

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

BOHEMIAN CAFE CO., INC., a Nebraska corporation,

Plaintiff,

vs.

TERRY J. KAPOUN, PERSONAL REPRESENTATIVE OF THE ESTATE OF ROBERT P. KAPOUN, SR., also known as ROBERT P. KAPOUN, Deceased; AND ALL PERSONS HAVING OR CLAIMING ANY INTEREST IN LOT 2, BLOCK 9, AND THE WEST 73.5' OF THE NORTH 1/2 AND THE WEST 18' OF THE SOUTH 1/2 OF LOT 3, BLOCK 9, ALL IN KOUNTZE'S 3RD ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, Real Names Unknown,

Defendants.

CASE NO. CI 16-_____

COMPLAINT (Equity)

COMES NOW the Plaintiff, Bohemian Cafe Co., Inc., and for its claims against the Defendants, states and alleges as follows:

- 1. The Plaintiff now is and at all times hereinafter mentioned was a Nebraska corporation.
2. Robert P. Kapoun, Sr., also known as Robert P. Kapoun, is the record owner of the following real estate legally described as:

Lot 2, Block 9, and the West 73.5' of the North 1/2 and the West 18' of the South 1/2 of Lot 3, Block 9, all in Kountze's 3rd Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska (the "Real Estate").

- 3. Robert P. Kapoun, Sr., also known as Robert P. Kapoun, died on January 3, 2007. Terry J. Kapoun is the Personal Representative of the Estate of Robert P. Kapoun, Sr., also known as Robert P. Kapoun, having been duly appointed as Personal Representative on September 12, 2016, in the County Court of Douglas County, Nebraska, in the case entitled: In

the Matter of the Estate of Robert P. Kapoun, Sr., also known as Robert P. Kapoun, Deceased, at Case No. PR 16-1318.

4. The Plaintiff believes that there may be persons other than those named as Defendants set forth herein who may claim an interest in the Real Estate, which claims do not appear of record. The Plaintiff, after diligent inquiry and reasonable search, has not been able to ascertain the names and whereabouts of such persons and, therefore, is designating such persons as: All persons having or claiming any interest in Lot 2, Block 9, and the West 73.5' of the North ½ and the West 18' of the South ½ of Lot 3, Block 9, all in Kountze's 3rd Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, real names unknown.

5. The Plaintiff has had continuous, actual, notorious, and exclusive adverse possession of the Real Estate under claim of title for more than ten (10) years last past, and immediately prior to the commencement of this action, intending and claiming such title and possession against all persons whomsoever, during all of this time.

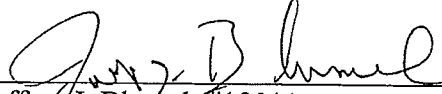
6. The Plaintiff has solely occupied the Real Estate since at least 1971, and has paid the real estate taxes on the Real Estate since such time.

7. By virtue of the facts set out above, there casts a cloud upon the title of the Plaintiff and the Real Estate, which prevents the quiet use and enjoyment of the Real Estate and which tends to impair and lessen the value of the same, and will, unless the Plaintiff's title against the Defendants is quieted and established, cause the Plaintiff irrevocable injury and the Plaintiff has no adequate remedy at law.

WHEREFORE, the Plaintiff prays that its title to the Real Estate be quieted and confirmed in the Plaintiff as against each of the Defendants, and against all persons having or claiming any interest in the Real Estate, real names unknown, and that each of them be enjoined forever from asserting any claim of interest in the Real Estate or any portion thereof; and for such other and further relief as equity may require.

DATED this 13th day of September, 2016.

BOHEMIAN CAFE CO., INC., a Nebraska
corporation, Plaintiff

By: 
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Defendants.

CASE NO. CI 16-7824

DISCLAIMER OF INTEREST AND WAIVER OF APPEARANCE AND NOTICE

#13 FILED IN DISTRICT COURT DOUGLAS COUNTY NEBRASKA SEP 29 2016 JOHN M. FRIEND CLERK DISTRICT COURT

COMES NOW the Defendant, Terry J. Kapoun, Personal Representative of the Estate of Robert P. Kapoun, Sr., also known as Robert P. Kapoun, Deceased, and hereby disclaims any interest in the property which is the subject matter of this action and consents to the entry of a Decree quieting and confirming title in the Plaintiff as set forth in the Complaint. Additionally, Defendant waives appearance at and notice of any further proceedings herein.


DATED this 21st day of September, 2016.

Terry Kapoun
TERRY J. KAPOUN, PERSONAL REPRESENTATIVE OF THE ESTATE OF ROBERT P. KAPOUN, SR., also known as ROBERT P. KAPOUN, Deceased

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing Disclaimer of Interest and Waiver of Appearance and Notice was mailed this 21st day of September, 2016, to the following by regular United States mail, postage prepaid:

Jeffrey J. Blumel
Abrahams Kaslow & Cassman LLP
8712 W. Dodge Road, Suite 300
Omaha, NE 68114
Attorney for Plaintiff


Terry J. Kapoun, Personal Representative