

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

RAJESH PRASAD,	)	CASE NO.
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
KINGS INDUSTRIES, LLO; JENSEN WELL	)	<b>COMPLAINT</b>
CO., INC.; STRATEGIC ELECTRIC GROUP,	)	<b>(Equity)</b>
LLC; R&A CONSTRUCTION CO., INC.; U.S.	)	
ASPHALT CO.; JOHN DOE and MARY DOE,	)	
REAL NAMES UNKNOWN; and ANY AND	)	
ALL PERSONS WHO HAVE OR CLAIM	)	
SOME LIEN UPON OR INTEREST IN THE	)	
REAL ESTATE DESCRIBED BELOW,	)	
	)	
Defendants.	)	

Plaintiff complains of the Defendants and each of them and for its cause of action, alleges:

1. The Plaintiff, Rajesh Prasad, is the owner and holder of Tax Sale Certificate No. 12072 which was purchased from the Sarpy County Treasurer at public sale on or about July 16, 2012. A copy of Tax Sale Certificate No. 12072 is attached hereto as Exhibit "A", and incorporated herein by this reference, and constitutes a first and superior lien on the following described real estate in Sarpy County, Nebraska, to wit:

Lot 5 of the R & M Business Park subdivision, as platted and recorded in Sarpy County, Nebraska.

2. The following named persons have or claim some lien upon or interest in the above described real estate of this cause of action, but their interest or lien, if any, is inferior, junior and subject to the lien of this Plaintiff, to wit:

Kings Industries, LLO, appears to be the record owner of the property;  
Jensen Well Co., Inc., by virtue of a Construction Lien filed on March 21, 2007 at Instrument No. 2007-07907 in the records of the Register of Deeds of Sarpy County, Nebraska;

Strategic Electric Group, LLC, by virtue of a Construction Lien filed on September 7, 2007 at Instrument No. 2007-27503 in the records of the Register of Deeds of Sarpy County, Nebraska;

R&A Construction Co., Inc., by virtue of a Construction Lien filed on October 1, 2007 at Instrument No. 2007-29998 in the records of the Register of Deeds of Sarpy County, Nebraska;

U.S. Asphalt Co., by virtue of a Construction Lien filed on February 4, 2008 at Instrument No. 2008-03050 in the records of the Register of Deeds of Sarpy County, Nebraska;

3. Taxes for the years set out in said certificate were duly and lawfully assessed and levied and became delinquent on the real estate described in said certificate and that said real estate was duly advertised and sold at public auction on or about July 16, 2012, for the amount of said taxes, interest and charges thereon and said Certificate No. 12072 was issued by the Sarpy County Treasurer as provided by law.

4. Subsequent taxes were duly and lawfully assessed and levied on said properties and may have been purchased by the Plaintiff and are now a lien thereon.

5. Said certificate has not been redeemed, nor have the subsequent taxes been paid or any part thereof and there is due thereon to the Plaintiff, the owner of said certificate, the amount of the certificate with interest at 14 percent per annum from the several dates of delinquency thereof; that Plaintiff has a first and paramount lien on the properties subject to the certificate for the total amount of said items and the Plaintiff is entitled to foreclosure thereof; and that the interest, if any, of each and all of Defendants herein in and to said real estate is junior, subject and inferior to the Plaintiff's interest.

6. Plaintiff has reason to believe that there are persons who have or that there are persons who claim or appear to have some interest in, right or title to, or lien upon, the above described real estate, and that the ownership of, interest in, rights or title to, or lien upon such property of such persons does not appear of record in or by their respective names in Sarpy County, Nebraska, and that the Plaintiff and its attorney or attorneys after diligent investigation and inquiry, are unable to ascertain and do not know the names or whereabouts, if in this state, or the residence or places of abode of such persons; and for such reason the herein described parcels

of real estate have been made and are party defendants in this action and also all persons having or claiming any interest in said real estate, real names unknown.

7. The Defendants, John Doe and Mary Doe, his wife, real names unknown, are tenants in possession of certain of said real estate and as such claim some interest therein.

8. The Defendants named herein appear to be the owners of the record title to the premises herein described or claim an interest in said property pursuant to a judgment lien or otherwise.

9. Upon information and belief, none of the Defendants involved in this action or being otherwise named, designated, or referred to in this action, are or within three months last past engaged in the military or naval service of the United States and are thereby entitled to the benefits of the Service Members Civil Relief Act of 2004, as amended.


10. Plaintiff has incurred an expense of \$150.00 for a title search necessary to determine who may have a claims against or lien upon the real estate described herein and such sum should be recovered as costs herein.

11. Plaintiff is entitled to an attorney's fee for its attorney of record herein as provided by law in the amount of ten percent (10%) of the amount due it, to be taxed as costs in this case.

WHEREFORE, Plaintiff prays that an accounting may be taken on the amount due and owing it under and by virtue of said tax sales certificate, interest, costs and attorney fees and the lien thereon be adjudged and decreed to be first and superior lien upon the aforesaid premises; that the Defendants or some of them be ordered and directed to pay this Plaintiff said sums as aforesaid and in default of such payments for 20 days from the entry of this decree, that said premises be sold for the satisfaction of said lien provided by law; that the right, title, interest, lien and claim of the Defendants and each of them be determined, found and decreed to be subsequent, junior and inferior to the lien of this Plaintiff, that upon the sale of the premises that the purchasers thereof take a good and indefeasible title to said real estate so purchased and be placed in possession thereof; that the Defendants and each of them be foreclosed of all right, title, interest, lien, claim and equity of redemption in and to said real estate; that this Plaintiff recover its costs herein expended, including attorney's fees authorized by statute; and for such other relief as the Court may deem just and equitable.

DATED this 5<sup>th</sup> day of January, 2016.

RAJESH PRASAD, Plaintiff

By:   
Martin P. Pelster, #19223  
Of CROKER, HUCK, KASHER, DeWITT,  
ANDERSON & GONDERINGER, L.L.C.  
2120 South 72<sup>nd</sup> Street, Suite 1200  
Omaha, Nebraska 68124  
(402) 391-6777  
*Attorneys for Plaintiff*

00626801.DOC

Original

COUNTY TREASURER'S CERTIFICATE OF TAX SALE

Sold for Taxes at Private Tax Sale

Cert. No.: 12072
Parcel No: 011575671
Amount: 13,582.51
Fee (+): 10.00
Total: 13,592.51

State of Nebraska
County of Sarpy

I, Rich James, Treasurer
of the County of Sarpy in the State of Nebraska, do hereby certify
that the following described Real Estate in said County and State, to wit:

LOT 5 R & M BUSINESS PARK

was on the 16th day of July, 2012, duly sold by me in the manner
provided by law, at PRIVATE sale, at my office, for the delinquent
taxes for the years: 2010, 2011, amounting to Thirteen Thousand
Five Hundred Ninety-Two Dollars And Fifty-One Cents including penalty
thereon, and costs allowed by law to RAJESH PRASAD for the sum of
Thirteen Thousand Five Hundred Ninety-Two Dollars And Fifty-One Cents
being highest and best bidder for same. And I further certify that
unless redemption is made of said real estate in the manner provided
by law, the said RAJESH PRASAD heirs or assigns will be entitled to a
deed therefor on and after the 16th day of July, 2015 on surrender of
this certificate and in compliance with the provisions of the law
governing this sale.

IN WITNESS WHEREOF, I have hereunto set my hand this
23th day of November, 2015.



Rich James, Treasurer

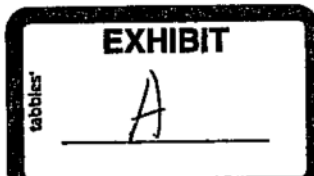
By Rich James (Signature and Seal)

2516 HUNTERS RUN DRIVE

PLANO/TX 75025-

Table with columns: WHEN REDEEMED (MO/DAY/YR), BY WHOM REDEEMED, AMOUNT PAID, REDEMPTION MONEY, REDEMPTION #, TAX DEED GIVEN, REMARKS. Includes OWNER'S NAME: KINGS INDUSTRIES LLC.

Table with columns: Year Date, Subsequent Taxes Paid (Amount, Fees), Total. Rows for years 2011-2014.



FILED  
SARPY COUNTY  
DISTRICT COURT

2016 JUL 12 PM 12:37

*David A. Tuttle*  
CLERK DISTRICT COURT

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

**Rajesh Prasad**

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Plaintiff(s)

vs.

**ORDER FOR BANKRUPTCY STAY**

**Kings Industries, LLC**

Defendant(s)

Now on this <sup>12<sup>th</sup></sup> 11th day of July, 2016 this matter came on for hearing to the

Court on the Notice of Bankruptcy Proceedings now pending in the United States District Court for the District of Nebraska, Case No. BK# 16-81049 and the Court, being duly advised in the premises, finds that bankruptcy proceedings are now pending in the United States District Court for the State of Nebraska involving Kings Industries, LLC. One of the parties and that by virtue of § 362 of the Bankruptcy Code (11 U.S.C § 362), the continuation of this jurisdiction proceedings is automatically stayed until further order of the Court.

The Court further finds that by reason of said automatic stayed of all future proceedings in this Court, this shall be treated as a completed case for statistical reporting purposes only, subject to further proceedings on appropriate motion, notice and hearing.

**AND IT IS SO ORDERED.**

BY THE COURT:

*David A. Tuttle*

DISTRICT COURT JUDGE



000502752D59

✓

A

✓

Title: RAJESH PRASAD v. KINGS INDUSTRIES, LLO: JENSEN WELLS, CO., INC, STRATEGIC ELECTRIC GF  
DATE JUDGE'S MINUTES

JAN A.D. 2016

4/13/2016 Motion received. Order signed and entered.

X

*MA*, Judge

7/11/2016 ✓ At request of Plaintiff through counsel, motion for summary judgment is withdrawn. Hearing set for this date is cancelled.

*MA*, Judge

7/12/2016 Suggestion of Bankruptcy received. Order for Bankruptcy Stay signed and entered.

*MA*, Judge

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on July 12, 2016 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Howard T Duncan  
howard@hduncanlaw.com

Jensen Well Co., Inc.  
c/o Michael M. Borer, Reg Agent  
767 Iowa Street  
Blair, NE 68008

Elizabeth R O'Connor  
eoconnor@ldmlaw.com

R&A Construction Co., Inc.  
c/o Margaret J. Platek, Reg Agent  
822 Locust Street  
Carter Lake, IA 51510

Old Castle Materials Midwest Co.  
c/o Highest Officer or Man Agent  
14012 Giles Road  
Omaha, NE 68138

Martin P Pelster  
mpelster@crokerlaw.com

Date: July 12, 2016

BY THE COURT:

*Carol Kromm*

CLERK

