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STATE OF NORTH DAKOTA

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Robert M. Hall, Plaintiff and Appellant, vs. John F. Hall, Deborah E. Hall, Leslie Hall, a/k/a Leslie Hall Butzer, and all unknown heirs, devisees, successors, and creditors of Myles Franklin Hall, Myles F. Hall, a/k/a Myles Hall, deceased, and all other persons unknown claiming any estate or interest in, or lien or encumbrance upon, the property described in the Complaint, Defendants and Appellees.	Supreme Court No. 20190169 Williams Co. Civil No. 53-2018-CV-00744

APPELLANT'S BRIEF

Appeal from the Judgment on January 16, 2019 and the Order on January 31, 2019
Case No. 53-2018-CV-00744
County of Williams, Northwest Judicial District
The Honorable Benjamen J. Johnson

ORAL ARGUMENT REQUESTED

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STATEMENT OF THE ISSUE

[¶1] Robert M. Hall ("Hall") is the son of Myles F. Hall ("Myles"). Hall purchased a non-participating royalty interest ("NPRI") from Myles in 1988. The surface owner of the properties that the NPRI had been derived from attempted to reunite the NPRI with the surface in District Court for the Northwest Judicial District, Case No. 53-11-C-00120 ("prior case"). Although the surface owners in the prior case were initially successful, Hall prevailed in moving to have the judgment vacated. Hall then succeeded on summary judgment when the district court ruled that the Dormant Mineral Act ("DMA"), N.D.C.C. § 38-18.1, did not apply to non-participating royalty interests and that the NPRI had been used within the prior twenty years. The district court in the prior case did not address ownership of the NPRI, but only ruled on the inapplicability of the DMA. Should the Court reverse the district court's decision that title to the NPRI amongst the parties to this case should have been decided in the prior case and was, therefore, res judicata?

STATEMENT OF THE CASE

[¶2] This action began in April of 2018 when the Hall filed a Complaint seeking to quiet title in certain minerals in Williams County. Appellant's Appendix ("App.") 6, 8. In 1988, Hall purchased the NPRI at issue from his father, Myles. App. 22. Hall's purchase of the NPRI was for $100.00 and a notation of the sale was made on the bottom of Myles Hall's source document, which was an Assignment of Royalty. App. 13; *id*.

[¶3] In 2011, the surface owners of the property under which the NPRI is produced from filed a quiet title action based on an underlying Notice of Lapse of Mineral Interest under the DMA. App. 40. Default judgment was entered against Myles later that year quieting title in the Plaintiffs in August 2011. App. 88. Hall later was informed of this after conducting his own

research and contacting a North Dakota attorney. App. 13. Hall then went on to have the default judgment vacated and to restore the NPRI in his father's name as it had been previously. App. 99. This was successfully accomplished on summary judgment by arguing that the DMA did not apply to non-participating royalty interests and that, if it did, the interest had been "used" as defined by the statute. App. 101, 150.

[¶4] Upon successfully defending the interest in the prior case, Hall then filed the instant quiet title action in order to get the NPRI properly titled in his own name since he purchased it from his father in 1988. App. 1, 8. Included with the initial filing of the Complaint in this action on May 17, 2018, were sworn affidavits by Hall, Myles Hall's former attorney, and a long-time business associate of Myles Hall, and an expert handwriting analyst's report that confirmed Myles Hall's notation and signature memorializing the 1988 sale were, in fact, those of Myles Hall. App. 13, 16, 24, 28.

[¶5] On May 17, 2018, Leslie Hall, a/k/a Leslie Hall Butzer ("Leslie"), filed an answer and counterclaim. App. 160. Hall field a motion for a more definite statement on Leslie's counterclaim on June 5, 2018, which was denied on July 9, 2018. App. 167, 173. In the meantime, Hall had filed a motion for partial default judgment on Defendant Deborah E. Hall ("Deborah") on June 20, 2018. App. 174. Deborah then filed an answer and counterclaim identical to Leslie's on July 10, 2018, along with a response to Hall's motion for partial default judgment. App. 201. Hall's motion for partial default judgment against Deborah was denied on August 20, 2018, thereby allowing her answer and counterclaim. App. 206.

[¶6] Hall also filed a motion for partial default judgment against Defendant John F. Hall ("John") on July 19, 2018. App. 207. This motion was granted and judgment entered against John

on August 20, 2018. App. 234, 238. A notice of entry of judgment was filed on August 21, 2018. App. 240.

[¶7] On November 15, 2018, Leslie and Deborah (collectively "Defendants") filed a joint motion for summary judgment arguing that the case was barred by collateral estoppel (issue preclusion) and res judicata (claim preclusion). App. 243. Hall responded on December 28, 2018, and the district court granted Defendants' motion on January 7, 2019. App. 256, 266. Hall filed a motion for reconsideration on January 14, 2019, to which Defendants responded on January 21, 2019. App. 271. Hall's motion for reconsideration was denied on January 31, 2019. App. 290.

[¶8] On March 8, 2019, Hall filed a motion for summary judgment on Defendants' outstanding counterclaims. App. 291. Leslie and Deborah responded on April 8, 2019, and Hall replied on April 17, 2019. App. 298. Hall's motion was granted on April 24, 2019, a judgment of dismissal was filed on May 8, 2019, and a notice of entry of judgment was filed on May 10, 2018. App. 308.

[¶9] Hall filed a notice of appeal on May 31, 2019. App. 310. A Notice of Filing the Notice of Appeal was filed on May 31, 2019, and a clerk's certificate of appeal was filed on June 24, 2019. App. 314, 319.

STATEMENT OF THE FACTS

[¶10] Hall brought this matter seeking a judgment that a 1.04% non-participating royalty interest ("NPRI") be quieted in his name. The NPRI burdens certain mineral interests in Williams County, North Dakota, to wit:

Township 153 North, Range 98 West, 5th P.M.
Section 3: Lot 3
Section 10: NE¼NE¼

[¶11] Hall purchased the NPRI from his father in 1988 in cash for $100.00. App. 13, 22. Hall's father, Myles, made a notation at the bottom of his source document ("Assignment of Royalty" or "Assignment") that stated "Sold to Robert Hall 1/4/1988. /s/ Myles Hall." App. 22. Hall was the personal representative in the Minnesota probate of Myles' estate, but has not been appointed in North Dakota; nevertheless, he personally funded and successfully defended a quiet title action on behalf of the Estate of Myles Hall ("Estate") that was brought by the surface owners of the property. App. 13, 158. Neither Hall nor his siblings were named as parties in the prior case. App. 40. That quiet title action was based on an underlying Notice of Lapse of Mineral Interest and associated filings pursuant to the Dormant Mineral Act, N.D.C.C. 38-18.1. App. 70.

[¶12] The district court in the prior case merely determined that the surface-owner Plaintiffs in that case did not acquire title to royalty interests under the DMA. App. 150, 158. It was determined that the several NPRIs of multiple defendants had been "used," as defined by N.D.C.C. Ch. 38-18.1, in the twenty years preceding the Plaintiffs' first publication of a Notice of Lapse. *Id*. Effectively, the district court held that the Estate owned the NPRI. *Id*. Title to the NPRI at issue in this case was not quieted as to Deborah or Leslie, who are Hall's sisters, as potential claimants because Hall had purchased it decades earlier from their father. App. 13, 22. Hall sought to quiet title to the NPRI solely in his name because he purchased the interest for value from his father in 1988. *Id*. Myles died in 1992 and record title to the NPRI has remained in his name ever since because his conveyance to Plaintiff was never recorded. App. 13, 320.

[¶13] Leslie and Deborah moved for summary judgment by arguing that Hall's claims are barred by the doctrines of res judicata and collateral estoppel and that the NPRI must be distributed through the probate process. App. 243. The district court determined that Hall's claim

was barred by res judicata. App. 266. This appeal followed as Hall continues to seek a determination of title as between he and his sisters on the merits. App. 310.

STANDARD OF REVIEW

[¶14] The granting of summary judgment by a district court is reviewed de novo. *Hamilton v. Woll*, 2012 ND 238, ¶ 9, 823 N.W.2d 754.

LAW AND ARGUMENT

[¶15] The district court ruled that the principles of res judicata applied and that it was inappropriate to relitigate issues that were or could have been tried in the prior case.

I. Defendants' Motion for Summary Judgment should have failed because Plaintiff's claims are not barred by res judicata.

[¶16] The doctrine of res judicata should not apply in this case because the claims being made in this case could not have been made in the prior case. The claims made in the prior case were purely made by the surface-owner Plaintiffs in an attempt to re-unite the NPRI with the mineral interests based on an underlying and faulty Notice of Lapse of Mineral Interest. App. 70. "[R]es judicata claim preclusion prevents relitigation of claims that were raised or could have been raised in a prior action between the same parties." *Riverwood Commercial Park, L.L.C. v. Standard Oil Co.*, 2007 ND 36, ¶ 15, 729 N.W.2d 101. However, "[t]he doctrine of res judicata does not apply to matters which are incidental or collateral to the determination of the main controversy." *Sundance Oil and Gas, LLC v. Hess Corporation*, 2017 ND 269, ¶ 6, 903 N.W.2d 712 (quoting *Martin v. Rath*, 1999 ND 31, ¶ 9, 589 N.W.2d 896).

[¶17] Generally, the doctrine of res judicata is considered to consist of two main rules that can be stated as follows:

> (1) The judgment or decree of a court of competent jurisdiction on the merits concludes the parties and privies to the litigation and constitutes a bar to a new action or suit involving the same cause of action either

before the same or any other tribunal.

(2) Any right, fact, or matter in issue, and directly adjudicated on, or necessarily involved in, the determination of an action before a competent court in which a judgment or decree is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and privies or, under some authority, by a party or a privy to the first action, whether or not the claim or demand, purpose, or subject matter of the two suits is the same.

50 C.J.S. JUDGMENTS § 926 (June 2019 Update) (citations omitted).

[¶18] Addressing these general rules as elements under North Dakota law, this Court has outlined them as follows:

(1) A final decision on the merits in the first action by a court of competent jurisdiction;

(2) The second action involves the same parties, or their privies, as the first;

(3) The second action raises an issue actually litigated or which should have been litigated in the first action; and,

(4) An identity of the causes of action.

Missouri Breaks, LLC v. Burns, 2010 ND 221, ¶ 12, 791 N.W.2d 33.

II. This Quiet Title Action is incidental to the prior action and title to the NPRI was not determined on the merits as between the parties to this action.

[¶19] The district court erroneously determined that each element of res judicata was satisfied. App. 266. First, Defendants erroneously argue that the merits of the prior case are the same as the instant case. *Id*. at ¶ 15. The merits of the prior case were only in relation to the applicability and interpretation of the Dormant Mineral Act. App. 88. Here, however, the merits are based on the evidence presented in the form of affidavits and an expert's report, each of which support the authenticity of Myles Hall's notation and signature and that consideration was paid for the NPRI. App. 13-36. Hall seeks to confirm the conveyance from his father, an opportunity never

given to him during the prior case because that quiet title action became one of mere interpretation of parts of the DMA. App. 150-159.

[¶20] The prior case and this quiet title action are separate and distinct proceedings that require independent results. In *Sundance*, Sundance Oil & Gas, LLC ("Sundance") leased a mineral interest from a trust that was created when the mineral owner could not be located. *Sundance Oil and Gas, LLC v. Hess Corporation*, 2017 ND 269, ¶ 3, 903 N.W.2d 712. In the action creating the trust, the district court entered a default judgment and created the trust. *Id*. Prior to the trust being created and the lease being executed and recorded, Hess Corporation ("Hess") had leased an interest from the purported heirs of the unlocatable interest owner. *Id*. The district court concluded that Sundance's lease was superior to the Hess lease and that the trust action was res judicata in the quiet title action. *Id*. at ¶ 4. In reversing the district court on the applicability of res judicata, this Court stated that "[t]he trust action and quiet title action are separate and distinct proceedings with separate results" and that "[t]he district court's order in the trust action [was] not res judicata for the purposes of determining [the] quiet title action." *Id*. at ¶ 7. "As a result of the trust action, the property was put into a trust for the benefit of the record owner." *Id*. Similarly here, the prior action by the surface owners as to the DMA merely placed the property into the Estate. App. 150. This current action has to do with the ownership of the royalty interest after the conveyance by Myles Hall to Robert Hall. App. 8. The judgment in the prior action merely determined the applicability of the DMA. App. 88, 95. The ownership was *accepted*, but for the challenge under the DMA. *Id*. There was never any claim in the prior action that Myles Hall or the Estate did not own the NPRI; rather, the challenge there was whether or not the DMA applied to effectively strip the interest from him or the Estate pursuant to the Act. *Id*.

This had nothing to do with Myles Hall's conveyance to Robert Hall and the judgment in the prior action is silent as to the issues here. *Id*.

[¶21] The question in the prior action was whether the surface owner had succeeded to ownership of the royalty interests. App. 70, 101-159. Nothing more, nothing less. *Id*. There was no allegation by the plaintiffs in the prior action that the defendants did not own the royalty interest previously—only that the defendants' interests were succeeded by operation of the DMA. *Id*. That claim failed. *Id*. In this action, the claim is that the statement at the bottom of the assignment in 1988 signed by Myles Hall to Robert Hall acted to convey the property to Hall. App. 8-36. Hall is not a surface owner. App. 70. The Defendants in this case are not surface owners. *Id*. Here, Hall is asserting his ownership over the NPRI by virtue of the conveying document. App. 8, 22. None of these issues were relevant nor were they decided in the prior action. App. 150. Just as in the *Sundance* case, Sundance *could* have brought a quiet title action against Hess and the entire world. *Sundance Oil & Gas, LLC v. Hess Corp.*, 2017 ND 269, 903 N.W.2d 712. But as the supreme court held in *Sundance*, that matter was incidental or collateral to the main controversy. *Id*. The same rationale applies here.

III. The Defendants were not in privity with the Estate of Myles Hall in the prior action and the issues litigated in the two actions are distinct.

[¶22] Simply being involved in another case does not equate to privity between the parties for purposes of res judicata. In a case similar to this one, a financial planner (Scott Financial) acted as an advisor to a purchaser (Bernie Vculek) of a company called Tioga Ready Mix Company ("TRM") from the prior owner (Kulczyk). *Kulczyk v. Tioga Ready Mix Co.*, 2017 ND 218, ¶ 2, 902 N.W.2d 485. Shortly after the sale, a supplier (Triple Aggregate) sued TRM; TRM then counterclaimed and brought a third-party complaint against Kulczyk. *Id*. at ¶¶ 2-3. The supplier and TRM settled their claims and TRM sought to amend its third-party complaint against Kulczyk

and add additional parties to the action. *Id*. at ¶ 4. TRM added Vculek and his wife as additional plaintiffs and Kulczyk's wife as a defendant. *Id*. After trial, the district court held that TRM was in default on its obligations under a promissory note and that the Vculeks were liable to the Kulczyks under a personal guaranty. *Id*. at ¶ 5. Claims against the Kulczyks were dismissed. *Id*.

[¶23] Shortly after the conclusion of the initial case, Kulczyks sued TRM, Scott Financial Corporation, and Triple Aggregate, seeking to foreclose a mortgage executed by TRM. *Id*. at ¶ 6. Kulczyks asserted that TRM still owed money under the note and mortgage, and that its mortgage was superior to the claims of Scott Financial as the holder of two additional mortgages and superior to Triple Aggregate as the party in possession of the property. *Id*. TRM denied the claims and moved for summary judgment on the grounds that Kulczyks' foreclosure action was barred by res judicata and collateral estoppel because they did not raise the issue in the earlier lawsuit between the parties. *Id*. at ¶ 7. The district court agreed with TRM. *Id*. It ruled that because TRM was a party to the earlier action, and because numerous issues were litigated surrounding the same from Kulczyks to TRM and Vculek, the Kulczyks should have raised their foreclosure claim in the earlier lawsuit. *Id*. The court entered a judgment dismissing Kulczyks' complaint and releasing their mortgage against the property.

[¶24] On appeal, Kulczyks argued that the promissory note and mortgage were not litigated in the earlier lawsuit and that, although TRM was involved in the earlier action, the foreclosure action included Scott Financial, which was not a party to the earlier action. *Id*. at ¶ 15. In reversing the district court, this Court stated "[a]lthough Tioga Ready Mix was a party to the first action, the Kulczyks' foreclosure action involved an additional party, Scott Financial, that had an interest in the mortgaged property." *Id*. at ¶ 18. Scott Financial acted as Vculek's financial advisor and helped facilitate the sale of the company. *Id*. This Court went on to say that "Scott

Financial's assistance in facilitating the sale of Tioga Ready Mix and [ ] testimony in the first action are not 'other acts as are generally done by parties' for purposes of privity and res judicata." *Id*. (Citations omitted.) In concluding its reversal, this Court commented that "[h]ad all of the parties involved here been involved in the first action perhaps we might have reached a different result and agreed with the district court that res judicata barred the Kulczyks' foreclosure action." *Id*. at ¶ 19. However, it determined that because the promissory note and mortgage were not litigated in the earlier lawsuit, and Scott Financial was not a party to that lawsuit, res judicata did not bar the foreclosure action against TRM. *Id*.; *see also Minex Resources, Inc. v. Morland*, 518 N.W.2d 682 (N.D. 1994) (explaining parties with differing legal rights are not in privity with each other for purposes of res judicata and Minex did not represent "the same legal right" in the prior action).

[¶25] As applied here, the only thing litigated in the prior action was the applicability and interpretation of the Dormant Mineral Act. The issue of title as between the parties to this action was not litigated and repeat of such litigated issues is not sought here. App. 150. Additionally, the parties in this lawsuit are not the same as those in the prior action. App. 1, 140.

[¶26] Defendants' arguments relating to the privity of the parties is incorrect. In *Ungar v. North Dakota State University*, 2006 ND 185, ¶ 12, 721 N.W.2d 16, where this Court stated that "for purposes of both res judicata and collateral estoppel, only parties or their privies are bound by an earlier judgment," it stated the following on privity:

> The strict rule that a judgment is operative, under the doctrine of res judicata, only in regard to parties and privies, is sometimes expanded to include as parties, or privies, a person who is not technically a party to a judgment, or in privity with him, but who is, nevertheless, connected with it by his interest in the prior litigation and by his right to participate therein, at least where such right is actively exercised by prosecution of the action, employment of

> counsel, control of the defense, filing of an answer, payment of expenses or costs of the action, the taking of an appeal, or the doing of such other acts as are generally done by parties.

(Citing *Hofsommer v. Hofsommer Excavating, Inc.*, 488 N.W.2d 384 (N.D. 1992) (quoting *Stetson v. Investors Oil, Inc.*, 176 N.W.2d 643, 651 (N.D. 1970)). Hall and Defendants did not share the same right to participate in the prior litigation. Hall exercised his rights by defending the action, employing the undersigned, paying costs and expenses, and making all arguments to secure the title of the NPRI back *in the name of the Estate* as a precursor to securing it in his own name through this action. App. 13, 101.

[¶27] Next, the claims being litigated here were neither litigated previously nor should have they been litigated in the prior case. As stated repeatedly here, the prior case involved an interpretation of the Dormant Mineral Act. App. 88. The claims being litigated here are contractual in nature because they relate to what amounts to a deed interpretation and contract law. App. 22. No such claims were raised in the prior case and it would have been inappropriate to initiate such litigation within that case. App. 8, 101-159. In fact, there were multiple estates involved in the prior case and none of them sought to quiet title to any heirs or other successors within that litigation. App. 40.

[¶28] Finally, although the causes of action in the two cases are ones to quiet title, the claims being litigated to reach finality are distinct. Without re-hashing the claims repeatedly, it is clear that they pertained only to the applicability and interpretation of the DMA in the prior case and to contractual issues here.

IV. The issue of title as between the parties in this action was not litigated in the prior action.

[¶29] In order for an issue to be considered res judicata, mere involvement in an earlier action is not enough; it must have been actually litigated and decided in that action. In *Dolajak v.*

State Auto. and Cas. Underwriters, 252 N.W.2d 180, 181 (N.D. 1977), an insured brought an action in North Dakota against its insurer to recover under a risk insurance policy in connection to a Montana case. The insurance company denied the complaint generally and ended up prevailing on a motion for summary judgment based on the argument that a question of negligence had been considered in the Montana case and that it was res judicata in the North Dakota case. *Id*. When presented to this Court, the question was whether or not the issue of negligence was actually decided in Montana so as to bar it in North Dakota. *Id*.

[¶30] In coming to its decision of reversal, this Court determined that the negligence issue was not res judicata. *Id*. at 183-84. Quoting from *Knutson v. Ekren*, 72 N.D. 118, 5 N.W.2d 74 (1942), it was stated that "it is not enough even that it appears that the issue presented in the later suit was presented and ought to have been litigated in the former, but it must appear further that it was litigated and decided, as well as involved." (Citations omitted.)

[¶31] This Court's analysis in *Dolajak* focused on the Montana case's ambiguity as to whether or not damages were rewarded by the jury based on negligence or breach of contract. *Dolajak*, 252 N.W.2d 180, 182 (1977). The jury was provided instructions on both, but the damages awarded were not specific as to its findings. *Id*. This Court further reasoned that "[i]n determining whether or not the matter is res judicata it is not sufficient to merely find that it could have been included or could have been determined, but it is necessary to find that it was actually decided and determined." *Id*. It was also stated that "[t]he record shows that Dolajak was a party to the proceedings in Montana and is a party to the North Dakota case. It further discloses that the subject matter in the North Dakota case is similar to that of the Montana case, but this is not sufficient." *Id*. Finally, this Court said that "we can only speculate that negligence was considered by the jury" and that speculation is insufficient when meeting the standards of res judicata. *Id*. It

thereby determined that the question of negligence had not been resolved for purposes of res judicata. *Id*.

[¶32] Similarly here, title as between the parties to the current action was not resolved and should not have been resolved in the prior action. Under the *Dolajak* ruling that "it is necessary to find that it was actually decided and determined," it cannot be said that title as between the parties here was determined in the prior action. *Id*. Further, as quoted from *Knutson*, even though it may appear that title disputes were presented or ought to have been litigated in the prior action, there is nothing in the prior action's record that shows title was litigated and decided, much less involved. App. 101, 150-159.

V. Request for oral argument.

[¶33] Plaintiff and appellant Robert M. Hall hereby requests oral argument on this appeal. Oral argument will assist the court in reaching its decision and clarify any questions it may have from the parties' briefs.

CONCLUSION

[¶34] For all the reasons set forth above, the district court's decision that Hall's claims are res judicata was in error. The district court's order granting summary judgment to Leslie and Deborah should be reversed.

Dated this 8th day of July, 2019.

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Robert M. Hall, Plaintiff and Appellant, vs. John F. Hall, Deborah E. Hall, Leslie Hall, a/k/a Leslie Hall Butzer, and all unknown heirs, devisees, successors, and creditors of Myles Franklin Hall, Myles F. Hall, a/k/a Myles Hall, deceased, and all other persons unknown claiming any estate or interest in, or lien or encumbrance upon, the property described in the Complaint, Defendants and Appellees.	)	Supreme Court No. 20190169 Williams Co. Civil No. 53-2018-CV-00744

CERTIFICATE OF COMPLIANCE

The undersigned attorney for the Plaintiff and Appellant in the above-entitled matter hereby certifies, in compliance with Rule 32(a)(8)(A), N.D.R.App.P., that the above brief contains 13 pages (excluding pages that contain (1) the cover page, (2) the table of contents, (3) the table of authorities, and (4) this certificate), which is within the limit of 38 pages.

Dated this 8th day of July, 2019.

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Robert M. Hall, Plaintiff and Appellant, vs. John F. Hall, Deborah E. Hall, Leslie Hall, a/k/a Leslie Hall Butzer, and all unknown heirs, devisees, successors, and creditors of Myles Franklin Hall, Myles F. Hall, a/k/a Myles Hall, deceased, and all other persons unknown claiming any estate or interest in, or lien or encumbrance upon, the property described in the Complaint, Defendants and Appellees.	)	Supreme Court No. 20190169 Williams Co. Civil No. 53-2018-CV-00744 **AFFIDAVIT OF SERVICE**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Annette Kirschenheiter, being first duly sworn, deposes and says that on the 8th day of July, 2019, she electronically filed with the Supreme Court through the Supreme Court's E-Filing Portal the following:

1. Appellant's Brief
2. Appellant's Appendix

and that said documents were served through the Supreme Court's E-Filing Portal to the following:

Attorney for Leslie Butzer and Deborah E. Hall
William C. Black
Larson Latham Huettl
wblack@bismarcklaw.com

I further certify that a copy of the foregoing documents will be mailed first class mail, postage paid, to the following non-E-filing party:

John F. Hall
10748 E. Efaw Ln.
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and that the address of such party served is the last reasonable ascertainable post office address of such party.

Annette Kirschenheiter

Annette Kirschenheiter

Subscribed and sworn to before me this 8th day of July, 2019.

LAURIE WEIGEL
Notary Public
State of North Dakota
My Commission Expires September 20, 2022

Laurie Weigel

Notary Public