

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WRIGHT

TENTH JUDICIAL DISTRICT

Northern States Power Company (d/b/a Xcel Energy) a Minnesota corporation, by its Board of Directors; Great River Energy, a Minnesota cooperative corporation, by its Board of Directors; ALLETE, Inc. (d/b/a Minnesota Power), a Minnesota corporation, by its Board of Directors; Western Minnesota Municipal Power Agency, a municipal corporation and political subdivision of the state of Minnesota, by its Board of Directors; and Otter Tail Power Company, a Minnesota corporation, by its Board of Directors,

File No. CV-10-7551
Case Type: Condemnation

**PETITIONERS' RESPONSE TO
RESPONDENTS' NOTICE OF
INTENT PURSUANT TO
MINNESOTA STATUTES SECTION
216E.12 (Parcels MQ015 and MQ016)**

Petitioners,

vs.

Scott J. Sypnieski, *et al.*,

Respondents.

**IN THE MATTER OF THE CONDEMNATION OF CERTAIN REAL ESTATE
IN THE COUNTY OF WRIGHT, STATE OF MINNESOTA,
FOR HIGH VOLTAGE TRANSMISSION LINE PURPOSES**

To: Respondents Carol Stice and David Shore, and their counsel, Adam Ripple, Rinke Noonan, 1015 W. St. Germain Street, Suite 300, St. Cloud, Minnesota 56302:

PLEASE TAKE NOTICE that Petitioners hereby respond to the January 13, 2011, Notice Of Intent Pursuant To Minnesota Statute, Section 216E.12 (the "Buy-the-Farm" Statute or "BTF") filed by Carol Stice and David Shore, fee owners of Parcels MQ015 and MQ016 (the "Elected Property").

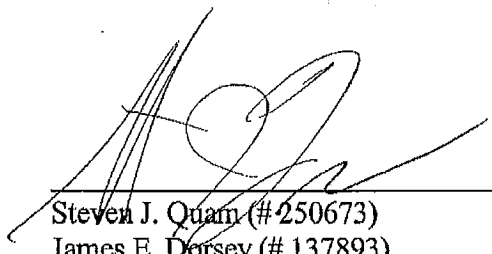
Petitioners have concluded, based on information presently at hand, that the Elected Property appears to fall within the six enumerated classes of property described in the BTF statute, and that the owners' election was timely made.

At this point, Petitioners do not have sufficient information to conclude, among other things, that the property elected is "commercially viable" within the meaning of the BTF statute. To evaluate commercial viability, Petitioners request that Respondents provide to them the following:

- (1) evidence that title to the Elected Property is marketable;
- (2) a survey of the Elected Property meeting present ALTA/ACSM standards;
- (3) an inspection report regarding the condition of all improvements on the Elected Property;
- (4) a well disclosure certificate and acceptable water quality test results;
- (5) a septic inspection report and a septic compliance certificate;
- (6) an affidavit regarding storage tanks (and, if the affidavit discloses that there are or were storage tanks on the Elected Property, Petitioners will provide Respondents with additional informational requirements);
- (7) a Phase I environmental assessment (and, if the Phase I environmental assessment recommends additional investigation or testing, Petitioners will provide Respondents with additional investigatory and informational requirements);
- (8) soil reports;
- (9) a methamphetamine disclosure; and
- (10) a lead paint disclosure, if the home on the Elected Property was built prior to 1978.

Petitioners will undertake their own due diligence efforts and, in the course thereof, may determine that additional elements affecting the commercial viability of the Elected Property need to be addressed before closing can occur. Petitioners therefore reserve the right to supplement this list with other items that Petitioners reasonably consider appropriate following receipt and examination of the foregoing.

Dated: March 1, 2011.



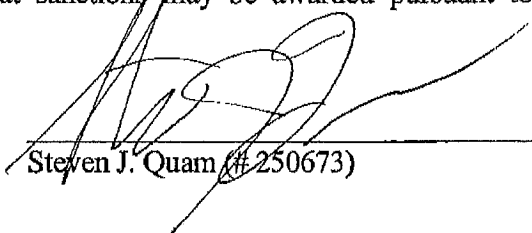
Steven J. Quam (#250673)
James E. Dorsey (#137893)
FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota 55402-1425
Telephone: (612) 492-7000
Fax: (612) 492-7077

Attorneys for Petitioners

ACKNOWLEDGMENT

The undersigned acknowledges that sanctions may be awarded pursuant to *Minnesota Statutes*, Section 549.211 (2010).

Dated: March 1, 2011.



Steven J. Quam (#250673)