

#17 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
FEB 05 2014
JOHN M. FRIEND
CLERK DISTRICT COURT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MUTUAL OF OMAHA BANK,

Plaintiff/Judgment Creditor,

v.

PROPERTY VENTURES, L.L.C., a Nebraska
limited liability company,

Defendant/Judgment Debtor.

CASE NO. CI 12-4591

**ORDER FOR JUDGMENT
DEBTOR'S EXAM IN
AID OF EXECUTION**

This matter is before the Court on Plaintiff/Judgment Creditor, Mutual of Omaha Bank's Motion for Judgment Debtor's Exam in Aid of Execution. Being fully advised therein and for good cause shown:

IT IS HEREBY ORDERED that Defendant/Judgment Debtor Property Ventures, LLC shall appear through a designated representative on February 25, 2014, at 8:45 a.m. before the Douglas County District Court, in the courtroom of the Honorable Gary B. Randall, Courtroom No. 316, 1701 Farnam Street, Omaha, Nebraska 68183, to be sworn to answer upon examination under oath concerning Defendant/Judgment Debtor's personal and real property subject to execution, and that Defendant/Judgment Debtor bring with it or produce to Mutual of Omaha Bank's counsel prior to, such records as it may have or may be able to obtain which concern its personal and real property, including, but not limited to:

1. Copies of all deeds evidencing real property currently owned by Property Ventures.
2. Copies of all leases currently in effect with respect to all real property Property Ventures currently owns.
3. Copies of all appraisals reflecting the value of all real property Property Ventures currently owns.



4. Copies of any of his audits, financial statements or reports for the last three years;
5. Bank statements and check registers on all checking accounts belonging to Property Ventures or in which Property Ventures has or has had any interest whatsoever or jointly with any other person(s) or entity(ies) for two years preceding the date of this Order;
6. Bank statements and any savings deposit books regarding all savings accounts belonging to Property Ventures or in which Property Ventures has or has had any interest whatsoever, either alone or jointly with any other person(s) or entity(ies), for two years preceding the date of this Order;
7. Statements and any savings deposit books regarding money management accounts, money market accounts or any savings accounts of any type, belonging to Property Ventures or in which Property Ventures has had any interest whatsoever, either alone or jointly with any other person(s) or entity(ies), for three years preceding the date of this Order;
8. All documents regarding the purchase and/or sale of real property in which Property Ventures now holds or within the past five years held any interest of any type, either alone or with any other person(s) or entity(ies), including but not limited to condominium management reports, deeds, titles, notes, contracts of any sort, escrow instructions, mortgages and deeds of trust;
9. All evidence and all certificates of any and all stocks, stock certificates, and bonds belonging to Property Ventures or in which Property Ventures has or has had any interest whatsoever either alone or with any other person(s) or entity(ies) for three years preceding the date of this Order;
10. All evidence of any and all notes, contracts, negotiable instruments receivable, or accounts receivable, whether due or not due, belonging to Property Ventures or in which Property Ventures has or has had any interest whatsoever, either alone or jointly with any other person(s) or entity(ies), for three years preceding the date of this Order;
11. All agreements or other evidence in writing concerning the factoring, transfer and/or assignment of any of the items referred to in Paragraph 10 above;
12. All real or personal property assessment notices received by Property Ventures within three years preceding the date of this order from any taxing agency, State or Federal, whatsoever;

13. A complete inventory of any and all items of personal property valued in excess of \$300.00 which are owned by Property Ventures, including computer equipment, automobiles, boats, fixtures, furnishings, appliances, jewelry, and clothing, whether fully paid for or not. If the personal property is not in its possession and is in the possession of another person or entity, state also the name and address of the person or entity having possession of the property;
14. All documents which represent or evidence any trademark, tradename, copyright or patent in which Property Ventures has or has had an interest in the last two years, either alone or jointly, with any other person(s) or entity(ies);
15. Any and all records pertaining to Property Ventures' finances which may reflect its present financial status and asset ownership for the past two years prior to and including the date of its appearance required hereby;
16. All information concerning the source of any and all present income, accounts receivable and donations which Property Ventures has earned or received during the past two years prior to and including the date of its appearance required hereby;
17. All information concerning any and all accounts receivable in which Property Ventures may have a future or prospective interest, whether determined or contingent, including but not limited to donations, inheritances, gifts, devises, contract rights, wills, trusts, instruments, and any and all other writings whatsoever, which may reflect such income;
18. Any and all records and evidences of any causes of action or legal claims of any nature or kind whatsoever; and
19. Any and all records, writings and information pertaining to or otherwise reflecting assets or properties which Property Ventures owned or in which it had an interest within the last two years.

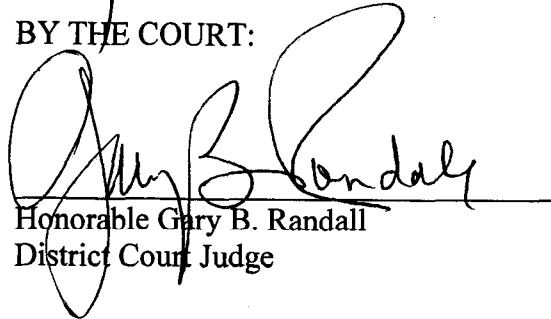
IT IS FURTHER ORDERED, that after Property Ventures' designated representative is sworn, the debtor's examination shall proceed at the office of Kutak Rock LLP, 1650 Farnam Street, Omaha, Nebraska 68102 before an officer of the Court and shall be recorded by stenographic means and preserved by written transcript.

IT IS FURTHER ORDERED, pursuant to Neb. Rev. Stat. § 25-1572, that any property that legally or equitably belongs to Property Ventures now or later acquired or becoming due to him (not exempt by law) be applied towards the satisfaction of the judgment.

IT IS FURTHER ORDERED that Property Ventures, pursuant to Neb. Rev. Stat. § 25-1573, is forbidden from making or suffering any transaction or other disposition of or interference with any of his money or property (not exempt from law) that might be used to satisfy the judgment.

Dated this 4 day of February, 2014.

BY THE COURT:



Honorable Gary B. Randall
District Court Judge

Prepared and Submitted by:

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AUG 07 2013
JOHN M. FRIEND
CLERK DISTRICT COURT

MUTUAL OF OMAHA BANK,

Plaintiff,

v.

PROPERTY VENTURES, L.L.C., a Nebraska
limited liability company,

Defendant.

CASE NO. CI 12-459

**ORDER GRANTING
MOTION FOR SUMMARY JUDGMENT**

This matter came before the Court on the Motion for Summary Judgment filed by Plaintiff Mutual of Omaha Bank in the above-captioned matter, which came up for hearing on August 2, 2013, at which Alison Gutierrez appeared on behalf of Plaintiff Mutual of Omaha Bank and Michael O'Bradovich appeared on behalf of Defendant Property Ventures, L.L.C. Upon review of the motion and the evidence offered in support thereof and being fully advised in the premises,

IT IS ORDERED that, for good cause shown, the Motion for Summary Judgment shall be and hereby is granted.

IT IS FURTHER ORDERED that judgment is hereby entered in favor of Plaintiff Mutual of Omaha Bank and against Defendant Property Ventures, LLC in the amount of \$2,876,808.70, plus interest which shall continue to accrue at a rate of \$1,305.27 per day from and after June 1, 2013, until this judgment is satisfied.

DATED this 6 day of August, 2013.

The Honorable Gary B. Randall

PREPARED AND SUBMITTED BY:

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Alison M. Gutierrez (#24025)
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APPROVED AS TO FORM AND CONTENT:

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