

NOTICE OF ENTRY
(SUPREME COURT RULE 74.03)

In The 38th Judicial Circuit Court, Christian County, Missouri
110 WEST ELM STREET, SUITE 202, OZARK, MISSOURI

CITY OF NIXA, MISSOURI V KAY BROWN

CASE NO : 14CT-CC00354

To: KAY BROWN
CHRISTIAN CO. CLERK
110 W CHURCH
OZARK MO 65721

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
15-Apr-2014	Judge Assigned Pet Filed in Circuit Ct Petition for Recount; Exhibit A; Exhibit B. Filed By:D PATRICK SWEENEY Filed By:CITY OF NIXA Filing Info Sheet eFiling Filed By:D PATRICK SWEENEY
16-Apr-2014	Correspondence Sent Notice of Entry to parties


Clerk of Court

CC: File
D PATRICK SWEENEY
KAY BROWN

ECC:
Date Printed : 16-Apr-2014

RECEIVED
APR 16 2014
KAY BROWN
COUNTY CLERK

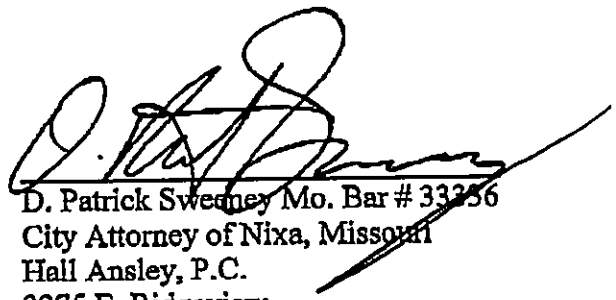
IN THE CIRCUIT COURT OF CHRISTIAN COUNTY
STATE OF MISSOURI

City of Nixa, Missouri)
)
 Plaintiff,)
)
 vs.)
)
 Kay Brown,)
 County Clerk/Election Authority)
 of Christian County, State of Missouri)
 Defendant)

Case No. 14CT-CC00354

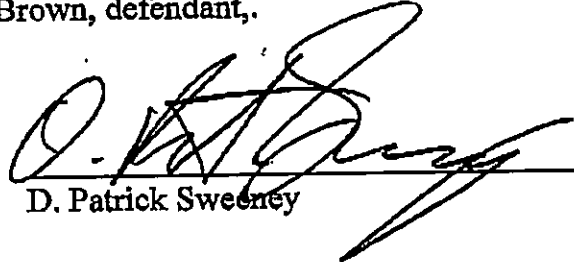
**NOTICE OF HEARING FOR PETITION FOR RECOUNT AND
MOTION TO SHORTEN TIME FOR HEARING**

COMES NOW City of Nixa, Missouri, by and through its City Attorney, D. Patrick Sweeney of Hall Ansley, P.C., and does hereby notice up for hearing its Petition for Recount pursuant to Section 115.601 R.S.Mo. for the Court to make a determination and order a hand recount of the votes cast on the question presented to the voters as set forth in the Petition for Recount currently pending before this Court and to appoint recount election judges to conduct the recount of the votes by hand for Friday May 2, 2014 at 9:00 a.m. or as soon thereafter as counsel may be heard.


D. Patrick Sweeney Mo. Bar # 33356
City Attorney of Nixa, Missouri
Hall Ansley, P.C.
3275 E. Ridgeview
Springfield, MO 65804

Certificate of Service

The undersigned hereby certifies that on this 1st day of May, 2014, the foregoing document was filed via electronic filing using Missouri's e-filing system along with a copy sent by facsimile (#417-581-8331) to Kay Brown, defendant.



D. Patrick Sweeney

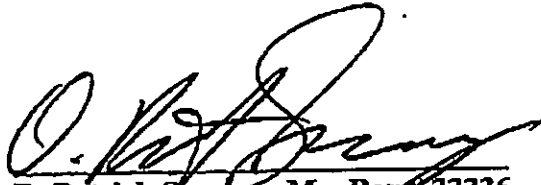
**IN THE CIRCUIT COURT OF CHRISTIAN COUNTY
STATE OF MISSOURI**

City of Nixa, Missouri)
)
Plaintiff,)
)
vs.)
)
Kay Brown,)
County Clerk/Election Authority)
of Christian County, State of Missouri)
Defendant)

Case No. 14CT-CC00354

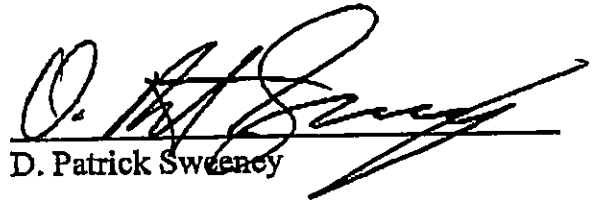
MOTION TO SHORTEN TIME FOR HEARING

COMES NOW City of Nixa, Missouri, by and through its City Attorney, D. Patrick Sweeney of Hall Ansley, P.C., and does hereby move to shorten time for hearing Plaintiff's Petition for Recount for Friday May 2, 2014 at 9:00 a.m. or as soon thereafter as counsel may be heard.


 D. Patrick Sweeney Mo. Bar # 33336
 City Attorney of Nixa, Missouri
 Hall Ansley, P.C.
 3275 E. Ridgeview
 Springfield, MO 65804

Certificate of Service

The undersigned hereby certifies that on this 1st day of May, 2014, the foregoing document was filed via electronic filing using Missouri's e-filing system along with a copy sent by facsimile (#417-581-8331) to Kay Brown, defendant.


D. Patrick Sweeney

HALL ANSLEY, P.C.

Attorneys and Counselors at Law

3275 E. Ridgeview

Springfield, MO 65804

Phone No. 417-890-8700

Fax No. 417.890.8855

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 581-8331

TO: Kay Brown, County Clerk

FROM: D. Patrick Sweeney

CLIENT/MATTER: City of Nixa

DATE: 5/1/2014

DOCUMENTS	NUMBER OF PAGES
Cover Sheet	1
Document	4
TOTAL NUMBER OF PAGES IN TRANSMISSION	5

COMMENTS:

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IN THE CIRCUIT COURT OF CHRISTIAN COUNTY
STATE OF MISSOURI

FILED
BARBARA D. STILLINGS

MAY 02 2014

CIRCUIT CLERK
CHRISTIAN COUNTY, MO

City of Nixa, Missouri

Plaintiff,

vs.

Kay Brown,
County Clerk/Election Authority
of Christian County, State of Missouri
Defendant

Case No. 14CT-CC00354

ORDER FOR RECOUNT

COMES NOW on the 2nd day of May, 2014, the City of Nixa, Missouri, appears by D. Patrick Sweeney of Hall Ansley, P.C. and for its Petition for Recount pursuant to Section 115.601 R.S.Mo. in the election in the City of Nixa held on the 8th day of April, 2014 and that one of the issues voted upon was shall the City of Nixa, Missouri issue bonds in the amount not to exceed Seven Million Eight Hundred Ten Thousand Dollars (\$7,810,000) to fund capital improvements, including the acquisition, equipping and development of parks, the making of street improvements and the construction of sidewalks and, if necessary, the acquisition of rights-of-way, and impose a sales tax of one-half of one percent (1/2 of 1%) to repay such bonds with the sales tax to sunset upon the repayment in full of all outstanding bonds hereby authorized and issued.

After reviewing the verified Petition filed by Plaintiff, the Court does hereby determine that a recount of the votes by hand is warranted and does hereby find that the question presented to the voters was defeated by less than One Percent (1%) of the votes cast on the question and therefore, pursuant to Section 115.601 R.S.Mo., the Plaintiff is entitled to a hand recount of the votes on the question defeated.

CHRISTIAN COUNTY - MISSOURI - MAY 02, 2014 - 01:30 PM

Therefore, it is hereby Ordered, Adjudged and Decreed as follows:

1. That the Defendant Kay Brown, County Clerk of Christian County, State of Missouri, conduct a hand recount of the votes cast on the question presented, and the Court does hereby appoint sixteen (16) duly qualified, disinterested, and registered voters to conduct the hand recount at a time and date determined by Defendant Kay Brown.
2. The court does hereby appoint the following persons to conduct the recount:

Democrat

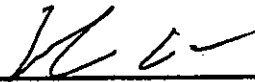
Jeanne Clark
 John Ross
 Helen Dale
 Bob Wiegand
 Norene Norman
 Patrick Rush
 Rick Hermann
 Vivian King
 Robert Younger
 Bob Pata

Republican

Jackie Perry
 Peggy Ross
 Judy Robison
 Cindy Flugher
 Kirby Holbrook
 Patricia Rush
 Loretta Hermann
 Carl Schimek
 Rebecca Schimek
 Tom Taylor

3. That the County Clerk provide the results of the recount to the Plaintiff and the Court upon completion thereof for further Order. Cost of recount shall be taxed as costs to Christian County.

SO ORDERED.

 5-2-14

 Honorable Mark E. Orr, Circuit Judge of
 Christian County, Missouri

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY
STATE OF MISSOURI

City of Nixa, Missouri)
)
 Plaintiff,)
)
 vs.)
)
 Kay Brown,)
 County Clerk/Election Authority)
 of Christian County, State of Missouri)
 Defendant)

Case No. 14CT-CC00354

ORDER FOR RECOUNT

COMES NOW on the 2nd day of May, 2014, the City of Nixa, Missouri, appears by D. Patrick Sweeney of Hall Ansley, P.C. and for its Petition for Recount pursuant to Section 115.601 R.S.Mo. in the election in the City of Nixa held on the 8th day of April, 2014 and that one of the issues voted upon was shall the City of Nixa, Missouri issue bonds in the amount not to exceed Seven Million Eight Hundred Ten Thousand Dollars (\$7,810,000) to fund capital improvements, including the acquisition, equipping and development of parks, the making of street improvements and the construction of sidewalks and, if necessary, the acquisition of rights-of-way, and impose a sales tax of one-half of one percent (1/2 of 1%) to repay such bonds with the sales tax to sunset upon the repayment in full of all outstanding bonds hereby authorized and issued.

After reviewing the verified Petition filed by Plaintiff, the Court does hereby determine that a recount of the votes by hand is warranted and does hereby find that the question presented to the voters was defeated by less than One Percent (1%) of the votes cast on the question and therefore, pursuant to Section 115.601 R.S.Mo., the Plaintiff is entitled to a hand recount of the votes on the question defeated.

Therefore, it is hereby Ordered, Adjudged and Decreed as follows:

1. That the Defendant Kay Brown, County Clerk of Christian County, State of Missouri, conduct a hand recount of the votes cast on the question presented, and the Court does hereby appoint sixteen (16) duly qualified, disinterested, and registered voters to conduct the hand recount at a time and date determined by Defendant Kay Brown.
2. The court does hereby appoint the following persons to conduct the recount:

Democrat


- Jeanne Clark
- John Ross
- Helen Dale
- Bob Wiegand
- Norene Norman
- Patrick Rush
- Rick Hermann
- Vivian King
- Robert Younger
- Bob Pata

Republican

- Jackie Perry
- Peggy Ross
- Judy Robison
- Cindy Flugher
- Kirby Holbrook
- Patricia Rush
- Loretta Hermann
- Carl Schimek
- Rebecca Schimek
- Tom Taylor

3. That the County Clerk provide the results of the recount to the Plaintiff and the Court upon completion thereof for further Order. Cost of recount shall be taxed as costs to Christian County.

SO ORDERED.

 5-2-14
 Honorable Mark E. Orr, Circuit Judge of
 Christian County, Missouri

RECOUNT JUDGES

Tuesday, May 13th, 2014

DEMOCRATE

Jeanne Clark 725-3342

John Ross 725-2719

Bob Weigand 894-5847

Norene Norman 724-0456

Patrick Rush 725-1121

Rick Hermann 724-1327

Loretta Hermann 724-1327

Kirby Holbrook 234-0710

REPUBLICAN

Jackie Perry 725-1477

Peggy Ross 725-2719

Judy Robison 725-3638

Cindy Flugher 724-9297

Patricia Rush 725-1121

Carl Schimek 725-9444

Rebecca Schimek 725-9444

Thom Taylor 343-0055

ALTERNATES

(R) Roger Flugher 724-9297

(R) Jacqueline Ramage 724-8711

(R) Roy Wehling 827-3045

(R) Sharon Wehling 827-3045

(R) Betty Tennis 725-3278

Missouri Revised Statutes

Chapter 115 Election Authorities and Conduct of Elections Section 115.587

August 28, 2013

Persons conducting recount, how selected.

115.587. Whenever a recount is ordered pursuant to section 115.583 or 115.601, the court or legislative body shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted to the court or legislative body by the contestant and the contestee. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where he is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the court or legislative report, the contestant and the contestee shall be permitted to be present in person or represented by an attorney at the recount and to observe the recount. Each recount shall be completed under the supervision of the court or legislative body, and the persons appointed to assist with the recount shall perform such duties as the court or legislative body shall direct. Upon completion of any duties prescribed by the court or legislative body, the persons appointed to assist with the recount shall make a written and signed report of their findings to the court or legislative body. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be heard as a witness to contradict the findings. No one other than the election authority, representatives of the court or legislative body, the contestant and contestee, their attorneys, and those specifically appointed by the court or legislative body to assist with the recount shall be present during any recount ordered pursuant to the provisions of section 115.583 or 115.601.

(L. 1977 H.B. 101 § 13.415)

Effective 1-1-78

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Missouri General Assembly

INSTRUCTIONS FOR THE RECOUNT

- 1. Select a precinct and open the ballot bags with scissors provided.**
- 2. One from each side will call the vote either yes or no.**
- 3. One from each side will write the slash for each vote.**
- 4. After four slashes the fifth slash the writer's say tally.**
- 5. Throughout the day those taking the tallies will compare for accuracy.**
- 6. Half-way through the day the partner's may choose to trade places.**
- 7. The judge that is the second set of eyes to review the vote will speak the word I AFFIRM or I CONCUR.**
- 8. The only words to say are: Yes, No, or Tally- must be said softly - no other conversation because it is very difficult to hear.**
- 9. Each precinct must be tallied on tally sheet and ballots put away before starting a new precinct.**

We will take bathroom breaks and a lunch break at 11:30 a.m.

Election:04/08/2014 - Municipal Election

District **MARIONVILLE SCHOOL**

Precincts	NAME	VOTERCOUNT
	POLK	6

District **NIXA**

Precincts	NAME	VOTERCOUNT
	GARDEN GROVE	1717
	NORTHVIEW	2819
	NORTHVIEW 2	1329
	ROSEDALE #1A - INSIDE CITY	2293
	Rosedale 1B	2161
	UNION CHAPEL #1 - INSIDE CITY	2872

District **NIXA FIRE DISTRICT**

Precincts	NAME	VOTERCOUNT
	GARDEN GROVE	1996
	NORTHVIEW	2819
	NORTHVIEW 2	1935
	ROSEDALE #1A - INSIDE CITY	2293
	ROSEDALE #2 - OUTSIDE CITY	1865
	Rosedale 1B	2161
	UNION CHAPEL #1 - INSIDE CITY	2872
	UNION CHAPEL #2 - OUTSIDE CITY	3165

District **NIXA SCHOOL**

Precincts	NAME	VOTERCOUNT
	CASSIDY 1	10
	CASSIDY 2	157
	GARDEN GROVE	1996
	LINCOLN 1	2
	N GALLOWAY	109
	NORTHVIEW	2819
	NORTHVIEW 2	1935
	ROSEDALE #1A - INSIDE CITY	2293
	ROSEDALE #2 - OUTSIDE CITY	1858
	Rosedale 1B	2161
	UNION CHAPEL #1 - INSIDE CITY	2872
	UNION CHAPEL #2 - OUTSIDE CITY	2982
	WEST FINLEY	124

District **NIXA WARD 1**

PRECINCT	YES	NO	TOTALS
Union Chapel 1	374 ⁺¹	349 ⁺³	723 727
Rosedale 1A	292 ⁺¹	163 ⁺¹	455 457
Garden Grove	200 ⁻	155 ⁻	355
Northview 1	378	275 ⁺¹	653 654
Northview 2	189 ⁺³	143	332
Rosedale 1B	231 ⁻	155 ⁻	386
Absentee	<u>71⁺¹</u>	70 ⁺¹	141 144

TOTALS 1735 1310 3045

1740 1316 = 3056

375
73
200
231
378
190
293

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