

COMMISSIONER'S RECORD M

That the taxes for the years 1931 and 1932 were paid under protest by your petitioner to the extent of the amount of such taxes on said real estate as the taxes for the City of Lecompton exceeded the taxes for Lecompton Township in Douglas County, Kansas, claiming that such property was improperly assessed as being in the City of Lecompton and should have been assessed as being in Lecompton Township.

That thereafter suit was filed in the District Court of Douglas County, Kansas, against L. E. Hoover, as Treasurer of Douglas County, Kansas, and the Board of County Commissioners, asking:

1. For judgment for the amount of taxes paid for such two years in excess of the amount due had said real estate been assessed to Lecompton Township, and
2. For determination and judgment as to whether said real estate was actually within or without said City of Lecompton in Douglas County, Kansas.

That thereafter and under date of February 26, 1935, judgment was entered in favor of the plaintiffs and against said Treasurer and Board for the amount of taxes paid under protest and also the Court then and there determined and adjudged that the above described property had never been in the City of Lecompton, Douglas County, Kansas, or properly taxed to such City.

That said property now stands on the tax rolls for the years 1933 and 1934 with taxes wrongly assessed, according to the judgment above mentioned, and the assessment of said real estate as being in the City of Lecompton should be cancelled and the tax determined according to the tax rate for Lecompton Township for such years.

WHEREFORE your petitioner respectfully petitions the Board to make an order authorizing and ordering the cancellation of all taxes on the above described real estate as they now appear on the records of the Treasurer of Douglas County, Kansas, and, in lieu thereof, ordering such property taxed according to the proper rate for Lecompton Township in said County.

(Signed)

C. C. Stewart

STATE OF KANSAS)
DOUGLAS COUNTY) SS:

C. C. Stewart, being duly sworn, says that he has read the foregoing petition; that he acted as attorney in the litigation mentioned in said petition; that he is familiar with the statements contained therein; and, to the best of his knowledge and belief, all statements contained in said petition are true.

That the petitioner, Will C. Hoad, is a non-resident of the State of Kansas.

(Signed)

C. C. Stewart

Subscribed and sworn to before me this 18th day of October, 1938.

Mary C. Morgan
Notary Public

My Commission Expires January 15, 1942.

After giving deep consideration to the above, James F. Brass moved that the Board of County Commissioners take favorable action on the above, and authorized that a Cancellation Order be passed: Chris Schaake seconded the motion. On vote, all Commissioners voted "Aye".

CANCELLATION ORDER:

To A. M. Gardner, County Treasurer.

At a regular meeting of the Board of County Commissioners of Douglas County, Kansas, held on November 1, 1938, it was ordered that the County Clerk instruct the County Treasurer as follows:

To cancel tax Sale #4528, 1933 tax in the	City of Lecompton-----	\$44.09
	Penalty-----	.93
	Total Sale-----	\$45.02
To cancel tax Sale #4724, 1934 tax in the	City of Lecompton-----	\$85.56
	Penalty-----	3.87
	Advertising-----	.30
	Total Sale-----	\$89.73

The above taxes were erroneously assessed in the limits of the City of Lecompton. The assessment should have been made in Lecompton Township, School District #36 and Rural High School District #4. Therefore, the County Treasurer is instructed further to add taxes as follows to the Sale Record for the years:

1933 tax-----	28.92
Penalty-----	.61
Total sale added to 1933 Sale Record-----	\$29.53
1934 tax-----	71.47
Penalty-----	3.23
Advertising-----	.30
Total sale added to 1934 Sale Record-----	\$75.00