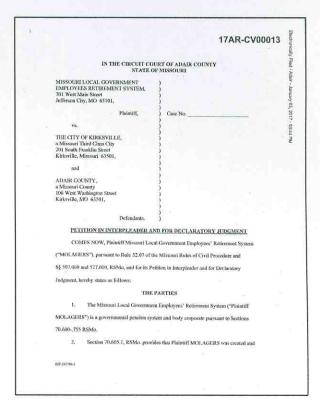
ADAIR COUNTY COMMISSION MINUTES WEDNESDAY, JANUARY 11, 2017

Continued from page 462

IN REF. ORDER NO 8 Case Number 17AR-CV00013, Missouri Local Government Employees Retirement System versus the City of Kirksville and Adair County (exhibits filed with order)

Judge or Division: RUSSELL ELLIS STEELE	Case Number: 17AR-CV00013	(my 1 6.
PRINCEPPERSON: MISSOURI LOCAL GOVERNMENT FMPLOYEES BETREMENT SYSTEM	Plaistift's/Petitioner's Attorney/Address ROBERT RYAN HARDING 235 EAST HIGH STREET JEFFERSON CITY, MO 65101	SOURI (1/1) Construction Alved 6
Defondant Fermondon: THE CITY OF KIRKSYILLE, A MESSOURI THERD CLASS CITY Nature of Suit	Court Address: 146 W WASHINGTON PO BOX 699 KIRKSVILLE, MO 63501	RECEIVE
CC Declaratory Judgment	MARKAT ILLIA, MIC 0.593	(Districtions)
Si	ummons in Civil Case	JAN 1-1 2017
which is attached, and above address all with	of to appear before this court and to file your pleas to serve a copy of your pleasing upon the attorney in 30 days after receiving this summons, earliester govern by the lands may be taken against you for the first	for Plaintiff Fetitioner at the
ABATE COUNTY Further Information:		
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Note to serving officer: Successors should be assumed I corolly that I have served the shows assument by: (the distorting a copy of the measures and a copy of the invited in copy in the measures and a copy of the pro-	to the court estain thirty days after the date of inoue, cik one; patition as the Defendant Respondent, mixing at the dwelling place or mad shade of the Defe a network for the Heritaguist all processions; a book	ooksatiffacquesidad with pover the age of 15 years.
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and children of deceased officers and employees of any political subdivision of this state. Plaintiff MOLAGERS is a governmental defined benefit retirement plan as defined in 26 USC 401(a) and 414(d). Plaintiff MOLAGERS is also a trust pursuant to these 4. Additionally, Plaintiff MOLAGERS and the MOLAGERS Trust is subject to the sive benefit rule found in 26 USC 401(a) (2) which is applicable to the MOLAGERS trust. This provision prohibits the use of any part of the corpus or income of the trust for any purpos other than the satisfaction of all liabilities with respect to employees and their beneficiaries 5. Defendant City of Kirksville is a Third Class City located in Adair County, 6. Defendant Adair County is a third class Missouri Cou JURISDICTION AND VENUE 7. Jurisdiction is proper in this Court pursuant to Mo. Const. art, V, § 4; §§ 478.070; 8. Venue is proper in this Court p Defendants resides in Adair County, Missouri. BACKGROUND The Kirksville Special Road District #41 ("the District") was established in 1920 for the purposes of building and maintaining roads within the District, so long as such roads were not under the jurisdiction of the State Highway System. See Exhibit 1, June 17, 1993 Judgmen in Johnson v. Adair County, Case No. CV193-84CC. A true and accurate copy of Exhibit 1 is

dissolution of the District. See Erhibit 1 at pages 2-3. 11. After dissolution of the District, the Circuit Court of Adair County rendered case of Johnson v. Adult County, Case NO, CV193-84CC. The Judgment determined that the assets, evidence of assets and all other records of the District were to be turned over to the Adair County Clerk with such assets to be used solely for the direct benefits of taxpayers and residents within the territorial boundaries of the District. See Exhibit 1. 12. Subsequent to April 6, 1993, the Adair County Road and Bridge Department took over my and all duties of the District and became responsible for providing road and bridge services to the locations encompassed within the former District. MOLAGERS MEMBERSHIP OF THE DISTRICT AND DEFENDANTS 13. The District joined Plaintiff MOLAGERS effective May 1, 1977. See Exhibit 2, District Joining Resolution to Plaintiff MOLAGERS effective May 1, 1977. A true and accurate copy of Exhibit 2 is attached hereto and incorporated by reference herein 14. Defendant Adair County has been a member of Plaintiff MOLAGERS since March 1, 1977. See Exhibit 3, Defendant Adair County Joining Resolution, effective March 3, 1977. A true and accurate copy of Exhibit 3 is attached hereto and incorporated by reference 15. Defendant City of Kirksville has been a member of Plaintiff MOLAGERS since January I, 1977. See Exhibn 4, Defendant City of Kirksville Joining Ordinance, of January 1, 1977. A true and accurate copy of Exhibit 4 is attached hereto and incorporated by reference herein.

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ATTEST:

County Clerk

Presiding Commissioner

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