

# Public Notices

## City passes ordinance for utility vehicles

Published in The Saint Francis Herald, St. Francis, Kansas, Thursday, July 23, 2009. (30)  
ORDINANCE NO. 560

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, ALL TERRAIN VEHICLES AND GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. FRANCIS, KANSAS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF ORDINANCE NO. 548 OF THE CODE OF THE CITY OF ST. FRANCIS, KANSAS.

Be it Ordained by the Governing Body of the City of St. Francis, Kansas:

Section 1. DEFINITIONS. As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

(a) "All-terrain vehicle" means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires, and having a seat to be straddled by the operator. As used in this subsection, "nonhighway tire" means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(b) "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour and is designed to carry not more than four persons, including the driver.

(c) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

(d) "Slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto.

(e) "Special purpose vehicle" means all-terrain vehicle, golf cart, micro utility truck and work-site utility vehicle, either individually or collectively.

(f) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck.

Section 2. OPERATION OF SPECIAL PURPOSE VEHICLES ON CITY STREETS; SPECIAL CONDITIONS AND RESTRICTIONS ON OPERATION.

(a) All-terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, with the exception of U.S. Highway 36, the access road and Washington Street in either an easterly or westerly direction. The travel restrictions as imposed herein can be waived by declaration from the City Police Chief for specific special events.

(1) No all-terrain vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with lights as required for motorcycles.

(2) A person operating an all-terrain vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a all-terrain vehicle, unless such all-terrain vehicle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the all-terrain vehicle at the rear or side of the operator.

(3) A person shall ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on each side of the all-terrain vehicle.

(4) No person shall operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

(5) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or the view of the operator.

(b) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(1) No golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour.

(2) No golf cart shall be operated on any federal highway, state highway or Washington Street; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal, state highway or Washington Street.

(3) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.

(4) It shall be illegal to operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle; the slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(c) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(1) No micro utility truck shall be operated on any public highway, street, road or alley, unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(2) No micro utility truck shall be operated on any federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway.

(d) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(1) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles.

(2) No work-site utility vehicle shall be operated on any federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway.

Section 3. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY; DUTIES AND RESPONSIBILITIES. (a) No person shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

(b) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 4. ALL-TERRAIN VEHICLES; ADDITIONAL REQUIREMENTS.

(a) All all-terrain vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any all-terrain vehicle of the full use of a lane. This subsection shall not apply to all-terrain vehicles operated two (2) abreast in a single lane.

(b) The operator of an all-terrain vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate an all-terrain vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) All-terrain vehicles shall not be operated more than two (2) abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

(f) No person riding upon an all-terrain vehicle shall attach himself, herself or the all-terrain vehicle to any other vehicle on a roadway.

Section 5. ALL-TERRAIN VEHICLES; EQUIPMENT REQUIRED FOR OPERATORS AND RIDERS.

(a) No person under the age of 18 years shall operate or ride upon an all-terrain vehicle unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and motor vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(b) No person shall operate an all-terrain vehicle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the all-terrain vehicle is equipped with a windshield which has a minimum height of 10 inches measured from the center of the handlebars.

Section 6. SAME: INSURANCE REQUIRED; PENALTY. (a) Every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the 2008 Standard Traffic Ordinance, and amendments thereto.

(b) All provisions of Section 200 of the 2008 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

Section 7. SAME: REGISTRATION AND LICENSE; FEE; APPLICATION; Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the police department and display a valid registration decal affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number, if applicable). Proof of insurance, as required in Section 6 shall be furnished at the time of application for registration. The annual registration fee for a special purpose vehicle shall be \$10.00. The full amount of the license fee shall be required regardless of the time of year that the application is made. The license issued hereunder is not transferable.

Section 8. PENALTY. Unless specifically provided for herein, a violation of this section

shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2008 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 9. REPEALER. Ordinance No. 548 of the Code of the City of St. Francis, Kansas, is hereby repealed.

Section 10. PUBLICATION; EFFECTIVE DATE: This ordinance shall be published one time in the official city newspaper, The St. Francis Herald and shall take effect and be in force from and after the 1st day of September, 2009.

Passed by the city council and signed by the mayor on the 13th day of July, 2009.

/s/ SCOTT SCHULTZ, Mayor  
City of St. Francis, Kansas

ATTEST:  
/s/MARY P. LAMPE, City Clerk

## Property to be sold at sheriff auction

Published in The Saint Francis Herald, St. Francis, Kansas, Thursdays July 23, July 30 and August 6, 2009. (30-32)

IN THE DISTRICT COURT OF CHEYENNE COUNTY, KANSAS  
CIVIL DEPARTMENT

Bank of America, National Association as successor by merger to LaSalle Bank National Association, as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-4

Plaintiff,

vs.

Jesse P. Jones, et al.

Defendants.

Case No. 09CV13  
Court No.

Title to Real Estate Involved

Pursuant to K.S.A. §60

NOTICE OF SALE

NOTICE IS HEREBY GIVEN, that under and by virtue of an Order of Sale issued to me by the Clerk of the District Court of Cheyenne County, Kansas, the undersigned Sheriff of Cheyenne County, Kansas, will offer for sale at public auction and sell to the highest bidder for cash in hand in the lobby of the Cheyenne County Courthouse, Kansas, on August 14, 2009 at the time of 10:00 AM, the following real estate:

UNPLATTED LOT TWELVE (12), IN BLOCK FORTY-ONE (41), DESCRIBED AS FOLLOWS: ALL THAT PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-TWO (22), IN TOWNSHIP THREE (3) SOUTH, RANGE FORTY (40) WEST OF THE 6TH P.M. LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. FRANCIS, KANSAS, BUT NOT PLATTED, WHICH LIES IMMEDIATELY SOUTH AND ADJOINING LOT ONE (1), IN BLOCK FORTY-ONE (41), OF SAID CITY, ACCORDING TO THE RECORDED PLAT THEREOF, MORE SPECIFICALLY DESCRIBED: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 41, CITY OF ST. FRANCIS, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE RUNNING SOUTH IN CONTINUATION OF THE EAST LINE OF SAID LOT 1, TO THE SECTION LINE ALONG THE SOUTH SIDE OF SAID SECTION 22, THENCE RUNNING WEST A DISTANCE OF 50 FEET ALONG SAID SECTION LINE, THENCE RUNNING NORTH TO THE SOUTHWEST CORNER OF SAID LOT 1, THENCE RUNNING EAST TO THE POINT OF BEGINNING, EXCLUSIVE OF STREETS, HIGHWAYS AND ALLEY, ALSO KNOWN AS 220 EAST FIRST STREET CHEYENNE COUNTY, KANSAS. Tax ID No. 1652203043010000000, Commonly known as 220 E. 1st St., Saint Francis, KS 67756 ("the Property") MS#95064

to satisfy the judgment in the above entitled case. The sale is to be made without appraisalment

and subject to the redemption period as provided by law, and further subject to the approval of the Court.

Cheyenne County Sheriff

MILLSAP & SINGER, LLC

By: Matthew S. Layfield, #22449  
Aaron M. Schuckman, #22251  
Angela R. Markley, #22590  
Lindsey L. Craft, #23315  
612 Spirit Drive  
St. Louis, MO 63005  
(636) 537-0110  
(636) 537-0067 (fax)

ATTORNEYS FOR PLAINTIFF

MILLSAP & SINGER, LLC AS ATTORNEYS FOR BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-4 IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

## Petition for probate of will on July 10

Published in The Saint Francis Herald, St. Francis, Kansas, Thursdays, July 16, July 23, and July 30, 2009. (29-31)

IN THE DISTRICT COURT OF CHEYENNE COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF  
AGNES MARIE BURK, deceased.

CASE NO. 09-PR-000019

PURSUANT TO K.S.A. CHAPTER 59

NOTICE TO CREDITORS

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on July 10, 2009, a Petition for Probate of Will and Issuance of Letters Testamentary was filed in this Court by Robert Duane Burk, an heir, devisee and legatee, and executor named in the "Last Will and Testament of Agnes Marie Burk", deceased.

All creditors of the decedent are notified to exhibit their demands against the Estate within the latter of four months from the date of first publication of notice under K.S.A. 59-2236 and amendments thereto, or if the identity of the creditor is known or reasonably ascertainable, 30 days after actual notice was given as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

Robert Duane Burk, Petitioner

APPROVED BY:

JAMES M. MILLIKEN, CHARTERED  
James M. Milliken, #7001  
101 W. Washington, P.O. Box 627  
St. Francis, Kansas 67756-0627  
(785) 332-2101

## Creditors notified of petition filing

Published in The Saint Francis Herald, St. Francis, Kansas, Thursdays, July 16, July 23 and July 30, 2009. (29-31)

IN THE DISTRICT COURT OF CHEYENNE COUNTY, KANSAS  
FILED PURSUANT TO CHAPTER 59 OF THE  
KANSAS STATUTES ANNOTATED

In the Matter of the Estate of

Case No. 09 PR 18

A. THEODORE ZIELKE, JR.,  
Deceased.

NOTICE TO CREDITORS

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on the 9th day of July, 2009, a Petition was filed in this Court by Phyllis Zielke, the spouse and only surviving heir of the decedent praying that she be appointed Administrator of the Estate; that petitioner be granted Letters of Administration herein.

All creditors of the decedent are notified to exhibit their demands against the Estate within the latter of four months from the date of first publication of notice under K.S.A. 59-2236 and amendments thereto, or if the identity of the creditor is known or reasonably ascertainable, 30 days after actual notice was given as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

Phyllis Zielke, Petitioner

VIGNERY & MASON LLC  
214 E 10th P O Box 767  
Goodland KS 67735  
Telephone: 785-890-6588  
Attorneys for Petitioner

### MISTAKES • We Know We Make Mistakes

Please remember that we attempt to include something for everyone within the pages of our newspaper. We realize that some folks enjoy finding fault and for those readers we thoughtfully include a socially acceptable number of errors within our publication!



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