



J00204061D01

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

E. ROBERT NEWMAN, an individual;)
MURRAY H. NEWMAN, an individual;)
PHYLLIS H. NEWMAN, Trustee under)
the Trust Agreement dated July 6, 1982 for)
the benefit of Maxwell C. Newman; and)
PHYLLIS H. NEWMAN, Trustee under)
the Trust Agreement dated July 6, 1982 for)
the benefit of Louis H. Newman,)

CASE NO.: CI 13-5972

#18 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
JAN 17 2014
JOHN M. FRIEND
CLERK DISTRICT COURT

Plaintiffs,)

vs.)

YU ZHANG GARDEN, LLC, a Nebraska)
limited liability company; YU DE)
ZHANG, an individual; QI YU DONG,)
a/k/a QI Y DONG a/k/a QIYU DONG,)
an individual; RUI XIN ZHANG,)
an individual; and QI HE DONG, an)
individual,)

ORDER OF SUMMARY JUDGMENT

Defendants.)

THIS MATTER came before the Court for hearing on December 16, 2013, on Plaintiffs' Motion for Summary Judgment. David J. Skalka appeared for Plaintiffs. James J. Bemis, Jr. appeared for Defendants Yu Zhang Garden, LLC, Yu De Zhang, and Rui Xin Zhang. Defendants Qi Yu Dong and Qi He Dong did not appear. Evidence was received. Plaintiffs' counsel orally withdrew the Motion for Summary Judgment as to Yu Zhang Garden, LLC, Yu De Zhang, and Rui Xin Zhang without prejudice to reasserting it at a later time against those Defendants.

Being duly advised in the premises, the Court finds that (1) \$763,835.48 is owed Plaintiffs on the guaranties at issue in Plaintiffs' Second Claim for Relief, (2) Defendant Qi

Yu Dong transferred fee simple title to Lot 1, Blue One Addition Replat 1, a subdivision, as surveyed, platted, and recorded in Douglas County, Nebraska, and commonly known as 4945 S. 72nd Street, Omaha, Nebraska ("the Property") and the improvements thereon to his sibling Defendant Qi He Dong for no consideration four days after Qi Yu Dong was served summons in this matter, (3) said transfer was fraudulent under Neb. Rev. Stat. § 36-705(a), and (4) that the Property has a value of \$761,700.00 per the Real Estate Transfer Statement Defendant Qi He Dong filed with the Douglas County Nebraska Register of Deeds. The Courts finds judgment should be entered against Defendants Qi Yu Dong on Plaintiffs' Second and Third Claims for Relief and Qi He Dong on Plaintiffs' Third Claim for Relief.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

a. As to Plaintiffs' Second Claim for Relief, judgment is entered for Plaintiffs and against Defendant Qi Yu Dong in the sum of Seven Hundred Sixty-Three Thousand Eight Hundred Thirty-Five and 48/100 Dollars (\$763,835.48), plus Plaintiffs' costs in this matter.

b. As to Plaintiffs' Third Claim for Relief, Defendant Qi Yu Dong's August 5, 2013 transfer of the Property to Defendant Qi He Dong is avoided. The August 5, 2013 transfer of the Property is void and of no effect.

c. As to Plaintiffs' Third Claim for Relief, judgment is entered for Plaintiffs and against Defendant Qi He Dong in the sum of Seven Hundred Sixty-One Thousand Seven Hundred and No/100 Dollars (\$761,700.00), plus Plaintiffs' costs in this matter.

DATED this 7th day of ~~December~~ ^{January 2014}, 2013.

BY THE COURT:

James J. Kellan

The Honorable James T. Gleason,
District Court Judge

PREPARED AND SUBMITTED BY:

David J. Skalka, #21537
Croker, Huck, Kasher, DeWitt, Anderson &
Gonderinger, LLC
2120 South 72nd Street, Suite 1200
Omaha, Nebraska 68124
(402) 391-6777
(402) 390-9221 (Fax)
dsalka@crokerlaw.com

Attorneys for Plaintiffs

00539605.DOC