

## LEGAL NOTICE

### **Current or former owners of property adjacent to or underlying certain Rails-to-Trails corridors could receive payment for the taking of private property rights.**

In the matter of *Schneider v. United States*, Civil Action No. 8:99-CV-0315, a federal court in Nebraska has ruled that the United States is liable, in some circumstances, for a taking of private property rights underlying, or adjacent to, certain railroad rights of way in the State of Nebraska, and this taking is compensable under the Fifth Amendment of the U.S. Constitution. The Court has recently determined that the class action should now be decertified, effective on January 16, 2018. The Court has also determined that affected property owners must decide whether to pursue a financial recovery as individual plaintiffs in the action.

#### **Who Is Included?**

A detailed notice, and other supporting documents, are available for review at the website [www.NebraskaTrailSettlements.com](http://www.NebraskaTrailSettlements.com), and they can help you determine if you are affected. Generally, you may be eligible if you or your predecessor in title owned property between 1993 – 1999, next to or over which a railroad company had a right of way that is now used as a recreational trail in the following counties in Nebraska: Douglas, Otoe, Nemaha, Dawes, Sioux, Saunders, Butler, Sarpy, Madison, Antelope, Holt, Rock, Brown, Cherry, Sheridan, Buffalo, Saline, Thayer, Clay, Fillmore, Nuckolls, Webster, Lancaster, Jefferson and Gage.

#### **If You Are Included, What Can You Do?**

The Court had previously certified a class of all persons who own an interest in land constituting a railroad corridor in the State of Nebraska, and which is now occupied or controlled for trail use pursuant to the National Trails System Act, and who have been damaged in the amount of \$10,000 or less by being deprived of their rights to possession, control, and enjoyment of their land as a result of a Trail

Use Order, or who waive claims exceeding \$10,000.

Now that the class is being decertified, if you wish to individually enforce your affected property rights, you must join the *Schneider* action (or file a separate case with your own counsel) and you must do so promptly. If you fail to join the *Schneider* case, your claim will be dismissed from that case and you will receive no financial compensation in that matter.

#### **How Much Could You Get?**

Payments will be based on the appraised value of the taking up to a limit of \$10,000 per claim. Payment will also include interest.

#### **How Do You Get A Payment?**

You must submit a joinder form to be included as a party in the case and potentially qualify for payment. The joinder form can be accessed via the website, or can be requested by contacting plaintiffs' counsel as noted below. The joinder form must be submitted by fax, e-mail or mail no later than January 11, 2018.

#### **How Do You Get More Information?**

If you believe you may be qualified and you did not receive a notice in the mail recently, or to learn more about case, you may visit the website, or call, write to, or e-mail plaintiffs' counsel:

Nebraska Trail Settlements  
c/o Zelle, LLP

500 Washington Avenue South, Suite 4000  
Minneapolis, MN 55415

Telephone: 1-800-899-5291

E-mail: [dbowen@zelle.com](mailto:dbowen@zelle.com)

[www.NebraskaTrailSettlements.com](http://www.NebraskaTrailSettlements.com)