

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MILACEK MONUMENT COMPANY,)
INC.,)

Case No. CI 17-6960

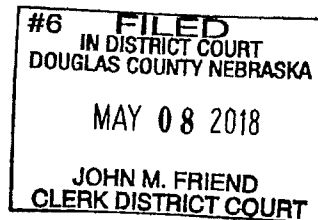
Plaintiff,)

v.)

ORDER

BOHEMIAN CEMETERY ASSOCIATION,)
AND ALL PERSONS HAVING OR)
CLAIMING AN INTEREST IN LOTS 1)
AND 2 OF THE MILACEK ADDITION,)
AN ADDITION TO THE CITY OF OMAHA,)
DOUGLAS COUNTY, NEBRASKA, REAL)
NAMES UNKNOWN.)

Defendants.



THIS MATTER came before the court upon the Joint Motion submitted by Plaintiff, Milacek Monument Company, Inc. ("Milacek Monument") and the Bohemian Cemetery Association, Defendant. Based upon the Joint Motion and the Court's review of the pleadings filed in this matter, the Court finds and orders:

1. Notice of the Complaint was properly provided.
2. Venue is properly in this County.
3. Milacek Monument Company, Inc. is the owner of property legally described as Lots 1 and 2 of the Milacek Addition, an addition to the City of Omaha, Douglas County, Nebraska (the "Milacek Addition"), as set forth in the attached Exhibit B.
4. Milacek Monument Company, Inc. has had exclusive possession of the Milacek Addition for more than ten years. Such possession has been actual, continuous, exclusive, notorious, open, and hostile and under a claim of ownership and such possession has been



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adverse and open to the persons that could potentially claim pursuant to Neb. Rev. Stat. § 25-202.

5. Milacek Monument Company, Inc., has become the legal owner of the Milacek Addition (Lots 1 and 2) through adverse possession.

6. The legal description for the revised replat (Exhibit B) for which Milacek Monument Company, Inc. should and hereby does own and have clear title to is as follows:

Being a replat of all of Lots 3, 4 and 5, and part of Lot 2, Lee's Subdivision of Lot 1, Block 5, Brookline Subdivision, except that part of Lot 3 deeded to the City, as surveyed, platted and recorded in Douglas County, Nebraska, and except that part of said Lot 2, conveyed to the City of Omaha by Warranty Deed dated July 7, 1959, and recorded August 6, 1959, in Book 1069 at Page 437 of Deed of Records of Douglas County, said exception being more particularly described as follows:

BEGINNING at the Northwest Corner of Lot 2, of Lee's Subdivision of Lot 2, of Lees' Subdivision of Lot 1, Block 5, Brookline Addition; thence on a 349 feet radius curve to the right, initial tangent of which coincides with the Northwesterly lot line of said Lot 2, a distance of 90.71 feet to a point with the North line of said Lot 2; thence West along the North line of said Lot 2, a distance of 22.0 feet to the Northwesterly corner of Lot 2; thence along the North line of said Lot 2, a distance of 72.8 feet to the PONT OF BEGINNING, containing 3345 square feet, more or less.

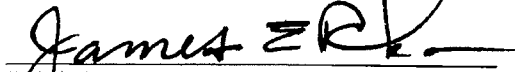
Together with part of the abandoned creek bed adjoining on the South located in the Northeast Quarter of the Southwest Quarter of Section 30, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska. Said addition being subject to two permanent easements granted to Metropolitan Utilities District of Omaha, a Municipal Corporation and political subdivision, as described in document 2007046725, Recorded April 26, 2007, and shown herein.

IT IS ORDERED Milacek Monument Company, Inc. is the owner of the real estate legally described, above, and title to the real estate legally described, above, is quieted to Milacek Monument Company, Inc.

DATED this 8th day of May, 2018.


DISTRICT COURT JUDGE

Approved as to Form and ^{VER}Content:



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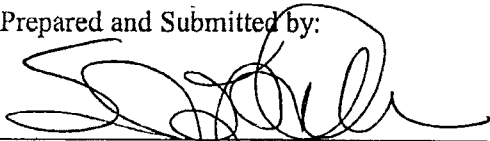
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Milacek Monument Company, Inc., Plaintiff



City of Omaha ~ Administrative Subdivision

Milacek Addition

Lots 1 and 2

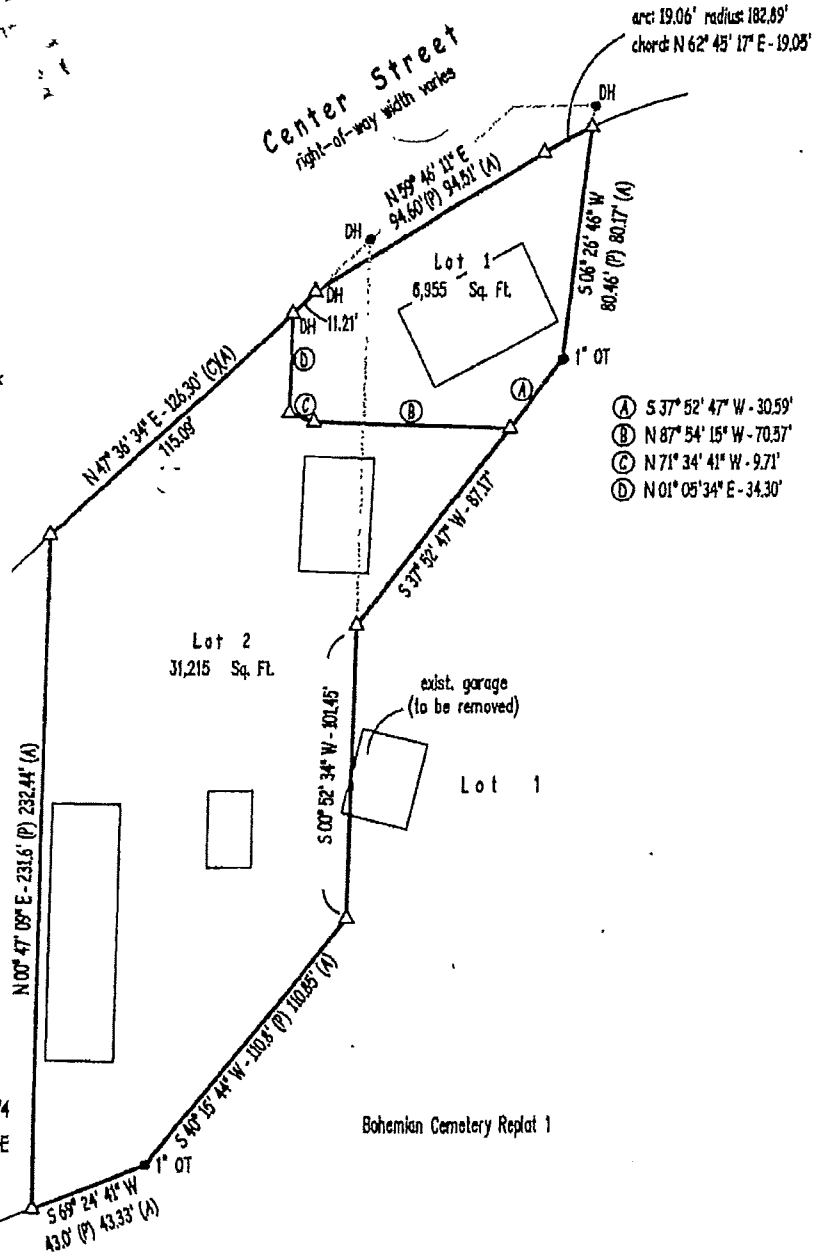
Being a replat of part of Lot 2, Lee's Subdivision of lot 1, Block 5 Brookline, a surveyed, platted and recorded subdivision in Douglas County, Nebraska, together with part of the abandoned creek bed adjoining on the South; located in the Northeast Quarter of the Southwest Quarter of Sec. 30, T15N, R13E as surveyed and recorded in Douglas County, Nebraska.

Legal Description:

Being a replat of all of Lots 3, 4 and 5, and part of Lot 2, Lee's Subdivision of Lot 1, Block 5, Brookline Addition, except that part of Lot 3 deeded to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, and except that part of said Lot 2, conveyed to the City of Omaha by Warranty Deed dated July 7, 1959, and recorded August 6, 1959, in Book 1069 at Page 437 of Deed Records of Douglas County, said exception being more particularly described as follows:

Beginning at the Northwest Corner of Lot 2, of Lee's Subdivision of Lot 2, of Lee's Subdivision of Lot 1, Block 5 Brookline Addition; thence on a 349 feet radius curve to the right, initial tangent of which coincides with the Northwesterly lot line of said Lot 2, a distance 90.71 feet to a point on the North line of said Lot 2; thence West along the North line of said Lot 2, a distance of 22.0 feet to the Northwesterly corner of Lot 2; thence along the North line of said Lot 2, a distance of 72.8 feet to the POINT OF BEGINNING, containing 3345 square feet, more or less.

Together with part of the abandoned creek bed adjoining on the South located in the Northeast Quarter of the Southwest Quarter of Section 30, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska. Said addition is subject to the permanent easements granted to Metropolitan Utilities District of Omaha, a Municipal Corporation of political subdivision, as described in Instrument 2007046725, Recorded April 26, 2007, and shown herein."



- (A) S 37° 52' 47" W - 30.59'
- (B) N 87° 54' 15" W - 70.37'
- (C) N 71° 34' 41" W - 9.71'
- (D) N 01° 05' 34" E - 34.30'

NORTH



SCALE: 1" = 60'

THIS PROPERTY IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD

Sheet 1 of 1 Scale 1" = 60'	Drawn SLH Checked SLH	<ul style="list-style-type: none"> ● Subdivisional corner ● Property corner found ○ Property corner set □ Computed location DH Drill hole 	<ul style="list-style-type: none"> OT Open top pipe PT Pinch top pipe RB Rebar SI Solid Iron pin Pk Concrete nail 	<ul style="list-style-type: none"> (P) Record bearing (A) Measured bearing (C) Calculated bearing (S) Previous survey (G) Governmental
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