



BK 2226 PG 008-013



DEED 2002 15974

Nebr Doc Stamp Tax
11/1/02
Date
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By <i>mj</i>

REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

02 NOV -1 PM 2:19

Deed

FEE 3050 FB 01-60009

BKP 21-15-11 C/O \_\_\_\_\_ COMP \_\_\_\_\_

DEL \_\_\_\_\_ SCAN R FV \_\_\_\_\_

RECEIVED

Sheriff's Deed-Under Foreclosure of MORTGAGE LIEN Docket 1014 Page 506

**Know All Men by These Presents,** That, Whereas, In an action in the District Court of the Fourth Judicial District of the State of Nebraska, within and for the County of Douglas, wherein

KS PHOENIX, LLC, A NEBRASKA LIMITED LIABILITY COMPANY plaintiff and PACIFIC SPRINGS VILLAGE, INC. et al defendant s

at the JANUARY Term, A.D., ~~19~~<sup>2002</sup> of said court, a decree was rendered finding that there is due and owing to KS PHOENIX, LLC, A NEBRASKA LIMITED LIABILITY COMPANY: THE SUM OF: Sixteen Million Three Hundred Fifty Two Thousand Six Hundred Forty Two and 61/100 (\$16,352,642.61) Dollars together with interest

and costs of suit taxed at \$752.60 and the accruing costs and, whereas, it was then and there further ordered in the said action that in default of the payment of the sum so found due by the said Defendant that TIMOTHY F. DUNNING

Sheriff of said County of Douglas, should cause the lands and tenements hereinafter described to be advertised and sold according to law to pay the same, and, whereas, default having been made therein, the said TIMOTHY F. DUNNING, Sheriff of said county, under and by virtue of the said decree and the order of sale to him duly directed, did on October 16, 2002

at the jury assembly room of the County Court House in the City of Omaha in said County of Douglas, having first given due and legal notice of the time and place of said sale for more than thirty days prior thereto in the Daily Record, a newspaper printed and in general circulation in said County of Douglas, sell said premises at public auction to KS PHOENIX, LLC, A NEBRASKA LIMITED LIABILITY COMPANY

for the sum of \$8,500,000.00 dollars, which sale was afterward at the January Term of said court, A.D., ~~19~~<sup>2002</sup> examined and confirmed and the said TIMOTHY F. DUNNING as such Sheriff, ordered to convey the said premises in fee simple to the said KS PHOENIX, LLC, A NEBRASKA LIMITED LIABILITY COMPANY

**Now Therefore,** I, the said TIMOTHY F. DUNNING, Sheriff of the County of Douglas as aforesaid, in consideration of the premises and by virtue of the powers vested in me by law and the decree of said court, do hereby Give, Grant and Convey to the said KS PHOENIX LLC, A NEBRASKA LIMITED LIABILITY COMPANY

its successors heirs and assigns, the premises so as aforesaid sold, to wit:

*See Exhibit "A"*

**To Have and to Hold the Same,** unto the said KS' PHOENIX LLC, A NEBRASKA LIMITED LIABILITY COMPANY

its successors heirs and assigns, and to them and their use and behoof forever.

**In Testimony Whereof,** I have, as such Sheriff, hereunto set my hand this 1st day of November A.D., ~~19~~<sup>2002</sup>.

Executed and delivered in the presence of Cheryl L. Freese

*Timothy F. Dunning*  
Sheriff of Douglas County, Nebraska

STATE OF NEBRASKA )

County of Douglas ) ss. On this 1st day of November ~~19~~<sup>2002</sup>, before me, the undersigned Cheryl L. Freese in and for said county, personally

appeared the said TIMOTHY F. DUNNING Sheriff of said County, to me personally known to be the identical person who signed the foregoing instrument as grantor, and be acknowledged the same to be his voluntary act and deed, as such sheriff, for the uses and purposes therein set forth.

SEAL

**Witness** my hand and official seal the day and year above written.  
General Notary - State of Nebraska *Cheryl L. Freese*  
5343 ✓  
5341 ✓

# Exhibit A

SSOIS

PARCEL 1: The West Half of the Southeast Quarter (W 1/2 SE 1/4) of Section 21, Township 15 North, Range 11 East of the 6th P.M., in Douglas County, Nebraska, EXCEPT the South 50 feet thereof, and EXCEPT that part thereof described as follows:

Beginning at the Northwest corner of the said Southeast Quarter of Section 21; thence North 87° 49' 59" East (assumed bearing), for 84.61 feet, along the North line of the said Southeast Quarter of Section 21; thence South 42° 40' 06" West, for 119.16 feet, to the West line of the said Southeast Quarter of Section 21; thence North 02° 34' 17" West, for 84.50 feet, to the Point of Beginning; And, EXCEPT that part thereof described as follows: Beginning at the most Southeasterly corner of Lot 29, Pacific Springs, a Subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, said point also being on the West line of the southwest Quarter of the Southeast Quarter of said Section 21; thence along said West line and along the Easterly line of said Lot 29, North 02° 34' 34" West (platted bearing), 99.91 feet, to the most Northeasterly corner of said Lot 29; thence South 60° 02' 17" East, 62.05 feet, to the beginning of a non-tangent curve to the right; thence along said curve, having a radius of 334.14 feet and a chord bearing South 35° 35' 49" West, 84.64 feet, an arc distance of 84.87 feet, to the Point of Beginning.

XXXX

PARCEL 2: The East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section 21, Township 15 North, Range 11 East of the 6th P.M., in Douglas County, Nebraska, EXCEPT the East 50 feet thereof, and EXCEPT the South 50 feet thereof, and EXCEPT the East 333 feet of the South 333 feet thereof; And, EXCEPT that part thereof described as follows: Beginning at the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 21; thence South 89° 57' 24" West (assumed bearing), 488.95 feet, on the North line of said Northeast Quarter of the Southeast Quarter; thence Southeasterly, on a 417.80 foot radius non-tangent curve to the left (chord bearing South 75° 53' 03" East, chord distance 204.40 feet), an arc distance of 206.50 feet; thence North 89° 57' 24" East, 21.07 feet, on a line 50.00 feet South of and parallel with the North line of said Northeast Quarter of the Southeast Quarter, to the East line thereof; thence North 00° 24' 12" West, 50.00 feet, on the East line of said Northeast Quarter of the Southeast Quarter, to the Point of Beginning;

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

2002 OCT 30 AM 9:03

KS PHOENIX, LLC, a Nebraska  
limited liability company,

Plaintiff,

vs.

PACIFIC SPRINGS VILLAGE, INC., a  
Nebraska non-profit corporation, et. al.

Defendants,

DOC 1014 NO. 506  
SHERIFF'S OFFICE  
DOUGLAS CO. NEBR.

ORDER CONFIRMING SALE

This matter came on for hearing upon the return of the Sheriff of Douglas County, Nebraska to the Order of Sale of the real property described in the petition, to wit:

PARCEL 1: The West Half of the Southeast Quarter (W1/2 SE1/4) of Section 21, Township 15 North, Range 11 East of the 6<sup>th</sup> P.M., in Douglas County, Nebraska, EXCEPT the South 50 feet thereof, and EXCEPT that part thereof described as follows: Beginning at the Northwest corner of the said Southeast Quarter of Section 21; thence North 87°49'59" East (assumed bearing), for 84.61 feet, along the North line of the said Southeast Quarter of Section 21; thence South 42°40'06" West, for 119.16 feet, to the West line of the said Southeast Quarter of Section 21; thence North 02°34'17" West, for 84.50 feet, to the Point of Beginning; And, EXCEPT that part thereof described as follows: Beginning at the most Southeasterly corner of Lot 29, Pacific Springs, a Subdivision, as surveyed, platted and recorded, in Douglas County, Nebraska, said point also being on the West line of the Southwest Quarter of the Southeast Quarter of said Section 21; thence along said West line and along the Easterly line of said Lot 29, North 02°34'34" West

(platted bearing), 99.91 feet, to the most Northeasterly corner of said Lot 29; thence South  $60^{\circ}02'17''$  East, 62.05 feet, to the beginning of a non-tangent curve to the right; thence along said curve, having a radius of 334.14 feet and a chord bearing South  $35^{\circ}35'49''$  West, 84.64 feet, an arc distance of 84.87 feet, to the Point of Beginning.

PARCEL 2: The East Half of the Southeast Quarter (E1/2 SE1/4) of Section 21, Township 15 North, Range 11 East of the 6<sup>th</sup> P.M., in Douglas County, Nebraska, EXCEPT the East 50 feet thereof, and EXCEPT the South 50 feet thereof, and EXCEPT the East 333 feet of the South 333 feet thereof; And, EXCEPT that part thereof described as follows: Beginning at the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 21; thence South  $89^{\circ}57'24''$  West (assumed bearing), 488.95 feet, on the North line of said Northeast Quarter of the Southeast Quarter; thence Southeasterly, on a 417.80 foot radius nontangent curve to the left (chord bearing South  $75^{\circ}53'03''$  East, chord distance 204.40 feet), an arc distance of 206.50 feet; thence North  $89^{\circ}57'24''$  East, 21.07 feet, on a line 50.00 feet South of and parallel with the North line of said Northeast Quarter of the Southeast Quarter, to the East line thereof; thence North  $00^{\circ}24'12''$  West, 50.00 feet, on the East line of said Northeast Quarter of the Southeast Quarter, to the Point of Beginning (The "Property"),

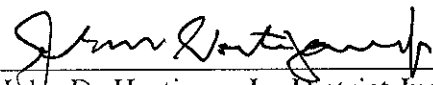
to the Plaintiff for the sum of Eight Million Five Hundred Thousand Dollars (\$8,500,000), and upon the motion of plaintiff, KS Phoenix, LLC, to confirm the sale, and the evidence submitted to the Court, upon consideration whereof, the Court, having carefully examined the proceedings

of the officer and being satisfied that the sale of the Property was in all respects made in conformity to the process of law governing the same, and that the Property was sold for a fair value under the circumstances and conditions of sale, and that a subsequent sale would not realize a greater amount, the Court therefore finds that the sale of the Property should be confirmed.

IT IS THEREFORE ORDERED that the said sale of the Property be and it hereby is confirmed, and the Sheriff is further ordered to make to the Plaintiff, as purchaser at the sale, a deed to the Property.

IT IS FURTHER ORDERED that the Clerk of the Court be and is hereby instructed to issue a writ of assistance to the Sheriff of Douglas County commanding the Sheriff to place the plaintiff in possession of the Property.

Dated October 30, 2002

  
\_\_\_\_\_  
John D. Hartigan, Jr. District Judge

Prepared and Submitted By:

Mark L. Laughlin, #12415  
Laughlin, Peterson & Lang  
11306 Davenport Street  
Omaha, NE 68154  
(402) 330-1900  
Attorney for Plaintiff

RETURN: Mark Laughlin  
11306 Davenport St.  
Omaha, NE 68154-2130  
(402) 330-1900

STATE OF NEBRASKA } ss  
COUNTY OF DOUGLAS }

I hereby certify I have executed the Deed as herein directed and did deliver the same to the Clerk of the District Court, Douglas County, Nebraska.

TIMOTHY F. DUNNING  
Sheriff

By: St Ed Jackson  
Deputy

Fees \$5.00