I know that Mr. Ostermann, at one time, had wanted to purchase the property, but only offered $15,000.00. As you can see, the appraisal shows a value of $55,000.00.

Mr. and Mrs. Peterson are highly interested in selling the property and were going to actively pursue a sale in the fall of 2008. If you could talk to Mr. and Mrs. Ostermann and come up with a reasonable offer, based on the value of the land, I think that the Petersons would seriously consider the same, which would end the need for any type of lawsuit.

Please get back with me at your earliest opportunity.

Sincerely yours,

MARK A. GUILFOYLE, ATTORNEY, P.A.

Mark

Mark A. Guilfoyle

MAG:sks
Enclosure
cc: Mr. and Mrs. Wm. Peterson

NORTON • WASSERMAN • JONES • KELLY LLC

FRANK C. NORTON *
KENNETH W. WASSERMAN **
ROBERT S. JONES
NORMAN R. KELLY
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*Of Counsel

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All other attorneys admitted in Kansas only

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Fax 785-827-0538

lmb@nwjklaw.com

July 29, 2008

Mr. Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: *Ostermann v. Weaver* and *Ostermann v. Peterson*

Dear Scott:

I have spoken with both Chris Kellogg and Mark Guilfoyle in regard to the above referenced litigation.

In regard to *Ostermann v. Weaver*, after speaking with Chris Kellogg, Lisa Weaver has agreed to the terms of the settlement agreement as set forth herewith. In the event that the roof overhang or utility meters would need to be repaired or replaced, those items would have to be removed from your property and moved to a new location. Lisa Weaver would not oppose the fence as approved by your recent permit. Additionally, Chris Kellogg proposed that the right to the meters and roof overhang in the current location would run with the sale of the property; however, if the meters or roof overhang would have to be remedied, then any new owner should have to remove such from the current location.

In regard to *Ostermann v. Peterson*, we have been in contact with Pete Earles of Earles Engineering and have received a price estimate as to the cost for an expert report. Such report would cost approximately $3,000.00 for an initial visit to the property, as well as a contractor from Wichita being brought in with the appropriate camera necessary to complete the report. This seems like an extreme amount to spend without some assurance that the expert will be able to definitively say: (1) the water runoff caused the line to be damaged; and (2) that the damage occurred during the year before filing suit. Mark Guilfoyle has contacted our office in regard to settling this case and would like to know what items we would like to have remedied in order to settle. At the outset, you indicated your focus was on the drainage issue, and suggested plugging and/or redirecting the downspouts. I believe the defendants would negotiate regarding

the drainage issue, however, I need to know the specifics of what you would like remedied in order to settle. Please advise as to those items you would like for me to propose to Mr. Guilfoyle in order to settle this case without trial.

After you have had a chance to review this letter, give me a call to discuss.

Very truly yours,

Lauren M. Bristow

LMB/jr

NORTON • WASSERMAN • JONES • KELLY LLC

FRANK C. NORTON *
KENNETH W. WASSERMAN **
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Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

lmb@nwjklaw.com

December 5, 2008

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: *Ostermann v. Peterson* and *Ostermann v. Weaver*

Dear Scott:

After reviewing your letter of December 4, 2008, there is some confusion as to the first paragraph of the second page. The settlement of *Ostermann v. Peterson* is not, in fact, contingent on a resolution of *Ostermann v. Weaver*.

As you advised Ken Wasserman, Larry Nordling and myself on October 9, 2008, you were in agreement with the settlement as proposed and negotiated with Mark Guilfoyle in *Ostermann v. Peterson*. The Petersons have already signed the Settlement Agreement, and we have advised the Court that a settlement has been reached.

On Judge Platt's docket day of November 21, 2008, Judge Platt had noticed the case for a status hearing, as he had previously been advised that a settlement had been reached. At that time, we advised the Court once again that a settlement had been reached in the matter. Judge Platt stated that if he had not received a journal entry of dismissal by December 12, 2008, then he would make both parties' counsel appear, once again on the matter. If an attorney from our firm must appear on December 12, 2008, this will obviously be an unnecessary expense. Also, there is a possibility that if Judge Platt does not receive the journal entry of dismissal, then the Judge will dismiss the case without any settlement reached. In that event, the Settlement Agreement signed by the Petersons is no longer valid and any resolutions that have been reached with the Petersons will be void.

I understand your contentions with the tavern owners, but as we discussed during the conference call with Ken, Larry and myself, having the Peterson case resolved in a manner that allows concessions on the part of the Petersons, is a step forward. With the Peterson matter

resolved, we can then work on having the meters moved and roof overhang remedied on the bar building. From The recent letter by Mr. Guilfoyle, it appears as if either the tavern manager or the tavern owner or both are serious in having these issues resolved. The matter of the CMB license renewal can then be addressed administratively, which is the proper course of action for this.

Thus, it is imperative that we receive a signed Settlement Agreement in *Ostermann v. Peterson* by Wednesday, December 10, 2008, so that a journal entry of dismissal can be filed with the Court prior to December 12, 2008.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Lauren M. Bristow

LMB/jr

CITY OF
ABILENE, KANSAS

P.O. BOX 519
419 N. BROADWAY
ABILENE, KANSAS 67410-0519
PHONE: 785-263-2550
FAX: 785-263-2552
www.abilenecityhall.com

December 8, 2008

Mr. Scott Ostermann
415 Brice Ct.
Abilene, KS 67410

Dear Mr. Ostermann,

This letter is in response to your letter of December 4, 2008.

Yes the City Commission has full responsibility for issuing Cereal Malt Beverage licenses and also may revoke such a license per the provisions of the City Code. It is my opinion that this is solely the duty of the City Commission and not of the City Attorney.

The City Commission reviews Cereal Malt Beverage licenses on an annual basis as they all expire on the last day of each year. The Commission does have the ability to revoke a Cereal Malt Beverage License throughout the year in accordance with the provisions of the City Code. Again this is a duty of the City commission and not of the City Attorney.

In the fourth paragraph of your letter you addressed four items which I reply to as follows:

1) There are no restrictions as to where one may park on a public street as long as it is an area designated for parking. An adjacent property owner to the City right-of-way does not have a "reserved" space and anyone can park in public parking unless it is prohibited for anyone to park at that location.
2) Junk and litter can dealt with City nuisance codes. I am not sure as to what has occurred in the past or if the code enforcement officials ever received a complaint.
3) I have no idea as to the history of ownership of the building and the City of Abilene has no stake or role in the sale of private property. The City of Abilene issues the Cereal Malt Beverage to the operator and not the building owner.
4) Any complaints would be dealt with by the Police Department.

Also the City of Abilene has no interest in the any civil action that has been taken as the City was not a part of the action. These matters would all be dealt by the courts and any judgments in a civil action would not be concern for the City of Abilene to deal with.

The City of Abilene has no interest in any of the actions you referred to in your letter as it was not party to either suit.

Sincerely,

Allen J. Dinkel
City Manager

45

NORTON • WASSERMAN • JONES • KELLY LLC

FRANK C. NORTON *
KENNETH W. WASSERMAN **
ROBERT S. JONES
NORMAN R. KELLY
ROBERT A. MARTIN
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*Of Counsel

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All other attorneys admitted in Kansas only

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Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

lmb@nwjklaw.com

January 23, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: *Ostermann v. Peterson* and *Ostermann v. Weaver*

Dear Scott:

I have spoken with Mark Guilfoyle in regard to *Ostermann v. Weaver*. Mr. Guilfoyle has advised that he is no longer representing the bar owner or operator in that case. My office has been working toward a resolution of the issues in that matter, and we will soon advise as to the best route to take in resolving the items set forth in the judgment.

In regard to *Ostermann v. Peterson*, it is unclear at this time whether Mark Guilfoyle is representing the Petersons. I am awaiting a return phone call from Mark to clear up that issue. Once I have heard back from Mr. Guilfoyle as to whether he still represents the Petersons, then we will continue toward a resolution.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Lauren M. Bristow

Lauren M. Bristow

LMB/jr

785? 0538

CITY OF

ABILENE

KANSAS

June 4, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

Dear Mr. Ostermann,

I am in receipt of your letter of May 28, 2009.

Many of the items which you mentioned in your letter do not involve the City and appear to be private issues with other property owners.

I am not sure for how long the First and Cedar Area has been zoned as B5, but you may request a change in zoning as outlined in the City Zoning Ordinance.

Please have your attorney contact me if they need any information.

Sincerely,

Allen J. Dinkel
City Manager

46

City of Abilene

419 N. Broadway
Abilene, KS 67410
785-263-2355 fax 785-263-2552

Invoice No. 2009-123

INVOICE

Customer

Name	Scott & Christine Ostermann		
Address	415 Brice Court		
City	Abilene	State KS	ZIP 67410
Phone			

Date	7/9/2009
Due Date	upon reciept
Rep	jen
FOB	

Qty	Description	Unit Price	TOTAL
3.5	Mow & Trim 5/22/2009 & 6/30/09 200 Block of W. 1st	$100.00	$350.00

This invoice supersedes invoice # 2009-105

This bill must be paid by *August 10, 2009*
or it will assessed to your property taxes.

SubTotal	$350.00
Shipping & Handling	$0.00
Taxes	
TOTAL	$350.00

Payment Details

- ○ Cash
- ○ Check
- ○ Money Order

Office Use Only

Payment due upon receipt.

CITY OF ABILENE, KANSAS

Dick Paul
City Inspector
PO Box 519, 419 N. Broadway
Abilene, KS 67410
Ph: 785-263-2550 Cell: 785-200-0541
Fax: 785-263-2552
email: cityinspect@abilenecityhall.com

NOTICE OF CITY CODE VIOLATION AND ORDER

To: (Owner)

Scott Ostermann
415 Brice Ct.
Abilene, Ks. 67410

To: (Resident)

Same

Date: 7-20-09

You are hereby notified that the condition of the property located at 101 N Cedar, Abilene, Ks. has been found to be in violation of the City of Abilene Codes and Zoning Regs. in the following manner:

Placement of storage unit without a valid permit. Scott you have 10 days from the 16th of July (the day we discussed this issue in the city inspection office) to obtain a valid permit or a citation will be issued. **Every day after the 10 days is considered a new violation.**

All violations are required to be corrected or removed within ten (10) days of the date of this notice.

If you dispute that the condition of this property violate city codes, or if you otherwise feel that this notice has been improperly given, you may within five (5) days of the date of this notice is given to you, make a request for a hearing before the Abilene City Commission. This request must be made in writing and delivered to the Abilene City Clerk within such five (5) day period.

If within such ten (10) day period you have not complied with the order to abate the violations then the City or its authorized agent will contract to have the violations corrected and a citation may be issued.

Richard Paul

for your info only

52.1

ABILENE
KANSAS
City of Abilene
419 N. Bdwy, PO Box 519
Abilene, KS 67410
v: 785.263.2550 f: 785.263.2552
www.abilenecityhall.com

August 6, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

Dear Mr. Ostermann,

The City Clerk gave me your letter of July 24, 2009 requesting a hearing with the City Commission regarding tall grass and weeds and setback requirements for accessory structures within B5 zoning.

The weed notice was given to you on June 23, 2009 and hearing is denied for failure to meet the 10 day request time.

I visited with the City Attorney regarding the hearing for setback requirements. There are no provisions for a hearing on this type of violation.

Please contact me if you have any questions.

Sincerely,

Allen J. Dinkel
City Manager

Cc: City Clerk

53

City of Abilene

419 N. Broadway
Abilene, KS 67410
785-263-2355 fax 785-263-2552

Invoice No. 2009-150

INVOICE

Customer

Name	Scott & Christine Ostermann		
Address	415 Brice Court		
City	Abilene	State KS	ZIP 67410
Phone			

Date	8/7/2009
Due Date	upon reciept
Rep	jen
FOB	

Qty	Description	Unit Price	TOTAL
3	Weed Removal 7/2009 101 N. Cedar	$100.00	$300.00
	This bill must be paid by *August 10, 2009* or it will assessed to your property taxes.		

SubTotal	$300.00
Shipping & Handling	$0.00
Taxes	
TOTAL	$300.00

Payment Details

- ○ Cash
- ○ Check
- ○ Money Order

Office Use Only

Payment due upon receipt.

54.1

NORTON • WASSERMAN • JONES • KELLY LLC

FRANK C. NORTON *
KENNETH W. WASSERMAN **
ROBERT S. JONES
NORMAN R. KELLY
ROBERT A. MARTIN
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Fax 785-827-0538

E-Mail: ram@nwjklaw.com

August 7, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Various violations

Dear Scott:

I received contact regarding your outstanding citations for not cutting the grass and for the storage unit. Those matters have now been transferred to Municipal Court and are being handled by Joycelyn Lucas Randle. I understand that you had applied for an appeal of those decisions. However, the nuisance portion of the citations, namely the mowing issue, is out of time. Apparently, the ten days had passed from the date of citation for the weeds. Further, it was indicated to me that the zoning violation is handled by a separate city ordinance and is not subject to review by a hearing officer. Hence, it would be solely subject to the Municipal Court. In other words, both matters are now in front of the Municipal Court for citation as criminal matters.

I wanted to give you a heads up on what I had heard. You undoubtedly will receive some notice shortly on the same issue.

Very truly yours,

Robert A. Martin

RAM/all

P.S. I spoke to Ken Wasserman about his contacts with the utility companies. He is of the belief that given their statements to you, as well as his prior contacts, further litigation with the companies directly may be necessary if a resolution with the current owner of the bar cannot be reached. We can discuss after the upcoming citation hearing.

KANSAS GAS SERVICE
A DIVISION OF ONEOK

CUSTOMER CHARGE ORDER

DATE: 7/16/2010

INVOICE NO: 3146 - 11

BILL TO : South Side Bar (Pat Anderson)
210 W 1St
Abilene, KS 67410

Attn:

Cust. Act. #:510586069-1542697

DESCRIPTION OF SERVICES	JOB ORDER NUMBER	AMOUNT
Estimate cost to retire and relocate gas service line and	051.053.3641.005112	
meter to 210 W 1 St St - Abilene	Task 138000	$2,282.02
Concrete replacement		$800.00
Charge Actuals: Labor, Equipment and Material		
—		

Work completed at: 210 W. 1ST Street
Abilene, KS 67410

Acct #510586069-1542697

SUB TOTAL	$3,082.02
STATE SALES TAX	$240.40
COUNTY SALES TAX	$0.00
TOTAL DUE	**$3,322.42**

KGS REPRESENTATIVE
Debbie Reinbold (785) 822-3567

AUTHORIZED SIGNATURE

Please send remittance to the address listed below.

Kansas Gas Service
1001 Edison Pl
Salina, KS 67401

United States Bankruptcy Court
District of Kansas

In re:
Lisa Marie Weaver
Debtor

Case No. 09-13012-DLS
Chapter 7

CERTIFICATE OF NOTICE

District/off: 1083-6 User: mel Page 1 of 2 Date Rcvd: Mar 22, 2011
Form ID: ksorev Total Noticed: 40

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 24, 2011.

db +Lisa Marie Weaver, 308 NE 9th, Abilene, KS 67410-2224
6223733 +Abilene Municipal Court, Mark A Guilfoyle, PO Box 548, Abilene KS 67410-0548
6223735 +Afforable Transportation Co, PO Box 428, Abilene KS 67410-0428
6223737 +Alltel, 1 Allied Drive, Building 5 Floor 3, Little Rock AR 72202-2099
6223739 +Central States Recovery, PO Box 3130, Hutchinson KS 67504-3130
6223740 +Citifinancial Inc, Bankruptcy Department, PO Box 140489, Irving TX 75014-0489
6223741 +City Of Abilene, 419 N Broadway, Abilene KS 67410-2618
6223742 +Coastal Mart Inc, Newman Reynolds And Riffel PA, PO Box 47068, Wichita KS 67201-7068
6223743 +Collection Company Of America, PO Box 329, Norwell MA 02061-0329
6223744 +Eagle Communicatoins, PO Box 817, Hays KS 67601-0817
6223746 +Farmers Insurance Group, 2 Wells Ave Dept 9134, Newton MA 02459-3208
6223747 +First Bank Kansas, PO Box 1337, Salina KS 67402-1337
6223748 +GALT Ventures Dba Speedy Cash, 1220 W Crawford, Salina KS 67401-4602
6223751 +Geary Community Hospital, Joshua K Shea, PO Box 4069, Wichita KS 67204-0069
6223752 +Goggins And Lavintman PA, PO Box 21129, Eagan MN 55121-0129
6223753 +Kennedy Berkley Yarnevich And Williamson, PO Box 2567, Salina KS 67402-2567
6223754 +Lennox Air Conditioning Heating, 318 NE 14th St, Abilene KS 67410-1928
6223756 +Mowery Clinic, PO Box 260, Salina KS 67402-0260
6223757 +Progressive Insurance Co, NCO Financial Systems Inc, PO Box 15636, Wilmington DE 19850-5636
6223758 +R&R Professional Recovery Inc, PO Box 21575, Pikesville MD 21282-1575
6223759 +Radiology And Nuclear Medical Imaging, PO Box 1887, Topeka KS 66601-1887
6223760 +Rods No 2, Surecheck Brokerage, PO Box 1906, Salina KS 67402-1906
6223761 +Salina Regional Health Center, PO Box 1333, Salina KS 67402-1333
6223762 +Scott Ostermann, Norton Wasserman Jones Kelly LLC, PO Box 2388, Salina KS 67402-2388
6223763 +Superior Sanitation Service Inc, 805 NE 6th, Abilene KS 67410-2112
6223764 +Target National Bank, PO Box 1581, Minneapolis MN 55440-1581
6223765 Tasha Weaver, Salina KS 67401
6223766 +Trac A Chec, PO Box 2764, Davenport IA 52809-2764
6223768 +US Bioservices, 13105 Collectoins Center Dr, Chicago IL 60693-0131
6223767 +United Radiology Group Chtf, PO Box 2327, Salina KS 67402-2327
6223770 +Weber Palmer Macy, PO Box 2027, Salina KS 67402-2027

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

6223736 +E-mail/PDF: recoverybankruptcy@afninet.com Mar 23 2011 00:39:30 AFNI Inc, PO Box 3427, Bloomington IL 61702-3427
6223734 +Fax: 864-336-7400 Mar 23 2011 03:39:23 Advance America, 433 E Chestnut St, Junction City KS 66441-9463
6223745 +E-mail/Text: jstauffe_BK@ebay.com Mar 23 2011 00:19:58 EBay Inc, IC Systems Inc, PO Box 2179, Carol Stream IL 60132-0001
6223749 +E-mail/PDF: gecsedi@recoverycorp.com Mar 23 2011 00:40:56 GE Money Bank, Bankruptcy Department Dillards, PO Box 103104, Roswell GA 30076-9104
6223750 +E-mail/PDF: gecsedi@recoverycorp.com Mar 23 2011 00:40:56 GE Money Bank, Bankruptcy Department Old Navy, PO Box 103104, Roswell GA 30076-9104
6223755 +E-mail/PDF: BankruptcyFmciMassMa@afni.com Mar 23 2011 00:39:31 MCI Bankruptcy Administration, PO Box 3243, Bloomington IL 61702-3243
6234839 E-mail/PDF: rmscedi@recoverycorp.com Mar 23 2011 00:40:56 Recovery Management Systems Corporation, 25 SE 2nd Ave Ste 1120, Miami FL 33131-1605
6223769 +Fax: 866-419-3894 Mar 23 2011 00:59:23 US Cellular, PO Box 650684, Dallas TX 75265-0684
6223771 +E-mail/Text: bkcompliance@westarenergy.com Mar 23 2011 00:19:49 Westar Energy, Attn Bankruptcy Team, PO Box 208, Wichita KS 67201-0208

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
6223738 ##+AT&T, PO Box 930170, Dallas TX 75393-0170

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

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Sent: Wednesday, September 15, 2010 2:11 PM
To: John Mitchell
Cc: cityinspection@abilenecityhall.com
Subject: Fw: Property Inspection

----- Forwarded Message ----
From: Scott Ostermann <scott.ostermann2@att.net>
To: jmitchell@kdhe.ks.gov
Sent: Wed, September 15, 2010 8:55:46 AM
Subject: Property Inspection

September 14, 2010

John Mitchell
KDHE
Topeka , Kansas
785-296-1535

Dear Mr. Mitchell,

I was referred to you by the Dickinson County department of Health, Abilene , Kansas .

I request that you refer someone to inspect the property located at 205 West First Street in Abilene , Ks. It appears to be uninhabitable, yet people with young children live there.

I don't live in that neighborhood, but I have owned lots and a building, half a block west, for years. I have observed the squalor and neglect regularly,and have noted no sign of any intention to maintain the building or the site conditions.

A family that has several young children lives there, but they do not own the property. The house appears to be abandoned, and is surrounded by trash and junk. I am aware of 3 people who have interacted with some of the children, who say they "stink"; referring to odor.

I don't personally know the "residents" or the owners of the property. Dick Paul, City of Abilene Building Official , is familiar with the situation; he can be reached at 785-263-2550.

Sincerely,

Scott Ostermann
415 Brice Ct.
Abilene , Kansas 67410
785-479-7053

From: John Mitchell (jmitchell@kdheks.gov)
To: scott.ostermann2@att.net;
Date: Mon, September 20, 2010 4:30:24 PM
Cc:
Subject: FW: Property Inspection

Mr. Ostermann,

KDHE has looked into the situation in Abilene that you brought to my attention. Please see the note below.

Unfortunately, there is nothing else we can do about the situation at this time.

Sincerely,

John Mitchell
Director, Division of Environment

My email address is:

jmitchell@kdheks.gov

John W. Mitchell, Director
Division of Environment
1000 SW Jackson , Suite 400
Topeka , KS 66612 -1367

785-296-1535

From: Jennifer Nichols
Sent: Monday, September 20, 2010 3:31 PM
To: John Mitchell
Cc: Leo Henning ; April Dixon
Subject: RE: Property Inspection

John,

Traci Miles drove by and took some photos of the home last week while she was in the area at my request. I have spoken to Jennie Hiatt of the Abilene Code and Inspection Department since Dick Paul wasn't available. She indicated this is a property that they are well aware of and they work with them to correct any code violations such as trash accumulation, inoperable cars, trash height. As you can see in the photos there is no grass. Abilene does not have a housing authority.

I also spoke to staff at the Health Department including Linda Davies. She indicated this house has been an ongoing issue for a number of years. She is aware of the home situation due to complaints which she indicated have increased again.

This is not a landlord tenant issue and this is not a home being utilized for daycare or foster care. In looking at the photos, there doesn't appear to be an issue that our regulations would cover. Both departments were familiar with the property and felt that they had done everything within their limits to address concerns. Linda Davies had also indicated she had recently talked to Tom Langer but didn't feel that his programs fit into this situation.

This appears to be a situation that should be addressed at the local level but that the local resources are doing so with their limitations. This home is not significantly worse than many that are out there. Normally our recommendations in similar situations, have been that the city look at their ordinances to see if an update is needed so that they can address concerns locally. In looking at the photos, I do not see any reason to suspect that the city is not enforcing their current codes.

Dick Paul, City of Abilene in the Code and Inspection Department contact info is cityinspect@abilenecityhall.com or 785-263-2355.
Linda Davies, Dickinson County Health Department contact info is ldavies@dkcoks.org or (785) 263-4179.
Abilene 's City Code: http://www.abilenecityhall.com/Archive.aspx?AMID=35

Please let me know if you need any additional information. JN

Jennifer Nichols
North Central District
Environmental Administrator
2501-D Market Place
Salina, KS 67401-7699

785.827.9639
785.827.1544 fax
email: jnichols@kdheks.gov

From: John Mitchell
Sent: Wednesday, September 15, 2010 4:22 PM
To: Leo Henning ; April Dixon
Cc: Jennifer Nichols
Subject: FW: Property Inspection

Leo and April,

Please work with Jennifer to determine if the district has knowledge about this situation. If not, let's send someone from Salina to look into this. In particular, we need to determine whether the city has code violations they are unwilling to enforce.

Thanks.

John Mitchell
Director, Division of Environment

My email address is:

jmitchell@kdheks.gov

John W. Mitchell, Director
Division of Environment
1000 SW Jackson , Suite 400
Topeka , KS 66612 -1367

785-296-1535

From: Scott Ostermann [mailto:scott.ostermann2@att.net]

MARK A. GUILFOYLE, ATTORNEY P.A.

306 N.W. SECOND • P.O. BOX 548 • ABILENE, KS 67410-0548
(785) 263-3070 • FAX (785) 263-4363

September 23, 2010

Robert A. Martin
Norton Wasserman Jones Kelly, LLC
PO Box 2388
Salina, KS 67402-2388

Re: Ostermann v Peterson

Dear Bob:

As of this date the Petersons have rerouted the downspout, posted a no parking sign and reduced their easement per paragraphs 1, 2 and 3 of the agreement. Petersons have acknowledged the sewer easement and the right to construct a new sewer line. That is what the paperwork I previously sent you will accomplish. Ostermann needs a formal easement that will run with the land to give him the right against future property owners to access his new sewer line. A formal easement also allows for construction. I also sent an easement release to release the easement for the existing line once a new line is constructed. This is all as was agreed upon in the agreement. I see no reason why the paperwork I sent has not been completed and returned.

Sincerely yours,

Mark

Mark A. Guilfoyle

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SEP 24 2010

NORTON • WASSERMAN • JONES • KELLY LLC

FRANK C. NORTON *
KENNETH W. WASSERMAN **
ROBERT S. JONES***
NORMAN R. KELLY
ROBERT A. MARTIN
JASON L. REED
BRENDAN J. BURKE

Attorneys at Law

*Of Counsel
**Admitted in Kansas and Nebraska
***Fellow American Academy of Matrimonial Lawyers

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538
E-Mail: ram@nwjklaw.com

September 29, 2010

Mark Guilfoyle
306 N.W. 2nd Street
P.O. Box 548
Abilene, Kansas 67410-0548

RE: Scott Ostermann and Christine Ostermann v. William H. Peterson, et al.;
District Court of Dickinson County, Kansas, Case No. 07 CV 132.

Dear Mr. Guilfoyle:

I am in receipt of your letter dated September 23, 2010. I have now had an opportunity to review it with Mr. Ostermann. My client does not agree that certain items have been completed by your client under the agreement. In addition, it was not my client's understanding that any terms of the agreement would change my client's easement. In reviewing the document, I do not see where my client ever agreed to modify his easement. Please let me know what terms of the agreement your client is relying upon for this position. As such, it is my client's position that he will not be releasing the 1950 easement.

Please govern yourself accordingly.

Very truly yours,

Robert A. Martin

RAM/slb

cc: Scott Ostermann

From: do_not_reply@civicplus.com (do_not_reply@civicplus.com)
To: scott.ostermann2@att.net;
Date: Fri, August 19, 2011 3:47:07 PM
Cc:
Subject: Request Confirmation

Thank you for your request!

Here is what we have on file:

General Code Enforcement #58

		SUBMITTER
Category:	Community Development	**Scott Ostermann**
Priority:	3	415 Brice Court
Assigned To:	Hiatt Jennie	Abilene, Ks 67410
Submitted:	8/19/2011 3:47:03 PM	CONTACT
Source:	Website 75.39.134.37	scott.ostermann2@att.net
		785-479-7053

208 West First Street
Abilene, Kansas

Problem Photo

REQUEST DETAILS

Description
tall weeds and debris

Your Information
Name
Scott Ostermann
Fax Number
Email Address
scott.ostermann2@att.net
Preferred Contact Method
email

From: do_not_reply@civicplus.com (do_not_reply@civicplus.com)
To: scott.ostermann2@att.net;
Date: Sat, August 20, 2011 10:38:38 AM
Cc:
Subject: Request Confirmation

Thank you for your request!

Here is what we have on file:

Yard Maintenance #59

Category:	Community Development
Priority:	3
Assigned To:	Hiatt Jennie
Submitted:	8/20/2011 10:38:36 AM
Source:	Website 75.39.134.37

SUBMITTER
Scott Ostermann
415 Brice Court
Abilene, Ks 67410
CONTACT
scott.ostermann2@att.net
785-479-7053

208 West First Street
Abilene, Kansas

Problem Photo

REQUEST DETAILS

Description
Leo Blasi owns 105 N. Cedar
Don Ackerman owns part of 206 West First
Mike Teasley, 1114 NW 3rd,owns Tavern, 210 West First, not Amanda Dohe.
Don, Mike, and Leo are all partners who own 208 West First.
Why doesn't the City issue them citations for tall weeds and junk?

Your Information
Name
Scott Ostermann
Fax Number
Email Address
scott.ostermann2@att.net
Preferred Contact Method
email

From: do_not_reply@civicplus.com (do_not_reply@civicplus.com)
To: scott.ostermann2@att.net;
Date: Sat, August 20, 2011 10:44:07 AM
Cc:
Subject: Request Confirmation

Thank you for your request!

Here is what we have on file:

Yard Maintenance #60

Category:	Community Development
Priority:	3
Assigned To:	Hiatt Jennie
Submitted:	8/20/2011 10:44:05 AM
Source:	Website 75.39.134.37

SUBMITTER
Scott Ostermann
415 Brice Court
Abilene, Ks 67410
CONTACT
scott.ostermann2@att.net
785-479-7053

208 S W 2nd
Abilene, Kansas

Problem Photo

REQUEST DETAILS

Description
The garage behind 208 SW 2nd Street has apparently been abandoned.
The junk and tall weeds are an eyesore to the neighbors to the north.

Your Information
Name
Scott Ostermann
Fax Number
Email Address
scott.ostermann2@att.net
Preferred Contact Method
email

ABILENE
KANSAS CITY OF ABILENE

Voice: 785.263.2550
Fax: 785.263.2552
www.abilenecityhall.com

Dwight D. Eisenhower Municipal Building
419 N. Broadway, PO Box 519
Abilene, Kansas 67410

September 25, 2017

OFFER TO PURCHASE

TO: SCOTT L. AND CHRISTINE C. OSTERMANN

RE: TRIANGULAR PIECE OF LAND AT SOUTHWEST CORNER OF 14TH AND BUCKEYE AVE.

The city of Abilene needs to acquire the triangular piece of property you own adjoining the Southwest corner of 14th St. and Buckeye Ave., as shown on the attached Exhibit "A", for improvements to the intersection of 14th St. and Buckeye Ave. After reviewing the value placed on the property by the county, the city would offer the sum of $3,500.00 to purchase the land. I would like an answer to this offer within 7 days of this date. You may send your acceptance or rejection of this offer to the City of Abilene, Attn: City Manager at 419 N Broadway, PO Box 519, Abilene, KS 67410. If I don't receive an answer in writing within 7 days I will assume that you have rejected the offer.

Sincerely yours,

Mark A. Guilfoyle

Mark A. Guilfoyle
Interim City Manager
City of Abilene


10/14/2017


NO
PARKING
10/14/2017


10/14/2017


Alamo Saloon
1871
10/14/2017