

PUBLIC NOTICES

IN THE 25TH JUDICIAL CIRCUIT, TEXAS COUNTY MISSOURI
Judge or Division: PROBATE
Case Number: 23TE-PR00072

In the Estate of DANA LADENA BARTON, Deceased.

Notice of Letters of Administration Granted
 (Supervised Administration)

To all Persons Interested in the Estate of DANA LADENA BARTON, Decedent:

On August 4, 2023, the following individual was appointed the personal representative of the estate of DANA LADENA BARTON, decedent, by the Probate Division of the Circuit Court of Texas County, Missouri. The personal representative's business address is:

Lonnie Barton, 16280 Indian Creek Trail, Houston, MO 65483

The personal representative's attorney name, business address and phone number are:

Courtney Fletcher, 2805 Ingram Mill Rd, Springfield, MO 65804, 417-447-4400.

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after Decedent's death, as provided in Section 473.444, RSMo, or any applicable limitation periods. Nothing in Section 473.033, RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: **July 18, 2022**

Date of first publication: **August 10, 2023**

(Seal)
 /s/ **Erin Smith, Circuit Clerk**

By Kristine Logan, Probate Clerk

Receipt of this notice by mail should not be construed by the recipient to indicate that the recipient necessarily has a beneficial interest in the estate. The nature and extent of any person's interest, if any, can be determined from the files and records of this estate in the Probate Division of the above referenced Circuit Court. 16/4t

IN THE 25TH JUDICIAL CIRCUIT, TEXAS COUNTY MISSOURI
Judge or Division: PROBATE
Case Number: 23TE-PR00077

In the Estate of PATRICK L.

GUTSCHER, Deceased.
Notice of Letters of Administration Granted

(Supervised Administration-Non-Resident Fiduciary)

To all Persons Interested in the Estate of PATRICK L. GUTSCHER, Decedent:

On August 4, 2023, the following individual was appointed the personal representative of the estate of PATRICK L. GUTSCHER, decedent, by the Probate Division of the Circuit Court of Texas County, Missouri. The personal representatives' business address and phone number is:

Nikki L. Gutscher, 7521 High Drive Prairie Village, KS 66208.

The personal representatives' attorneys' name, business address and phone number are:

Jacob Garrett, PO Box 1090, 202 Aid Ave, West Plains, MO 65775, 417-255-2222.

The non-resident personal representatives' designated agents' name, business address, and phone number is:

Jacob Garrett, PO Box 1090, 202 Aid Ave, West Plains, MO 65775, 417-255-2222.

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after Decedent's death, as provided in Section 473.444, RSMo, or any applicable limitation periods. Nothing in Section 473.033, RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: **May 23, 2023**

Date of first publication: **August 10, 2023**

(Seal)
 /s/ **Erin Smith, Circuit Clerk**

By Kristine Logan, Probate Clerk

Receipt of this notice by mail should not be construed by the recipient to indicate that the recipient necessarily has a beneficial interest in the estate. The nature and extent of any person's interest, if any, can be determined from the files and records of this estate in the Probate Division of the above referenced Circuit Court. 16/4t

Notice

To Whom It May Concern: Notice is hereby given that by an order of the Circuit Court of the County of Texas, Missouri, Division No. 25, Case No. 23TE-CC000191 made entered on the record on July 11, 2023, the

name of Khaleesi Raelym Stoops-McAdams was changed to Khaleesi Raelym Brown-McAdams. 16/3t

TRUSTEE'S SALE

IN RE: Matthew A. Brown and Carly J. Brown, husband and wife Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Matthew A. Brown and Carly J. Brown, husband and wife dated October 22,

2012 and recorded in the Office of the Recorder of Deeds of Texas County, Missouri in Book 2012, Page 3133 the undersigned Successor Trustee, at the request of the legal holder of said Note will on Wednesday, September 13, 2023 between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 10:45 AM), at the West Front Door of the Court House, City of Houston,

County of Texas, State of Missouri, sell at public venue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Texas County,

State of Missouri, to wit:

A PART OF THE EAST HALF OF LOT 1 OF THE NORTHEAST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER ALL IN SECTION 5, TOWNSHIP 30 NORTH, RANGE 9 WEST MORE PARTICULARLY DESCRIBED AS

FOLLOWS: BEGINNING AT AN IRON PIN AT THE NORTHEAST CORNER OF THE EAST HALF OF LOT 1 OF THE NORTHEAST QUARTER OF SAID SECTION 5, THENCE NORTH 89 DEGREES 34 MINUTES 43 SECONDS WEST ALONG THE NORTH LINE THEREOF 567.01 FEET TO AN IRON PIN, THENCE SOUTH 01 DEGREE 21 MINUTES 13 SECONDS WEST 215.00 FEET TO AN IRON PIN, THENCE NORTH 89 DEGREES 37 MINUTES 32 SECONDS WEST 192.08 FEET TO AN IRON PIN, THENCE SOUTH 43 DEGREES 29 MINUTES 17 SECONDS WEST 525.45 FEET TO AN IRON PIN, THENCE SOUTH 25 DEGREES 24 MINUTES 02 SECONDS WEST 541.19 FEET TO AN IRON PIN, THENCE SOUTH 03 DEGREES 38 MINUTES 28 SECONDS WEST 224.75 FEET TO AN IRON PIN, THENCE NORTH 89 DEGREES 13 MINUTES 49 SECONDS WEST 21.26 FEET TO AN IRON PIN AT THE NORTHWEST CORNER OF THS [THE] NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, THENCE SOUTH 01 DEGREE 20 MINUTES 46 SECONDS WEST ALONG THE WEST LINE THEREOF 270.00 FEET TO AN IRON PIN, THENCE SOUTH 89 DEGREES 13 MINUTES 49 SECONDS EAST 420.00 FEET TO AN IRON PIN, THENCE SOUTH 01 DEGREE 20 MINUTES 46

SECONDS WEST 472.50 FEET TO AN IRON PIN, THENCE SOUTH 89 DEGREES 13 MINUTES 49 SECONDS EAST 942.15 FEET TO AN IRON PIN ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, THENCE NORTH 01 DEGREE 21 MINUTES 36 SECONDS EAST ALONG THE EAST LINE THEREOF 742.50 FEET TO AN IRON PIN AT THE SOUTHEAST CORNER OF THE EAST HALF OF LOT 1 OF THE NORTHEAST QUARTER OF SAID SECTION 5, THENCE NORTH 01 DEGREE 21 MINUTES 13 SECONDS EAST ALONG THE EAST LINE THEREOF 1322.44 FEET TO THE POINT OF BEGINNING PER SURVEY #M-5744-C, PLS 1385. ALONG WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS AN EXISTING ROADWAY THAT IS LOCATED AT THE END OF SUNSET DRIVE AND ALONG THE EAST 30 FEET OF THE FOLLOWING DESCRIBED

TRACT: ALL THAT PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 5, IN TOWNSHIP 30

NORTH, RANGE 9 WEST, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF SAID E 1/2 SE 1/4, RUN SOUTH 45 RODS FOR THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE WEST 54 RODS AND 9 FEET; THENCE SOUTH APPROXIMATELY 44 RODS TO THE CENTER OF THE OLD HOUSTON AND RAYMONDVILLE PUBLIC ROAD; THENCE EAST WITH THE CENTER OF SAID ROAD

ABOUT 690 FEET TO THE SOUTHWEST CORNER OF THE FORMER J.M. ROBERTS PROPERTY; THENCE NORTH ABOUT 420 FEET TO THE NORTHWEST CORNER OF THE SAID J.M. ROBERTS TRACT; THENCE EAST TO THE EAST LINE OF SAID E 1/2 SE 1/4; THENCE NORTH TO THE PLACE OF BEGINNING. [THE INFORMATION CONTAINED IN BRACKETS HAS BEEN ADDED TO MORE ACCURATELY REFLECT THE LEGAL DESCRIPTION] to satisfy said debt and cost.

MILLSAP & SINGER, P.C.,
 Successor Trustee
 612 Spirit Drive
 St. Louis, MO 63005
 (636) 537-0110
 File No: 215708.091323.433209 FC

NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction.

The debt collector is attempting to collect a debt and any information ob-

tained will be used for that purpose.

PUBLISH ON: Aug. 17, 2023 Aug. 24, 2023, Aug. 31, 2023, Sept. 7, 2023 17/4t

NOTICE OF PUBLIC HEARING

The Piney Township of Texas County will hold a public hearing to adopt their 2023 tax rate. The meeting will be held at The Piney Township Maintenance Shed at 6:00 pm on Wednesday, August 30, 2023.

The 2022 Assessed Valuations were: \$59,076,173. Real Estate; \$44,688,450 Personal Property; \$14,387,723

The 2023 Assessed Valuations are: \$64,740,371 Real Estate; \$49,116,230 Personal Property; \$15,624,141

The 2022 Tax Rate Ceiling was 0.0933

The 2023 Tax Rate Ceiling is 0.0929

Marty Merckling 17/2t

IN THE 25TH JUDICIAL CIRCUIT COURT, TEXAS COUNTY, MISSOURI

Judge or Division: Hon. Brad D. Edison

Case No. 23TE-CC00275

Plaintiff/Petitioner: David W. Brewer

Vs. Defendant/Respondent: Delfina Brewer

Nature of Suit: Dissolution of Marriage
Notice Upon Order for Service by Publication

The State of Missouri to: Delfina Brewer

You are notified that an action has been commenced in the Circuit Court of Texas County, Missouri, the object and general nature of which is a dissolution of marriage action.

The names of all parties in this action are stated in the caption above and the name and address of the attorney for the petitioners is:

John F. Scott
The Scott Law Group, LLC
357 North Main St./ P.O. Box 1288
Poplar Bluff, MO 63901
(573) 785-4688/ (573) 785-3197 Fax

TO BE PUBLISHED IN THE HOUSTON HERALD

You are further notified that, unless you file an answer or other pleading or otherwise appear and defend against this action within 45 days after **AUGUST 24, 2023**, judgment by default will be entered against you.

Date: **August 16, 2023**

(Seal)
 /s/ **Erin Smith, Circuit Clerk**
 Bobbi Martin, Deputy Clerk 18/4t

TRUSTEE'S SALE
In re: Matthew Brown, a single person, grantor

Under the terms of the Deed of Trust executed by **Matthew Brown, a single person, grantor dated 02/28/2020, and recorded on 02/28/2020, Book 2020, Page 583, Document**

20200583 in the office of the Recorder of Deeds for **Texas County, MISSOURI**, the undersigned Successor Trustee, will on **09/21/2023 at 12:30 PM** at the **West Front door of the Texas County Courthouse, 210 N Grand Ave., Houston, MO 65483**, sell at public venue to the highest bidder for cash subject to the terms announced at the sale, the realty described in said deed of trust, to wit:

ALL OF LOT 22 REMINGTON HEIGHTS PHASE II AS SET FORTH IN PLAT BOOK 2, PAGES 47 AND 48, TEXAS COUNTY RECORDS.

Eastplains Corporation
SUCCESSOR TRUSTEE

Published in the Houston Herald
 File #: **BROMASPS**
First Publication date: 08/24/2023. 18/4t

IN THE CIRCUIT COURT OF TEXAS COUNTY, MISSOURI PROBATE DIVISION

Case No. 23TE-PR00081

In the Estate of PHYLLIS IMOGENE WILSON, Decedent, GREGORY KEITH WILSON, Petitioner. NOTICE OF FILING OF AFFIDAVIT IN AN ESTATE OF LESS THAN \$40,000.00

TO ALL PERSONS INTERESTED IN THE ESTATE OF PHYLLIS IMOGENE WILSON, Decedent:

On the 15th day of August, 2023, a small estate affidavit was filed by the distributees for the Decedent under Section 473.097, RSMo, with the Probate Division of the Circuit Court of Texas County, Missouri.

All creditors of the Decedent, who died on June 22, 2023, are notified that Section 473.444 sets a limitation period that would bar claims one year after the death of the Decedent. A creditor may request that this estate be opened for administration.

Receipt of this notice should not be construed by the recipient to indicate that the recipient may possibly have a beneficial interest in the estate. The nature and extent of any person's interest, if any, may possibly be determined from the affidavit on this estate filed in the Probate Division of the Circuit Court of Texas County, Missouri.

Date of first publication is: **August 24, 2023**

(Seal)
 Kristine Logan, Probate Clerk 18/2t

Public Notice

Texas County Habilitation Board will hold a public hearing Friday, August 25, 2023 at 5 p.m. to set the levy for the 2024 tax year.

Current levy is 10 cents per 100 dollars assessed valuation. Meeting will be held at Opportunity Sheltered Industries, Inc., 1085 Opportunity Circle Drive, Houston, MO 65483. 18/1t

See NOTICES, B7

PUBLIC NOTICES

Notices

Cont. from Page B6

TRUSTEE'S SALE

IN RE: Pamela M. Graen Thomas N. Graen, II Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Pamela M. Graen Thomas N. Graen, II dated September 27, 2007 and recorded in the office of the Recorder of Deeds of Texas County, Missouri as Document Number: 2007-4536 the undersigned Successor Trustee, at the request of the legal holder of said Note will on Wednesday, September 20, 2023 between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 10:45 a.m.), at the West Front Door of the Court House, City of Houston, County

of Texas, State of Missouri, sell at public venue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Texas County, State of Missouri, to wit:

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE COUNTY OF TEXAS AND STATE OF MISSOURI, TO-WIT: A PART OF THE SOUTHWEST QUARTER OF THE NORTH-EAST QUARTER OF SECTION 2, TOWNSHIP 32 NORTH, RANGE 9 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SW ¼ OF THE NE ¼ OF SAID SECTION, TOWNSHIP AND RANGE,

RUN EAST 45 FEET TO THE EAST SIDE OF THE COUNTY ROAD AS NOW LOCATED, THENCE SOUTH FOLLOWING THE EAST RIGHT OF WAY LINE OF SAID COUNTY ROAD A DISTANCE OF 225 FEET FOR THE TRUE PLACE OF BEGINNING; THENCE EAST 275 FEET, THENCE SOUTH 135 FEET, THENCE WEST 275 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, THENCE NORTH 135 FEET FOLLOWING THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD TO THE TRUE PLACE OF BEGINNING.

to satisfy said debt and cost.

MILLSAP & SINGER, P.C.

Successor Trustee
612 Spirit Drive
St. Louis, MO 63005
(636) 537-0110
File No:
213527.092023.429048 FC

NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.

PUBLISH ON: Aug. 24, Aug. 31, Sept. 7, Sept. 14 18/4t



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What does the Farmers' Almanac predict for Missouri? Cold, average snowfall

Following a summer of high temperatures and scattered droughts, Missourians may be glad to know that "traditional weather" is anticipated for the upcoming winter season.

The Farmers' Almanac (not to be confused with the Old Farmers' Almanac) released its annual winter outlook for the United States earlier in August. The Midwest region, which includes Missouri, may expect a "cold, average snowfall" this winter.

"After a weird and warm winter season last year, this winter should make cold weather fans rejoice, especially those in the Great Lakes, Midwest, and northern New England areas," Farmers' Almanac Editor Pete Geiger said in a news release. "The 'brrr' is coming back! We expect more snow and low temperatures nationwide."

While temperatures and precipitation may be traditional, winter may stretch on. Farmers' Almanac Managing Editor Sandi Duncan said the Midwest may experience blizzard-like conditions through March.

HOW DOES THE FARMERS' ALMANAC PREDICT WINTER WEATHER?

According to Duncan, the Farmers' Almanac has been using the same "mathematical and astronomical formula" since its establishment in 1818 by the publication's first editor David Young. The details of this formula are a "closely guarded secret," according to the publication's website, but Duncan said sunspot activity, tidal action of the moon and the position of the planets are some of the factors that

are considered.

National Weather Service meteorologist and climatologist Gene Hatch said this type of long-range weather prediction is called a "probabilistic forecast," which uses a set of probabilities for all potential outcomes. This is in contrast to a "deterministic forecast," which is made for daily and weekly predictions.

In a probabilistic forecast, meteorologists analyze previous years in which months leading up to the chosen season, in this case winter, are similar to the coming year's. "There's that old saying, 'History doesn't always repeat itself, but sometimes it rhymes,'" Hatch said.

NATIONAL WEATHER SERVICE PREDICTS 'SLIGHTLY WARMER' WINTER

The National Weather Service Climate Prediction Center, which issues the organization's seasonal weather outlooks, will release its prediction for the 2023-2024 winter in October, Hatch said.

But based on current information, Hatch said the northern two-thirds of Missouri may experience a "slightly warmer" winter during the core winter period, which is December through February.

As of Aug. 15, the National Weather Service's prediction for the average winter temperature in Springfield is around 38 or 39 degrees, Hatch said. This prediction takes into account every high and low temperature over the 90-day period. For reference, the traditional average winter temperature for Springfield is around 36 degrees.

Missouri Supreme Court rules lawmakers had no power to limit conservation spending

Lawmakers "invaded" the authority of the Missouri Conservation Commission when they tried to limit the use of its dedicated funds, the Missouri Supreme Court ruled recently.

In the long-anticipated decision, the court split 4-3 over whether appropriation bills could bar the commission from spending money on land acquisition or for payments to replace lost property taxes from conservation lands.

The majority decision, unsigned but supported by Chief Justice Paul Wilson and Judges Mary Russell, Robin Ransom and George Draper, upheld a decision from Cole County Circuit Judge Cotton Walker, who found the commission can spend appropriated funds for any constitutional purpose.

The state constitution spells out the duties and powers of the commission and provides a source of funds to carry out its mission, the opinion states.

"These provisions do not, however, leave any room for the General Assembly to interfere with the Conservation Commission's performance of its constitutional purposes," the majority wrote.

The decision delivered came almost 20 months after the court heard arguments in the case, one of the longest consideration periods in memory. The court typically delivers a decision in a case in four or five months.

The conservation department did not respond to a request for comment on the decision.

The case is being closely watched not just because of its impact on the powers of the Missouri General Assembly over the Missouri Department of Conservation but also because of a pending decision, also from Walker, on the spending authority of the Highways and Transportation Commission.

While the constitution does offer some latitude to the conservation commission about exactly how to use appropriated funds, it does not allow the commission to ignore legislative decisions, the dissent by

Judge Patricia Breckenridge stated.

Judges W. Brent Powell and Zel Fischer joined in the dissent.

The constitutional authority of the commission is subservient to the legislature's appropriation authority, Breckenridge wrote.

"That language does not convey the voters' intent to grant the Conservation Commission powers within the power of appropriation," Breckenridge wrote. "Instead, that language conveys only the intent that conservation funds must be spent by the Conservation Commission for the purposes designated in the constitution."

The particular situation that triggered the lawsuit came in August 2020. The commission approved \$1 million to buy 510 acres of imperiled prairie habitat in St. Clair County as an addition to the Linscomb Wildlife Area and \$900,000 for payment in lieu of taxes on conservation lands.

In the appropriations for that year, lawmakers had not included money for the payments in lieu of taxes and struck language from the appropriation bill allowing land acquisition. When then-Commissioner of Administration Sarah Steelman refused to honor payment requisitions, the commission sued.

In the majority opinion, the judges wrote that by removing the language allowing land acquisition and refusing to appropriate tax payment funds, lawmakers "invaded the constitutional authority of the Conservation Commission by attempting to limit the constitutionally enumerated purposes for which the Conservation Commission could use its funds."

The conservation commission was created by an initiative petition in the 1930s to take protection of land and wildlife out of political hands. Its powers were expanded, and a one-eighth cent sales tax enacted, in the 1970s to strengthen the department.

That history, as well as the language of the constitution, shows the intent to limit legislative power

over the agency, the majority wrote.

"The very reason behind the Conservation Commission's creation was to remedy the failure of existing government bodies in the 1930s, including the General Assembly, to set aside politics and properly manage Missouri's conservation needs," the opinion states.

The key for Breckenridge — and a point that will be important when Walker rules on the Highways and Transportation Commission lawsuit — is whether the constitutional language shifts appropriation power to the commission.

It does not on land acquisition, but it does on payments in lieu of taxes, she wrote. The constitution directs the commission to set the amount and lawmakers cannot change it, she wrote.

Many areas of the constitution and statutes direct that money shall be spent for a particular purpose, but that does not appropriate money for those purposes, she wrote.

In contrast, she wrote, the language governing highway money "provides funds in the state road fund 'stand appropriated without legislative action' to be used and expended by the highways and transportation commission..."

In the highways commission lawsuit, Walker is being asked to decide whether employees of the Department of Transportation can be paid more than lawmakers allowed in appropriation bills.

Walker heard arguments in the case in February 2022. He has held his decision, attorneys in the case have said, to learn the results of the conservation case.

During this year's legislative session, Republican lawmakers upset over the lawsuit tried unsuccessfully to put a constitutional amendment on the ballot making highway funds subject to appropriations.

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