

Nebraska Judicial Branch

Case Summary

In the District Court of York County
 The Case ID is CI 13 0000046
 Donna Schroeder v. James Turner
 The Honorable Alan G Gless, presiding.
 Classification: Foreclosure-Mortgage
 Filed on 03/11/2013
 This case is Closed as of 07/16/2013
 It was disposed as Uncontested Default

Parties/Attorneys to the Case

Party	Attorney
Plaintiff ACTIVE Donna Schroeder 11727 Beasley Road Longmont CO 80504	Matthew R Watson 408 PLATTE AVE, SUITE A YORK NE 68467 402-362-5506
Defendant ACTIVE James Turner 402 N Iowa Ave York NE 68467	Elaine A Waggoner 715 S 14th St. Lincoln NE 68508 402-475-3597
Defendant ACTIVE Julie Turner 402 N Iowa Ave York NE 68467	Elaine A Waggoner 715 S 14th St. Lincoln NE 68508 402-475-3597
Defendant ACTIVE Kenneth Turner 700 East Ave York NE 68467	Elaine A waggoner 715 S 14th St. Lincoln NE 68508 402-475-3597
Defendant ACTIVE Sandy Turner 700 East Ave York NE 68467	Elaine A Waggoner 715 S 14th St. Lincoln NE 68508 402-475-3597
Defendant ACTIVE Todd Schoch 920 Road 19 York NE 68467	Michael J Murphy 617 GRANT AVE P.O. Box 584 YORK NE 68467 402-362-7725
Defendant ACTIVE John D Arkle 3110 12th Ave Kearney NE 68845	Joy Shiffermiller 1002 G Street Lincoln NE 68508 402-484-7700
Defendant ACTIVE US Bank/Adair Asset Management %Deana K. Walocha 405 North 115th St Omaha NE 68154	
Defendant ACTIVE Avery Real Estate LLC %Philip J. Morgan 4930 S 75th St Lincoln NE 68516	
Defendant ACTIVE United States of America %Deborah R. Gilg US Atty's Office 487 Fed Bldg 100 Centennial Mall N Lincoln NE 68508	Laurene M Barrett United States Attorney 1620 Dodge Street, Suite 1400 Omaha NE 68102 402-661-3700
Defendant ACTIVE John C Hahn	John C Hahn

5640 South 84th St Suite 100
Lincoln NE 68516

5640 S. 84 St., Ste 100
LINCOLN NE 68516
402-483-7711

Alias is John C Hahn

Defendant ACTIVE

N 1/2 Lot 9 W 1/2 Lot 10 blk 72

E 1/2 Lot 10 in blk 72

York NE 68467

N 1/2 Lot 9 W 1/2 Lot 10 blk 72 owes \$122,086.23

Judgment Information

On 07/16/2012 judgment of Abstracting Fees were entered for \$150.00

The judgment creditor is Donna Schroeder

The judgment debtor is N 1/2 Lot 9 W 1/2 Lot 10 blk 72

On 07/16/2012 judgment of Attorney Fees were entered for \$5,110.01

The judgment creditor is Donna Schroeder

The judgment debtor is N 1/2 Lot 9 W 1/2 Lot 10 blk 72

On 07/16/2013 judgment of Tax Lien was entered for \$30,925.87

Default interest rate is 2.1070%

Balance due is \$34,253.53

The judgment creditor is United States of America

The judgment debtor is N 1/2 Lot 9 W 1/2 Lot 10 blk 72

On 07/16/2013 judgment of Real Estate Taxes were entered for \$2,167.49

The judgment creditor is York County Treasurer

The judgment debtor is N 1/2 Lot 9 W 1/2 Lot 10 blk 72

On 07/16/2013 judgment of Real Estate Taxes were entered for \$1,371.55

The judgment creditor is York County Treasurer

The judgment debtor is N 1/2 Lot 9 W 1/2 Lot 10 blk 72

On 07/16/2013 judgment of Real Estate Taxes were entered for \$2,222.22

The judgment creditor is York County Treasurer

The judgment debtor is N 1/2 Lot 9 W 1/2 Lot 10 blk 72

On 07/16/2013 judgment of Judgment (General) was entered for \$96,236.34

Per-diem rate is \$21.02

Balance due is \$87,832.70

The judgment creditors are John D Arkle

Donna Schroeder

The judgment debtor is N 1/2 Lot 9 W 1/2 Lot 10 blk 72

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Petition	03/11/2013	\$35.00
Plaintiff	Filing Fee - State	03/11/2013	\$5.00
Plaintiff	Automation Fee	03/11/2013	\$8.00
Plaintiff	NSC Education Fee	03/11/2013	\$1.00
Plaintiff	Dispute Resolution Fee	03/11/2013	\$0.75
Plaintiff	Indigent Defense Fee	03/11/2013	\$3.00
Plaintiff	Uniform Data Analysis Fee	03/11/2013	\$1.00
Plaintiff	J.R.F.	03/11/2013	\$6.00
Plaintiff	Filing Fee-JRF	03/11/2013	\$2.00
Plaintiff	Legal Aid/Services Fund	03/11/2013	\$5.25
Plaintiff	Complete Record	03/11/2013	\$15.00
Plaintiff	Miscellaneous Fees	03/15/2013	\$10.00
Plaintiff	Sheriff's Fees	09/09/2013	\$154.66

Incurring By	Account	Date	Amount
Plaintiff	Service Fees	03/18/2013	\$20.50
Plaintiff	Service Fees	03/14/2013	\$19.00
Plaintiff	Service Fees	03/15/2013	\$18.50
Plaintiff	Service Fees	03/15/2013	\$19.50
Plaintiff	Service Fees	03/15/2013	\$23.95
Plaintiff	Service Fees	04/04/2013	\$22.99
Plaintiff	Service Fees	03/21/2013	\$7.57
Plaintiff	Service Fees	03/21/2013	\$7.57
Plaintiff	Service Fees	03/21/2013	\$7.57

Financial Activity

No trust money is held by the court
No fee money is held by the court

Costs for Recovery

Incurring By	Account	Date	Amount
Defendant	Petition	03/11/2013	\$35.00
Defendant	Filing Fee - State	03/11/2013	\$5.00
Defendant	Automation Fee	03/11/2013	\$8.00
Defendant	NSC Education Fee	03/11/2013	\$1.00
Defendant	Dispute Resolution Fee	03/11/2013	\$0.75
Defendant	Indigent Defense Fee	03/11/2013	\$3.00
Defendant	Uniform Data Analysis Fee	03/11/2013	\$1.00
Defendant	J.R.F.	03/11/2013	\$6.00
Defendant	Filing Fee-JRF	03/11/2013	\$2.00
Defendant	Legal Aid/Services Fund	03/11/2013	\$5.25
Defendant	Complete Record	03/11/2013	\$15.00
Defendant	Miscellaneous Fees	03/15/2013	\$10.00
Defendant	Sheriff's Fees	09/09/2013	\$154.66
Defendant	Service Fees	03/18/2013	\$20.50
Defendant	Service Fees	03/14/2013	\$19.00
Defendant	Service Fees	03/15/2013	\$18.50
Defendant	Service Fees	03/15/2013	\$19.50
Defendant	Service Fees	03/15/2013	\$23.95

Incurring By	Account	Date	Amount
Defendant	Service Fees	04/04/2013	\$22.99
Defendant	Service Fees	03/21/2013	\$7.57
Defendant	Service Fees	03/21/2013	\$7.57
Defendant	Service Fees	03/21/2013	\$7.57

Payments Made to the Court

Receipt	Type	Date	For	Amount
9010627	Non-Monetary Rec	10/29/2013	N 1/2 Lot 9 W 1/2 Lot	\$5,653.82
			Petition	\$35.00
			Filing Fee - State	\$5.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$0.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$6.00
			Filing Fee-JRF	\$2.00
			Legal Aid/Services Fun	\$5.25
			Complete Record	\$15.00
			Miscellaneous Fees	\$10.00
			Sheriff's Fees	\$154.66
			Service Fees	\$20.50
			Service Fees	\$19.00
			Service Fees	\$18.50
			Service Fees	\$19.50
			Service Fees	\$23.95
			Service Fees	\$22.99
			Service Fees	\$7.57
			Service Fees	\$7.57
			Service Fees	\$7.57
			Attorney Fees	\$5,110.01
			Abstracting Fees	\$150.00
9010625	Non-Monetary Rec	10/28/2013	N 1/2 Lot 9 W 1/2 Lot	\$23,792.46
			Judgment (General)	\$23,792.46

Receipt	Type	Date	For	Amount
9010626	Non-Monetary Rec	10/28/2013	N 1/2 Lot 9 w 1/2 Lot	\$23,792.46
			Judgment (General)	\$23,792.46
43960	Check	10/24/2013	Schroeder, Donna,	\$34,000.00
			Holding Acct	\$34,000.00
9010601	Non-Monetary Rec	09/11/2013	Schroeder, Donna,	\$154.66
			Sheriff's Fees	\$154.66
43842	Check	09/09/2013	N 1/2 Lot 9 w 1/2 Lot	\$25,000.00
			Real Est Taxes	\$2,167.49
			Real Est Taxes	\$1,371.55
			Real Est Taxes	\$2,222.22
			Holding Acct	\$19,238.74
9010599	Non-Monetary Rec	09/09/2013	N 1/2 Lot 9 w 1/2 Lot Void	ed
9010474	Non-Monetary Rec	04/04/2013	Schroeder, Donna,	\$22.99
			Service Fees	\$22.99
9010463	Non-Monetary Rec	03/22/2013	Schroeder, Donna,	\$22.71
			Service Fees	\$7.57
			Service Fees	\$7.57
			Service Fees	\$7.57
9010461	Non-Monetary Rec	03/19/2013	Schroeder, Donna,	\$80.95
			Service Fees	\$19.00
			Service Fees	\$18.50
			Service Fees	\$19.50
			Service Fees	\$23.95
9010460	Non-Monetary Rec	03/18/2013	Schroeder, Donna,	\$20.50
			Service Fees	\$20.50
43365	Check	03/11/2013	Schroeder, Donna,	\$82.00
			Petition	\$35.00
			Filing Fee - State	\$5.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$6.00

Receipt	Type	Date	For	Amount
			Filing Fee-JRF	\$2.00
			Legal Aid/Services Fun	\$5.25
			Complete Record	\$15.00

Payments Made by the Court

Check	Date	To	Amount
33492	10/29/2013	Schroeder, Donna,	\$5,653.82
33489	10/28/2013	York County Treasurer	\$5,761.26
33490	10/28/2013	Arkle, John, D	\$23,792.46
33491	10/28/2013	Schroeder, Donna,	\$23,792.46

Register of Actions

09/12/2014 Order
 This action initiated by Rachel A Daugherty
 Order for Return or Disposal of Exhibits and Receipt for Exhibits
 Image ID J00012261D17

10/23/2013 Order
 This action initiated by Michael J Owens
 Image ID J00010465D17

10/22/2013 Hearing

09/12/2013 Notice-Hearing
 This action initiated by party Donna Schroeder

09/12/2013 Motion-Confirm Sale
 This action initiated by party Donna Schroeder
 Image ID 000051671D17

09/09/2013 Return-Order of Sale
 This action initiated by party Donna Schroeder

Image ID 000051662D17

08/16/2013 Affidavit-Mailing
 This action initiated by party Donna Schroeder
 Image ID 000051611D17

08/12/2013 Order-Sale
 Image ID 000051365D17

08/07/2013 Praecipe-Order of Sale
 This action initiated by party Donna Schroeder
 Image ID 000051525D17

07/23/2013 Complete Record
 10-29-2013 rescanned

Image ID 000051335D17

07/17/2013 Case Closed

07/16/2013 Decree
This action initiated by Michael J Owens
Image ID J00009931D17

07/16/2013 Case/Motion Decided

07/16/2013 Motion Under Advisement

07/16/2013 Hearing

06/12/2013 Affidavit-App for Support, etc
This action initiated by party Donna Schroeder
Affidavit in Support of Motion for Summary Judgment and Default Judgment

Image ID 000050957D17

06/12/2013 Cert-Service
This action initiated by party Donna Schroeder
Image ID 000050960D17

05/31/2013 Motion Filed
This action initiated by party Donna Schroeder
Motion for Summary Judgment and Default Judgment and Notice of Hearing
Image ID 000050979D17

04/23/2013 Answer to Cross-Claim
This action initiated by party United States of America
Image ID 000050575D17

04/19/2013 Answer

This action initiated by party Sandy Turner
Image ID N13109LY5D17

04/19/2013 Answer
This action initiated by party Kenneth Turner
Image ID N13109LY3D17

04/19/2013 Answer
This action initiated by party Julie Turner
Image ID N13109LY0D17

04/19/2013 Answer
This action initiated by party James Turner
Image ID N13109LXYD17

04/19/2013 Entry of Appearance

This action initiated by party Sandy Turner
Image ID N13109LXND17

04/19/2013 Entry of Appearance
This action initiated by party Kenneth Turner
Image ID N13109LXID17

04/19/2013 Entry of Appearance
This action initiated by party Julie Turner

Image ID N13109LXHD17

04/19/2013 Entry of Appearance
This action initiated by party James Turner
Image ID N13109LXFD17

04/15/2013 Answer

This action initiated by party United States of America
Image ID 000050580D17

04/10/2013 Return Summons/Alias Summons
The document number is 00010222
Served 03/23/2013, Certified Mail
Image ID 000050547D17

04/05/2013 Answer
This action initiated by party John D Arkle
Image ID N130956T7D17

04/04/2013 Answer
This action initiated by party John C Haun
Image ID N130944UGD17

04/04/2013 Return Summons/Alias Summons
The document number is 00010220
Served 03/19/2013, Buffalo County Sheriff
Personal or Residential Service
Image ID 000050407D17

03/26/2013 Answer to Counterclaim
This action initiated by party James Turner
Answer Counterclaim and Cross-Claim of Todd Schoch
Image ID 000050396D17

03/21/2013 Return Summons/Alias Summons
The document number is 00010224
Served 03/13/2013, Certified Mail
Image ID 000050412D17

03/21/2013 Return Summons/Alias Summons
The document number is 00010223
Served 03/13/2013, Certified Mail
Image ID 000050409D17

03/21/2013 Return Summons/Alias Summons
The document number is 00010221
Served 03/13/2013, Certified Mail
Image ID 000050406D17

03/18/2013 Return Summons/Alias Summons
The document number is 00010215
Served 03/15/2013, York County Sheriff
Residential Service
Four attempts prior to service at usual place of residence with a
person of suitable age and discretion residing therein - wife

Robert Penner, Deputy Sheriff, York County, Nebraska
Image ID D00010243D17

03/15/2013 Lis Pendens
This action initiated by party Donna Schroeder
Image ID 000050325D17

03/15/2013 Return Summons/Alias Summons
The document number is 00010219
Served 03/14/2013, York County Sheriff
Personal Service
Image ID D00010237D17

03/15/2013 Return Summons/Alias Summons
The document number is 00010218
Served 03/14/2013, York County Sheriff
Personal Service
Two attempts prior to service at new address above.
Image ID D00010238D17

03/15/2013 Return Summons/Alias Summons
The document number is 00010217
Served 03/14/2013, York County Sheriff
Personal Service
Three attempts prior to service at new address above.
Image ID D00010239D17

03/14/2013 Return Summons/Alias Summons
The document number is 00010216
Served 03/13/2013, York County Sheriff
Personal Service
One attempt prior to service at YSO lobby.
Image ID D00010233D17

03/12/2013 Summons Issued on John C Haun
The document number is 00010224
Image ID D00010224D17

03/12/2013 Summons Issued on United State of America
The document number is 00010223
Image ID D00010223D17

03/12/2013 Summons Issued on Avery Real Estate LLC
The document number is 00010222
Image ID D00010222D17

03/12/2013 Summons Issued on US Bank/Adair Asset Management
The document number is 00010221
Image ID D00010221D17

03/12/2013 Summons Issued on John D Arkle
The document number is 00010220
Image ID D00010220D17

03/12/2013 Summons Issued on Todd Schoch
The document number is 00010219
Image ID D00010219D17

03/12/2013 Summons Issued on Sandy Turner
The document number is 00010218
Image ID D00010218D17

03/12/2013 Summons Issued on Kenneth Turner
The document number is 00010217
Image ID D00010217D17

03/12/2013 Summons Issued on Julie Turner
The document number is 00010216

Image ID D00010216D17

03/12/2013 Summons Issued on James Turner
The document number is 00010215
Image ID D00010215D17

03/11/2013 Praecipe-Summons/Alias
This action initiated by party Donna Schroeder
Image ID 000050277D17

03/11/2013 Complaint-Praecipe
This action initiated by party Donna Schroeder

Image ID 000050274D17

Judges Notes

07/16/2013
07-16-2013
Motion for Summary Judgment and Default Judgment heard. Plaintiff appears with counsel Matthew Watson. Defendant Todd Schoch represented by Michael Murphy. Evidence adducted. Taken under advisement.
10/22/2013
10-22-2013
Motion for Confirmation of Sale heard. Plaintiff appears by Matthew Watson. Evidence adduced. Order of Confirmation entered.

JUL 16 2013

SHARILYN STEUBE
CLERK

IN THE DISTRICT COURT OF YORK COUNTY, NEBRASKA

DONNA SCHROEDER,)
)
)
 Plaintiff,)
)
 vs.)
)
 JAMES TURNER and JULIE TURNER)
 husband and wife, KENNETH TURNER)
 and SANDY TURNER, husband and)
 wife, JOHN C. HAUN, Trustee,)
 JOHN D. ARKLE, A VERY REAL)
 ESTATE, LLC, a Nebraska Limited)
 Liability Company TODD SCHOCH,)
 US BANK ADAIR MANAGEMENT,)
 LLC, a Nebraska Limited Liability)
 Company, UNITED STATES OF)
 AMERICA, JOHN DOE and JANE)
 DOE, real names and marital)
 status unknown)
)
 Defendants.)

Case No. CI13-46

DECREE

THIS MATTER came on for hearing this 16th day of July, 2013, upon the Motion for Summary Judgment and Default Judgment of Plaintiff Donna S. Schroeder (hereinafter "Schroeder"). Plaintiff Schroeder was represented by her counsel, Matthew R. Watson. The other ~~parties~~ ^{parties} present in person or through counsel were as follows:

Michael Murphy for defendant Todd Schoch

_____ . Evidence was adduced, and upon consideration of that evidence and the files herein, the Court, being fully advised in the premises, finds as follows:

1. That due and legal service of process has been had upon each of the Defendants herein.



2. That the Court has jurisdiction of the parties hereto as well as the subject matter of this action.

3. That although time has elapsed, Defendants Avery Real Estate, LLC; US Bank Adair Management, LLC; and John Doe and Jane Doe, real names and marital status unknown, have failed to answer or otherwise plead to the Complaint filed herein and are in default.

4. That default judgment should be, and hereby is, entered against Defendants Avery Real Estate, LLC; US Bank Adair Management, LLC; and John Doe and Jane Doe, real names and marital status unknown.

5. That Defendants James Turner and Julie Turner, husband and wife and Kenneth Turner and Sandy Turner, husband and wife (hereinafter collectively referred to as "Turners"), by and through their attorney Elaine A. Waggoner; John C. Haun (a.k.a. John C. Hahn); John D. Arkle, by and through his attorney Joy Shiffermiller; and the Internal Revenue Service of the United States of America, by and through its attorney Laurie M. Barrett, have filed an Answer and Todd Schoch, by and through his attorney Michael Murphy, has filed an Answer and Counterclaim/Cross Claim but that there is no genuine issue as to any material fact and that summary judgment should also be entered herein in favor of Plaintiff Schroeder on her Complaint.

6. That the allegations contained in Plaintiff Schroeder's Complaint are generally true.

7. That the Turners executed and delivered to Plaintiff Schroeder and Defendant John D. Arkle a promissory note made payable to the order of Plaintiff Schroeder and Defendant John D. Arkle as described in the Complaint herein; that simultaneous with the execution and delivery of the promissory note, Defendant Turners executed and delivered to John C. Hahn, as Trustee, for the benefit of Plaintiff Schroeder and Defendant John D. Arkle, as Beneficiary, the Deed of Trust described in the Complaint upon the real property described

in said Deed of Trust, to wit:

North Half of Lot Nine (9) and the West Half of Lot Ten (10) in Block Seventy-Two (72) in the Original Town, City of York, in York County, Nebraska; also known as York County Parcel No. 930010760

AND

East Half of Lot Ten (10) in Block Seventy-Two (72), in the Original Town, City of York, in York County, Nebraska; also known as York County Parcel No. 930010841.

that said Deed of Trust was duly recorded on January 18, 2007, in Volume 428 of mortgages, Page 534 in the office of the York County Clerk, ex officio Register of Deeds; that on or before such recording, Defendant Turners, became, and now are, the record owners of such real estate; that on or before execution and recording of the Deed of Trust, the residence including all buildings, structures, improvements and attachments located within the above-described real property became permanently affixed to said real estate and were made a permanent part thereof; and therefore, are deemed a part of such real property secured by the Deed of Trust, and not personal property; that Plaintiff Donna Schroeder and Defendant John D. Arkle are the owners of said Deed of Trust and are the holders of the note secured thereby and is the real parties in interest herein; that pursuant to Neb. Rev. Stat. §77-203 said Deed of Trust is a lien upon the above-described real estate inferior to the following described liens of Defendants:

East Half of Lot Ten (10) in Block Seventy-Two (72), in the Original Town, City of York, in York County, Nebraska; also known as York County Parcel No. 930010841:

1. Avery Real Estate, LLC - Tax Sales Certificate # 140007 for unpaid real estate taxes for 2009, 2010 and 2011;

AND

North Half of Lot Nine (9) and the West Half of Lot Ten (10) in Block Seventy-Two

(72) in the Original Town, City of York, in York County, Nebraska; also known as York County Parcel No. 930010760:

1. Todd Schoch - Tax Sales Certificate # 140047 for unpaid real estate taxes for 2009;
2. US Bank Adair Management, - Tax Sales Certificate # 150002 for unpaid real estate taxes for 2010 and 2011;

that the interests of Defendant Turners, the United States of America and John Doe and Jane Doe, real names and marital status unknown, if any, are junior, inferior and subject to the aforementioned real estate tax liens and the lien of Plaintiff Schroeder and Defendant John D. Arkle; that Defendant Turners have failed to make the installments due pursuant to the terms set forth in the promissory note and is therefore in default under such note; that Defendant Turners, are in default under the terms of such Deed of Trust; that the amounts due as of July 16, 2013, and which Plaintiff Schroeder seeks to recover is \$100,758.78 as more specifically set forth below:

Plaintiff Donna Schroeder and Defendant John D. Arkle

Principal Balance & Interest through July 16, 2013	\$96,236.34
Interest accrues pursuant to the Note at a per diem of	\$21.02

Expenses Incurred by Plaintiff Schroeder

Title search	\$150.00
Filing fee for Notice of Lis Pendens	\$10.00
Attorneys Fees through June 18, 2013	\$4,362.44
TOTAL	\$100,758.78

that Plaintiff Schroeder has also incurred expenses of \$150.00, as indicated above, for a title search necessary to determine the parties who may have a claim against or interest in the above-described real property, \$10.00 for a filing fee relating to the filing of a Notice of Lis

Pendens and \$4,362.44 in Attorney's Fees through June 16, 2013 and, pursuant to the Deed of Trust, such sums should be included in the amount of the indebtedness secured by such Deed of Trust; that no action at law has been had for the recovery of said debt or any part thereof; and that Plaintiff Schroeder is entitled to a foreclosure of the above-described property for the satisfaction of said sums.

8. That by virtue of Neb. Rev. Stat. §77-203, the lien of Plaintiff Schroeder and Defendant John D. Arkle is inferior to the following liens:

East Half of Lot Ten (10) in Block Seventy-Two (72), in the Original Town, City of York, in York County, Nebraska; also known as York County Parcel No. 930010841;

1. Avery Real Estate, LLC - Tax Sales Certificate # 140007 for unpaid real estate taxes for 2009, 2010 and 2011;

AND

North Half of Lot Nine (9) and the West Half of Lot Ten (10) in Block Seventy-Two (72) in the Original Town, City of York, in York County, Nebraska; also known as York County Parcel No. 930010760;

1. Todd Schoch - Tax Sales Certificate # 140047 for unpaid real estate taxes for 2009;
2. US Bank Adair Managment, - Tax Sales Certificate # 150002 for unpaid real estate taxes for 2010 and 2011;

9. That subject to the liens specified in Paragraph 8 of this Decree, the lien of Plaintiff Donna Schroeder and Defendant John D. Arkle is the first lien in the above described real estate and has priority over all other liens and the following IRS lien is the second lien on the real estate:

1. IRS Federal Tax Lien in the amount of \$30,925.87 through July 16, 2013, against Kenneth M. Turner in York County, Nebraska, recorded

January 12, 2011. Recording ## 2011-00107, UCC No. 9911648076-1.

10. That Defendant John C. Hahn has no interest in the above described real estate as he was simply a trustee on behalf of the beneficiaries named in the Deed of Trust and that therefore he should be dismissed from this action and no judgment should enter against him.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that default judgment is entered against Defendants Avery Real Estate, LLC; US Bank Adair Managment, LLC; and John Doe and Jane Doe, real names and marital status unknown, and each of them.

IT IS FURTHER ORDERED by the Court that summary judgment is entered in favor of Plaintiff Donna Schroeder on her Complaint against the James Turner and Julie Turner, husband and wife and Kenneth Turner and Sandy Turner, husband and wife ; John D. Arkle; and the United States of America.

IT IS FURTHER ORDERED by the Court that John C. Hahn has no interest in the above described real estate as he was simply a trustee to the Deed of Trust and therefore he is dismissed from this action and no judgment shall enter against him.

IT IS FURTHER ORDERED by the Court that all buildings, structures, improvements and attachments located with the above-described real property became permanently affixed to said real property and were made a permanent part thereof and therefore are deemed a part of such real estate secured by the above-described Deed of Trust, and not personal property.

IT IS FURTHER ORDERED by the Court that there is due Plaintiff Schroeder and Defendant John D. Arkle from Defendant Turners, as of July 16, 2013, the sum of \$100,758.78, as more specifically set forth below:

Plaintiff Donna Schroeder and Defendant John D. Arkle

Principal Balance & Interest through July 16, 2013 \$96,236.34

Interest accrues pursuant to the Note at a per diem of \$21.02

Expenses Incurred by Plaintiff Schroeder

Title search \$150.00

Filing fee for Notice of Lis Pendens \$10.00

Attorneys Fees through June 18, 2013 \$4,362.44

TOTAL \$100,758.78

and the costs of this action, all as a lien on the above-described real property.

IT IS FURTHER ORDERED by the Court that the sums due and owing to Plaintiff Schroeder and Defendant John D. Arkle described in the preceding paragraph are inferior to the following described interests:

East Half of Lot Ten (10) in Block Seventy-Two (72), in the Original Town, City of York, in York County, Nebraska; also known as York County Parcel No. 930010841;

1. Avery Real Estate, LLC - Tax Sales Certificate # 140007 for unpaid real estate taxes for 2009, 2010 and 2011;

AND

North Half of Lot Nine (9) and the West Half of Lot Ten (10) in Block Seventy-Two (72) in the Original Town, City of York, in York County, Nebraska; also known as York County Parcel No. 930010760;

1. Todd Schoch - Tax Sales Certificate # 140047 for unpaid real estate taxes for 2009;
2. US Bank Adair Managment, - Tax Sales Certificate # 150002 for unpaid real estate taxes for 2010 and 2011;

IT IS FURTHER ORDERED by the Court that the interests of Defendant Turners, the United States of America and John Doe and Jane Doe, real names and marital status unknown, if any, are junior, inferior and subject to the liens of Plaintiff Donna Schroeder and Defendant John D. Arkle.

IT IS FURTHER ORDERED by the Court that the interest inferior to that of Plaintiff Donna Schroeder and Defendant John D. Arkle, as specified above, have the following priority and are in the following amounts:

1. IRS Federal Tax Lien in the amount of \$30,925.87 through July 16, 2013, against Kenneth M. Turner in York County, Nebraska, recorded January 12, 2011. Recording # # 2011-00107, UCC No. 9911648076-1.

IT IS FURTHER ORDERED by the Court that, in default of payment of said sums, with interest and costs as aforesaid, for a period of twenty (20) days from the entry of this Decree, that Dale E. Radcliff, Sheriff of York County, Nebraska, be appointed at his ordinary fee, to be taxed as costs herein, to sell the real property described herein as upon execution, and the proceeds of said sale shall be brought into Court and applied to the satisfaction of said sums found due Plaintiff Schroeder and Defendant John D. Arkle, with interest and costs as aforesaid; that the surplus, if any, shall be paid to the Clerk of the Court for the use of the persons entitled thereto; that if there exists any surplus, the Court will at a later date upon application of any other party, determine the interest, if any, of said party to such surplus; that, upon the confirmation of said sale, Defendant Turners, and John Doe and Jane Doe, real names and marital status unknown, be and they hereby are foreclosed of all right, title, lien, equity of redemption, or other interest in, to, or upon the above-described real property; that, upon the confirmation of said sale Defendant the United States of America, be and hereby are foreclosed of all right, title, lien, equity of redemption, or other interest in, to, or upon the above-described real

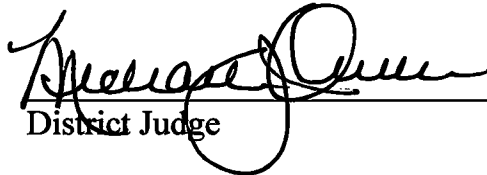
property subject to the rights provided to the United States of America by 28 U.S.C. §2410(c); and that said Sheriff shall make, execute and deliver to the purchaser at said sale a good and sufficient deed of conveyance to said real estate.

IT IS FURTHER ORDERED by the Court that a Writ of Assistance shall issue, upon request of the purchaser at said sale, directing that all occupants be removed from the above-described real property forthwith and placing such purchaser in possession of the property thus sold immediately after the sale is confirmed.

Dated this 16th day of July, 2013.

Defendant Schoch's request for attorney fees denied.

BY THE COURT:



District Judge

Prepared and submitted by:

Matthew R. Watson, #24735
Attorney for Plaintiff
408 N. Platte Ave., Suite A
York, NE 68467
(402) 362-5506

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on July 17th 2013.

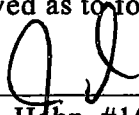
By: Overnight Courier FAX E mailed
 Hand Delivered U.S. Mail Other
 Certified Mail Scanned _____

Signature *Angie Johnson rep* _____

-Matthew R. Watson
-John Hahn
-Todd Schoch
-Michael Murphy
-John Arkle
-Joy Shiffermiller
-Laurie Barrett
-Elaine Waggoner
-Sheriff
-York County Clerk

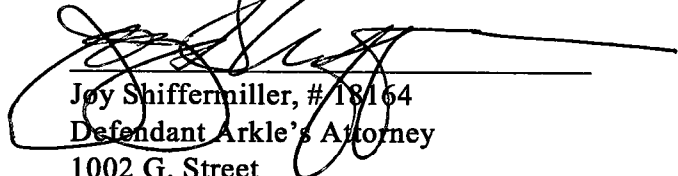
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Approved as to form and content:



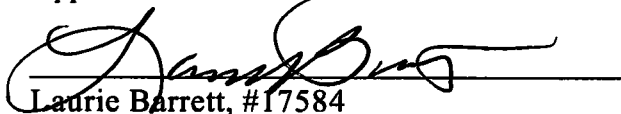
John C. Hahn, #15068
Attorney at Law
5640 S 84th St., Ste. 100
Lincoln, NE 68516

Approved as to form and content:

A handwritten signature in black ink, appearing to read "Joy Shiffermiller", is written over a horizontal line. The signature is stylized and extends to the right of the line.

Joy Shiffermiller, #18164
Defendant Arkle's Attorney
1002 G. Street
Lincoln, NE 68508

5
Approved as to form and content:

A handwritten signature in black ink, appearing to read "Laurie Barrett", is written over a horizontal line.

Laurie Barrett, #17584

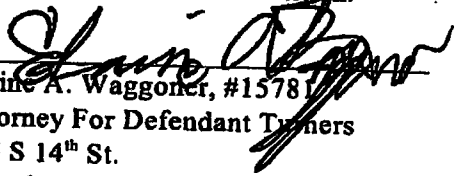
Internal Revenue Service

United States of America

1620 Dodge St., Ste 1400

Omaha, NE 68102

Approved as to form and function:


Elaine A. Waggoner, #15781
Attorney For Defendant Trainers
715 S 14th St.
Lincoln, NE 68508

IN THE DISTRICT COURT OF YORK COUNTY, NEBRASKA

DONNA SCHROEDER,)
)
)
 Plaintiff,)
)
 vs.)
)
 JAMES TURNER and JULIE TURNER)
 husband and wife, KENNETH TURNER)
 and SANDY TURNER, husband and)
 wife, JOHN C. HAUN, Trustee,)
 JOHN D. ARKLE, AVERY REAL)
 ESTATE, LLC, a Nebraska Limited)
 Liability Company TODD SCHOCH,)
 US BANK ADAIR MANAGEMENT,)
 LLC, a Nebraska Limited Liability)
 Company, UNITED STATES OF)
 AMERICA, JOHN DOE and JANE)
 DOE, real names and marital)
 status unknown)
)
 Defendants.)

Case No. CI13-46

**FILED IN THE DISTRICT COURT
YORK COUNTY, NEBRASKA**

OCT 22 2013

**SHARILYN STEUBE
CLERK**

**ORDER OF
CONFIRMATION OF SALE**

THIS MATTER came on for hearing this 22nd day of October, 2013, upon the return of Dale E. Radcliff, York County Sheriff, from the Order of Sale issued herein, and the Motion of Plaintiff for Confirmation of said sale. Evidence was adduced, upon consideration whereof, the Court, having carefully examined the proceedings of said Sheriff and being otherwise fully advised in the premises, finds as follows:

1. That pursuant to said Order of Sale, said Sheriff did on the 9th day of September, 2013, sell the following described real property, to wit:

North Half of Lot Nine (9) and the West Half of Lot Ten (10) in Block Seventy-Two (72) in the Original Town, City of York, in York County,



Nebraska;

AND

East Half of Lot Ten (10) in Block Seventy-Two (72), in the Original Town,
City of York, in York County, Nebraska

to Larry and Donna Schroeder, without recourse, as purchasers, for the sum of \$59,000.00.

2. That the Court is satisfied that said sale in all respects was made in conformity with the provisions of the laws of the State of Nebraska; that said real estate was sold for fair value under the circumstances and conditions of said sale; and that a subsequent sale would not realize a greater amount.

3. That said sale should be confirmed; that the Clerk of the Court should be directed to make an entry on the Journal that the Court is satisfied with the legality of said sale; and that the Sheriff should be ordered to make and deliver to said purchaser a deed to said real estate.

4. That the Clerk of the Court shall distribute the sales proceeds of \$59,000.00 as follows to the entities named and in the following amounts:

a. That the sum of \$2,167.49 shall be paid directly to the York County Treasurer for the payment of Tax Sales Certificate #140007.

b. That the sum of \$1,371.55 shall be paid directly to the York County Treasurer for the payment of Tax Sales Certificate #140047.

c. That the sum of \$2,222.22 shall be paid directly to the York County Treasurer for the payment of Tax Sales Certificate #150002.

d. That the sum of \$5,653.82 to Donna Schroeder relating to her prepayment of the filing fee, services fees, the costs of the Sheriff's Sale, filing fee for Notice of Lis Pendens, title search and attorneys fees to this date;


e. That the remaining sum of 47584.94 be distributed one-half ($\frac{1}{2}$) or \$23,792.47 to John D. Arkle and one half ($\frac{1}{2}$) \$23,792.47 to Donna Schroeder, in

partial satisfaction of the sums owed to them as described in the Decree entered by this Court on July 16, 2013.

IT IS THEREFORE ORDERED by the Court that said sale shall be and is hereby confirmed; that the Clerk of the Court be, and she hereby is, directed to make an entry on the Journal that the Court is satisfied of the legality of said sale; that Sheriff Dale E. Radcliff be, and hereby is, ordered to make and deliver to said purchasers, Larry Schroeder and Donna Schroeder, without recourse, their successors and assigns, a deed to said real estate; and that the Clerk of the Court be, and hereby is, ordered to pay the gross proceeds from the sale to the entities named above in the amounts indicated herein.

Dated this 22nd day of October, 2013.

BY THE COURT:


District Judge MICHAEL J. OWENS

Prepared and submitted by:

Matthew R. Watson, #24735
Attorney for Plaintiff
408 N. Platte Ave., Suite A
York, NE 68467
(402) 362-5506

CERTIFICATE OF SERVICE
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on 10-23-2013

By: Overnight Courier FAX E mailed
 Hand Delivered U.S. Mail Other
 Certified Mail Scanned

Signature Beverly Nelson

- York County Sheriff
- York County Treasurer
- Matthew Watson
- Elaine Waggoner
- Michael Murphy
- Joy Shiffermiller
- Deana Walocha
- Philip Morgan
- Laurie Barrett
- John Hahn
- John & Jane Doe