

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

EQUIFUNDING, INC.,

Plaintiff,

vs.

PEACHTREE PROPERTIES, L.L.C.;  
AMERICAN NATIONAL BANK, TRUSTEE;  
CITY OF PAPILLION; SANITARY AND  
IMPROVEMENT DISTRICT NO. 268 OF  
SARPY COUNTY; SARPY COUNTY,  
NEBRASKA; 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.

CASE NO. CI 11 530

**DECREE OF FORECLOSURE**

**SIGNED COPY**

NOW on this 14th day of May, 2012, this matter came on for hearing on Plaintiff's Motion for Summary Judgment and the Motion for Partial Summary Judgment filed by Defendant, Sanitary and Improvement District No. 268 of Sarpy County, Nebraska ("SID 268"). The Plaintiff, Equifunding, Inc., appeared by and through counsel. The Defendant Sanitary and Improvement District No. 268 of Sarpy County ("SID #268") appeared by and through counsel. No other party appeared in person or by an attorney. This matter was then submitted upon the pleadings and exhibits introduced. The Court finds that all parties to this action were properly served and given proper notice of hearing. The Court finds that all Defendants are in default of pleading or appearances herein, except as stated herein, and such is entered on the record and Plaintiff is entitled to an entry of a decree of foreclosure against the Defendants named, designated or referred to in the Complaint. The Court further finds that the right, title, and interest of each of the Defendants including, but not limited to Defendant SID 268, are wholly junior and inferior to the lien of the Plaintiff; that the taxes as set forth below were duly levied and assessed against the real estate by the proper authorities, and became and are delinquent on the real estate; that the real estate was duly and legally advertised for sale by the Treasurer of

Sarpy County, Nebraska, and the real estate was duly sold to the Plaintiff for the amount alleged in the tax sale certificate, and the certificate was duly issued by the County Treasurer to the Plaintiff; that Plaintiff is the holder and owner of the tax sale certificates and no part thereof has been paid; that as of May 14, 2012, there is due Plaintiff the following amounts of taxes, fees and interest for the years as set forth:

**CERTIFICATE NUMBER 7878**

[Lot 72, Villas at Creekside, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska]

<b>Taxes (2008)</b>	<b>Interest to 5/14/12</b>	<b>Treasurer Fees</b>
\$39,969.31	\$17,021.16	\$10.00
<b><u>Court Costs</u></b>		
\$23.52	Service	
\$101.98	Publication	
\$82.00	Filing Fees	
\$5.50	Register of Deeds	
<u>\$125.00</u>	Title Reports	
\$338.00		
<b><u>Totals</u></b>		
\$39,969.31	Taxes	
\$17,021.16	Interest	
\$10.00	Treasurer Fees	
<u>\$338.00</u>	Court Costs	
\$57,338.47	Total	
<u>\$ 5,733.85</u>	(10% atty fee)	
\$63,072.32		

The Court further finds that, despite the Court's finding that SID #268's special assessment lien is junior and inferior to Plaintiff's lien, in the event the subject real estate is sold

to satisfy Plaintiff's lien, it will be sold subject to Defendant SID #268's junior and inferior lien, which lien will not be extinguished by this foreclosure action

That Plaintiff is entitled to interest at the rate of 14% per annum on the unpaid taxes from the date hereof; that Plaintiff is entitled to recover the costs of this action as set forth above, together with an attorney fee pursuant to Neb. Rev. Stat. §77-1909, in the amount of 10% of the principal, interest and costs for said cause of action; that all of the proceedings had with reference to taxes and tax sale certificates were duly, regularly and legally had and done by the proper officials; and that the Plaintiff is entitled to a foreclosure of its lien.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

That there is due the Plaintiff as against the real estate the amounts as herein set forth, with interest at 14% per annum from the date herewith, together with the costs of this action and Plaintiff's attorney fees; that in default of the payment of these sums for a period of twenty (20) days from the entry of this decree that the real estate be sold as upon execution and the proceeds of the sale shall be applied:

1. In payment of the costs and attorney fees awarded.
2. To the satisfaction of the lien of the Plaintiff as found due with interest thereon.
3. The surplus, if any, to be paid into the Court for the use of the remaining Defendants or some of them, as are legally entitled to the same.

That the subject property shall be sold subject to Defendant SID #268's junior and inferior special assessment lien, which lien shall not be extinguished by this foreclosure action.

That upon redemption of any real estate included herein from the sale thereof by the Sheriff, made by the owners or other persons having a legal interest in the property, these persons redeeming the same pay, as a part of the costs, the sum of 14% per annum interest on the amount bid and subsequent taxes paid if any from the dates the sums are paid for the use of the bidder or the bidder's assigns, to be paid by the bidder at the time the bid is refunded and all costs and fees incurred since the entry of this Decree including all sheriff's fees.

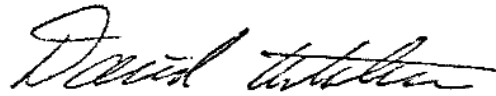
That the purchaser or purchasers of the herein described real estate pay all taxes which may have accrued during the pendency of this action or which may thereafter be levied against the parcels purchased by them as the same shall fall due; that upon the expiration of the period allowed by law for the redemption of these tracts and parcels of land by the owner thereof or

parties having a legal interest therein, the purchaser or purchasers make a showing that such taxes accruing during pendency of this action have been paid.

That the Defendants and each of them, except Defendant SID #268, be foreclosed and forever barred of any and all claims upon interest or estate in, right or title to, or lien upon or equity of redemption in or to the herein described real estate, and that upon a showing having been made that all subsequent taxes have been paid by the purchaser and upon confirmation of the sale as provided by law, that the purchaser or purchasers thereof, take a good and indefeasible title to the real estate so purchased, subject to the lien of Defendant SID #268 and be placed in possession of the same.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2012.

BY THE COURT:



District Court Judge

Prepared and Submitted by:

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