

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

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REP INVESTMENTS, LLC.,	)	CASE NO. CI19-1327
a Nebraska limited	)	
liability company,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>MOTION AND AFFIDAVIT FOR</b>
	)	<b>DEFAULT JUDGMENT COMBINED</b>
DAVID E. DOLL PROPERTIES,	)	<b>WITH NOTICE OF HEARING AND</b>
L.L.C., a Nebraska limited	)	<b>CERTIFICATE OF SERVICE</b>
liability company; GRANITE	)	
RE, INC., a corporation;	)	
QUALITY TIRE, INC., a	)	
corporation; MAPLE STREET	)	
INVESTMENTS, INC., a	)	
corporation; and NEBRASKA	)	
DEPARTMENT OF REVENUE,	)	
	)	
Defendants.	)	

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Clay M. Rogers, being first duly sworn, says he is the attorney of record for the Plaintiff, REP Investments, LLC, in the above entitled action; that the Defendants, David E. Doll Properties, L.L.C., a Nebraska limited liability company; Granite Re, Inc., a corporation; Maple Street Investments, Inc., a corporation have been duly and legally served with summons as provided by law in this action, due proof of service has been filed herein, more than thirty days (30) days have elapsed since the date of service and no answer, motion, or other pleading has been served or filed in this action by any of the named Defendants and the named Defendants are in default.

That the Defendant Quality Tire, Inc. has filed a disclaimer of interest in the Real Property which is the subject matter of Plaintiff's Complaint for Foreclosure of Mortgage.

That the Defendant State of Nebraska has filed a disclaimer of interest in the Real Property which is the subject matter of Plaintiff's Complaint for Foreclosure of Mortgage.

That the allegations contained in the Plaintiff's Complaint for Foreclosure of Mortgage are true, including the following specific allegations:

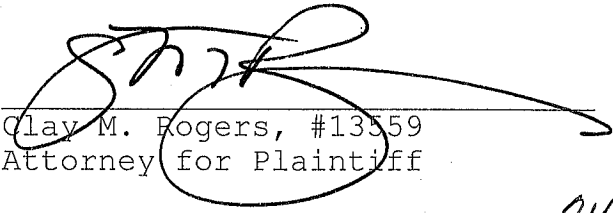
That there is due and owing to Plaintiff REP Investments, LLC on the Note and Mortgage set forth in its Complaint the total sum of Thirty-five Thousand One Hundred Twenty-seven and 41/199 Dollars (\$35,127.41) as of April 15, 2019, with interest continuing to accrue on and after April 15, 2019, at \$6.6038 per day, its costs of suit and any other subsequent advances made to protect the security of the Plaintiff; that said Plaintiff has a first lien in said sum plus interest and costs upon the Real Property and appurtenances thereto above-described; and that said lien be and hereby is foreclosed

That Defendants, Defendant David E. Doll Properties L.L.C. has no right, title or interest to the Real Property which is the subject matter of Plaintiff's Complaint for Foreclosure of Mortgage and that any interest claimed by said Defendant David E. Doll Properties L.L.C. is junior and inferior to that of the Plaintiff.

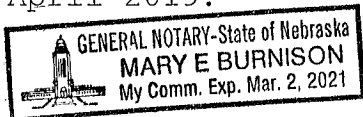
That Defendants Granite Re, Inc., and Maple Street Investments, Inc. have no right, title or interest to the Real Property Plaintiff's Complaint for Foreclosure of Mortgage and that any interest claimed by said Defendants is junior and inferior to that of the Plaintiff.

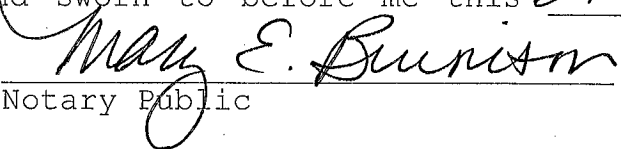
That the Plaintiff has incurred the following costs in connection with this action and the Plaintiff is entitled to the awarding of costs: \$83.00 filing fee and service of summons \$29.00, which fees and expenses total \$112.00.

WHEREFORE, the Plaintiff moves the Court for its Order as follows: (1) that the Court decree that the Plaintiff REP's Mortgage constitutes a first and paramount lien upon the Real Property which is the subject matter of Plaintiff's Complaint for Foreclosure of Mortgage; (2) that the Defendant David E. Doll Properties, L.L.C., Defendant Granite Re, Inc. and Defendant Maple Street Investments, Inc. are in default and judgment for foreclosure is awarded to Plaintiff and against the Defendants and each of them; (3) for the awarding of costs to the Plaintiff in the amount of \$112.00; and (4) for such other and further relief as the Court may find just and equitable.

  
Clay M. Rogers, #13559  
Attorney for Plaintiff

Signed in my presence and sworn to before me this 24<sup>th</sup>  
day of April 2019.



  
Notary Public

NOTICE OF HEARING

You are hereby notified that the above and foregoing Motion will be called up for hearing before the Honorable James T. Gleason on the 28<sup>th</sup> day of May, 2019, at the hour of 2:30 p.m., or as soon thereafter as the parties can be heard, in Courtroom No. 506 of the District Court of Douglas County, Nebraska.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing Motion was filed with the Clerk of Court using the Justice E-Filing System pursuant to Neb. Ct. R. Pldg., §6-419, and a copy was served upon the following by electronic mail and/or by first class U.S. mail, postage prepaid, on the 24<sup>th</sup> day of April, 2019:

Granite Re, Inc.  
c/o Kenneth D. Whittington, Reg Agent  
14001 Quailbrook Drive  
Oklahoma City OK 73134

Anne M. Breitreutz  
Dornan Troia Howard Breitreutz &  
Conway PC LLO  
1403 Farnam Street, Suite 232  
Omaha NE 68102

Maple Street Investments Inc.  
c/o Allan M. Ziebarth, Reg Agent  
1702 S 10<sup>th</sup> Street, Suite 20  
Omaha NE 68108

Amber L. Coulter  
Special Assistant Attorney General  
Nebraska Department of Revenue  
2115 State Capitol  
Lincoln NE 68509

/s/ Clay M. Rogers  
Clay M. Rogers

# Certificate of Service

I hereby certify that on Wednesday, April 24, 2019 I provided a true and correct copy of the Motion-Default Judgment to the following:

Granite Re Inc service method: First Class Mail

David E Doll Properties LLC service method: No Service

REP Investments LLC represented by Aaron Smeall (Bar Number: 22756) service method: Electronic Service to ehartmann@smithslusky.com

Quality Tire Inc represented by Anne Breikreutz (Bar Number: 19014) service method: Electronic Service to abreit@dltlawyers.com

Maple Street Investments Inc. service method: First Class Mail

Nebraska Department of Revenue represented by Amber L. Coulter (Bar Number: 19027) service method: Electronic Service to amber.coulter@nebraska.gov

Lot Two (2) Ludwick Place, an addit service method: No Service

Nebraska Department of Revenue represented by Douglas J. Peterson (Bar Number: 18146) service method: Electronic Service to pat.selk@nebraska.gov

Signature: /s/ Clay Rogers (Bar Number: 13559)