

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

The Marseilles Land and Water Company

13-cv-07785

CASE NUMBER:

V.

ASSIGNED JUDGE: Harry D. Leinenweber

Marseilles Hydro Power, LLC, et al.

DESIGNATED
MAGISTRATE JUDGE: Mary M. Rowland

TO: (Name and address of Defendant)

Robert L. Newkirk
521 Broadway Street
Marseilles, IL 61341

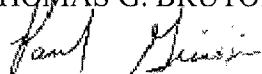
YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Daniel C. Curth
Freeborn & Peters LLP
311 S. Wacker Drive, Suite 3000
Chicago, IL 60606

an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

THOMAS G. BRUTON, CLERK

(By) THOMAS G. BRUTON, CLERK



(By) DEPUTY CLERK



November 1, 2013

DATE

November 1, 2013

DATE

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
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NAME OF SERVER (<i>PRINT</i>)	TITLE
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Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served: _____

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
 Name of person with whom the summons and complaint were left: _____

Returned unexecuted: _____

Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

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 _____
Date *Signature of Server*

Address of Server

THOMAS G. BRUTON, CLERK

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE MARSEILLES LAND AND WATER)
COMPANY, an Illinois corporation,)

Plaintiff,)

v.)

Case No. 13-cv-7785

MARSEILLES HYDRO POWER, LLC,)
a Wisconsin limited liability company,)
13.76 ACRES, MORE OR LESS,)
SITUATED IN LASALLE COUNTY,)
ILLINOIS, RENEWABLE WORLD)
ENERGIES, a Wisconsin limited liability)
company, ROBERT L. NEWKIRK, .460)
ACRES, MORE OR LESS, SITUATED)
IN LASALLE COUNTY, ILLINOIS,)
MAGIC SLEEP MATTRESS COMPANY,)
INC., an Illinois Corporation, .547 ACRES,)
MORE OR LESS, SITUATED IN)
LASALLE COUNTY, ILLINOIS,)
DYNESTY CUSTOM BUILDERS, LLC,)
an Illinois Limited Liability Company,)
.252 ACRES, MORE OR LESS,)
SITUATED IN LASALLE COUNTY,)
ILLINOIS and UNKNOWN OWNERS,)

Defendants.)

NOTICE OF CONDEMNATION

TO: All those persons and entities listed in Schedule "B", attached hereto and made a part hereof.

NOTICE: You are hereby notified that a Complaint For Eminent Domain has been filed in the Office of the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, to condemn and take title, in fee simple to certain property, described in

Schedule "A" attached hereto, and to extinguish certain easements, also described in Schedule "A". The authority for the condemnation is under and in accordance with 16 U.S.C. § 814.

The uses for which the land is to be taken are as follows: The land has been deemed necessary by the Federal Energy Regulatory Commission ("FERC") for the construction, maintenance, or operation of a dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, specifically including the construction and operation of a hydroelectric plant in Marseilles, Illinois. FERC has found that the project's power and contribution to the region's diversified generation mix will help meet a need for power in the region.

If you have any objection or defense to the taking of the property in which you may have or claim some interest, you are required to serve upon Plaintiff's attorney, at the address below, within twenty-one (21) days after service of this Notice upon you, exclusive of the date of service, an Answer to Plaintiff's Complaint identifying the property in which you claim to have an interest, stating the nature and extent of the interest claimed and stating all your objections and defenses to the taking of the property.

A failure to serve an Answer shall constitute a consent to the taking and to the authority of the court to proceed to hear the action and to fix the just compensation you shall receive for the land at issue that Plaintiff seeks to condemn. It shall also constitute a waiver of all defenses and objections.

If you have no objection or defense to the taking you may file with the court, and serve on the Plaintiff's attorney, a notice of appearance designating the property in which you claim to be interested and thereafter you shall receive notice of all proceedings affecting the said property.

You are further notified that at the trial of the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence as to the amount of compensation to be paid for the property acquired herein and you may share in the distribution of the award for compensation.

You are further notified, however, that unless you file a notice of appearance, this proceeding may proceed to pretrial or trial without further notice to you.

DATED: November 1, 2013

Respectfully submitted,

The Marseilles Land and Water Company

By: /s/ Daniel C. Curth
One of Its Attorneys

Daniel C. Curth (6229090)
Freeborn & Peters LLP
311 S. Wacker Drive
Suite 3000
Chicago, IL 60606
312.360.6000
dcurth@freeborn.com

SCHEDULE "A"

COUNT I

INTEREST TO BE ACQUIRED: Fee Simple of 13.76 Acres, more or less, believed to be owned by Marseilles Hydro Power, LLC.

LEGAL DESCRIPTION: PARCEL #2:

The North Head Race as shown on the replatting of Land and Water Power Company's addition to Marseilles Illinois as Surveyed by William H. Irwin and recorded in Plat Book C2 Page 94A at the LaSalle County Recorders Office, from the West Line of Main Street to the West Line of Lot 18 in Water Block of said Land and Water Power Company's addition to Marseilles.

The North 10 feet of the 30 foot reserve strip lying between the West Line of the East 20 feet of Lot 14 and the West Line of Lot 18 in Water Block in the Land and Water Power Company's addition to the town of Marseilles, in the County of LaSalle and state of Illinois, as platted in Plat Book H at Pages 44 and 45 and as shown on the replatting of part of Land and Water Power Company's addition to Marseilles Illinois as surveyed by William H. Irwin and recorded in Plat Book C2 page 94A at the LaSalle County Recorders Office.

A 10 foot strip of land in the Land and Water Power Company's addition to the town of Marseilles, bounded on the South by the North Line of the North Head Race as constructed, on the East by the South Line of Underhill Street, and on the West by the East Line of Lot 19 on Commercial Street in Warehouse Block of said Land and Water Power Company's addition extended Southerly.

PARCEL #3:

All of Block 19, except the two buildings and the land underneath the two buildings presently existing on Lots 8 and 9 and fronting upon Main Street, and reserving to the owners of the two buildings a six foot wide non-exclusive easement contiguous to the external walls of each building as they now exist for the use of

maintaining and accessing said buildings and for no other use, on the condition that said owners maintain such easement areas and not obstruct temporarily or permanently full access to and use of any part of the easement areas by the owners of the remainder of Block 19 and their successors and assigns to maintain fences and locked gates in the easement areas where those areas abut Main Street, in the Original Town of Marseilles;

PARCEL #4:

All of Block 20, except Lots 1, 2, 3, 15, 16 and the Northeast part of Lot 4 in the Original Town of Marseilles;

PARCEL #5:

Lots 15 and 16, except the West 20 feet; Lot 1, except the South 50 feet of the West 20 feet; Lot 2, except the South 50 feet; Lots 3 and 4; the Northeast part of Lots 5 and 6 in Block 30 in the Original Town of Marseilles;

PARCEL #6:

All of Block 29, except the Northwest point of Lots 1 and 2 in the Original Town of Marseilles;

PARCEL #7:

All of Block 32 in the Original Town of Marseilles;

ALL SITUATED IN LASALLE COUNTY, ILLINOIS

PIN NOS.: 15-49-435-006; 15-49-431-001; 15-49-434-019;
15-49-434-017; 15-55-200-002; 15-55-200-003.

OTHER PERSONS HAVING OR CLAIMING AN INTEREST: Renewable World Energies and Unknown Owners.

COUNT II

INTEREST TO BE ACQUIRED: Fee Simple of .460 acres, more or less, believed to be owned by Robert Newkirk.

LEGAL DESCRIPTION: PARCEL #1:

That part of Lot 1 in Block 31 in the Original Town of Marseilles, Vacated Wallace Street and Vacated Minden Street described as follows:

Commencing at the Northwest corner of Lot 2 in the Original Town of Marseilles, thence South 76 degrees 18 minutes 32 seconds East along the North line of said Lot 2 and the Southerly line of the vacated portion of Wallace Street to the Point of Beginning; thence North 13 degrees 32 minutes 39 seconds East 60.00 feet to a point on the Northerly line of the vacated portion of Wallace Street; thence South 76 degrees 18 minutes 40 seconds East 91.17 feet along said Northerly line to the Westerly line of the South Head Race; thence South 17 degrees 43 minutes 00 seconds East 60.25 feet along said Westerly line; thence South 09 degrees 30 minutes 15 seconds East 45.33 feet along said Westerly line to a point on the Westerly line of Lot 8 in Block 32 in the Original Town of Marseilles and the Easterly line of the vacated portion of Minden Street; thence South 13 degrees 29 minutes 30 seconds West 108.20 feet along the Westerly line of Lot 8 and Lot 9 in Block 32 in the Original Town of Marseilles and said Easterly line of the vacated portion of Minden Street; thence North 11 degrees 24 minutes 13 seconds West 156.04 feet to a point on the Southerly line of the vacated portion of Wallace Street and the Northerly line of said Lot 1 in the Original Town of Marseilles; thence North 76 degrees 18 minutes 40 seconds West 74.51 feet along the Southerly line of the vacated portion of Wallace Street and the Northerly line of said Lot 1 in the Original Town of Marseilles to the Point of Beginning containing 0.252 acre more or less and all situated in the City of Marseilles, LaSalle County, Illinois.

PARCEL #2:

That part of the Original Town of Marseilles, LaSalle County, Illinois described as follows:

Beginning at the Southwest corner of Lot 9 in Block 32 in the Original Town of Marseilles; thence South 76 degrees 17 minutes 59 seconds East 85.34 feet along the South line of the Lots 9 and 10 in Block 32 in the Original Town of Marseilles; thence South 04 degrees 40 minutes 30 seconds East 32.17 feet; thence South 78 degrees 387 minutes 14 seconds West 69.82 feet; thence South 13 degrees 39 minutes 54 seconds West 136,70 feet to the North line of the Illinois River; thence North 81 degrees 48 minutes 22 seconds West 31.75 feet along the North line of the Illinois River; thence North 13 degrees 29 minutes 30 seconds East 199.87 feet to the Point of Beginning containing 0.208 acres more or less excepting therefrom that portion of the parcel lying under the water surface of the South Chanel of the Head Race and all situated in the City of Marseilles, LaSalle County, Illinois.

PIN NOS.: Part of 15-49-438-015

**OTHER PERSONS HAVING OR
CLAIMING AN INTEREST:** Unknown Owners.

COUNT III

INTEREST TO BE ACQUIRED: Fee Simple of .547 acres, more or less, believed to be owned by Magic Sleep Mattress Company, Inc.

LEGAL DESCRIPTION: PARCEL #1:

Lots 21 and 23 in Warehouse Block on Commercial Street in land and Water Company's Addition to the Town of Marseilles and part of Underhill Reserved Street lying South of said Lots 21 and 23 according to the Plat recorded in Plat Book "H" at pages 44 and 45 described as follows:

Beginning at the Northwest corner of said Lot 23; thence South 74 degrees 25 minutes 25 seconds East 120.00 feet along the South line of Commercial Street; thence South 15 degrees 38 minutes 04 seconds West 150.90 feet; thence North 73 degrees 43 minutes 33 seconds West 11.74 feet; thence South 30 degrees 14 minutes 07 seconds West 35.00 feet to a point on the South line of Underhill Reserved Street; thence North 74 degrees 22 minutes 54 seconds West 99.44 feet along said South line to a point on the West line of said Lot 23 extended Southerly; thence North 15 degrees 38 minutes 05 seconds East 184.55 feet along said West line to the Point of Beginning containing 0.496 acres more or less and all situated in the City of Marseilles, LaSalle County, Illinois.

PARCEL #2:

Part of Underhill Reserved Street lying South of Lots 5 and 7 and South of Reserved Street between said Lots 5 and 7 in Warehouse Block on Commercial Street in Land and Water Company's Addition to the Town of Marseilles according to the Plat recorded in Plat Book "H" at pages 44 and 45, described as follows:

Commencing at the Northwest corner of Lot 23 in said Warehouse Block; thence South 15 degrees 38 minutes 05 seconds West 184.55 feet along the West line of Lot 23 extended Southerly; thence South 74 degrees 22 minutes 54 seconds East 99.44 feet; thence South 74 degrees 08 minutes 30 seconds East 76.57 feet; thence South 74 degrees 25 minutes 25 seconds East 356.96 to

the Point of Beginning; thence North 81 degrees 24 minutes 51 seconds East 253.97 feet; thence South 08 degrees 19 minutes 53 seconds East 9.18 feet; thence South 81 degrees 26 minutes 45 seconds West 233.76 feet; thence North 74 degrees 25 minutes 26 seconds West 22.11 feet to the Point of Beginning containing 0.052 acres more or less and all situated in the City of Marseilles, LaSalle County, Illinois.

PIN NOS.: Part of 15-49-428-001
Part of 15-49-428-015
Part of 15-49-430-002

**OTHER PERSONS HAVING OR
CLAIMING AN INTEREST:** Unknown Owners.

COUNT IV

INTEREST TO BE ACQUIRED: Fee Simple of .252 acres, more or less, believed to be owned by Dynesty Custom Builders, LLC.

Extinguishment of certain easement rights believed to be granted to and/or benefit real property owned by Dynesty Custom Builders, LLC, and recorded in the LaSalle County Recorder's Office as Doc # 91-03849, Doc # 96-02199 and Doc # 96-21186.

LEGAL DESCRIPTION: PARCEL #1:

That part of Lot 1 in the Resubdivision of part of Marseilles Land and Water Power Company's Addition to the City of Marseilles, LaSalle County Illinois according to the Plat thereof recorded July 8, 1992 as document No. R92-12865 described as follows:

Beginning at the Northeast corner of said Lot 1; thence South 10 degrees 40 minutes 21 seconds West 60.00 feet along the East line of said Lot; thence North 78 degrees 07 minutes 38 seconds West 259.31 feet; thence South 76 degrees 30 minutes 14 seconds West 250.92 feet; thence South 76 degrees 09 minutes 49 seconds West 16.07 feet to a point on the West line of said Lot 1; thence North 13 degrees 51 minutes 02 seconds West 20.10 feet along said West line; thence North 76 degrees 31 minutes 21 seconds East 5.97 feet; thence North 14 degrees 08 minutes 39 seconds West 10.00 feet; thence North 76 degrees 31 minutes 21 seconds East 326.48 feet; thence South 78 degrees 09 minutes 06 seconds East 202.85 feet to the Point of Beginning containing 0.252 acres more or less and all situated in the City of Marseilles, LaSalle County, Illinois.

PIN NOS.: Part of 15-49-443-002

OTHER PERSONS HAVING OR CLAIMING AN INTEREST: Unknown Owners.

SCHEDULE "B"

Marseilles Hydro Power, LLC
Registered Agent Solutions, Inc.
901 S. 2nd Street, Suite 201
Springfield, IL 62701

Marseilles Hydro Power, LLC
William D. Harris, Manager
100 North State Street
Neshkoro, WI 54960

Renewable World Energies, LLC
William D. Harris, Registered Agent
100 North State Street
Neshkoro, WI 54960

Robert L. Newkirk
521 Broadway Street
Marseilles, IL 61341

Magic Sleep Mattress Company, Inc.
Sam Carlino, Registered Agent
220 Commercial Street
Marseilles, IL 61341

Magic Sleep Mattress Company, Inc.
Sam Carlino, President
507 N. Raven
Shorewood, IL 60531

Dynesty Custom Builders, LLC
Scott Olson, Managing Member & Registered Agent
403 Meadow Lane
Newark, IL 60541

Dynesty Custom Builders, LLC
c/o Daniel D. Drew, Esq.
Tressler, LLP
233 S. Wacker Drive
22nd Floor
Chicago, IL 60606

EXHIBIT C



68288

Law firm ref#: 29534-0001

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS

THE MARSEILLES LAND AND WATER COMPANY,

Case No.: 13 cv 07785

Plaintiff(s),

vs.



MARSEILLES HYDRO POWER, LLC, ET AL.,

Defendant(s).

AFFIDAVIT OF SPECIAL PROCESS SERVER

Ross B. Radke, Being first duly sworn on oath, deposes and states the following:

I am over the age of 18 and not a party to this action. I have been appointed by the court to serve process in the above mentioned cause and/or am a special appointed process server, a licensed private investigator, and/or an employee/agent of ATG LegalServe, Inc., Illinois Department of Financial and Professional Regulation number 117.001494.

DEFENDANT TO BE SERVED: ROBERT L. NEWKIRK

I, Served the within named DEFENDANT on November 07, 2013 @ 11:50 AM

INDIVIDUAL SERVICE: By delivering to the within named DEFENDANT a copy of this process personally.

TYPE OF PROCESS: SUMMONS IN A CIVIL CASE AND COMPLAINT FOR EMINENT DOMAIN AND NOTICE OF CONDEEMNATION

ADDRESS WHERE SERVED: 311 N. MAIN STREET, SENECA, IL 61360

The sex, race and approximate age of the defendant or other person with whom the copy of this process was left is as follows:

Sex: Male - Skin: Caucasian - Hair: Gray - Approx. Age: 60 - Height: 5ft4in-5ft8in - Weight: 200 lbs

The undersigned verifies that the statements set forth in this Affidavit of Service are true and correct.

State of Illinois

Ross B. Radke #115-001766

County of LaSalle

This instrument was subscribed and sworn to before me on 11/7/13 (date)

By Ross Radke (name/s of person/s)

Signature of Notary Public

ATG LegalServe Inc
1 South Wacker Drive, 24th Floor
Chicago, IL 60606
312.752.1992

