

**ROCK & SAND INC.
CONCRETE & ASPHALT**

**P.O. Box 609
Mobridge, S.D. 57601
(605) 845-7213**

January 26, 2004

Mr. Kelly Frazier
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

RECEIVED

JAN 27 2004

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

RE: S&S Complaint:Ct03-107

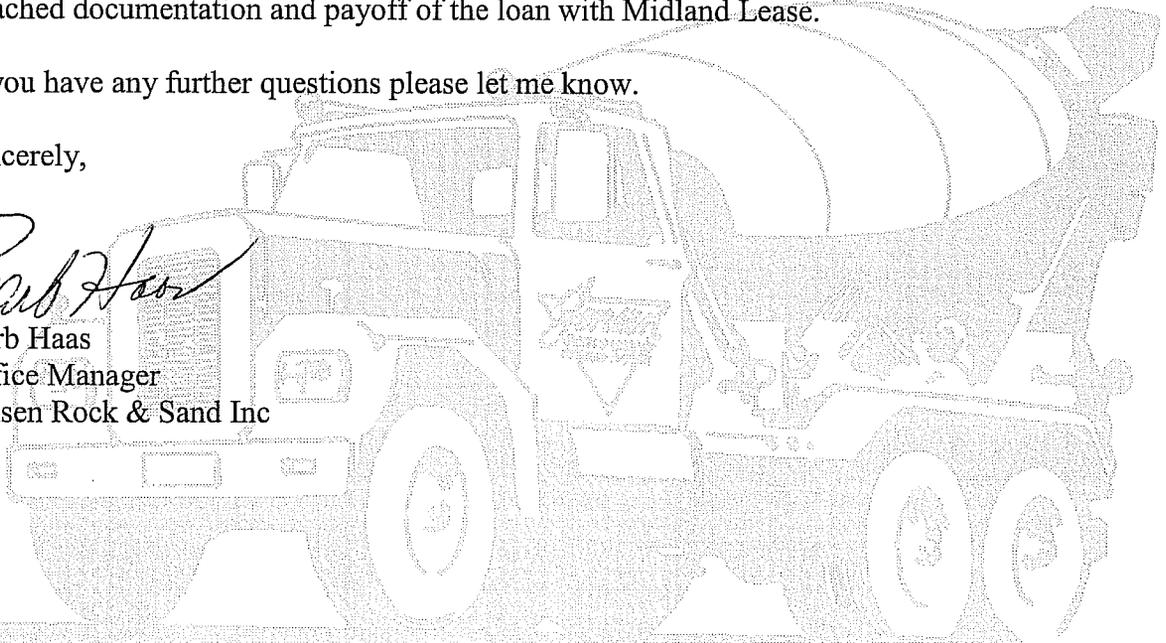
Dear Mr. Frazier:

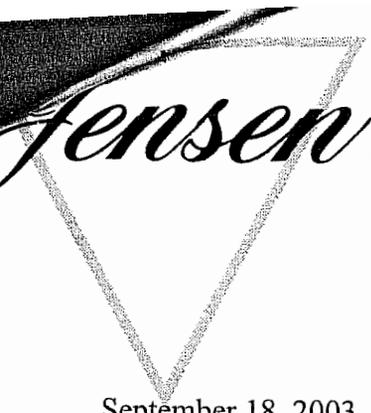
I am responding to your letter on our complaint against S&S Communications and Midland Lease Company. We have resolved our complaint against them with the attached documentation and payoff of the loan with Midland Lease.

If you have any further questions please let me know.

Sincerely,


Barb Haas
Office Manager
Jensen Rock & Sand Inc





**ROCK & SAND INC.
CONCRETE & ASPHALT**

**P.O. Box 609
Mobridge, S.D. 57601
(605) 845-7213**

September 18, 2003

Midland Lease
PO Box 37
Aberdeen, SD 57601

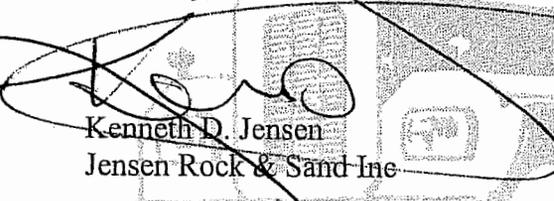
RE: S&S Communication

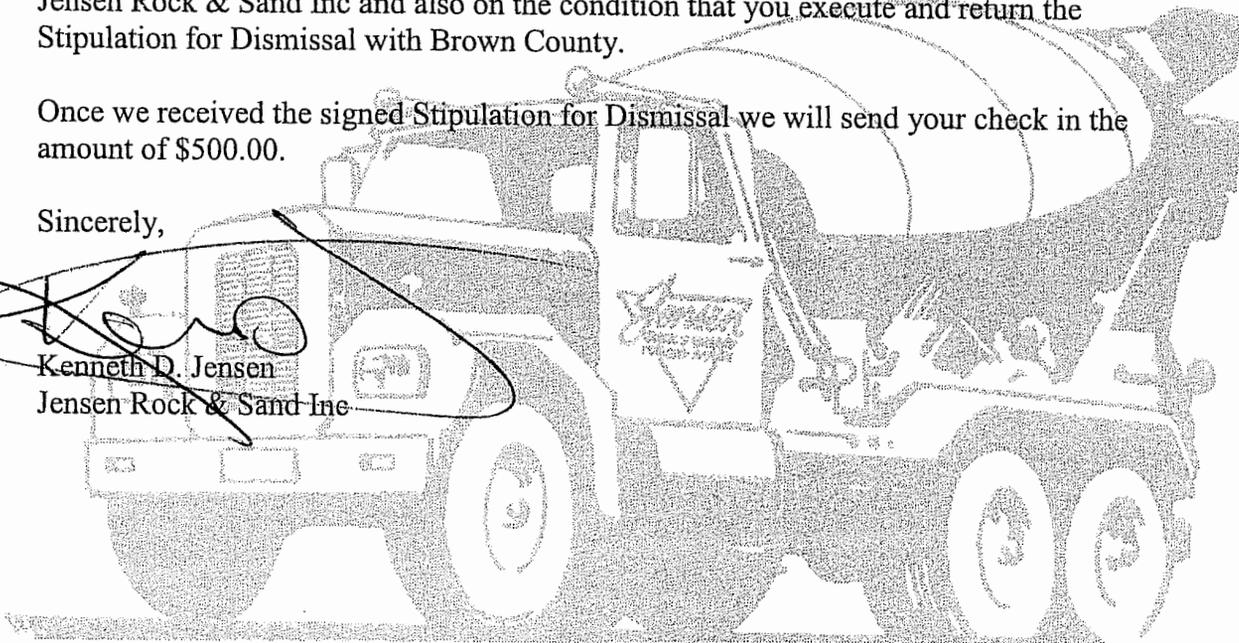
Dear Steve:

As per our telephone conversation on September 17, 2003 we both agreed to \$500.00 as full and final settlement with Midland Lease against all claims with Kenneth Jensen and Jensen Rock & Sand Inc and also on the condition that you execute and return the Stipulation for Dismissal with Brown County.

Once we received the signed Stipulation for Dismissal we will send your check in the amount of \$500.00.

Sincerely,


Kenneth D. Jensen
Jensen Rock & Sand Inc



CAIN & BROZ, ATTORNEYS, P.C.**ATTORNEYS AT LAW****318 1st AVENUE EAST****P.O. BOX 490****MOBRIDGE, SOUTH DAKOTA 57601-0490****Telephone: 605-845-2981****Fax: 605-845-7851****Rick A. Cain, attorney**
E-Mail: cain@calnlaw.com**Vickie S. Broz, attorney**
E-Mail: broz@calnlaw.com

September 18, 2003

ATTN: Barb
Jensen Rock & Sand, Inc.
P. O. Box 609
Mobridge, South Dakota 57601**and via fax at: 605-845-3014****RE: MIDLAND LEASE COMPANY**

Dear Barb:

Based upon our telephone discussions yesterday, I have prepared a STIPULATION AND ORDER OF DISMISSAL which I am enclosing with this fax. I will drop the original in the mail in case you want to send out the original rather than a faxed copy.

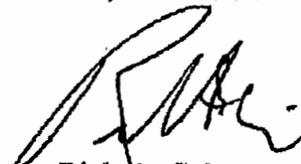
I suggest you send the Stipulation for Dismissal to Midland Lease Company with the \$500.00 settlement check. Your cover letter to Midland Lease Company should clearly explain that you are enclosing \$500.00 as a full and final settlement of all claims against Kenneth Jensen and Jensen Rock and Sand, Inc. and also on the condition that they execute and return to you the enclosed Stipulation for Dismissal.

Once you receive the Stipulation back from Midland Lease Company, you will need to have Kenny sign it and send it to the Brown County Clerk of Courts with a letter requesting the Judge sign the Order of Dismissal and the Clerk should then file the signed Order.

If you have any other questions on this, please let me know.

Very Truly Yours,

CAIN & BROZ, ATTORNEYS, P.C.


Rick A. CainRAC/lcj
enclosure

SOUTH DAKOTA)

FILE #03-00835

) SS.

COUNTY OF BROWN)

IN SMALL CLAIMS COURT

NOTICE OF SMALL CLAIMS

PLAINTIFF:
MIDLAND LEASE CO OF
LUST CHEVROLET & BUICK
1314 6TH AVE SW
ABERDEEN, SD 57401-

VS.

DEFENDANT:
JENSEN, KENNETH
D/B/A JENSEN ROCK & SAND
PO BOX 609
MOBRIDGE, SD 57601-

MIDLAND LEASE CO OF has made a claim against you in this Court for the following sum: \$1396.97 including costs, plus Sheriff's fee if applicable.

DESCRIPTION OF CLAIM:
BALANCE DUE ON ACCOUNT.

IF YOU DENY THIS CLAIM, you must file a WRITTEN denial (including the specific reasons therefore) with this office, personally or by mail, which must be received no later than Thursday September 18, 2003 . A trial date will then be set and you MUST appear at the trial and bring with you such evidence, witnesses or documents which support your denial.

YOU WILL LOSE THIS LAWSUIT and a judgment by default will be entered against you for the full amount of the claim on **Thursday September 25, 2003 at 9:00am** Unless a written denial has been filed. NEITHER PARTY IS REQUIRED TO APPEAR ON THE DEFAULT DATE.

SUBPOENAS FOR WITNESSES, if requested by you in advance of the hearing, will be issued by the Clerk of Courts.

IF YOU ADMIT THE CLAIM, but desire time to pay, you must work out terms with the plaintiff within the required time. THIS OFFICE DOES NOT COLLECT MONEY. A judgment may be entered for any unpaid balance on the above date.

PLEASE MAKE NOTE OF YOUR FILE NUMBER APPEARING AT THE TOP OF THIS PAGE.

If you have any questions, you should contact this office at the following address: **CLERK OF SMALL CLAIMS, BROWN COUNTY COURTHOUSE, 101 1st Ave. SE ABERDEEN, SD 57401. Telephone number (605) 626-2451.**

Date: Wednesday, August 27, 2003.

M.L. KUHFIELD, Clerk of Courts

By *M.L. Kuhfeld*, Deputy



LAW OFFICE

FAX NO. :16058457851

Sep. 18 2003 09:17AM P3

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

:SS

IN SMALL CLAIMS COURT
FIFTH JUDICIAL CIRCUIT

Midland Lease Co., Division of Lusk
Chevrolet-Buick,
Plaintiff,

*
* SMC 03-00835

vs.

* STIPULATION FOR DISMISSAL

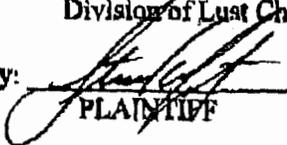
Kenneth Jensen D/B/A Jensen Rock & Sand,
Defendant.

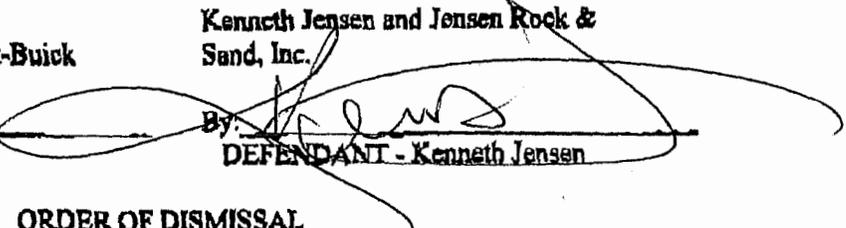
In consideration of the sum of \$500.00 received from the defendant, the undersigned do hereby acknowledge full satisfaction of the above claim and authorize the Court to dismiss the above claim with prejudice without taxation of costs which includes releasing all claims against Kenneth Jensen and Jensen Rock & Sand Inc.

Dated this 18th day of September, 2003.

Midland Lease Co.,
Division of Lusk Chevrolet-Buick

Kenneth Jensen and Jensen Rock &
Sand, Inc.

By: 
PLAINTIFF

By: 
DEFENDANT - Kenneth Jensen

ORDER OF DISMISSAL

Pursuant to the forgoing Stipulation, it is Ordered that the above entitled action be and is hereby dismissed with prejudice without taxation of costs.

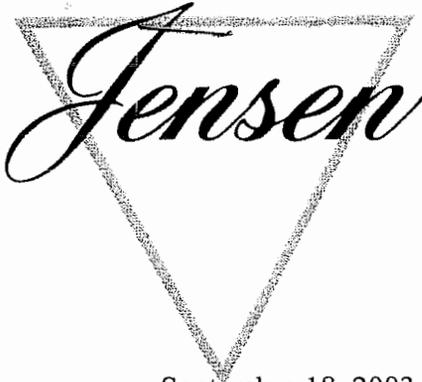
Dated this ___ day of _____, 2003.

BY THE COURT

ATTEST:

Clerk of Courts

Judge



**ROCK & SAND INC.
CONCRETE & ASPHALT**

**P.O. Box 609
Mobridge, S.D. 57601
(605) 845-7213**

September 18, 2003

Clerk of Small Claims
Brown County Courthouse
101 1st Ave. SE
Aberdeen, SD 57401

To Whom It May Concern:

Enclosed, please find a Stipulation for Dismissal on small claims #03-00835. We have reached an agreement and would like the Judge to sign the Order of Dismissal and to have the Clerk file the signed Order.

Thank you for your attention to this matter.

Sincerely,

Barb Haas
Office Manager
Jensen Rock & Sand Inc

