IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS CIVIL COURT DEPARTMENT

R.C. RENTALS, LLC, ET AL.)	
Plaintiffs,)	
)	Case No. 18-CV-6707
v.)	Division: 11
)	
CITY OF OLATHE, KANSAS.)	
)	
Defendant.)	

JOURNAL ENTRY

ON THE 4th day of November, 2019, the above-captioned matter came on for trial. Plaintiffs appeared by and through Travis A. Wymore and Ward K. Brown of Withers, Brant, Igoe & Mullennix, P.C., their counsel of record, and by Regan Studna and other company representatives. Defendant appeared by and through Ron Shaver, its City Attorney, and by and through Timothy P. Orrick of Orrick & Erskine, LLP. There were no other appearances.

Thereafter, a jury pool was summoned. Jury selection was conducted by the Court and Counsel, preemptory strikes were made, and a jury of 12 persons and 1 alternate was seated and sworn. Counsel for the parties presented opening statements. Plaintiff presented its case in chief, including the testimony of witnesses and the identification and admission of various exhibits, all as more fully set forth in the record. Plaintiff then rested its case in chief. Defendant then presented its case in chief, including the testimony of witnesses and the identification and admission of various exhibits, all as more fully set forth in the record. Defendant then rested. Plaintiff presented no rebuttal evidence.

The Court and counsel conducted an instruction conference. The Court then read its Instructions to the jury. Counsel for the parties gave closing arguments. The Court's Bailiff was sworn, and the jury was sequestered for deliberations. On the 6th day of November, 2019 the jury foreperson delivered a written verdict to the Bailiff, who delivered it to the Court. The Court, after having reviewed the jury's verdict, found it to be in the proper form, and read the verdict, as follows:

The Fair Market Value of the entire property immediately prior to the taking on November 30, 2018 (within a range from \$470,000 to \$1,250,000) was: \$801,000.00

At the Court's request, the jury foreperson affirmed the verdict. The parties waived polling the jury. The Court then accepted the verdict, thanked the jury for its service, and discharged the jury.

The Court finds Defendant initiated an administrative condemnation action, <u>City of Olathe v. R.C. Rentals, LLC</u>, et al., Johnson County District Court Case No. 18-CV-4590 to acquire the real property which is the subject of this appeal, and on November 30, 2018 paid \$590,000.00 to the Clerk of the Johnson County District Court in satisfaction of the Court-Appointed Appraisers' award, thereby completing the administrative action and acquiring title and the right of possession to the subject property. Therefore, Plaintiffs are entitled to a judgment against Defendant in the amount of \$211,000.00, the difference between the verdict and the amount previously deposited by Defendant with the Clerk of the Court, plus statutory interest at the judgment rate and costs, as follows:

1. Difference between the verdict and the amount previously deposited with the Clerk of the Court:

\$211,000.00

2. Statutory Judgment Interest at the rate of 6.50% from December 1, 2018 through June 30, 2019 (212 days at \$37.57 per day) is:

\$7.964.84

3. Statutory Judgment Interest at the rate of 7.00% from July 1, 2019 through November 6, 2019 (129 days at \$40.46 per day) is:

\$5,219.34

Total: \$224,184.18;

plus statutory judgment interest until paid.

IT IS SO ORDERED

/s/ PAUL GURNEY Dated: 11/12/19

The Honorable Paul C. Gurney Judge of the Johnson County District Court Division 11

Prepared and approved by:

WITHERS, BRANT, IGOE & MULLENIX, P.C.

By: /s/ Travis A. Wymore

Travis A. Wymore, KS #23034 Two South Main Liberty, Missouri 64068 816-781-4788 816-792-2807 (fax) twymore@withersbrant.com

ATTORNEYS FOR PLAINTIFFS

AND

ORRICK & ERSKINE, L.L.P.

By: /s/ Timothy P. Orrick

Timothy P. Orrick, KS #12511 11900 College Blvd., Suite 204 Overland Park, Kansas 66210 913-888-1777 913-888-1794 (fax) timorrick@orricklawgroup.com

ATTORNEYS FOR DEFENDANT