IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD) MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

DOC. 901 NO. 5/2

PETITION TO QUIET TITLE (Equity)

Assigned to Judge

FILED IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA

OCT 85 1991

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Plaintiff and for its Petition states and

alleges as follows:

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• eq:(1) Smith of William Progr. 1984 126 12 1 1. That Plaintiff is, and at all times material was, a corporation organized and existing under and by virtue of the laws of the State of Nebraska with its principle place of business being located at 7577 Burlington, Ralston, Douglas County, Nebraska.

• • • •

2. That on or about September 16, 1985, Plaintiff purchased the real property commonly known as 7577 Burlington Street, Ralston, Douglas County, Nebraska and legally described as follows:

The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

- 3. That Defendant BELGRADE COMPANY, FLEXIBLE FOAM PRODUCTS, INC., EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, and the DOUGLAS COUNTY BANK AND TRUST are all residents of Douglas County, Nebraska, or are Corporations or trusts authorized and/or doing business in the State of Nebraska, and Plaintiff believes they are the owners, lessors, or lessees of real property in the vicinity of the real property described in paragraph 2 above.
- 4. That during the summer of 1989, while Plaintiff was doing construction work on said property, Plaintiff discovered that a sanitary sewer line ran in a north-south direction across

said property at approximately the middle of Lot 5.

- 5. That upon investigation, Plaintiff believed that the Defendant, FLEXIBLE FOAM PRODUCTS, INC., had an interest in said sewer line. That following inquiries addressed to the Defendant, FLEXIBLE FOAM PRODUCTS, INC., however, Plaintiff was advised by the Defendant, EDWARD BELGRADE, on behalf of BELGRADE COMPANY, that Flexible Foam Products, Inc., BELGRADE COMPANY, nor EDWARD BELGRADE had an interest in said sewer line. Defendant EDWARD BELGRADE further stated that he had investigated the matter and determined that the sewer line was owned and operated by the City of Ralston. Consequently, Plaintiff requested the City of Ralston to move said sewer line. Plaintiff has now been informed that the sewer line is not owned or operated by the City of Ralston.
- 6. Plaintiff now believes that said sewer line is now abandoned and not used by anyone.
- 7. That Plaintiff believes that the Defendant's, BELGRADE COMPANY, EDWARD BELGRADE, FLEXIBLE FOAM PRODUCTS, INC., UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, SARA ZALKIN, JACK B. COHEN, HEROLD MANN, and the DOUGLAS COUNTY BANK AND TRUST OF OMAHA, may claim some right, title or interest in or to the said property adverse to Plaintiff's title therein. Any such claim of Defendants is without any right whatsoever, and Defendants have no right, title or interest in or to said property, or any portion thereof.
- 8. That said sewer line constitutes an encumbrance and cloud upon said property not of record.

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- 9. That said sewer line damages Plaintiff's property and if the same is not removed, will continue to cause damage to Plaintiff's property.
- 10. That the sewer line should be removed from Plaintiff's property.
- 11. That in addition to the above and foregoing, there is one grain storage bin and a portion of a grain storage bin located on the terminal right-of-way south of the West 45.1 feet of Lot 2 of the above described real property.
- 12. Plaintiff believes that the Defendants UNITED SEED, INC. and NEBRASKA SEED COMPANY may claim some right, title or interest in or to the said property adverse to Plaintiff's title therein. Any such claim of Defendants is without any right whatsoever, and Defendants have no right, title or interest in or to said property, or any portion thereof.
- 13. There may be other persons having or claiming to have some right, title or interest in or to said property whose interest does not appear on record and Plaintiff, after diligent investigation and inquiry, is unable to ascertain and does not know the names or whereabouts, if in this State, or the residence of such persons, and they are, therefore, designated herein as "all other persons, real or artificial, claiming any right, title, estate, lien or interest in or to the property" described above.
- 14. The claims of the various Defendants with respect to any right, title or interest in or to the said property constitute a cloud upon the title of Plaintiff, but whatever right, title or

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interest any of said Defendants may have in or to said property has been barred by lapse of time and operation of law and Plaintiff is entitled to have its title quieted against all such purported claims of the Defendants:

15. That Plaintiff has no adequate remedy at all.

WHEREFORE, Plaintiff, Omega Chemical Company, prays that title to the property described in paragraph 2 above be quieted and confirmed in Plaintiff as an absolute title in fee simple; that Defendants and each of them be forever barred and estopped from having or claiming any right, title or interest therein, and that Plaintiff be afforded such other and further relief as the Court may deem just and proper under the circumstances.

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff

Ву_

Duane M. Katz #12148 11590 West Dodge Road Omaha, Nebraska 68154

402/496-1010 Its Attorney

Omega.Pet

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FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

OCT 25 1931

RUDY J. TESAR CLERK DISTRICT COURT IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

v.

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ANSWER AND COUNTERCLAIM

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD) MANN, THE ZALKIN TESTAMENTARY) FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally) described as the West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

FILED
IN DISTRICT COURT
DOUGLAS COHNTY NERBASKA

JAN 14 1992

RUDY J. TESAR CLERK DISTRICT COURT

Defendants.

COMES NOW the Defendants, EDWARD BELGRADE, JACK B. COHEN and HAROLD MANN, as Trustees of the Eli Zalkin Testamentary Trust, and for their answer, state and allege as follows:

1. Admit that portion of Paragraph 3 of Plaintiff's Petition which alleges that Edward Belgrade, Jack B. Cohen and Harold Mann,

Caller 7 Harring - Cal George Construction

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residents of Douglas County, Nebraska, but denies the remainder of said paragraph.

- 2. Admits that portion of Paragraph 7 of Plaintiff's Petition which alleges that Edward Belgrade, Jack B. Cohen and Harold Mann claim some right, title or interest in or to the subject property adverse to Plaintiff's title therein, but denies the remainder of said paragraph.
- 3. Generally denies each and every other allegation contained in said Petition, except those which constitute admissions against the interests of the Plaintiff.

WHEREFORE, the Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, as Trustees of the Eli Zalkin Testamentary Trust, having fully answered the Petition of the Plaintiff, prays that the same be dismissed with prejudice at Plaintiff's cost.

COUNTERCLAIM

COMES NOW the Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, as Trustees of the Eli Zalkin Testamentary Trust, and for their counterclaim against the Plaintiff, state and allege as follows:

I.

That the Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, are and at all material times herein were, residents of Douglas County, Nebraska, and are Trustees of the Eli Zalkin Testamentary Trust.

II.

That since May 5, 1961, the Eli Zalkin Testamentary Trust, and/or its predecessors in interest, has been part owner of certain real property located in the City of Ralston, Douglas County, Nebraska, and more fully described as:

All of Block, 37, including vacated alley in Block 37 and a tract of land being a portion of Mechanic Street vacated, lying between Block 37 and Block 38, and a portion of Block 38, being described as follows, to-wit: commencing at the Northeast corner of Lot 1, Block 37, and proceeding in a northerly direction along the west right-of-way line of 75th Street to the Northwest corner of Lot 40, Block 38; thence West along the South line of vacated alley lying in Block 38 a distance of 200 feet, thence in a Southwesterly direction a distance of 251.1 feet to the Northeast corner of Lot 16, Block 37, thence in an easterly direction, and including vacated Mechanic Street lying therein to the point of beginning at the Northeast corner of Lot 1, Block 37, all in the Townsite of Ralston, Douglas County, Nebraska.

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• ; ;

III.

That upon information belief, the Plaintiff is the owner of the property commonly known as 7577 Burlington Street, Ralston, Douglas County, Nebraska, and legally described as follows:

The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5 and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

IV.

That the above described parcels of property are adjoining tracts separated only by Burlington Street, a public street within the Townsite of Ralston.

V.

That Defendants' predecessors in title had constructed a sanitary sewer line running from the Defendant's property in a north-south direction across a portion of Lot 5, Lot 57, in the Townsite of Ralston, Douglas County, Nebraska, and now owned by the Plaintiff.

VI.

That the Defendants have continued to use the sanitary sewer line in dispute for a period in excess of ten (10) years.

VII.

That the use of said sanitary and sewer line during said statutory period has been continuous and uninterrupted, open, visible, notorious, hostile, under a claim of right.

VIII.

Defendants and Defendants' predecessors in title have thus acquired an easement by prescription to the use of that portion of the property of the Plaintiff, occupied by the sanitary and sewer line.

IX.

That Defendants have no adequate remedy at law.

WHEREFORE, Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, Trustees of the Eli Zalkin Testamentary Trust, pray that an easement by prescription in the property of the Plaintiff containing the sanitary and sewer line be quieted and confirmed in the Defendants, for an Order permanently enjoining Plaintiff form obstructing such easement, for Defendant's costs, and for such other relief as the court may deem just.

EDWARD BELGRADE, JACK B. COHEN and HAROLD MANN, TRUSTEES OF THE ELI ZALKIN TESTAMENTARY TRUST, Defendants and Counterclaimants

By:

MYRON J. KAPLAN, #16869

RICHARD, RIEKES, BROWN & ZABIN, P.C. 1125 South 103rd Street, Suite 600 Omaha, Nebraska 68124

(402) 390-1112

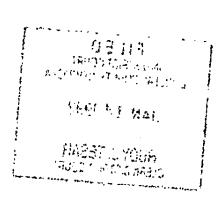
CERTIFICATE OF SERVICE

It is hereby certified that on this \(\frac{100}{100} \) day of January, 1992, a copy of the above and foregoing Answer and Counterclaim was mailed to the following by first-class United States mail, postage prepaid:

Duane M. Katz, Esq. 11590 West Dodge Road Omaha, NE 68154

....

William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102



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FILED
IN DISTRICT COURT
DOUGLAS COUNTY NERRASKA

JAN 14 1992

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc.
Ent. Ex. Doc.
Ent. Gen. index

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

DOC. 901

NO. 512

ANSWER TO COUNTERCLAIM OF EDWARD BELGRADE, JACK B. COHEN, AND HAROLD MANN, AS TRUSTEES OF THE ELI ZALKIN TESTAMENTARY TRUST

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA
FEB 1 0 1992
RUDY J. TESAR
CLERK DISTRICT COURT

COMES NOW the Plaintiff, and for its Answer to the Counterclaim of Edward Belgrade, Jack B. Cohen, and Harold Mann, as Trustees of the Eli Zalkin Testamentary Trust, states and alleges as follows:

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1. Plaintiff denies each and every allegation contained in the Counterclaim of said Defendants, except those allegations which are admissions against the interests of said Defendants, or are in the nature of admissions against the interests of said Defendants.

WHEREFORE, Plaintiff prays that said Counterclaim be dismissed at Defendants' cost.

OMEGA CHEMICAL COMPANY, INC.,

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SAST LYSY

CHANGE OF THE

Plaintiff

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Answer to Counterclaim was mailed by regular United States mail, postage prepaid, on this day of February, 1992, to the following:

Myron J. Kaplan Attorney at Law One Pacific Place, Suite 600 1125 South 103rd Street Omaha, Nebraska 68124

William J. Brennan, Jr. Attorney at Law 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68102

American National Bank 111 North 84th Street Omaha, Nebraska 68114

Duane M. Katz

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

Eni. Gen. Index

LAW OFFICES

FITZGERALD, SCHORR, BARMETTLER & BRENNAN, P.C.

1000 WOODMEN TOWER

OMAHA, NEBRASKA 68102

(402) 342-1000

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff,

vs.

NO. 512

DECREE

DOC. 901

BELGRADE COMPANY, a Nebraska)
Corporation, FLEXIBLE FOAM)
PRODUCTS, INC., a Nebraska)
Corporation, EDWARD BELGRADE,)

Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises; and all persons having or claiming any interest in and to the real estate described in

Defendants.

Exhibit "A" attached hereto,

Real Names Unknown,

This _____ day of ______, 1994, this cause came on to be heard upon the stipulation and pleadings herein, the court finds as follows:

1. The defendants Herold Mann, Flexible Foam Products, Inc., American National Bank, N.A., Belgrade Company, Edward Belgrade, Jack B. Cohen, Sara Zalkin, the Zalkin Testamentary Family Trust, United Seeds, Inc., and all persons, real names unknown having an interest in

a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises;

have been properly served or have filed appearances herein.

- 2. That the defendants, Douglas County Bank and the City of Ralston were not served and are hereby dismissed without prejudice.
- 3. The defendants, American National Bank, N.A.; Belgrade Company; Edward Belgrade, in his individual capacity; Sara Zalkin, in her individual capacity; Jack B. Cohen, in his individual capacity; Herold Mann, in his individual capacity; Jack B. Cohen, in his capacity as trustee of the Zalkin Testamentary Family Trust; Sandra Belgrade as co-personal representative of the estate of Sara Zalkin; Edward Belgrade, in his capacity as trustee of the Zalkin Testamentary Family Trust; Herold Mann, in his capacity as trustee of the Zalkin Testamentary Family Trust; and Flexible Foam Products, Inc. have each disclaimed all right, title, interest or possession in or to the subject real property.
- 4. The defendant Nebraska Seed Company has merged into and is now United Seeds, Inc.
- 5. The defendant United Seeds, Inc. filed an answer, counterclaim, and cross-claim to quiet title to the following-described real property:

that part of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West

line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, on the South (hereinafter referred to as the "Terminal Right-of-Way Property").

6. The plaintiff and United Seeds, Inc. have entered into a Quitclaim Deed and Easement Agreement (hereinafter "Agreement"), a copy of which is attached hereto and incorporated herein by this reference, by which the plaintiff and the defendant United Seeds, Inc. resolve their respective claims to the Terminal Right-of-Way Property as set forth in the Agreement.

WHEREFORE, IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED:

1. That the title of the plaintiff to the following-described real estate:

The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6 in Block 57 together with all that part of the terminal grounds which adjoin Lots 3, 4, 5, and 6, of Block 57 and the northerly 14.8 feet of the Terminal Right-of-Way lying between the West line of Lot 2, Block 57, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, all in the townsite of Ralston, being located in the Southwest Quarter ($SW^{\frac{1}{4}}$) of Section 2 and the North One-Half ($N^{\frac{1}{4}}$) of Section 11 in Township 14 North, Range 12 East of the 6th P.M., in Douglas County, Nebraska;

be quieted and confirmed in the plaintiff as against the defendants Belgrade Company; Flexible Foam Products, Inc.; Edward Belgrade, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; Jack B. Cohen, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; Herold Mann, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; the estate of Sara Zalkin; the American National Bank, N.A.; and all persons having or claiming any interest in and to the above-

described property, real names unknown.

2. That the title of the defendant United Seeds, Inc. to the following-described real estate:

that portion of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska lying between the West line of Lot 2, Block 57, original town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, except the Northerly 14.8 feet thereof;

is hereby quieted and confirmed in United Seeds, Inc. as against the plaintiff and Belgrade Company; Flexible Foam Products, Inc.; Edward Belgrade, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; Jack B. Cohen, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; Herold Mann, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; the estate of Sara Zalkin; the American National Bank, N.A.; and all persons having or claiming any interest in and to the above-described property, real names unknown.

- 3. That the plaintiff and United Seeds, Inc. have entered into the Agreement regarding their respective rights, title and interest in and to the Northerly 14.8 feet of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West line of Lot 2, Block 57, original town of Ralston, extended due South and a North-South line 45.1 feet of the West line of Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57 and that Agreement is attached hereto as Exhibit "A" and incorporated herein by this reference.
- 4. That the defendants City of Ralston and the Douglas County Bank are hereby dismissed, without prejudice.

BY THE COURT By: District Court Judge

Approved as to form and content:

By:

Duane M. Katz, #12148 11590 West Dodge Road Omaha, NE 68154 (402) 496-1010

Attorney for plaintiff.

Prepared and submitted by:

Michael D. Matejka, #1/362

Fitzgerald, Schorr, Barmettler & Brennan, P.C.

1000 Woodmen Tower Omaha, NE 68102 (402) 342-1000

Attorneys for defendant, United Seeds, Inc.

QUITCLAIM DEED AND EASEMENT AGREEMENT

This Agreement is entered into this	13	_ day of	July_	, 199	4, by
and between UNITED SEEDS, INC., a					
OMEGA CHEMICAL COMPANY, INC.,					

WHEREAS, United Seeds and Omega each claim to be the owner of the real estate described as follows:

That part of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, on the South (hereinafter referred to as the "Terminal Right-of-Way").

WHEREAS, United Seeds/is the owner of the real property legally described as the East 54.9 feet of Lot 2, Block 57, Original Town of Ralston, Douglas County, Nebraska, together with the property described on Exhibit "A" attached hereto;

WHEREAS, United Seeds has grain storage bins located on the above-described Terminal Right-of Way;

WHEREAS, Omega is the owner of the real property described as the West 45.1 feet of Lot 2, Block 57, Original Town of Ralston, Douglas County, Nebraska;

WHEREAS, Omega uses the Northerly 14.8 feet of the above-described Terminal Right-of-Way for the purpose of ingress and egress to the improvements on Omega's property;

WHEREAS, United Seeds uses the Northerly 14.8 feet of the above-described Terminal Right-of-Way for the purpose of ingress and egress to its grain storage bins located on the Terminal Right-of-Way and for ingress and egress by railway to United Seeds' adjoining property;

WHEREAS, United Seeds and Omega are desirous of resolving the dispute as to each of their rights, title and interest in and to the above Terminal Right-of-Way; and,

NOW, THEREFORE, upon mutual consideration herein received, the parties hereby agree as follows:

1. United Seeds hereby quit claims to Omega all right, title and interest to the Northerly 14.8 feet of the Terminal Right-of-Way in the Village of Ralston, Douglas County,

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Date 127/14
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Nebraska, lying between the West line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, subject, however, to the following:

- A. United Seeds' existing grain bins, including the foundations and footings thereof on the above-described Terminal Right-of-Way and any replacements of such bins provided that any such replacements shall not encroach upon Omega's property any more than the existing grain bins may encroach, if the existing grain bins encroach at all. These grain bins shall not be a breach of this Agreement and Omega shall have no right to move or compel the removal of such existing grain bins and shall not interfere with the normal daily use of the grain bins by United Seeds.
- B. The existing railroad tracks and any replacements thereof on the above described Terminal Right-of-Way. Omega shall have no right to move or compel removal of the railroad tracks. Omega shall not interfere with the use of the railroad tracks until such time as they are abandoned by United Seeds or its successors and assigns. Such abandonment must be in writing and filed of record with the Register of Deeds of Douglas County, Nebraska; and
- C. The easement granted to United Seeds below.
- 2. Omega hereby grants to United Seeds, its successors, assigns, agents, and contractors a permanent easement for ingress and egress over the Northerly 14.8 feet of the above-described Terminal Right-of-Way by pedestrians, vehicles, and trains to or for the benefit of the property owned by United Seeds or its successors and assigns and for repair and replacement of the existing railroad tracks, the use, and maintenance, repair and replacement of the grain bins or other improvements upon United Seeds property. This easement shall include the right to construct and operate machinery to load and unload grain onto trains or vehicles provided such machinery is suspended over the ground and does not interfere with Omega's normal vehicular ingress and egress to its property.
- 3. Omega hereby quit claims to United Seeds that portion of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal-of-Way adjoining said Lot 2, Block 57, except the Northerly 14.8 feet thereof.
- 4. These conveyances and grants are in recognition of United Seeds' claim of adverse possession and do not terminate or waive such claim as to any persons, other than Omega, claiming or holding an interest in the Terminal Right-of-Way.

- 5. This Agreement is limited to the Terminal Right-of-Way as defined herein and does not waive, terminate or effect any rights, claims or causes of action each party may have regarding their respective properties or the property of the other party other than the Terminal Right-of-Way.
- 6. This Agreement shall run with the land and be fully binding upon and inure to the benefit of the parties hereto, their respective heirs, successors, assigns, agents and contractors.

	UNITED SEEDS, INC.
	By: President
	OMEGA CHEMICAL COMPANY, INC.
	By: A cas I
COUNTY OF DOUGLE); ss.
LORISANE Mer Ses.	and qualified for said county, personally came of United Seeds. Inc., known to me to be the
the execution the real to be his/he	abscribed to the foregoing instrument, and acknowledged er voluntary act and/deed.
OF NEBRAS	Notary Public

STATE OF NEBRASKA)
// // : SS.
COUNTY OF fouglas)
On this 13th day of Luly, 1994, before me the undersigned
On this 13 day of Lucion, 1994, before me the undersigned
Notary Public duly commissioned and qualified for said county, personally came R. H. Level of Omega-Chemical Company, Inc., known to me
Design, the Francient of Omega-Chemical-Company, Inc., known to me
to be the identical person whose name is subscribed to the foregoing instrument, and
acknowledged the execution thereof to be his/her voluntary act and deed.
$\mathcal{A} + i \mathcal{E}$
A GENERAL HOTARY-State of Marcala
Notary Public //
My Comm. Exp. Sept. 14, 1985

NOTARIAL SEAL AFFIXED REGISTER OF DEEDS

SCHEDULE "A"

PARCEL I:

All Lot 1 and Lot 2, except the West 45.1 feet, thereof, Block 57; Lot 10, Block 58; Lots 10, 11, and 12, Block 59; all of Block 60; and Block 61, excepting therefrom those portions heretofore conveyed by deeds recorded in Book 899 at Page 665, Book 1302 at page 405 and Book 1499 at page 103, all being located in the Original Town of Ralston, Douglas County, Nebraska.

PARCEL II:

All that portion of the Terminal Railroad Right of Way as shown on the Plat of the Original Town of Raiston, recorded in Book 303 at Page 134, of the Deed records of Douglas County, Nebraska, lying between Lots 10, 11, and 12, Block 59; Block 61 and Block 60 and extending to a line 45.1 feet East of the West line of Lot 2, in Block 57, and that portion of same lying between Lot 10, in Block 58, and Lots 12 and 11, in Block 59 and extending to the West line of Lot 2, in Block 57, EXCEPTING THEREFROM Parcel III described below.

PARCEL III:

All that portion of the Terminal Railroad Right of Way, as shown on the Plat of the Original Town of Ralston, Douglas County, Nebraska, lying between the abandoned Missouri Pacific Railroad Right of Way and that portion of same conveyed in Deed? recorded in Book 422 at Page 606. Also that portion of same lying between the Westerly line of Block 60 and the East line of Lot 1, Block 57 extended south; and south of that portion conveyed in Deed recorded in Book 422 at Page 606.

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Received

Journa 3384 Page 83

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD) MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

DOC. 901 NO. 5/2

PETITION TO QUIET TITLE (Equity)

Assigned to Judge

FILED IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA

OCT 25 1991

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Plaintiff and for its Petition states and

alleges as follows:

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• eq:(1) Smith of William Progr. 1984 126 12 1 1. That Plaintiff is, and at all times material was, a corporation organized and existing under and by virtue of the laws of the State of Nebraska with its principle place of business being located at 7577 Burlington, Ralston, Douglas County, Nebraska.

• • • •

2. That on or about September 16, 1985, Plaintiff purchased the real property commonly known as 7577 Burlington Street, Ralston, Douglas County, Nebraska and legally described as follows:

The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

- 3. That Defendant BELGRADE COMPANY, FLEXIBLE FOAM PRODUCTS, INC., EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, and the DOUGLAS COUNTY BANK AND TRUST are all residents of Douglas County, Nebraska, or are Corporations or trusts authorized and/or doing business in the State of Nebraska, and Plaintiff believes they are the owners, lessors, or lessees of real property in the vicinity of the real property described in paragraph 2 above.
- 4. That during the summer of 1989, while Plaintiff was doing construction work on said property, Plaintiff discovered that a sanitary sewer line ran in a north-south direction across

said property at approximately the middle of Lot 5.

- 5. That upon investigation, Plaintiff believed that the Defendant, FLEXIBLE FOAM PRODUCTS, INC., had an interest in said sewer line. That following inquiries addressed to the Defendant, FLEXIBLE FOAM PRODUCTS, INC., however, Plaintiff was advised by the Defendant, EDWARD BELGRADE, on behalf of BELGRADE COMPANY, that Flexible Foam Products, Inc., BELGRADE COMPANY, nor EDWARD BELGRADE had an interest in said sewer line. Defendant EDWARD BELGRADE further stated that he had investigated the matter and determined that the sewer line was owned and operated by the City of Ralston. Consequently, Plaintiff requested the City of Ralston to move said sewer line. Plaintiff has now been informed that the sewer line is not owned or operated by the City of Ralston.
- 6. Plaintiff now believes that said sewer line is now abandoned and not used by anyone.
- 7. That Plaintiff believes that the Defendant's, BELGRADE COMPANY, EDWARD BELGRADE, FLEXIBLE FOAM PRODUCTS, INC., UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, SARA ZALKIN, JACK B. COHEN, HEROLD MANN, and the DOUGLAS COUNTY BANK AND TRUST OF OMAHA, may claim some right, title or interest in or to the said property adverse to Plaintiff's title therein. Any such claim of Defendants is without any right whatsoever, and Defendants have no right, title or interest in or to said property, or any portion thereof.
- 8. That said sewer line constitutes an encumbrance and cloud upon said property not of record.

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- 9. That said sewer line damages Plaintiff's property and if the same is not removed, will continue to cause damage to Plaintiff's property.
- 10. That the sewer line should be removed from Plaintiff's property.
- 11. That in addition to the above and foregoing, there is one grain storage bin and a portion of a grain storage bin located on the terminal right-of-way south of the West 45.1 feet of Lot 2 of the above described real property.
- 12. Plaintiff believes that the Defendants UNITED SEED, INC. and NEBRASKA SEED COMPANY may claim some right, title or interest in or to the said property adverse to Plaintiff's title therein. Any such claim of Defendants is without any right whatsoever, and Defendants have no right, title or interest in or to said property, or any portion thereof.
- 13. There may be other persons having or claiming to have some right, title or interest in or to said property whose interest does not appear on record and Plaintiff, after diligent investigation and inquiry, is unable to ascertain and does not know the names or whereabouts, if in this State, or the residence of such persons, and they are, therefore, designated herein as "all other persons, real or artificial, claiming any right, title, estate, lien or interest in or to the property" described above.
- 14. The claims of the various Defendants with respect to any right, title or interest in or to the said property constitute a cloud upon the title of Plaintiff, but whatever right, title or

- 4 9 2-5

interest any of said Defendants may have in or to said property has been barred by lapse of time and operation of law and Plaintiff is entitled to have its title quieted against all such purported claims of the Defendants:

15. That Plaintiff has no adequate remedy at all.

WHEREFORE, Plaintiff, Omega Chemical Company, prays that title to the property described in paragraph 2 above be quieted and confirmed in Plaintiff as an absolute title in fee simple; that Defendants and each of them be forever barred and estopped from having or claiming any right, title or interest therein, and that Plaintiff be afforded such other and further relief as the Court may deem just and proper under the circumstances.

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff

Ву_

Duane M. Katz #12148 11590 West Dodge Road Omaha, Nebraska 68154

402/496-1010 Its Attorney

Omega.Pet

400

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

OCT 25 1931

RUDY J. TESAR CLERK DISTRICT COURT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

Plaintiff,

vs.

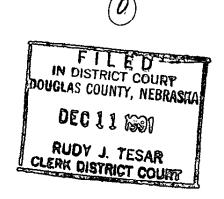
BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

TO THE CLERK OF SAID COURT:

DOC. 901 NO. 52

PRAECIPE



PLEASE ISSUE a summons for service upon each of the Defendants, hereinafter listed, and return same to Plaintiff's attorney for service upon Defendants by certified mail, return receipt requested:

The Secretary and the

Belgrade Company A Nebraska Corporation 1015 South 78th Street Omaha, Nebraska 68114

American National Bank 111 North 84th Street Omaha, Nebraska 68114

Jack B. Cohen 9507 Oak Circle Omaha, Nebraska 68124

Harold Mann 10906 Bel-Aire Drive Omaha, Nebraska 68144

Flexible Foam Products, Inc. 5700 South 75th Street Ralston, Nebraska 68127

Edward Belgrade 1015 South 78th Street Omaha, NE 68114 MUNICIPAL DE CHINAL PROSENT

The Zalkin Testamentary Family Trust c/o American National Bank, N.A.

111 North 84th Street Omaha, Nebraska 68114

Not a Defendant - no summons i squed advised Mr. Kata / persecutory

BY:

DATE: 12-10-9/

Duane M. Katz, #12148 Attorney at Law 11590 West Dodge Road

Omaha, Nebraska 68154 (402) 496-1010

Attorney for Plaintiff

PLIN.

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FILED
IN DISTRICT COURT
DOUGLAS COUNTY, HEBRASKA

DEC 11 FEB1

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc.
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IN THE DISTRICT COURT, DOUGLAS COUNTY, NEBRASHA

IN DISTRICT COURT

THE RUDYINANTES

Belgrade Company, a Nebraska Corporation, et al,

Omega Chemical Company, Inc

JMMONS BY CERTIFIED MAIL DOC. 901 NO. 512

STATE OF NEBRASKA COUNTY OF DOUGLAS)

SUMMONS BY CERTIFIED MAIL

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This is to notify

Herold Mann, (impleaded with others)

Defendants that you have been sued by Omega Chemical Company, Inc.,

Plaintiff in the District Court of said County, and that in order to defend the lawsuit you must file an appropriate written response on or before thirty days after service of summons and Petition, in answer to the Petition said Plaintiff filed against you in the Office of the Clerk of said Court or such Petition will be taken as true and judgment entered accordingly for the relief demanded in the attached Petition.

RETURN of this Summons is due within ten days after return of the signed receipt.

WITNESS my signature and the Seal of said Court at Omaha and issued this 11th day of December, 1991.

RUDY J. TESAR, CLERK

ATTORNEY FOR PLAINTIFF:

NAME:

Duane M. Katz

ADDRESS

11590 W. Dodge Road Omaha NE 68154

(402) 496-1010

PROOF OF SERVICE BY AFFIDAVIT

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DOMESTIC RETURN RECEIPT

U.S. GPO: 1990-273-861

PS Form 3811, October 1990

IN THE DISTRICT COURT, DOUGLAS COUNTY, NEBRASS

DEC 17 1991

Omega Chemical Company, Inc

vs.

Belgrade Company, a Nebraska Corporation, et al,

SUMMONS BY CERTIFIED MAIL

DOC. 901 NO. 512

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

This is to notify

Flexible Foam Products, Inc., a Nebraska corporation, (impleaded with others)

Defendants that you have been sued by Omega Chemical Company, Inc.,

Plaintiff in the District Court of said County, and that in order to defend the lawsuit you must file an appropriate written response on or before thirty days after service of summons and Petition, in answer to the Petition said Plaintiff filed against you in the Office of the Clerk of said Court or such Petition will be taken as true and judgment entered accordingly for the relief demanded in the attached Petition.

RETURN of this Summons is due within ten days after return of the signed receipt.

WITNESS my signature and the Seal of said Court at Omaha and issued this 11th day of December, 1991.

RUDY J. TESAR, CLERK

Y: Deputy Makey

ATTORNEY FOR PLAINTIFF:

NAME:

Duane M. Katz

ADDRESS

11590 W. Dodge Road Omaha NE 68154

(402) 496-1010

C.M

CERTIFIED MAIL OF SERVICE BY AFFIDAVIT

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DOMESTIC RETURN RECEIPT

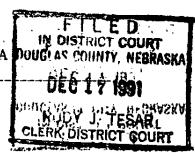
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PS Form 3811, October 1990

IN THE DISTRICT COURT, DOUGLAS COUNTY, NEBRASKA DOUGLAS COUNTY, NEBRASKA

Omega Chemical Company, Inc.,

Belgrade Company, a Nebraska Corporation, et al,



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MMONS BY CERTIFIED MAIL DOC. 901 NO. 512 SUMMONS BY CERTIFIED MAIL

STATE OF NEBRASKA COUNTY OF DOUGLAS)

This is to notify American National Bank, N.A.

(impleaded with others) Defendants that you have been sued by Omega Chemical

Company, Inc.,

Plaintiff in the District Court of said County, and that in order to defend the lawsuit you must file an appropriate written response on or before thirty days after service of summons and Petition, in answer to the Petition said Plaintiff filed against you in the Office of the Clerk of said Court or such Petition will be taken as true and judgment entered accordingly for the relief demanded in the attached Petition.

RETURN of this Summons is due within ten days after return of the signed receipt.

WITNESS my signature and the Seal of said Court at Omaha and issued this 11th day of December, 1991.

RUDY J. TESAR, CLERK

ATTORNEY FOR PLAINTIFF:

NAME:

Duane M. Katz

ADDRESS

11590 W. Dodge Road Omaha NE 68154

(402) 496-1010

C.M

CERTIFIED MAIL

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DOMESTIC RETURN RECEIPT

N°2' GPO: 1990--273-861

PS Form 3811, October 1990

IN THE DISTRICT COURT, DOUGLAS COUNTY, NEBRESKAS

Omega Chemical Company, Inc

Belgrade Company, a Nebraska

Corporation, et al,

SUMMONS BY CERTIFIED MAIL

DOC. 901 NO. 512

STATE OF NEBRASKA COUNTY OF DOUGLAS

This is to notify

Belgrade Company, a Nebraska Corporation (impleaded with others)

Pility Commerce.

Defendants that you have been sued by Omega Chemical Company, Inc.,

Plaintiff in the District Court of said County, and that in order to defend the lawsuit you must file an appropriate written response on or before thirty days after service of summons and Petition, in answer to the Petition said Plaintiff filed against you in the Office of the Clerk of said Court or such Petition will be taken as true and judgment entered accordingly for the relief demanded in the attached Petition.

RETURN of this Summons is due within ten days after return of the signed receipt.

WITNESS my signature and the Seal of said Court at Omaha and issued this 11th day of December, 1991.

RUDY J. TESAR, CLERK

ATTORNEY FOR PLAINTIFF:

NAME:

Duane M. Katz

ADDRESS

11590 W. Dodge Road

Omaha NE 68154 (402) 496-1010

C.M

PROOF OF SERVICE BY AFFIDAVIT CERTIFIED MAIL

decira est . □ сор Deitified A Nebraska Corporation Denusul 🔲 DenstrigeA L 4b. Service Type Belgrade Company DOUGLAS COUNTY, NEBRASKA IN DISTRICT COURT 4a. Atticle Number P 878 821 252 3. Article Addressed to: the article number. Consult postmaster for fee. • Write "Return Receipt Requested" on the mailpiece next to 2.

Restricted Delivery back if space does not permit. · Attach this form to the front of the mailpiece, or on the 1. 🔲 Addressee's Address that we can return this card to you. • Print your name and address on the reverse of this form so following services (for an extra Complete items 1 and/or 2 for additional services. I also wish to receive the Partie In Comm. Exp. St. POSTAGE: Notary TOWN LYCKONICH CENTRAL MOTATS-YRATON JARANSA 16 61 SUBSCRIBED and swom to before me this 16th day of 0ecemberAttorney for: Plaintiff KYLZ, опуив ж #T5T48 TON HTAYAR TNATHA NOT. (£89) Inamelqqu2 (signed return receipt attached hereto). All done pursuant to the Nebraska Revised Statutes (Cumulative The return receipt was signed on the Lath day of 6١ ресешрек as required by Nebraska Statute. --, which was within ten days of issuance 16 61 on the 12th day of December at the following address; _ 1015 South 78th Street, Omaha, Webraska, 68114 BELGRADE COMPANY, A Nebraska Corporation A copy of this writ was mailed by certified mail, return receipt requested, to defendant: COUNTY OF DOUGLAS STATE OF NEBRASKA

DOMESTIC RETURN RECEIPT

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The Return Receipt for

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GLERK DISTRICT COURT RUDY J. TESAR

8. Addressee's Address (Only if requested (bisg is see that

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U.S. GPO: 1990-273-861

PS Form 3811, October 1990

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5. Signature (Addressee)

IN THE DISTRICT COURT, DOUGLAS COUNTY, NEBRASKA

Omega Chemical Company, Inc.

vs.

Belgrade Company, a Nebraska Corporation, et al.

SUMMONS BY CERTIFIED MAIL

DOC. 901 NO. 512

DUUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA) COUNTY OF DOUGLAS)

This is to notify

Edward Belgrade, (impleaded with others)

Defendants that you have been sued by Omega Chemical Company, Inc.,

Plaintiff in the District Court of said County, and that in order to defend the lawsuit you must file an appropriate written response on or before thirty days after service of summons and Petition, in answer to the Petition said Plaintiff filed against you in the Office of the Clerk of said Court or such Petition will be taken as true and judgment entered accordingly for the relief demanded in the attached Petition.

RETURN of this Summons is due within ten days after return of the signed receipt.

WITNESS my signature and the Seal of said Court at Omaha and issued this 11th day of December, 1991.

RUDY J. TESAR, CLERK

Y: Land Modumit

ATTORNEY FOR PLAINTIFF:

NAME:

Duane M. Katz

ADDRESS

11590 W. Dodge Road

Omaha NE 68154 (402) 496-1010

PROOF OF SERVICE BY AFFIDAVIT

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NOUGLAS COUNTY, REBRASKA RUDY J. TESAR

6. Addresse's Address (Only if requested base (bisq si set base)

7. Date of Delivery

6. Signature (Agent)

IN THE DISTRICT COURT, DOUGLAS COUNTY, NEBRASKA

Omega Chemical Company, Inc.,

Belgrade Company, a Nebraska Corporation, et al,

SUMMONS BY CERTIFIED MAIL DOC. 901 NO. 512

STATE OF NEBRASKA COUNTY OF DOUGLAS)

JOANN PASKONCH

This is to notify

Jack B. Cohen (impleaded with others)

Defendants that you have been sued by Omega Chemical Company, Inc.,

Plaintiff in the District Court of said County, and that in order to defend the lawsuit you must file an appropriate written response on or before thirty days after service of summons and Petition, in answer to the Petition said Plaintiff filed against you in the Office of the Clerk of said Court or such Petition will be taken as true and judgment entered accordingly for the relief demanded in the attached Petition.

RETURN of this Summons is due within ten days after return of the signed receipt.

WITNESS my signature and the Seal of sad. Court at Omaha and issued this 11th day of December, 1991.

RUDY J_ TESAR, CLERK

ATTORNEY FOR PLAINTIFF:

NAME:

Duane M. Katz

ADDRESS

11590 W. Dodge Road

Omaha NE 68154

(402) 496-1010

FILED M DISTRICT COURT

RUDY J. TESAR C'ERK D'STRICT COURT

C.M

PROOF OF SERVICE BY AFFIDAVIT

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DOMESTIC RETURN RECEIPT

#8-673-881 :090-273-861

PS Form 3811, October 1990

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises; all persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, Real Names Unknown,

Defendants.

DOC. 901 NO. 512

ANSWER, COUNTERCLAIM AND CROSS-CLAIM TO QUIET TITLE

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBR.

JAN - 2 1992

RUDY J. TESAR CLERK DISTRICT COURT

ANSWER

COME NOW the named defendants herein, United Seeds, Inc. and Nebraska Seed Company, and for answer to plaintiff's Petition, state as follows:

- 1. Admit the allegation contained in paragraph 1 of plaintiff's Petition.
- 2. Admit that plaintiff purchased the West 45.1 feet of Lot 2, but these defendants generally deny the balance of paragraph 2 of plaintiff's Petition, except that portion of the Petition alleging ownership of all that part of the "terminal grounds which adjoin said premises on the South," which allegation is specifically denied.
- 3. Admit that United Seeds, Inc. is a corporation and specifically deny that Nebraska Seed Company is anything but a dissolved Nebraska corporation, having been merged into United Seeds, Inc.
- 4. These defendants generally deny the balance of plaintiff's Petition, except paragraph 11 which will be specifically covered hereinafter.
- 5. As to paragraph 11 of plaintiff's Petition, these answering defendants admit there are grain storage bins located on the terminal right-of-way south of the West 45.1 feet of Lot 2, Block 57, in the Townsite of Ralston, Nebraska. These defendants allege and state that United Seeds and its predecessors in title have been in actual, open, notorious, exclusive, continuous and adverse possession of said real estate under a claim of title and right for more than ten years last past.

WHEREFORE, the defendants having fully answered, pray that plaintiff's Petition to quiet title be dismissed at plaintiff's costs.

COUNTERCLAIM AND CROSS-CLAIM

COMES NOW defendant, United Seeds, Inc., and for its counterclaim against the plaintiff and its cross-claim against all

persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, real names unknown, alleges and states as follows:

- 1. The defendant, United Seeds, Inc., is a Nebraska corporation with its principal place of business in Ralston, Douglas County, Nebraska.
- 2. That defendant, United Seeds, Inc., is the owner in fee of real estate in Douglas County, Nebraska and legally described as shown on Exhibit "A" attached hereto and made a part hereof.
- 3. The defendant incorporates herein by reference paragraphs 1 through 5 of its Answer as if fully set forth herein.
- 4. That this counterclaim and cross-claim are brought for the purposes of determining all adverse claims to the real estate and to quiet title therein to the defendant United Seeds, Inc. That the plaintiff and all persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, real names unknown, are proper parties to this action under the provisions of Neb. Rev. Stat. §§ 25-21,112, et seq.
- 5. That plaintiff claims title to the real estate described in paragraph 2 of this counterclaim. That the plaintiff's claim is inferior and junior to this defendant. That this defendant is not aware that any other named defendant is making a claim to this real estate.
- 6. That there are persons who claim or appear to have some interest, right, title or lien in or upon the real estate, but such interest, right, title or liens do not appear of record in Douglas County, Nebraska, and this defendant, after diligent investigation and inquiry, is unable to ascertain and does not know the names or whereabouts or residents of such persons, and they are therefore designated herein as "all persons having or claiming any interest in and to the real estate described on Exhibit "A" attached hereto, real names unknown."
- 7. That plaintiff claims or appears to have some right, title, interest, lien, claim or demand in and to the real estate and the appurtenances thereto, but that any right, title, interest,

lien, claim or demand that the plaintiff or any person having or claiming any interest in the subject real estate described in Exhibit "A" attached hereto, real names unknown, has been barred by the lapse of time and operation of law.

8. By virtue of the facts set forth above, there has been cast a cloud upon the title of this defendant United Seeds, Inc. in the real estate described in Exhibit "A" attached hereto which prevents its quiet use and enjoyment, and which tends to impair and lessen value of same, and will, unless this defendant's title as against all others is quieted and established, cause this defendant irreparable injury, and the defendant has no adequate remedy at law.

WHEREFORE, defendant, United Seeds, Inc., prays that its title to said real estate be quieted and confirmed in this defendant as against the plaintiff and against all persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, real names unknown, and that each of them be enjoined forever from asserting any claim or interest in said real estate or any portion thereof; and for such other and further relief as the court deems just and equitable.

UNITED SEEDS, INC. Defendant,

By:

William J. Brennan, Jr. #10425

For: FITZGERALD, SCHORR, BARMETTLER

& BRENNAN

1000 Woodmen Tower

Omaha, Nebraska 68102 (342-1000)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Answer, Counterclaim and Cross-Claim to Quiet Title was mailed by United States mail, postage prepaid, this 2 day of January, 1992, to the following:

Mr. Duane M. Katz 11590 West Dodge Road Omaha, Nebraska 68154

4

EXHIBIT "A"

That part of the terminal right-of-way adjacent to the West 45.1 feet in width of Lot 2, Block 57 in the Townsite of Ralston, on the South and lying between the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 extended due South.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBR.

JAN - 2 1992

RUDY J. TESAR CLERK DISTRICT COURT

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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

v.

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ANSWER AND COUNTERCLAIM

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD) MANN, THE ZALKIN TESTAMENTARY) FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally) described as the West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

FILED
IN DISTRICT COURT
DOUGLAS COHNTY NERBASKA

JAN 14 1992

RUDY J. TESAR CLERK DISTRICT COURT

Defendants.

COMES NOW the Defendants, EDWARD BELGRADE, JACK B. COHEN and HAROLD MANN, as Trustees of the Eli Zalkin Testamentary Trust, and for their answer, state and allege as follows:

1. Admit that portion of Paragraph 3 of Plaintiff's Petition which alleges that Edward Belgrade, Jack B. Cohen and Harold Mann,

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residents of Douglas County, Nebraska, but denies the remainder of said paragraph.

- 2. Admits that portion of Paragraph 7 of Plaintiff's Petition which alleges that Edward Belgrade, Jack B. Cohen and Harold Mann claim some right, title or interest in or to the subject property adverse to Plaintiff's title therein, but denies the remainder of said paragraph.
- 3. Generally denies each and every other allegation contained in said Petition, except those which constitute admissions against the interests of the Plaintiff.

WHEREFORE, the Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, as Trustees of the Eli Zalkin Testamentary Trust, having fully answered the Petition of the Plaintiff, prays that the same be dismissed with prejudice at Plaintiff's cost.

COUNTERCLAIM

COMES NOW the Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, as Trustees of the Eli Zalkin Testamentary Trust, and for their counterclaim against the Plaintiff, state and allege as follows:

I.

That the Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, are and at all material times herein were, residents of Douglas County, Nebraska, and are Trustees of the Eli Zalkin Testamentary Trust.

II.

That since May 5, 1961, the Eli Zalkin Testamentary Trust, and/or its predecessors in interest, has been part owner of certain real property located in the City of Ralston, Douglas County, Nebraska, and more fully described as:

All of Block, 37, including vacated alley in Block 37 and a tract of land being a portion of Mechanic Street vacated, lying between Block 37 and Block 38, and a portion of Block 38, being described as follows, to-wit: commencing at the Northeast corner of Lot 1, Block 37, and proceeding in a northerly direction along the west right-of-way line of 75th Street to the Northwest corner of Lot 40, Block 38; thence West along the South line of vacated alley lying in Block 38 a distance of 200 feet, thence in a Southwesterly direction a distance of 251.1 feet to the Northeast corner of Lot 16, Block 37, thence in an easterly direction, and including vacated Mechanic Street lying therein to the point of beginning at the Northeast corner of Lot 1, Block 37, all in the Townsite of Ralston, Douglas County, Nebraska.

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III.

That upon information belief, the Plaintiff is the owner of the property commonly known as 7577 Burlington Street, Ralston, Douglas County, Nebraska, and legally described as follows:

The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5 and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

IV.

That the above described parcels of property are adjoining tracts separated only by Burlington Street, a public street within the Townsite of Ralston.

V.

That Defendants' predecessors in title had constructed a sanitary sewer line running from the Defendant's property in a north-south direction across a portion of Lot 5, Lot 57, in the Townsite of Ralston, Douglas County, Nebraska, and now owned by the Plaintiff.

VI.

That the Defendants have continued to use the sanitary sewer line in dispute for a period in excess of ten (10) years.

VII.

That the use of said sanitary and sewer line during said statutory period has been continuous and uninterrupted, open, visible, notorious, hostile, under a claim of right.

VIII.

Defendants and Defendants' predecessors in title have thus acquired an easement by prescription to the use of that portion of the property of the Plaintiff, occupied by the sanitary and sewer line.

IX.

That Defendants have no adequate remedy at law.

WHEREFORE, Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, Trustees of the Eli Zalkin Testamentary Trust, pray that an easement by prescription in the property of the Plaintiff containing the sanitary and sewer line be quieted and confirmed in the Defendants, for an Order permanently enjoining Plaintiff form obstructing such easement, for Defendant's costs, and for such other relief as the court may deem just.

EDWARD BELGRADE, JACK B. COHEN and HAROLD MANN, TRUSTEES OF THE ELI ZALKIN TESTAMENTARY TRUST, Defendants and Counterclaimants

By:

MYRON J. KAPLAN, #16869

RICHARD, RIEKES, BROWN & ZABIN, P.C. 1125 South 103rd Street, Suite 600 Omaha, Nebraska 68124

(402) 390-1112

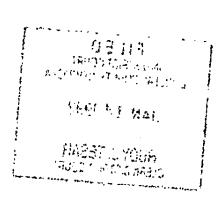
CERTIFICATE OF SERVICE

It is hereby certified that on this \(\frac{100}{100} \) day of January, 1992, a copy of the above and foregoing Answer and Counterclaim was mailed to the following by first-class United States mail, postage prepaid:

Duane M. Katz, Esq. 11590 West Dodge Road Omaha, NE 68154

....

William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102



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FILED
IN DISTRICT COURT
DOUGLAS COUNTY NERRASKA

JAN 14 1992

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc.
Ent. Ex. Doc.
Ent. Gen. index

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally) described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises; all persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, Real Names Unknown,

Defendants.

DOC. 901 NO. 512

CERTIFICATE OF SERVICE

FILED
IN DISTRICT COURT
DOUGLAS COLINTY NEGRASKA

JAN 14 1992

RUDY J. TESAR CLERK DISTRICT COURT 0.3.11.2 46.00.7004.500.44 64.00.7004.500.44

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ARUST LEURA TRESTORATED ACUSTAN IT IS HEREBY CERTIFIED that the undersigned mailed a copy of the Answer, Counterclaim and Cross-Claim to Quiet Title, by United States mail, postage prepaid, on the // day of January, 1992, to the following:

Belgrade Company 1015 South 78th Street Omaha, NE 68114

Mr. Edward Belgrade 1015 South 78th Street Omaha, NE 68114

Felxible Foam Products, Inc. 5700 South 75th Street Ralston, NE 68127

American National Bank, N.A. 111 North 84th Street Omaha, NE 68114

Mr. Jack B. Cohen 9507 Oak Circle Omaha, NE 68124

Herald Mann 10906 Bel-Aire Drive Omaha, NE 68144

UNITED SEEDS, INC. Defendant,

By:

William J. Brennam, Jr. #10425 For: FITZGERALD, SCHORR, BARMETTLER

c porman

& BRENNAN

1000 Woodmen Tower Omaha, Nebraska 68102

(402) 342-1000

Attorneys for Defendant.

EXHIBIT "A"

That part of the terminal right-of-way adjacent to the West 45.1 feet in width of Lot 2, Block 57 in the Townsite of Ralston, on the South and lying between the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 extended due South.

FILED IN DISTRICT COURT DOUGLASS OF THE PROPERTY

JAN 14 1992

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc.

Ent. Ex. Doc.

Ent. Gen. Index

LAW OFFICES

FITZGERALD. SCHORR, BARMETTLER & BRENNAN

1000 WOODMEN TOWER

OMAHA, NEBRASKA 68102

(402) 342-1000

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff.

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises; all persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, Real Names Unknown,

Defendants.

DOC. 901 NO. 512

MOTION

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA
JAN 1 4 1992
RUDY J. TESAR
CLERK DISTRICT GOURT

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COMES NOW United Seeds, Inc., and moves the court for an order authorizing service by publication upon the Defendants all persons having or claiming an interest in that part of the terminal right-of-way adjacent to the West 45.1 feet in width of Lot 2, Block 57 in the Townsite of Ralston, on the South and lying between the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 extended due South, real names unknown, for the reasons as follows:

- 1. The Defendants have or appear to have some interest in, right or title to, or lien upon the real property being quieted in this action.
- 2. That United Seeds, Inc., after diligent investigation and inquiry, is unable to ascertain and does not know the whereabouts, residences of, or places of abode of the said Defendants.

WHEREFORE, United Seeds, Inc., respectfully requests the court to enter an order granting it authorization to serve by publication the Defendants described above.

UNITED SEEDS, INC., Defendant

By

William J. Brennan, Jr. #10425 For FITZGERALD, SCHORR, BARMETTLER

& BRENNAN

1000 Woodmen Tower Omaha, Nebraska 68102

(402) 342-1000

ITS ATTORNEYS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was mailed by regular United States mail, postage prepaid, on this $\frac{14}{2}$ day of $\frac{1}{4}$, 1992, to the following:

Duane M. Katz 11590 West Dodge Road Omaha, Nebraska 68154

EXHIBIT "A"

That part of the terminal right-of-way adjacent to the West 45.1 feet in width of Lot 2, Block 57 in the Townsite of Ralston, on the South and lying between the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 extended due South.

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Ent. App. Doc.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

JAN 1 4 1992

RUDY J. TESAR
CLERK DISTRICT COURT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

DOC. 901 NO. 512

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises; all persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, Real Names Unknown,

Defendants.

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IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA
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RUDY J. TESAR CLERK DISTRICT COURT

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STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

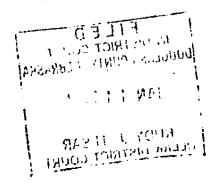
The undersigned being first duly sworn, deposes and says:

- 1. That he is one of the attorneys for United Seeds, Inc., in the above cause.
- 2. That United Seeds, Inc., is a corporation and, therefore, affiant makes this affidavit.
- 3. That the cause is an action for quiet title upon the real estate located in Douglas County, Nebraska.
- 4. That the Defendants have or claim to have liens and interests, actual or contingent, therein.
- 5. That the relief demanded consists of excluding them from any and all interests therein.
- 6. That the whereabouts, the residences of or places of abode of the Defendants all persons having or claiming an interest in that part of the terminal right-of-way adjacent to the West 45.1 feet in width of Lot 2, Block 57 in the Townsite of Ralston, on the South and lying between the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 extended due South, real names unknown, are unknown to Defendant United Seeds, Inc., and after diligent investigation and inquiry, affiant has been unable to ascertain, and does not know, the whereabouts, residences of, or places of abode of the said Defendants.
- 7. That by reason of the foregoing, personal service, residence service, or service by certified mail cannot be made upon the above-named Defendants.

FURTHER AFFIANT SAYETH NOT.

EXHIBIT "A"

That part of the terminal right-of-way adjacent to the West 45.1 feet in width of Lot 2, Block 57 in the Townsite of Ralston, on the South and lying between the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 extended due South.



Ent. App. Doc.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA
JAN 14 1992

RUDY J. TESAR CLERK DISTRICT COURT

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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

) DOC. 901 NO. 512

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises; all persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, Real Names Unknown,

Defendants.

ORDER

__, 1992, this matter came before the court on the motion of United Seeds, Inc., for an order for service by publication, the court having read the Cross-Claim herein and the affidavit for constructive service of United Seeds. Inc., and it appearing that the cause of action set forth in said Cross-Claim arose in Douglas County, Nebraska, and the court being satisfied that service cannot be made with reasonable diligence by any other method provided by statute.

IT IS HEREBY ORDERED, pursuant to Neb. Rev. Stat. § 25-517.02 (Reissue 1989), that service be had upon the Defendants all persons having or claiming an interest in that part of the terminal rightof-way adjacent to the West 45.1 feet in width of Lot 2, Block 57 in the Townsite of Ralston, on the South and lying between the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 extended due South, real names unknown, by publication in The Daily Record, a newspaper printed and circulated within Douglas County, Nebraska.

BY THE COURT:

Prepared and Submitted By:

William J. Brennan, Jr. #10425 For

FITZGERALD, SCHORR, BARMETTLER

& BRENNAN 1000 Woodmen Tower

Omaha, Nebraska 68102

(402) 342-1000

ATTORNEYS FOR UNITED SEEDS, INC.

EXHIBIT "A"

That part of the terminal right-of-way adjacent to the West 45.1 feet in width of Lot 2, Block 57 in the Townsite of Ralston, on the South and lying between the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 extended due South.

Received Received

JAN 14 1992

RECORDED

Journal 2511 Page 311

CLERK DISTRICT COURT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA OMEGA CHEMICAL COMPANY, INC., DOC. 901 NO. 512 Plaintiff, vs. ANSWER BELGRADE COMPANY, et al., Defendants.

COMES NOW defendant American National Bank and for its Answer to plaintiff's Petition to Quiet Title states that it claims no interest in the real estate described in paragraph 2. of plaintiff's Petition to Quiet Title.

AMERICAN NATIONAL BANK, Defendant

Joseph //. Byam

BYAM & BYAM

317 American National Building 8990 West Dodge Road

Omaha, Nebraska 68114

(402) 397-0303 Its Attorneys

CERTIFICATE OF SERVICE

On the 16th day of January, 1992, a copy of the foregoing Answer was mailed to Duane M. Katz, 11590 West Dodge Road, Omaha, Nebraska 68154, attorney for plaintiff.

> Attorney for Defendant American National Bank

> > IN DISTRICT COURT THE DOUGLAS COUNTY NEBRASKA DOUGLAS DOUBLE RESPONSA JAN 1 7 1992 RUDY J. TËSAR PART CLERIC DISTRICT COURT

No. 16807

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The second second	CLEAK DISTRICT COURT

Ent, App. Doc.	<u></u>
Ent. Ex. Doc.	
Ent. Gen. Index	

LAW OFFICES

FITZGERALD, SCHORR, BARMETTLER & BRENNAN

1000 WOODMEN TOWER

OMAHA, NERBASKA 68102

(402) 342-1000

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

DOC. 901 NO. 512

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial. claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises; and all persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, Real Names Unknown,

Defendants.

AFFIDAVIT OF MAILING NOTICE

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

JAN 2 4 1992

RUDY J. TESAR CLERK DISTRICT COURT

CFITT

JAN DIG 1992

RUDY J TEARN CLURK HETTIGT COULD STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

Affiant, being first duly sworn upon oath, states:

- 1. I am the attorney for Defendant, United Seeds, Inc.
- 2. Notice of the Notice to Defendants was first published in the The Daily Record on January 21, 1992.
- 3. On January 24, 1992, I sent by United States Mail a copy of the notice to the following parties.
- 4. I am unable to ascertain the whereabouts of any party appearing to have an interest in this action other than the following:

Duane M. Katz Attorney For Omega Chemical Company, Inc. (Plaintiff) 11590 West Dodge Road Omaha, Nebraska 68154

Affiant

SUBSCRIBED AND SWORN to before me this $24+\kappa$ day of January, 1992.

Notary Public

My Comm. Exp. April 25, 1982

GERERAL NUTARY-State of Nationalia DONNA M. COLTRANE

CTATOCEALSUL SIA

BIANTON MANOC

THE SIGN OF COSTS TO

EXHIBIT "A"

That part of the terminal right-of-way adjacent to the West 45.1 feet in width of Lot 2, Block 57 in the Townsite of Ralston, on the South and lying between the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 extended due South.

FILED RESIDENCES

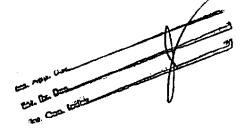
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RUDY D. TESAR CUPRICESTAGE OCCUT

FILED IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA

JAN 2 4 1992

RUDY J. TESAR CLERK DISTRICT COURT



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY
FAMILY TRUST, THE DOUGLAS
COUNTY BANK, THE CITY OF
RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

doc. 90/ no. 5/2

AFFIDAVIT FOR SERVICE BY PUBLICATION

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBR.
JAN 27 1992
RUDY J. TESAR
CLERK DISTRICT COURT

Duane M. Katz, being first duly sworn upon oath, deposes and says that he is the attorney for Plaintiff herein; that he has commenced an action in the District Court of Douglas County,

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Nebraska, against all persons having or claiming any interest in and to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises, the object in prayer of which is to quiet in him title to the above described real estate.

That the subject matter of this action is as described in Section 25-517, Revised Statutes of Nebraska for 1943.

That after diligent investigation and inquiry, Plaintiff is unable to ascertain and does not know the whereabouts, if in this state, or the residence of the Defendants.

WHEREFORE, Plaintiff prays for an order authorizing service upon said Defendants by Publication.

DUANE M. KATZ

SUBSCRIBED AND SWORN to before me this 26

October, 1991.

Notary Public

Omega.Aff

1-17-3-5

Ent. App. Doc.

Ent. Ex. Doc.

Ent. Gen. Index

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

vs.

MOTION

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally) described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBR.

JAN 27 1992

RUDY J. TESAR CLERK DISTRICT COURT

Defendants.

COMES NOW the Plaintiff, OMEGA CHEMICAL COMPANY, INC., and moves the Court for an order authorizing service by publication upon the Defendants having or claiming an interest in or to a tract of land legally described as:

IN DISTRICT COURT DOWNER COUNTY, NEBR

3860 18 April

RULY I. FLSAR (L) MK DISTRICT COURT The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6 t h P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises;

real names unknown, for the following reasons:

- The Defendants have or appear to have some interest in, right or title to, or lien upon the real property being quieted in this action; and,
- Omega Chemical Company, Plaintiff and Duane M. Katz, Plaintiff's attorney, after diligent investigation and inquiry, is unable to ascertain and does not know the whereabouts, residences of, or places of abode of the said Defendants.

WHEREFORE, OMEGA CHEMICAL COMPANY, INC., respectfully requests the Court to enter an order granting it authorization to serve by publication the Defendants described above.

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

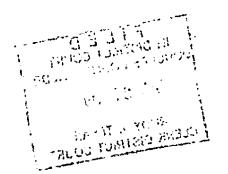
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion was mailed by regular United States mail, postage prepaid, this day of January, 1992, to the following attorneys at the addresses listed below:

Myron J. Kaplan 1125 South 103rd Street Suite 600 Omaha, Nebraska 68124 William J. Brennan, Jr. 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68120

Duane M. Katz



IN DISTRICT COURT
DOUGLAS COUNTY, NEBR.

JAN 27 1992

RUDY J. TESAR
CLERK DISTRICT COURT

Ent. App. Doc. (Ent. Ex. Doc.

Ent. Gen. Index

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

Plaintiff,

vs:

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Ouarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

DOC. 901 NO. 512

ORDER FOR SERVICE BY PUBLICATION

This matter came on to be heard on the day of day of 1992 upon the Petition, Affidavit and Application of the Plaintiff for an Order directing service by publication of notice of this suit on the defendants hereinafter

14

named, and the court being satisfied that sufficient investigation has been made, and that said application should be granted.

IT IS THEREFORE ORDERED, that service of notice of this suit be had by publication in manner and form provided by law upon the following named and designated Defendants, to wit: All persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 44, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Dated at Omaha, Douglas County, Nebraska this

Jan.) 1992,

JUDGE of the District Cour

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JAN 271992

RECORDED

Journal 255 Page 105

CLERK DISTRICT COURT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

Plaintiff,

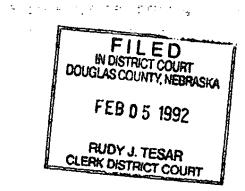
vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in) or to a Tract of Land legally) described as The West 45.1 feet of Lot 2 and all of Lots 3,4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

poc. 90/ No. 5/2

NOTICE OF SERVICE OF INTERROGATORIES



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OMEGA CHEMICAL COMPANY, INC. Plaintiff

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Service of Interrogatories was mailed by United States certified mail, return receipt requested, on this // day of December, 1991, to the Defendants at the addresses listed below:

Belgrade Company A Nebraska Corporation 1015 South 78th Street Omaha, Nebraska 68114

American National Bank 111 North 84th Street Omaha, Nebraska 68114

Jack B. Cohen 9507 Oak Circle Omaha, Nebraska 68124

Harold Mann 10906 Bel-Aire Drive Omaha, Nebraska 68144

> Flexible Foam Products, Inc. 5700 South 75th Street Ralston, Nebraska 68127

Edward Belgrade 1015 South 78th Street Omaha, NE 68114

Duane M. Katz

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g others.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 0 5 1992

RUDY J. TESAR CLERK DISTRICT COURT

EL DE DEL

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

ν.

.

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY) FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally) described as the West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,

DISCLAIMER

FILED
IN DISTRICT COURT
DOLLG: AS COLINTY NEROASKA

FEB -6 1992

RUDY J. TESAR CLERK DISTRICT COURT

Defendants.

COMES NOW the Defendant, BELGRADE COMPANY, a Nebraska corporation, and EDWARD BELGRADE, SARA ZALKIN, JACK B. COHEN and HAROLD MANN, in their individual capacities, and disclaim all right, title, interest or possession in or to the real property described in the Plaintiff's Petition to Quiet Title. Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, in their capacities

MARIE HAT

as Trustees of the Eli Zalkin Testamentary Trust, reassert their prayer for relief as contained in their Answer and Counterclaim.

> COMPANY, BELGRADE Nebraska a corporation, SARA ZALKIN, JACK B. COHEN and HAROLD MANN, Defendants

MYRON J. KAPLAN #16869

RICHARD, RIEKES, BROWN & ZABIN, P.C. 1125 South 103rd Street, Suite 600 Omaha, Nebraska 68124

(402) 390-1112

CERTIFICATE OF SERVICE

It is hereby certified that on this (M day of February, 1992, a true and correct copy of the above and foregoing Disclaimer was mailed to the following attorneys of record, by first class United States mail, postage, prepaid:

Duane M. Katz, 201

Attorney for Plaintiff, Fitzgerard,

Podge Road Fitzgerard, & Brennan Duane M. Katz, Esq. Omaha, NE 68154

William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler

1000 Woodmen Tower Omaha, NE 68102

FILED
IN DISTRICT COURT
DOUG! AS COUNTY AIRBRASKA

FEB -6 1992

RUDY J. TESAR CLERK DISTRICT COURT

> Ent. App. Doc. Ent. Ex. Doc. Ent. Gen. Index

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,) DOC. 901 NO. 512 Plaintiff, FILEDAFFIDAVET OF MAILING vs. IN DISTRICT COURT DOUGLAS COUNTY NEBRASKA BELGRADE COMPANY, ET AL., FEB 10 1992 Defendants. RUDY J. TESAR STATE OF NEBRASKA **CLERK DISTRICT COURT** SS COUNTY OF DOUGLAS

DUANE M. KATZ, being first duly sworn, deposes and states as follows:

- 1. I am the attorney for the Plaintiff, Omega Chemical Company, Inc., in the above-captioned matter.
- 2. That pursuant to the Order of the Honorable Stephen A. Davis, dated January 27, 1992, allowing alternate service, a copy of the Notice of Publication in the above-referenced matter, a copy of which is attached, was mailed by first class United States mail, postage prepaid, to the following persons, on the 6th day of February, 1992, at the following addresses:

Jack B. Cohen 9507 Oak Circle Omaha, NE 68124

Harold Mann 20906 Bel-Aire Drive Omaha, NE 68144

Belgrade Company A Nebraska Corporation 1015 S. 78th Street Omaha, NE 68114 Flexible Foam Products, Inc. 5700 S. 75th Street Ralston, NE 68127

Edward Belgrade 1015 S. 78th Street Omaha, NE 68114

William J. Brennan, Jr.
Attorney at Law
1000 Woodmen Tower
1700 Farnam Street
Omaha, NE 68102
Attorney for United Seed, Inc.
and Nebraska Seed Company

1 E8 10 1992

RUDY LIESKA Cherk distriction

Myron J. Kaplan
Attorney at Law
One Pacific Place, Suite 600
1125 S. 103rd Street
Omaha, NE 68124
Attorney for Edward Belgrade,
Jack B. Cohen, and Harold Mann,
Trustees of the Eli Zalkin
Testamentary Trust

Southwest Bank and Trust 8800 West Center Road Omaha, NE 68124

Douglas County Bank & Trust Co. 14545 West Center Road Omaha, NE 68144 Joseph C. Byam
Attorney at Law
317 American National Bank Bldg.
8990 West Dodge Road
Omaha, NE 68114
Attorney for American National
Bank

The City of Ralston 5500 S. 77th Street Ralston, NE 68127

3. Affiant further states that Plaintiff and Plaintiff's attorney were unable to ascertain and do not know the post office address of any other party appearing to have a direct legal interest in this action or proceeding other than those to whom notice has been mailed in writing.

FURTHER AFFIANT SAYETH NAUGHT.

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

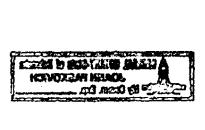
(402) 496-1010

Attorney for Plaintif

SUBSCRIBED and sworn to before me this 7^{45} day of February, 1992.

<u> Ann Maurer Paskourch</u> Notary Public

A:Omega.aff



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the state of the s

THE STATE OF NEBRASKA. County of Douglas

TO ALL CONCERNED:

Please take note of the following copy of notice which was published in The Daily Record, a legal newspaper of said County and State on..... <u>February 5, 1992</u>

OUANE M. KATZ
Attorney
11590 West Dodge Road
NOTICE
In the District Court of
Douglas County, Nebraske
Docket 901, Number 512
pa Chemical Company, Inc.,

Plaintiff,

Beigrade Company, a Nebraska Corporation, Flexible Foam Products, Inc., a Nebraska Corporation, Edward Beigrade, United Seed, Inc., Nebraska Seed Company, American National Bank, NA., Sara Zaikin, Jack B. Cohen, Herold Mann, The Zaikin Teatamentary Family Trust, The Douglas County Bank, The City of Raiston, and all other persons real and artificial, claiming any right, title, estate, Ilan, or interest in and to a Tac of Lane legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5 and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townshte of Raiston, being located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M., in Douglas County, Nebraske; logether with all trackage agreement relating to the above premises, real names unknown,

TO: Belgrade Company, a Nebraska Corporation, Flexible Foam Products, Inc., a Nebraska Corporation, Edward Belgrade, United Seed, Inc., Nebraska Seed Company, American National Bank, N.A., Sara Zaikin, Jack B. Cohen, Herold Mann, The City of Relation, and all of Lot 2, 4, 5 and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in Township in Cohen, Herold Mann, Herold Ma

Attorney for

Eur Gsur Indox
Eur Ex Doc.
Eur Ex Doc.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 10 1992

RUDY J. TESAR CLERK DISTRICT COURT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

Plaintiff,

Vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

DOC. 901 NO. 512

NOTICE OF SERVICE OF SUPPLEMENTAL INTERROGATORIES

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

NOTICE IS HEREBY GIVEN that Plaintiff, Omega Chemical Company, Inc., has served Supplemental Interrogatories on the Defendants, Edward Belgrade, Jack B. Cohen, and Harold Mann, Trustees of the Eli Zalkin Testamentary Trust, which Supplemental Interrogatories were served on the _______day of February, 1992.

FILED COURAGOOUNT, ESTRONA FLL FLL FLL GUENTET FLEAT

OMEGA CHEMICAL COMPANY, INC. Plaintiff

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

POR STANKIN

ALPHARSET FOR THE REAL PARK.

200 93 323

SUSSEL LYCHES

CERTIFICATE OF SERVICE

> Myron J. Kaplan Attorney at Law One Pacific Place, Suite 600 1125 South 103rd Street Omaha, Nebraska 68124

William J. Brennan, Jr. Attorney at Law 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68102

American National Bank 111 North 84th Street Omaha, Nebraska 68114

Duane M. Katz

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FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

> Ent. App. Doc. Ent. Ex. Doc. Ent. Gen. Index

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

DOC. 901

NO. 512

ANSWER TO COUNTERCLAIM OF EDWARD BELGRADE, JACK B. COHEN, AND HAROLD MANN, AS TRUSTEES OF THE ELI ZALKIN TESTAMENTARY TRUST

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA
FEB 1 0 1992
RUDY J. TESAR
CLERK DISTRICT COURT

COMES NOW the Plaintiff, and for its Answer to the Counterclaim of Edward Belgrade, Jack B. Cohen, and Harold Mann, as Trustees of the Eli Zalkin Testamentary Trust, states and alleges as follows:

. • . **L**. AND THE IN 20 TO 114 TABLETTON HOUSE

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1. Plaintiff denies each and every allegation contained in the Counterclaim of said Defendants, except those allegations which are admissions against the interests of said Defendants, or are in the nature of admissions against the interests of said Defendants.

WHEREFORE, Plaintiff prays that said Counterclaim be dismissed at Defendants' cost.

OMEGA CHEMICAL COMPANY, INC.,

5100 11014

SAST LYSY

CHANGE OF THE

Plaintiff

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Answer to Counterclaim was mailed by regular United States mail, postage prepaid, on this day of February, 1992, to the following:

Myron J. Kaplan Attorney at Law One Pacific Place, Suite 600 1125 South 103rd Street Omaha, Nebraska 68124

William J. Brennan, Jr. Attorney at Law 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68102

American National Bank 111 North 84th Street Omaha, Nebraska 68114

Duane M. Katz

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

Eni. Gen. Index

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

vs.

÷

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in) or to a Tract of Land legally) described as The West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

REPLY TO ANSWER OF UNITED SEEDS, INC.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Plaintiff, Omega Chemical Company, Inc., and for its Reply to the Answer of United Seeds, Inc., states and alleges as follows:

WELLT WE WAS A STANKING TO SEE THE SECOND SE 3.5 11311 The second of th

1. Plaintiff denies each and every allegation contained in the Answer of United Seeds, Inc., except those allegations which are admissions against the interests of said Defendant or are in the nature of admissions against the interests of said Defendant.

OMEGA CHEMICAL COMPANY, INC., Plaintiff

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Reply to Answer was mailed by regular United States mail, postage prepaid, on this _____ day of February, 1992, to the following:

Myron J. Kaplan Attorney at Law One Pacific Place, Suite 600 1125 South 103rd Street Omaha, Nebraska 68124

William J. Brennan, Jr. Attorney at Law 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68102

American National Bank 111 North 84th Street Omaha, Nebraska 68114 THE THE STATE OF T

Duane M. Katz

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FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

Ent. ACR. Coo.

Ent. Ex. Doc.

Ent. Gen. Index

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

vs.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

REPLY TO ANSWER OF
EDWARD BELGRADE, JACK B. COHEN,
AND HAROLD MANN, AS TRUSTEES OF
THE ELI ZALKIN TESTAMENTARY TRUST

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Plaintiff, and for its Reply to the Answer of Edward Belgrade, Jack B. Cohen, and Harold Mann, as Trustees of the Eli Zalkin Testamentary Trust, states and alleges as follows:

• ANTIBELLA COLONIA 170 (T.E.) 302. 100 (103) (100 (100) 100)

.

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1. Plaintiff denies each and every allegation contained in the Answer of said Defendants, except those allegations which are admissions against the interests of said Defendants, or are in the nature of admissions against the interests of said Defendants.

OMEGA CHEMICAL COMPANY, INC., Plaintiff

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

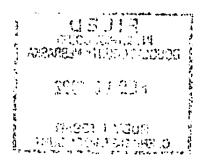
CERTIFICATE OF SERVICE

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Myron J. Kaplan Attorney at Law One Pacific Place, Suite 600 1125 South 103rd Street Omaha, Nebraska 68124

William J. Brennan, Jr. Attorney at Law 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68102

American National Bank 111 North 84th Street Omaha, Nebraska 68114



Duane M. Katz

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

vs.

ANSWER TO COUNTERCLAIM OF UNITED SEEDS, INC.

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally) described as The West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FED 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Plaintiff, and for its Answer to the Counterclaim of United Seeds, Inc., states and alleges as follows:

. CITY T \$77 01 329 . . BRITTINGS CONTRACTOR .

1. Plaintiff denies each and every allegation contained in the Counterclaim of said Defendant, except those allegations which are admissions against the interests of said Defendant, or are in the nature of admissions against the interests of said Defendant.

WHEREFORE, Plaintiff prays that said Counterclaim be dismissed at Defendant's cost.

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff

BY:

Nuane M. Katz, #12141

Attorney at Law

11590 West Dodge Røad Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

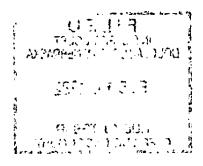
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Answer to Counterclaim was mailed by regular United States mail, postage prepaid, on this _____ day of February, 1992, to the following:

Myron J. Kaplan Attorney at Law One Pacific Place, Suite 600 1125 South 103rd Street Omaha, Nebraska 68124

William J. Brennan, Jr. Attorney at Law 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68102

American National Bank 111 North 84th Street Omaha, Nebraska 68114



Duane M. Katz

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

FEB 1 0 1992

RUDY J. TESAR CLERK DISTRICT COURT

> Ent. Age. Doc. Ent. Ex. Doc. Ent. Gen. Index

IARMETTLER & BRENNAN FITZGERALD, SCHORR

Attorneys

NOTICE TO DEFENDANTS 1000 Woodman Tower

width of Lot 2, Block 57 in the Townsite of the West line of said Lot 2 extended due South and a North-South line 45.1 feet East of the West line of said Lot 2 ex-TO: All persons having or claiming an inadjacent to the West 45.1 feet in Raistón, on the South and lying between terest in that part of the terminal right-of-Douglas County, Nebraska In the District Court of

its Answer, Counterclaim and Cross-Claim to Quiet Fitle in the District Court of Douglas tended due South, real names unknown; 2, 1992, Defendant, United Seeds, Inc., fijod NOTICE is hereby given that on January County, Nebraska, Doc. 901, No. 512.

persons having or claiming any interest in that part of the terminal right-of-way adja-South line 45,1 feet East of the West line of said Lot 2 extended due South, real names unknown, and that each of them be enjoined for such other and further relief as the Court estate be quieted and confirmed in this Defendant as against the Plaintiff and against all Block 57 in the Townsite of Ratston, on the South and lying between the West line of said Lot 2 extended due South and a Northforever from asserting any claim or interest In said real estate or any portion thereof, and Defendant prays that its title to said real cent to the West 45,1 feet in width of Lot 2, deems just and equitable.

You are required to answer said Cross-Claim on or before the 12th day of March,

BY: WILLIAM J. BRENNAN, JR., #10425 BARMETTLER & BRENNAN 1000 Woodmen Tower For: FITZGERALD, SCHORR, UNITED SEEDS, INC.,

its Attorneys (402) 342-1000

Omaha, Nebraska 68102

The Baily Recor

RONALD A. HENNINGBEN OF OMAHA

PROOF OF PUBL

UNITED STATES OF AMERICA,

The State of Nebraska, District of Nebraska, County of Douglas, City of Ornsaha

PAGE BAN DISTRICT COL

JOHN P. EGLSAER

being duly sworn, deposes and says that he is

ADVERTISING MANAGER

Omaha, in said County of Douglas, for more than fifty-two weeks last past; that the printed notice hereto attached was published in THE of THE DAILY RECORD, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, printed in

DAILY RECORD, of Omaha, on

January 21 and 28,

February 4 and 11,

That said Newspaper during that time was regularly published and circulation in the County of Douglas, and State of

100.56 COMMISSION CHAMBAERA

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and sworm to

before me this

day of

Public in and for Douglas County, State of Nebraska

SALE OF NEBRES

11-218/288/2-48/11-92

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ANSTRUMENT FOR E D. FRUMENT SAN THE SA

11590 West Dodge Road NOTICE

Douglas County, Nebraska Docket 901, Number 512 In the District Court of

Plaintiff, Omega Chemical Company, Inc., 1

grounds which adjoin said premises on the North one-half of Section 11, in In Douglas County; Nebraska; relating, to the above premises, real Cownship 14 North, Range 12 East of the together with all trackage agreement Zaikin, Jack B. Cohen, Herold Mann, The Zaikin Testamentary Family Trust, The Douglas County Bank, The City of Raiston, the Southwest Quarter of Section 2 and United, Seed, Inc., Nebraska, Seed Comand all of Lots 3, 4, 5 and 6, in Block 57, together with all that part of the terminal the South, all in the Townsite of Ralston, being located in the Southwest Quarter of pany, American National Bank, N.A., Sara interest in and to a Tract of Lane legally described as The West 45.1 feet of Lot 2 cialming any right, title, estate, lien, or braska Corporation, Edward Belgrade, and all other persons real and entificial, Selgrade Company, a Nebraska Corpora tion, Flexible Foam Products, Inc., a Nonames unknown,

TO: Salgrade Company, a Nebraska Corporation, Rexible Foam Preducts, Inc., a Nebraska Comporation, Edward Belgrade, Zalkin Testamentary Family Trust, The together with all that partiof the terminal grounds-which adjoin said premises on Defendants. Zaikin, Jack B. Cohen, Herold Mann, The Douglas County Bank, The City of Ralston, interest in and to a Tract of Lane legally described as The West 45.1. feet of Lot 2 being located in the Southwest Quarter of the Southwest Quarter of Section 2 and United Seed, Inc., Nebraska Seed Company, American National Bank, N.A., Sara ciaiming any right, fitte, estate, lien, or and all of Lots 3, 4, 5 and 6, in Block 57 the South, all in the Townsite of Raiston and all other persons real and artificial

By: DUANE M. KATZ, #12148 Omaha, Nebraska 68154 (402) 496-1010 Plaintiff Attorney at Law 11590 West Dodge Road OMEGA CHEMICAL COMPANY, INC.

OF OMAH ronald a. Henningsi PROOF OF PUB Ohe Bailt

UNITED STATES OF AMERICA,

The State of Nebraska, District of Nebraska, County of Douglas, City of Omeda,

CLERK DISTRICT COURT THUDORUDY J. TESAR HARIT

JOHN P. EGLSAER

being duly sworn, deposes and says that he is

ADVERTISING MANAGER

DAILY RECORD, of Omaha, for........consecutive weeks, on the Omaha, in said County of Douglas, for more than fifty-two weeks last of THE DAILY RECORD, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, printed in past; that the printed notice hereto attached was published in THE

same day of each week

beginning on February.5, 19..... 92

and ending on March.4,...... 1992

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of

156.82 SALE OF NEBRESE Nebraska. Additional Copies 1.77 6 199°

and sworn to Subséfibed in my presencé before me this ubile in and for Douglas County. State of Nebrasha

Attorney for Plaintiff

S Ear, App. vox.

ADOUGLAS COUNTY NEBRASKA
ADOUGLAS COUNTY NEBRASKA
CCHAAR O 4 1992
CCHAAR O 4 1992
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* 17.7

DUANE N. KATZ Attorney 11580 West Dodge Roed

Attorney

12580 West Dodge Road

NOTICE that

In the District Dout of

(I Douglas County) Nubrasia

Dodge 901, Number 51716 X

Omega Chemical Company inc

12577 2714 Office 1

Beigrade Company, a Neprakie Corporation, Flexible Foam Products, inc., a Nebrasia Corporation, Edward, Beigrade, United Seath the Nebrasia Seat Company, Anterican National Bank, N.A. Sara Zaikin, lack 8: Cohen, Nerold Mann, The Zaikin Teach the Nebrasia Seat Company, Anterican National Bank, N.A. Sara Zaikin, lack 8: Cohen, Nerold Mann, The Zaikin Teach Mann, The City of Raiston, and all other persons real and artificial, claiming amy right; 18th, 25th, lien, or interest in and to a Tree of Lane legally described as The West S. Ther of Lot 2 and all of Loss 3. 45 and & La Block 57, together with all that part of the permittee on the Scotn, all in the Township of Raiston, being liganatic the Southwest Online and the Scotn, and the Township of Raiston of the Scotn, all in the Township of Raiston of the Scotn, all in the Township of Raiston of the Scotn, and the Township of Scotners of Section 2 and me sours, such me Townsteed, Rateon being incanned in the Southwest Chapter of the Bouthwest Chapter of the Bouthwest Chapter of Section 2 and the Bouth Indiana harrised Section 21, in Township is from Harrised Section 21, in the South Section 21 for the 81.327.58 (2. mwonulnu comen

Recount Recount CORPY HILLOUDF GRA: Derendants.

TO: Beignade : Corporany, Sa, Nebosaka Corporation, Plekible Foem, Products, Inc., a. Nebraska Corporation, Edward Beigrade, .

United, Seed, Pro. | Rebrestat, Seed, Company, American, National Bank, N.A., Sara, Zalkin, Licking, Cohen, Herold Mann, The Talkin, Testamentably Senty, The Zeitin-Testamentaly, Family, Frist, The Douglass County Bank, The City of Relation, and all Street periods frost and artificial, claiming any right! Bink distant distant from the claiming any right! Bink distant in the claiming any right! interest intend to a Track of Langilegally described as The West 15.1 feet of Lot 2 and all of Lots 3, 4, 5 and 8, to Block 57, and all or Lots 3, 4, 5 and 4, 47 and 5 from the continue of t

the North fore helf of Section. 11, In Township 14 North, Range 12 East of the 6th Pass 18 the Other State of the 6th Pass 18 the State of the 6th Pass 18 together with fall trackage lagreement relating to the above premises, real names unknown.

You are hereby positive that on the wenty-fifth day of October, 1991, Omega the District Court of Douglas County. Nether District Court of Douglas County. Nether Battle of the Court of Douglas County. Nether State of the Court of Douglas County. Chemical Company, inc., to the real estate above specifically described as against you, and each of you.

nd each of you. on or before the 3rd day of April, 1992. The Baily Record FILED

RONALDA. HENNINGSEN PHONESTRICT COURT
PROOF OF PUBLICATION

UNITED STATES OF AMERICA,

The State of Nebraska, District of Nebraska, County of Douglas, City of Omaha,

MAR 04 1992

RUDY J. TESAR CLERK DISTRICT COURT

<u>JOHN P. EGLSÄER</u>

being duly sworn, deposes and says that he is

ADVERTISING MANAGER

of THE DAILY RECORD, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, printed in Omaha, in said County of Douglas, for more than fifty-two weeks last past; that the printed notice hereto attached was published in THE

DAILY RECORD, of Omaha, for...4.......consecutive weeks, on the same day of each week,

beginning on February .5, 19.....92

156.82

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of Nebraska

Autotidonal Copies 156.82 NOTARY COMMISSION **EXPIRES**

OF NEBRA

Subscribed in my presence and sworn to

4th before me this March .day.of

ublic in and for Douglas County. State of Nebraska

OMEGA CHEMICAL COMPANY, INC.,	DOC. 901 NO. 512
Plaintiff,	
vs.	MOTION TO COMPEL ANSWERS TO INTERROGATORIES
BELGRADE COMPANY, ET AL.,	AND THE TO THE MICHAELER
Defendants.	

COMES NOW the Plaintiff, and moves the Court for an Order requiring the Defendants, Edward Belgrade, Jack B. Cohen, Howard Mann, Trustees of the Eli Zalkin Testamentary Trust, to answer Interrogatories previously propounded and served upon said Defendants.

In support of said Motion, Plaintiff shows to the Court that on the 12th day of December, 1991, Plaintiff served upon said Defendants, Interrogatories, a copy of which are attached hereto, marked Exhibit "A", and by reference made a part hereof

In further support of said Motion, Plaintiff shows to the Court that on or about February 7, 1992, Plaintiff served upon said Defendants Supplemental Interrogatories, a copy of which are attached hereto, marked Exhibit "B", and by reference made a part hereof.

That despite Plaintiff's requests that said Interrogatories be answered, said Defendants refuse and neglect to respond to said Interrogatories.

FILED IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA

MAR 30 1992

RUDY J. TESAR CLERK DISTRICT COURT OMEGA CHEMICAL COMPANY, INC.,

Plaintiff

BY:

Duane M. Katz, #1/2148

Attorney at Law_

11590 West Dodge Road Omaha, Nebraska 68174

(402) 496-1010

Attorney for Plaintiff

FILED PARSTACT COURT COUGLAS COUNTY ASTREASKA

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CLERK B CYPYOT COUPL

NOTICE OF HEARING

PLEASE BE ADVISED that hearing on Plaintiff's Motion to Compel will be heard in the District Court of Douglas County, Nebraska, before the Honorable Stephen A. Davis, Courtroom No. 13, Hall of Justice, 17th and Farnam Streets, Omaha, Nebraska 68183, on the 8th day of April, 1992, at 1:15 p.m., or as soon thereafter as counsel may be heard.

Duane M. Katz

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion to Compel Answers to Interrogatories was mailed by regular United States mail, postage prepaid, on this Aday of March, 1992, to the following:

Myron J. Kaplan Attorney at Law One Pacific Place, Suite 600 1125 South 103rd Street Omaha, Nebraska 68124

William J. Brennan, Jr. Attorney at Law 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68102

Duane M. Katz

A: Motion.int



OMEGA CHEMICAL COMPANY, INC.,)

DOC. <u>901</u>

NO. 5/2

Plaintiff,

vs.

INTERROGATORIES

BELGRADE COMPANY, a Nebraska -Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE,) UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally) described as The West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

TO: Each of the Defendants named above

The following Interrogatories are propounded in accordance with the Nebraska Discovery Rules and are to be answered fully, in writing and under path within thirty 130 days from the date of service. The answers should reflect the collective knowledge of the Defendant, Defendant's attorney, agents or servants, including that which is ascertainable upon reasonable inquiry of outside sources. These Interrogatories are deemed continuing and should the Defendant, Defendant's attorney, agents or servants discover additional information as to the matters inquired of herein between the date answers are made and the date of trial, supplemental or amended answers containing all such information shall be made.

INTERROGATORY NO. 1: Do you have, or claim to have, any interest in any real property located in Lots 2, 3, 4, 5 or 6 of Block 57 in the Townsite of Ralston, as surveyed, platted and recorded in Douglas. County, Nebraska.

ANSWER:

INTERROGATORY NO. 2: If the answer to the above Interrogatory
is affirmative, please further state:

- a. the legal description of the property you have, or claim an interest in;
- b. the common address of the property you have, or claim an interest in;
- c. the exact name of the record title holder of each property you have, or claim an interest in;
- d. the name, present address and present telephone number of each other person who has, or claims an interest in each such parcel of real property you have, or claim an interest in.

ANSWER:

INTERROGATORY NO. 3: Do you have, or claim to have, any interest in any real property located in Blocks 35, 36, 37, 38, 58 or 59 in the Townsite of Ralston, as surveyed, platted and recorded in Douglas County, Nebraska.

ANSWER:

INTERROGATORY NO. 4: If the answer to the above Interrogatory is affirmative, please further state:

- a. the legal description of the property you have, or claim an interest in;
- b. the common address of the property you have, or claim an interest in;
- c. the exact name of the record title holder of each property you have, or claim an interest in;
- d. the name, present address and present telephone number of each other person who has, or claims an interest in each such parcel of real property you have, or claim an interest in.

ANSWER:

OMEGA CHEMICAL COMPANY, INC., Plaintiff

BY:

Dyane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Interrogatories was mailed by United States certified mail, return receipt requested, on this day of December, 1991, to the Defendants at the addresses listed below:

Belgrade Company A Nebraska Corporation 1015 South 78th Street Omaha, Nebraska 68114

American National Bank 111 North 84th Street Omaha, Nebraska 68114

Jack B. Cohen 9507 Oak Circle Omaha, Nebraska 68124

Harold Mann 10906 Bel-Aire Drive Omaha, Nebraska 68144

Flexible Foam Products, Inc. 5700 South 75th Street Ralston, Nebraska 68127

Edward Belgrade 1015 South 78th Street Omaha, NE 68114

Duane M. Katz



OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

vs.

SUPPLEMENTAL INTERROGATORIES

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

Defendants.

TO: EDWARD BELGRADE, JACK B. COHEN, AND HAROLD MANN, TRUSTEES OF THE ELI ZALKIN TESTAMENTARY TRUST

The following Interrogatories are propounded in accordance with the Nebraska Discovery Rules and are to be answered fully, in writing and under oath within thirty (30) days from the date of service. The answers should reflect the collective knowledge of the Defendant, Defendant's attorney, agents or servants, including that which is ascertainable upon reasonable inquiry of outside sources. These Interrogatories are deemed continuing and should the Defendant, Defendant's attorney, agents or servants discover additional information as to the matters inquired of herein between the date answers are made and the date of trial, supplemental or amended answers containing all such information shall be made.

Definitions:

"Identify", "identity", or "identification" a. reference to an individual person means to state full name and present address, present or last known position and business position affiliation, and and period by during the covered affiliations Interrogatories. When used with respect to a person other than an individual, it means to state the official name or designation and the address of each such person. used in reference to a document, it means to state date and author, type of document (e.g., letter, memorandum, telegram, chart, etc.), or some other means of identifying it, its present location, and name and address of its custodian. If any such document was, but is no longer in your possession or subject to your control, state what disposition was made of it and the date of such disposition. "Identify" when used in reference to an event means to state the date and place of the event, and circumstances of the occurrence which comprised the event.

INTERROGATORY NO. 1: Each fact relied upon by Defendants which support paragraph VII. of Defendants' Counterclaim.

INTERROGATORY NO. 2: Please state the name, present address and present telephone number of each person having knowledge of the facts set forth in your Response to Interrogatory No. 1.

INTERROGATORY NO. 3: Please identify each and every document which supports the allegation set forth in paragraph VII. of Defendants' Counterclaim, and further set forth the following:

a. The date of its preparation;

- b. The maker or drafter of said document;
- c. The purpose for which said document was prepared;
- d. The name, present address and present telephone number of each person having possession of a copy of said document;
- e. Whether or not Defendants will allow Plaintiff to review said document.

OMEGA CHEMICAL COMPANY, INC., Plaintiff

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Supplemental Interrogatories was mailed by regular United States mail, postage prepaid, on this 777 day of February, 1992, to the Defendants at the addresses listed below:

Myron J. Kaplan Attorney at Law One Pacific Place, Suite 600 1125 South 103rd Street Omaha, Nebraska 68124

William J. Brennan, Jr. Attorney at Law 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68102

American National Bank 1912 North 84th Street Omaha Nebraska 68114

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HUDY J. TESAR CLERK PIPTRICT COURT

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Duane M. Katz

12 Oz Oz

FILED IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA

MAR 30 1992

OMEGA CHEMICAL COMPANY, INC.,) DOC. 901 NO. 512

Plaintiff,) NOTICE OF SERVICE OF INTERROGATORIES

BELGRADE COMPANY, ET AL.,)
Defendants.

NOTICE IS HEREBY GIVEN that the Plaintiff, Omega Chemical Company, Inc., has served Interrogatories on United Seed, Inc. and Nebraska Seed Company, Defendants, which Interrogatories were served on the day of March, 1992.



OMEGA CHEMICAL COMPANY, INC., Plaintiff

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Service of Interrogatories was mailed by regular United States mail, postage prepaid, on this day of March, 1992, to the following:

Myron J. Kaplan Attorney at Law One Pacific Place, Suite 600 1125 South 103rd Street Omaha, Nebraska 68124 William J. Brennan, Jr. Attorney at Law 1000 Woodmen Tower 1700 Farnam Street Omaha, Nebraska 68102

American National Bank 111 North 84th Street Omaha, Nebraska 68114

Duane M. Katz

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IN DISTRICT COURTS
DUGLAS COUNTY STEBBASKA
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MAR 30 1992
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RUDY J. TESAR
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Ent. A.D. Doc.

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The District Court of Nebraska

FOURTH JUDICIAL DISTRICT

ADMINISTRATOR DARWIN L. SEVERSON, JR. HALL OF JUSTICE OMAHA NEBRASKA 68183



OFFICE OF COURT ADMINISTRATOR

482-444-7004

COURT COPY

JULY 27, 1992

LETTER SENT TO: DUANE KATZ

WILLIAM J. BRENNAN, JR.

MYRON J. KAPLAN JOSEPH C BYAM

OMEGA CHEMICAL COMPANY INC VS BELGRADE COMPANY

RE:

Docket 901 Page

512

Dear Counselor:

Rule 6(A) of the Rules of Practice of the District Court for the Fourth Judicial District, regarding Case Progression Standards, requires that cases, appeals, and post-judgment proceedings filed in the District Court be processed in a timely and efficient manner.

Court records reflect that the above-captioned case, appeal, or post-judgment proceeding, assigned to the Honorable, <u>STEPHEN A. DAVIS</u> has been on file in the District Court of Douglas County, Nebraska, for more than 275 days and has not been certified as ready for trial or hearing, or otherwise disposed of.

You are hereby notified that, pursuant to Rule 6(A), the above-captioned case, appeal, or post-judgment proceeding will be dismissed by the Court for lack of prosecution unless, within thirty (30) days from the date of this notice, either (a) the case, appeal, or post-judgment proceeding is certified as ready for trial or hearing or (b) the Court by order excuses filing of the certificate within that time.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBR.

JUL 27 1992

RUDY J. TESAR CLERK DISTRICT COURT

COURT ADMINISTRATOR 1

GRANT STAND STAND

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBR.

JUL 27 1992

found at docket , number , and the attorneys appearing in said case (or parties appearing pro se) are included below. 7. The original and one copy hereof have been filed with the Court Administrator and a copy has been served on opposing counsel or parties appearing pro se personally or by United States Mail, postage prepaid, this 24 day of August , 1992 Attorney Number Name (Individual, NOT FIRM, include current address & phone) Pltf's Trial Atty. Duane M. Katz, 11590 W. Dodge Rd, Omaha, NE 68154 (402) 496-1010 17,362 (402) 496-1010 Belgrade NE.68102 (402) 342-1000 NE.68102 (402) 342-1000 NE.68102 (402) 342-1000	OMEGA CHEMICAL COMPANY, INC VS. BELGRADE COMPANY, ET AL. TYPE OF CASE Law CLERK DISTRICT COUNT TYPE OF CASE Law CLERK DISTRICT COUNT OO1 AUTO NEG. OO2 OTHER NEG. OO5 NALPRACTICE OO8 WILL OR PROBATE OO2 OTHER NEG. OO2 ONTRACT OO3 ONTRACT OO4 WARRANITY OO5 PATERNITY OO5 PROBATE OO1 APP. NEG. OO4 PROBATE OO1 APP. NEG. OO2 ONTRACT OO2 ONTRACT OO3 ONTRACT OO4 WARRANITY OO5 ONS NALLPRACTICE OO5 ONS NALLPRACTICE OO5 ONS NALLPRACTICE OO5 ONTRACT O			
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IN DISTRICT COURT
DOUGLAS COLINTY NERRASKA

AUG 2 5 1992

LAW OFFICES

FITZGERALD, SCHORR, BARMETTLER & BRENNAN

1000 WOODMEN TOWER

OMAHA, NEBRASKA 68102

(402) 342-1000

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff,

vs.

on the state of

BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises; all persons having or claiming any interest in and to the real estate described in Exhibit "A" attached hereto, Real Names Unknown,

Defendants.

DOC. 901 NO. 512

OBJECTION TO CERTIFICATE OF READINESS FOR TRIAL

FILE D IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA

SEP -2 1992

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COMES NOW the Defendant, United Seeds, Inc., and hereby objects to Plaintiff's Certificate of Readiness for Trial for the following reasons:

- 1. This is an action to quiet title which is an equitable action; therefore, the trial should be non-jury Neb. Rev. Stat. §25-21,120.
- 2. United Seeds, Inc. has not yet completed discovery and requests 90 days time in which to complete discovery.

WHEREFORE, United Seeds, Inc., respectfully requests the Court to strike Plaintiff's Certificate of Readiness for Trial and to enter an order granting 90 days time in which to complete discovery.

UNITED SEEDS, INC. Defendant,

By:

Michael D. Matejka #17362

William J. Brennan, Jr. #10425

For: FITZGERALD, SCHORR, BARMETTLER

& BRENNAN

1000 Woodmen Tower Omaha, Nebraska 68102

(402) 342-1000

Notice of Hearing

Be hereby notified that on the 14th day of September, 1992 at the hour of 8:30 a.m., a hearing of the above and foregoing Objection to Certificate of Readiness for Trial will be held in front of the Honorable Judge Stephen A. Davis, at the Douglas County District Court, Omaha, Nebraska.

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing Objection to Certificate of Readiness for Trial was mailed by United States mail, postage prepaid, this ___ day of September, 1992, to the following:

Mr. Duane M. Katz 11590 West Dodge Road Omaha, Nebraska 68154

*C *.

Mr. Myron Kaplan One Pacific Place, Suite 600 Omaha, Nebraska 68124

> Michael D. Matesper Michael D. Matejka



Ent. Gen. Index

FILEU
IN DISTRICT COURT
DOUGLAS COUNTY, NERRASKA

SEP -2 1992

LAW OFFICES

FITZGERALD, SCHORR, BARMETTLER & BRENNAN

1000 WOODMEN TOWER

OMAHA, NEBRASKA 68102

(402) 342-1000

IN	THE	DISTRICT	COURT	OF	DOUGLAS	COUNTY	NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,) DOC. 901 NO. 512
Plaintiff,	,) ,
Vs.) NOTICE OF SERVING DISCOVERY) DOCUMENTS
BELGRADE COMPANY, a Nebraska corporation; et al.,))
Defendants.) }

TO WHOM IT MAY CONCERN:

Take notice that on the 30 day of November 1992, Defendant United Seeds, Inc., served its Request for Admissions and Interrogatories, upon Plaintiff by mailing the same to the plaintiff's attorneys as follows:

Duane M. Katz 11590 West Dodge Road Omaha, NE 68154-2537

UNITED SEEDS, INC., Defendant

FILED IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA

RUDY J. TESAR CLERK DISTRICT COURT Michael D. Matejka #1∜362

For FITZGERALD, SCHORR, BARMETTLER

& BRENNAN 1000 Woodmen Tower Omaha, Nebraska 68102

(402) 342-1000

ITS ATTORNEYS

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Notice of Serving Discovery Documents was mailed by regular United States mail, postage prepaid, this 30 day of 1992, to the following:

> Duane M. Katz 11590 West Dodge Road Omaha, NE 68154-2537

Michael D. Matyl

Ent. App. Doc. Ent. Ex. Doc. Ent. Gen. Index

FILED
IN DISTRICT COURT
DOUGLAS COUNTY NECES ISKA

OMEGA CHEMICAL COMPANY, INC.,) DOC. 901 NO. 5	12
Plaintiff,)) NOTICE OF SERVICE	
vs.	Ì	
BELGRADE COMPANY, A Nebraska Corporation, et al.,). }	
Defendants.)	

NOTICE IS HEREBY GIVEN that Plaintiff's Response to Request for Admissions was served upon the Defendants by mailing same to its attorney, Michael D. Matejka, on the 18th day of December, 1992.

Dated this 18th day of December, 1992.

FILED INDISTRICT COURT

DOUGLAS COUNTY NEPRASKA

DEC 21 1992

RUDY J. TESAR

CLERK DISTRICT COURT

AND BEEN TRUCKED OF

OMEGA CHEMICAL COMPANY, INC.,

A Nebraska Corporation

Plaintiff)

BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

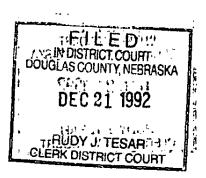
Attorney for Plaintiff

CERTIFICATE OF SERVICE

It is hereby certified that on this 18th day of December, 1992 a copy of the foregoing Notice of Service was sent by United States mail, postage prepaid, to Michael D. Matejka of Fitzgerald, Schorr, Barmettler & Brennan, 1000 Woodmen Tower, Omaha, NE 68102, attorney for Defendants.

Duane M. Katz

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* : *

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

v.

DISCLAIMER

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY) FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as the West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,

Defendants.

FILED IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA

JAN 28 1993

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Defendant, JACK B. COHEN, individually, and in his capacity as Trustee of the Zalkin Testamentary Family Trust, and disclaims all right, title, interest or possession in or to the real property described in the Plaintiff's Petition to Quiet Title.

)

CELLA TERRITORIA MANAGEMENTO PROPERTORIA

1601 8 11 Not

HARRY LANGE

Defendant further states that he knows of no other person or entity which has or claims to have an interest in the subject property.

JACK B. COHEN, Defendant

Myan / Fuplan

CERTIFICATE OF SERVICE

It is hereby certified that on this $\cancel{\text{M}^{\prime\prime}}$ day of Jan., 1993, a true and correct copy of the above and foregoing Disclaimer was mailed to the following attorneys of record, by first class United States mail, postage prepaid:

Duane M. Katz, Esq. Attorney for Plaintiff 11590 West Dodge Road Omaha, NE 68154 William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102

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FILED
IN DISTRICT COURT
DOUGLAS COUNTY NIERRASKA

JAN 2 8 1993

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc.

Ent. Ex. Doc.

Ent. Gen. Index

OMEGA CHEMICAL COMPANY, INC.,

DOC. 901

NO. 512

Plaintiff,

v.

DISCLAIMER

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as the West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,

Defendants.

FILED
IN DISTRICT COURT
DOUGLAS COLINTY NERRASKA

JAN 28 1993

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Defendant, SANDRA BELGRADE, as Co-Personal Representative of the Estate of Sara Zalkin, and on behalf of the Estate, disclaims all right, title, interest or possession in or to the real property described in the Plaintiff's Petition to Quiet Title.

SANDRA BELGRADE, Defendant

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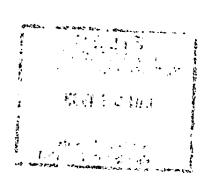
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CERTIFICATE OF SERVICE

It is hereby certified that on this 25^{47} day of January, 1993, a true and correct copy of the above and foregoing Disclaimer was mailed to the following attorneys of record, by first class United States mail, postage prepaid:

Duane M. Katz, Esq. Attorney for Plaintiff 11590 West Dodge Road Omaha, NE 68154 William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102

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FILED
IN DISTRICT COURT
DOUGLAS COLINTY NERRASKA

JAN 2 8 1993

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc. Ent. Ex. Doc. Ent. Gen. Index

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

v.

DISCLAIMER

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as the West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,

Defendants.

FILED IN DISTRICT COURT DOUGLAS COUNTY NEBRASKA

JAN 28 1993

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Defendant, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, and disclaims all right, title, interest or possession in or to the real property described in Plaintiff's Petition to Quiet Title. Defendant further states that it knows of

DECEMBERS

SECTION OF THE PROPERTY OF THE PROP

no other person or entity which has or claims to have an interest in the subject property.

FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, Defendant

ву:

Its: Kin

CERTIFICATE OF SERVICE

It is hereby certified that on this 26 day of January, 1993, a true and correct copy of the above and foregoing Disclaimer was mailed to the following attorneys of record, by first class United States mail, postage prepaid:

Duane M. Katz, Esq. Attorney for Plaintiff 11590 West Dodge Road Omaha, NE 68154 William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102

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FILED
IN DISTRICT COURT
DOUGLAS COLINTY NEBRASKA

JAN 2 8 1993

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc. Ent. Ex. Doc.

Ent. Gen. Index

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff.

v.

DISCLAIMER

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as the West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,

Defendants.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA

JAN 2 8 1993

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Defendant, BELGRADE COMPANY, a Nebraska corporation, and disclaims all right, title, interest or possession in or to the real property described in Plaintiff's Petition to Quiet Title. Defendant further states that it knows of no other

person or entity which has or claims to have an interest in the subject property.

BELGRADE COMPANY, a Nebraska corporation, Defendant

Ву:________

Its: Owner Treatment

CERTIFICATE OF SERVICE

It is hereby certified that on this 26% day of January, 1993, a true and correct copy of the above and foregoing Disclaimer was mailed to the following attorneys of record, by first class United States mail, postage prepaid:

Duane M. Katz, Esq. Attorney for Plaintiff 11590 West Dodge Road Omaha, NE 68154

William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102

SALAN DESCRIPTION OF THE PROPERTY OF THE PROPE

FILED IN DISTRICT COURT DOUGLAS COLINTY MERRASKA

JAN 28 1993

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc. Ent. Ex. Doc. Ent. Gen. Index

OMEGA CHEMICAL COMPANY, INC.,

DOC. 901

NO. 512

Plaintiff,

v.

DISCLAIMER

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as the West 45.1 (feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,

Defendants.

FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA

JAN 28 1993

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Defendant, EDWARD BELGRADE, individually, and in his capacity as Trustee of the Zalkin Testamentary Family Trust, and disclaims all right, title, interest or possession in or to the real property described in the Plaintiff's Petition to Quiet Title.

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Defendant further states that he knows of no other person or entity which has or claims to have an interest in the subject property.

EDWARD BELGRADE, Defendant

CERTIFICATE OF SERVICE

It is hereby certified that on this 26% day of Jan., 1993, a true and correct copy of the above and foregoing Disclaimer was mailed to the following attorneys of record, by first class United States mail, postage prepaid:

Duane M. Katz, Esq. Attorney for Plaintiff 11590 West Dodge Road Omaha, NE 68154 William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102

FILED
IN DISTRICT COURT
DOUGLAS COLINTY NEBRASKA

JAN 2 8 1993

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc. Ent. Ex. Doc.

Ent. Gen. Index

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

v.

of an order

DISCLAIMER

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as the West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,

Defendants.

FILED
IN DISTRICT COURT
DOUG! AS COLINTY NEBRASKA

JAN 2 8 1993

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Defendant, HAROLD MANN, individually, and in his capacity as Trustee of the Zalkin Testamentary Family Trust, and disclaims all right, title, interest or possession in or to the real property described in the Plaintiff's Petition to Quiet Title.

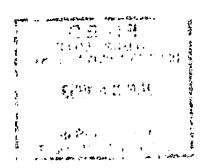
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Defendant further states that he knows of no other person or entity which has or claims to have an interest in the subject property.

HAROLD MANN, Defendant

CERTIFICATE OF SERVICE

Duane M. Katz, Esq. Attorney for Plaintiff 11590 West Dodge Road Omaha, NE 68154 William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102



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FILED
IN DISTRICT COURT
DOUGLAS COLINTY NEBRASKA

JAN 2 8 1993

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc. Ent. Ex. Doc.

Ent. Gen. Index

OMEGA CHEMICAL COMPANY, INC.,

DOC. 901

NO. 512

Plaintiff,

v.

DISCLAIMER

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as the West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,

Defendants.

FILED
IN DISTRICT COURT
DOUG! 45 COLINTY NEBRASKA

JAN 28 1993

RUDY J. TESAR CLERK DISTRICT COURT

COMES NOW the Defendant, AMERICAN NATIONAL BANK, N.A., and disclaims all right, title, interest or possession in or to the real property described in Plaintiff's Petition to Quiet Title.

Defendant further states that it knows of no other person or entity which has or claims to have an interest in the subject property.

AMERICAN NATIONAL BANK, N.A., Defendant

its: Vin Presiden

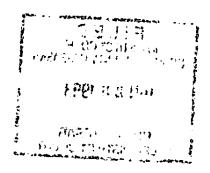
May 20, 1992

CERTIFICATE OF SERVICE

It is hereby certified that on this <u>76th</u> day of <u>Tanuar</u>, 199<u>3</u>, a true and correct copy of the above and foregoing Disclaimer was mailed to the following attorneys of record, by first class United States mail, postage prepaid:

Duane M. Katz, Esq. Attorney for Plaintiff 11590 West Dodge Road Omaha, NE 68154

William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102



FILED
IN DISTRICT COURT
DOUGLAS COLINTY NEBRASKA

JAN 28 1993

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc. C Ent. Ex. Doc. Ent. Gen. Index

OMEGA CHEMICAL COMPANY, INC.,	DOC.	901	NO. 512
Plaintiff,))		
v.))	<u> AFFIDAV</u>	<u>IT</u>
BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as the West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,		FIL IN DISTRIC DOUGLAS COUN	T COURT ITY NEBRASKA
Defendants.		JAN 2 8	1993
STATE OF NEBRASKA)		RUDY J. CLERK DISTR	
) ss.			

COMES NOW the undersigned, SANDRA BELGRADE, and being first duly sworn on oath, hereby deposes and states as follows:

COUNTY OF DOUGLAS

FACTOR CONTROL OF THE STATE OF

- 1. All statements contained in this Affidavit are based upon my personal knowledge and belief.
 - 2. I am the daughter of Sara Zalkin.
 - 3. Sara Zalkin died on July 26, 1991.
- 4. I, along with my sisters, Marcia Cohen and Linda Mann, were named as Co-Personal Representatives of the Estate of Sara Zalkin in the Last Will and Testament of Sara Zalkin.
- 5. Upon Sara Zalkin's death, all of her estate passed under the terms of a Living Trust which had been executed during her lifetime.
- 6. As a result of said Living Trust, there was no probate proceedings filed on behalf of the Estate of Sara Zalkin.
- 7. At the time of her death, Sara Zalkin had no interest in the real property described in Plaintiff's Petition to Quiet Title.
- 8. As Co-Personal Representative of the Estate of Sara Zalkin, I disclaim all right, title, interest or possession in or to the real property described in Plaintiff's Petition to Quiet Title, on behalf of the Estate of Sara Zalkin.

FURTHER AFFIANT SAITH NOT.

SANDRA BELGRADE

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for said County and State, on this 25° day of August, 1992.

A CENERAL NOTARY-State of Nebrasia WALERIE A. LILBURN WY Comm. Etg. Oct. 27, 1995 Valerie, a. Lilburn Notary Public

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CERTIFICATE OF SERVICE

It is hereby certified that on this $26^{\frac{14}{10}}$ day of $\frac{1}{2}$ day of $\frac{1}{2}$, 1993, a true and correct copy of the above and foregoing Affidavit was mailed to the following attorneys of record, by first class United States mail, postage prepaid:

Duane M. Katz, Esq. Attorney for Plaintiff 11590 West Dodge Road Omaha, NE 68154 William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102

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FILED
IN DISTRICT COURT
DOUBLE AS COUNTY NESPRASKA

JAN 28 1993

RUDY J. TESAR CLERK DISTRICT COURT

Ent. App. Doc. Ent. Ex. Doc. Ent. Gen. Index

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA OMEGA CHEMICAL COMPANY, INC.,) DOC. 901 NO. 512 Plaintiff, ORDER EXTENDING TIME FOR FILING OF CERTIFICATE vs. OF READINESS BELGRADE COMPANY, et al., Defendant. THIS MATTER comes on for hearing on the request for an Order granting an extension of time within which to file a Certificate of Readiness in the above-captioned case. The Court finds that on WERIL a Certificate of Readiness was, for good cause shown 2 excused until IT IS ORDERED that the parties in the above-captioned case be, and they hereby are, granted an extension of time; , 1993 to file a Certificate of Readiness. IT IS FURTHER ORDERED that if a Certificate of Readiness not filed or a further Order extending the time for filing a Certificate of Readiness is not obtained within the specified time, this case will automatically be dismissed for lack of prosecution. Dated this BY THE COURT; District Court' Judge

Prepared and Submitted By:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, NE 68154

(402) 496-1010

Attorney for Plaintiff

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Journal 3152 age 269

CLERK DISTRICT COURT

OMEGA CHEMICAL COMPANY, INC.,) DOC. 901 NO. 512
Plaintiff,))
vs.	ORDER EXTENDING FILING OF
BELGRADE COMPANY, et al.) <u>CERTIFICATE OF READINESS</u>)
Defendants.	, ,
THIS MATTER comes on for	hearing on the request for an Order
granting an extension of time w	ithin which to file a Certificate of
Readiness in the above-caption	
The Court finds that on $_$	6-4-93, the filing of
the Certificate of Readiness	was, for good cause shown, excused
until September 7, 1993.	
IT IS ORDERED that the par	ties in the above-captioned case be,
	ed an extension of time, until le a Certificate of Readiness.
IT IS FURTHER ORDERED tha	t if a Certificate of Readiness is
not filed or a further Order	extending the time for filing a
Certificate of Readiness is not	obtained within the specified time,
this case will automatically be	e dismissed for lack of prosecution.
	BY THE COURT:

PREPARED AND SUMMITTED BY:

Duane M. Katz, #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154

(402) 496-1010

Attorney for Plaintiff

901-512

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SEP 8 - 1993

RECORDED
Journal 3191 Page 292
CLERK DISTRICT COURT

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901 NO. 512

Plaintiff,)

V.) ORDER EXTENDING TIME FOR FILING OF CERTIFICATE

BELGRADE COMPANY, et al.,) OF READINESS

Defendant.

THIS MATTER comes on for hearing on the request for an Order granting an extension of time within which to file a Certificate of Readiness in the above-captioned case.

The Court finds that on September 7, 1993 the filing of a Certificate of Readiness was, for good cause shown, excused until December 1, 1993.

IT IS ORDERED that the parties in the above-captioned case be, and they hereby are, granted an extension of time, until April 1, 1994 to file a Certificate of Readiness.

IT IS FURTHER ORDERED that if a Certificate of Readiness is not filed or a further Order extending the time for filing a Certificate of Readiness is not obtained within the specified time, this case will automatically be dismissed for lack of prosecution.

BY

Dated this ____ day of

1993

1 // 1

THE COURT:

istrict 'Court' Judge

Prepared and Submitted By:

Duane M. Katz/ #12148

Attorney at Law

11590 West Dodge Road Omaha, Nebraska 68154 (402) 496-1010

Attorney for Plaintiff

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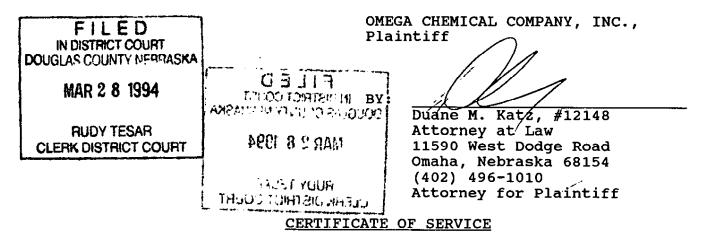
RECORDED

Journal 3837Page 647

CLERK DISTRICT COURT

OMEGA CHEMICAL COMPANY, INC.,	DOC. 901	NO. 512
Plaintiff,)		
Ì	NOTICE OF S	SERVICE OF
vs.	ANSWERS TO INT	TERROGATORIES
BELGRADE COMPANY, ET AL.,		
Defendants.)		

NOTICE IS HEREBY GIVEN that the Plaintiff, Omega Chemical Company, Inc., has served its Answers to Interrogatories on Defendant, Belgrade Company, and its attorney of record, Michael D. Matejka of Fitzgerald, Schorr, Barmettler & Brennan which Answers were sent on the 25th day of March, 1994.



The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Service of Answers to Interrogatories was sent by regular United States mail, postage prepaid, on this 25 day of March, 1994, to the following:

Michael D. Matejka Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower

Omaha, NE 68102

FILED

IN DISTRICT COURT

DOUGLAS COUNTY NERRASKA

MAR 2 8 1994

RUDY TESAR CLERK DISTRICT COURT FILED
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MAR 2 8 1994

RUDY LESAH CLERK L'ISTRIOT COURT

Ent App. 1410. Ent Fix Day.

Dated 3.00		
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OMEGA CHEMICAL CORP., INC., PLAINTIFF,) CERTIFICATE OF READINESS) FOR TRIAL
vs.) DOC. <u>901</u> NO. <u>512</u>
BELGRADE COMPANY, et al. , DEFENDANT.)) JUDGE <u>Stephen A. Davis</u>
TYPE OF CASE LAW	XX EQUITY
AUTO NEG. WARRANTY OTHER NEG. MALPRACTICE CONTRACT CONDEMNATION MORTG. FORCL. LIEN FORECL. DECLARATORY CONTRACT FOR. JUDGMENT (non-jury)	PATERNITY APP. NEG. WILL OR PROBATE APP. CONT. ASSAULT FRAUD INJUNCTION X OTHER ACCOUNTING TRANS. JUDG. (non-jury) Quiet Title
2. That the issues are joined and the fo	e Plaintiff X the Defendant X non-jury. llowing pleadings have been filed:
Petition was atiled and land Dece a. Last amendment thereto was filed Answer was filed Counterclaim a. Last amendment thereto was filed Reply was filed 3. That in the opinion of the undersigned discovery proceedings including depositional actions of the completed; that the testimony of all in	d, 19
than 1 days nor more than 1½ 4. That in the opinion of the undersigned is not necessary 5. That the undersigned is not available	by; that the trial is estimated to take no less days. d a pre-trial conference is necessary x; for trial of said cause during on the y (90) days: April 1, 1994 through
June 30. 1994 6. This case has been consolidated with	found at
appearing pro se) are included below.7. The original has been filed with the of delivered to the Court Administrator,	Clerk of the District Court, a copy has been and a copy has been served on opposing counsely or by United States Mail, postage prepaid,
ATTORNEY NUMBER NAME (INDIVIDUAL NAM	ME, NOT FIRM, INCLUDE CURRENT ADDRESS AND PHONE)
	Duane M. Katz, 11590 West Dodge Road Omaha, Nebraska 68154; 496-1010
Del B Illai Acty	Michael Matejka, 1000 Woodmen Tower, #1700, Omaha, Nebraska, 68102: 342-1000
16869FILE Def'SXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Myron Kaplan, 1125 South 103rd Street, #600, omaha, Nebraska 68124; 390-1112
MAR 29 1994 Other	
RUDY J. TESAR CLERK DISTRICT COURT	Attorney for Plaintiff

A failure to file objections or exceptions in accordance with the Rules of the Court shall be considered by the Court as notice and consent to the foregoing by opposing

counsel.

F, I L E D IN DISTRICT COURT DOUGLAS COLINTY, NEBRASKA

MAR 29 1994

RUDY J. TESAR CLERK DISTRICT COURT

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FITZGERALD, SCHORR, BARMETTLER & BRENNAN, P.C.

1000 WOODMEN TOWER OMAHA, NEBRASKA 68102 (402) 342-1000

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.	DOC. 901 NO. 512
Plaintiff,	
BELGRADE COMPANY, a Nebraska Corporation, FLEXIBLE FORM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HERALD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien or interest in or to a Tract of land legally described as the West 45.1 feet of Lot 2 and all of Lots 3, 4, 5 and 6 in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11 in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises, Defendants.	FILED IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA JUL 11 1994 RUDY J. TESAR CLERK DISTRICT COURT

TO: Omega Chemical Company, Inc., Plaintiff, and its attorney, Duane M. Katz, 11590 West Dodge Road, Omaha, Nebraska 68154, and Myron Kaplan, Richards, Riekes & Zabin, P.C., 1125 South 103 Street, Suite 600, Omaha, NE 68124, attorney for Edward Belgrade, Jack B. Cohen and Harold Mann, Trustees, and Belgrade Company, Defendants

The above-named parties are hereby notified that on Tuesday, July 12, 1994, the undersigned will take the oral deposition of Arthur W. Berry to be used as testimony at the trial of this action, at 9405 Capitol Avenue, Omaha, NE 68114, commencing at the hour of 2:00 p.m.

The deposition will be taken before a notary public and recorded stenographically.

The taking of the deposition may be adjourned from day to day until completed.

UNITED SEEDS, INC., Defendant,

Ву___(_

Gerald L. Friedrichsen #15898

FOR FITZGERALD, SCHORR,

BARMETTLER & BRENNAN, P.C.

1000 Woodmen Tower Omaha, Nebraska 68102

(402) 342-1000

Its Attorneys

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice to Take Deposition of Arthur W. Berry was served upon all attorneys of record by facsimile and United States first class mail, postage prepaid, as listed below on this 11th day of July, 1994:

Duane M. Katz 11590 West Dodge Road Omaha, NE 68154 Fax: 496-7911

Myron J. Kaplan Richards, Riekes & Zabin, P.C. 1125 South 103 Street, Suite 600 Omaha, NE 68124 FAX: 390-1110

Gerald L. Friedrichser

FILED IN DISTRICT COURT DOUGLAS COUNTY, NEBRASKA

JUL 11 1994

RUDY J. TESAR CLERK DISTRICT COURT

> Ent. App. Dec. Ent. Ex. Dec. Ent. Gen. Index

LAW OFFICES

FITZGERALD, SCHORR, BARMETTLER & BRENNAN, P.C.

1000 WOODMEN TOWER

OMAHA, NEBRASKA 68102

(402) 342-1000

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,

Plaintiff,

vs.

NO. 512

DECREE

DOC. 901

BELGRADE COMPANY, a Nebraska)
Corporation, FLEXIBLE FOAM)
PRODUCTS, INC., a Nebraska)
Corporation, EDWARD BELGRADE,)

Corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska Corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises; and all persons having or claiming any interest in and to the real estate described in

Defendants.

Exhibit "A" attached hereto,

Real Names Unknown,

This _____ day of ______, 1994, this cause came on to be heard upon the stipulation and pleadings herein, the court finds as follows:

1. The defendants Herold Mann, Flexible Foam Products, Inc., American National Bank, N.A., Belgrade Company, Edward Belgrade, Jack B. Cohen, Sara Zalkin, the Zalkin Testamentary Family Trust, United Seeds, Inc., and all persons, real names unknown having an interest in

a Tract of Land legally described as The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises;

have been properly served or have filed appearances herein.

- 2. That the defendants, Douglas County Bank and the City of Ralston were not served and are hereby dismissed without prejudice.
- 3. The defendants, American National Bank, N.A.; Belgrade Company; Edward Belgrade, in his individual capacity; Sara Zalkin, in her individual capacity; Jack B. Cohen, in his individual capacity; Herold Mann, in his individual capacity; Jack B. Cohen, in his capacity as trustee of the Zalkin Testamentary Family Trust; Sandra Belgrade as co-personal representative of the estate of Sara Zalkin; Edward Belgrade, in his capacity as trustee of the Zalkin Testamentary Family Trust; Herold Mann, in his capacity as trustee of the Zalkin Testamentary Family Trust; and Flexible Foam Products, Inc. have each disclaimed all right, title, interest or possession in or to the subject real property.
- 4. The defendant Nebraska Seed Company has merged into and is now United Seeds, Inc.
- 5. The defendant United Seeds, Inc. filed an answer, counterclaim, and cross-claim to quiet title to the following-described real property:

that part of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West

line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, on the South (hereinafter referred to as the "Terminal Right-of-Way Property").

6. The plaintiff and United Seeds, Inc. have entered into a Quitclaim Deed and Easement Agreement (hereinafter "Agreement"), a copy of which is attached hereto and incorporated herein by this reference, by which the plaintiff and the defendant United Seeds, Inc. resolve their respective claims to the Terminal Right-of-Way Property as set forth in the Agreement.

WHEREFORE, IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED:

1. That the title of the plaintiff to the following-described real estate:

The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5, and 6 in Block 57 together with all that part of the terminal grounds which adjoin Lots 3, 4, 5, and 6, of Block 57 and the northerly 14.8 feet of the Terminal Right-of-Way lying between the West line of Lot 2, Block 57, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, all in the townsite of Ralston, being located in the Southwest Quarter ($SW^{\frac{1}{4}}$) of Section 2 and the North One-Half ($N^{\frac{1}{4}}$) of Section 11 in Township 14 North, Range 12 East of the 6th P.M., in Douglas County, Nebraska;

be quieted and confirmed in the plaintiff as against the defendants Belgrade Company; Flexible Foam Products, Inc.; Edward Belgrade, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; Jack B. Cohen, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; Herold Mann, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; the estate of Sara Zalkin; the American National Bank, N.A.; and all persons having or claiming any interest in and to the above-

described property, real names unknown.

2. That the title of the defendant United Seeds, Inc. to the following-described real estate:

that portion of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska lying between the West line of Lot 2, Block 57, original town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, except the Northerly 14.8 feet thereof;

is hereby quieted and confirmed in United Seeds, Inc. as against the plaintiff and Belgrade Company; Flexible Foam Products, Inc.; Edward Belgrade, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; Jack B. Cohen, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; Herold Mann, in his individual capacity and in his capacity as trustee of the Zalkin Testamentary Family Trust; the estate of Sara Zalkin; the American National Bank, N.A.; and all persons having or claiming any interest in and to the above-described property, real names unknown.

- 3. That the plaintiff and United Seeds, Inc. have entered into the Agreement regarding their respective rights, title and interest in and to the Northerly 14.8 feet of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West line of Lot 2, Block 57, original town of Ralston, extended due South and a North-South line 45.1 feet of the West line of Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57 and that Agreement is attached hereto as Exhibit "A" and incorporated herein by this reference.
- 4. That the defendants City of Ralston and the Douglas County Bank are hereby dismissed, without prejudice.

BY THE COURT By: District Court Judge

Approved as to form and content:

By:

Duane M. Katz, #12148 11590 West Dodge Road Omaha, NE 68154 (402) 496-1010

Attorney for plaintiff.

Prepared and submitted by:

Michael D. Matejka, #1/362

Fitzgerald, Schorr, Barmettler & Brennan, P.C.

1000 Woodmen Tower Omaha, NE 68102 (402) 342-1000

Attorneys for defendant, United Seeds, Inc.

QUITCLAIM DEED AND EASEMENT AGREEMENT

This Agreement is entered into this	13	_ day of	July_	, 199	4, by
and between UNITED SEEDS, INC., a					
OMEGA CHEMICAL COMPANY, INC.,					

WHEREAS, United Seeds and Omega each claim to be the owner of the real estate described as follows:

That part of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, on the South (hereinafter referred to as the "Terminal Right-of-Way").

WHEREAS, United Seeds/is the owner of the real property legally described as the East 54.9 feet of Lot 2, Block 57, Original Town of Ralston, Douglas County, Nebraska, together with the property described on Exhibit "A" attached hereto;

WHEREAS, United Seeds has grain storage bins located on the above-described Terminal Right-of Way;

WHEREAS, Omega is the owner of the real property described as the West 45.1 feet of Lot 2, Block 57, Original Town of Ralston, Douglas County, Nebraska;

WHEREAS, Omega uses the Northerly 14.8 feet of the above-described Terminal Right-of-Way for the purpose of ingress and egress to the improvements on Omega's property;

WHEREAS, United Seeds uses the Northerly 14.8 feet of the above-described Terminal Right-of-Way for the purpose of ingress and egress to its grain storage bins located on the Terminal Right-of-Way and for ingress and egress by railway to United Seeds' adjoining property;

WHEREAS, United Seeds and Omega are desirous of resolving the dispute as to each of their rights, title and interest in and to the above Terminal Right-of-Way; and,

NOW, THEREFORE, upon mutual consideration herein received, the parties hereby agree as follows:

1. United Seeds hereby quit claims to Omega all right, title and interest to the Northerly 14.8 feet of the Terminal Right-of-Way in the Village of Ralston, Douglas County,

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Nebraska, lying between the West line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, subject, however, to the following:

- A. United Seeds' existing grain bins, including the foundations and footings thereof on the above-described Terminal Right-of-Way and any replacements of such bins provided that any such replacements shall not encroach upon Omega's property any more than the existing grain bins may encroach, if the existing grain bins encroach at all. These grain bins shall not be a breach of this Agreement and Omega shall have no right to move or compel the removal of such existing grain bins and shall not interfere with the normal daily use of the grain bins by United Seeds.
- B. The existing railroad tracks and any replacements thereof on the above described Terminal Right-of-Way. Omega shall have no right to move or compel removal of the railroad tracks. Omega shall not interfere with the use of the railroad tracks until such time as they are abandoned by United Seeds or its successors and assigns. Such abandonment must be in writing and filed of record with the Register of Deeds of Douglas County, Nebraska; and
- C. The easement granted to United Seeds below.
- 2. Omega hereby grants to United Seeds, its successors, assigns, agents, and contractors a permanent easement for ingress and egress over the Northerly 14.8 feet of the above-described Terminal Right-of-Way by pedestrians, vehicles, and trains to or for the benefit of the property owned by United Seeds or its successors and assigns and for repair and replacement of the existing railroad tracks, the use, and maintenance, repair and replacement of the grain bins or other improvements upon United Seeds property. This easement shall include the right to construct and operate machinery to load and unload grain onto trains or vehicles provided such machinery is suspended over the ground and does not interfere with Omega's normal vehicular ingress and egress to its property.
- 3. Omega hereby quit claims to United Seeds that portion of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal-of-Way adjoining said Lot 2, Block 57, except the Northerly 14.8 feet thereof.
- 4. These conveyances and grants are in recognition of United Seeds' claim of adverse possession and do not terminate or waive such claim as to any persons, other than Omega, claiming or holding an interest in the Terminal Right-of-Way.

- 5. This Agreement is limited to the Terminal Right-of-Way as defined herein and does not waive, terminate or effect any rights, claims or causes of action each party may have regarding their respective properties or the property of the other party other than the Terminal Right-of-Way.
- 6. This Agreement shall run with the land and be fully binding upon and inure to the benefit of the parties hereto, their respective heirs, successors, assigns, agents and contractors.

	UNITED SEEDS, INC.
	By: President
	OMEGA CHEMICAL COMPANY, INC.
	By: A cas I
COUNTY OF DOUGLE); ss.
LORISANE Mer Ses.	and qualified for said county, personally came of United Seeds. Inc., known to me to be the
the execution the real to be his/he	abscribed to the foregoing instrument, and acknowledged er voluntary act and/deed.
OF NEBRAS	Notary Public

STATE OF NEBRASKA)
// // : SS.
COUNTY OF fouglas)
On this 13th day of Luly, 1994, before me the undersigned
On this 13 day of Lucion, 1994, before me the undersigned
Notary Public duly commissioned and qualified for said county, personally came R. H. Level of Omega-Chemical Company, Inc., known to me
Design, the Francient of Omega-Chemical-Company, Inc., known to me
to be the identical person whose name is subscribed to the foregoing instrument, and
acknowledged the execution thereof to be his/her voluntary act and deed.
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A GENERAL HOTARY-State of Marcala
Notary Public //
My Comm. Exp. Sept. 14, 1985

NOTARIAL SEAL AFFIXED REGISTER OF DEEDS

SCHEDULE "A"

PARCEL I:

All Lot 1 and Lot 2, except the West 45.1 feet, thereof, Block 57; Lot 10, Block 58; Lots 10, 11, and 12, Block 59; all of Block 60; and Block 61, excepting therefrom those portions heretofore conveyed by deeds recorded in Book 899 at Page 665, Book 1302 at page 405 and Book 1499 at page 103, all being located in the Original Town of Ralston, Douglas County, Nebraska.

PARCEL II:

All that portion of the Terminal Railroad Right of Way as shown on the Plat of the Original Town of Raiston, recorded in Book 303 at Page 134, of the Deed records of Douglas County, Nebraska, lying between Lots 10, 11, and 12, Block 59; Block 61 and Block 60 and extending to a line 45.1 feet East of the West line of Lot 2, in Block 57, and that portion of same lying between Lot 10, in Block 58, and Lots 12 and 11, in Block 59 and extending to the West line of Lot 2, in Block 57, EXCEPTING THEREFROM Parcel III described below.

PARCEL III:

All that portion of the Terminal Railroad Right of Way, as shown on the Plat of the Original Town of Ralston, Douglas County, Nebraska, lying between the abandoned Missouri Pacific Railroad Right of Way and that portion of same conveyed in Deed? recorded in Book 422 at Page 606. Also that portion of same lying between the Westerly line of Block 60 and the East line of Lot 1, Block 57 extended south; and south of that portion conveyed in Deed recorded in Book 422 at Page 606.

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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

DOCKET 901 PAGE 512

PLAINTIFF: OMEGA CHEMICAL COMPANY INC.

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DEFENDANT: BELGRADE COMPANY

FOLLOWING PARTIES OR ATTORNEYS OF RECORD HAVE BEEN NOTIFIED

THAT IN THE ABOVE ENTITLED CASE, ON THE 1ST DAY OF DECEMBER 1994,

THE FOLLOWING DECISION WAS RENDERED:

CASE DISMISSED AS TO CITY OF RALSTON & THE DOUGLAS COUNTY BANK DATED THIS 7TH DAY OF DECEMBER 1994.

RUDY J. TESAR CLERK OF THE DISTRICT COURT

DUANE KATZ 11590 WEST DODGE ROAD OMAHA, NEBRASKA

68154

WILLIAM J. BRENNAN JR. 1000 WOODMEN TOWER OMAHA, NEBRASKA

68102

MYRON J. KAPLAN
SUITE 600
1125 SOUTH 103RD STREET
OMAHA, NEBRASKA 68124

GERALD L. FRIEDRICHSEN 1000 WOODMAN TOWER OMAHA, NEBRASKA

68102

MICHAEL D. MATEJKA 1000 WOODMEN TOWER OMAHA, NEBRASKA

68102

FILED
IN DISTRICT COURT
DOUGLAS COLINTY NERRASKA

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RUDY TESAR CLERK DISTRICT COURT

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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

DOCKET 901 PAGE 512

PLAINTIFF: OMEGA CHEMICAL COMPANY INC

٧S

DEFENDANT: BELGRADE COMPANY

FOLLOWING PARTIES OR ATTORNEYS OF RECORD HAVE BEEN NOTIFIED

THAT IN THE ABOVE ENTITLED CASE, ON THE 1ST DAY OF DECEMBER 1994.

THE FOLLOWING DECISION WAS RENDERED:

CASE DISPOSED OF BY DECREE

DATED THIS 7TH DAY OF DECEMBER 1994.

RUDY J. TESAR CLERK OF THE DISTRICT COURT

DUANE KATZ 11590 WEST DODGE ROAD OMAHA, NEBRASKA

68154

WILLIAM J. BRENNAN JR. 1000 WOODMEN TOWER OMAHA, NEBRASKA

68102

MYRON J. KAPLAN
SUITE 600
1125 SOUTH 103RD STREET
OMAHA, NEBRASKA 68124

GERALD L. FRIEDRICHSEN 1000 WOODMAN TOWER OMAHA, NEBRASKA

68102

MICHAEL D. MATEJKA 1000 WOODMEN TOWER OMAHA, NEBRASKA

68102

FILED
IN DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

DEC - 9 1994

RUDY J. TESAR CLERK DISTRICT COURT

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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA OMEGA CHEMICAL COMPANY, INC., DOC. 901 NO. 512 Plaintiff, ANSWER vs. BELGRADE COMPANY, et al., Defendants.

COMES NOW defendant American National Bank and for its Answer to plaintiff's Petition to Quiet Title states that it claims no interest in the real estate described in paragraph 2. of plaintiff's Petition to Quiet Title.

AMERICAN NATIONAL BANK, Defendant

Joseph/Q. Byam

No.

BYAM & BYAM

317 American National Building

8990 West Dodge Road Omaha, Nebraska 68114 (402) 397-0303

Its Attorneys

CERTIFICATE OF SERVICE

On the 16th day of January, 1992, a copy of the foregoing Answer was mailed to Duane M. Katz, 11590 West Dodge Road, Omaha, Nebraska 68154, attorney for plaintiff.

Attorney for Defendant

American National Bank

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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMEGA CHEMICAL COMPANY, INC.,)

DOC. 901

NO. 512

Plaintiff,

v.

ANSWER AND COUNTERCLAIM

BELGRADE COMPANY, a Nebraska corporation, FLEXIBLE FOAM PRODUCTS, INC., a Nebraska corporation, EDWARD BELGRADE, UNITED SEED, INC., NEBRASKA SEED COMPANY, AMERICAN NATIONAL BANK, N.A., SARA ZALKIN, JACK B. COHEN, HEROLD MANN, THE ZALKIN TESTAMENTARY) FAMILY TRUST, THE DOUGLAS COUNTY BANK, THE CITY OF RALSTON, and all other persons real and artificial, claiming any right, title, estate, lien, or interest in or to a Tract of Land legally) described as the West 45.1 feet of Lot 2 and all of Lots) 3, 4, 5, and 6, in Block 57, together with all that part of the terminal grounds which) adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises,

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IN DISTRICT COURT
DOUGLAS COUNTY NEPDASKA

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RUDY J. TESAR CLERK DISTRICT COURT

Defendants.

COMES NOW the Defendants, EDWARD BELGRADE, JACK B. COHEN and HAROLD MANN, as Trustees of the Eli Zalkin Testamentary Trust, and for their answer, state and allege as follows:

1. Admit that portion of Paragraph 3 of Plaintiff's Petition which alleges that Edward Belgrade, Jack B. Cohen and Harold Mann,

residents of Douglas County, Nebraska, but denies the remainder of said paragraph.

- 2. Admits that portion of Paragraph 7 of Plaintiff's Petition which alleges that Edward Belgrade, Jack B. Cohen and Harold Mann claim some right, title or interest in or to the subject property adverse to Plaintiff's title therein, but denies the remainder of said paragraph.
- 3. Generally denies each and every other allegation contained in said Petition, except those which constitute admissions against the interests of the Plaintiff.

WHEREFORE, the Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, as Trustees of the Eli Zalkin Testamentary Trust, having fully answered the Petition of the Plaintiff, prays that the same be dismissed with prejudice at Plaintiff's cost.

COUNTERCLAIM

COMES NOW the Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, as Trustees of the Eli Zalkin Testamentary Trust, and for their counterclaim against the Plaintiff, state and allege as follows:

I.

That the Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, are and at all material times herein were, residents of Douglas County, Nebraska, and are Trustees of the Eli Zalkin Testamentary Trust.

II.

That since May 5, 1961, the Eli Zalkin Testamentary Trust, and/or its predecessors in interest, has been part owner of certain real property located in the City of Ralston, Douglas County, Nebraska, and more fully described as:

All of Block, 37, including vacated alley in Block 37 and a tract of land being a portion of Mechanic Street vacated, lying between Block 37 and Block 38, and a portion of Block 38, being described as follows, to-wit: commencing at the Northeast corner of Lot 1, Block 37, and proceeding in a northerly direction along the west right-of-way line of 75th Street to the Northwest corner of Lot 40, Block 38; thence West along the South line of vacated alley lying in Block 38 a distance of 200 feet, thence in a Southwesterly direction a distance of 251.1 feet to the Northeast corner of Lot 16, Block 37, thence in an easterly direction, and including vacated Mechanic Street lying therein to the point of beginning at the Northeast corner of Lot 1, Block 37, all in the Townsite of Ralston, Douglas County, Nebraska.

III.

That upon information belief, the Plaintiff is the owner of the property commonly known as 7577 Burlington Street, Ralston, Douglas County, Nebraska, and legally described as follows:

The West 45.1 feet of Lot 2 and all of Lots 3, 4, 5 and 6, in Block 57, together with all that part of the terminal grounds which adjoin said premises on the South, all in the Townsite of Ralston, being located in the Southwest Quarter of the Southwest Quarter of Section 2 and the North one-half of Section 11, in Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska; together with all trackage agreement relating to the above premises.

IV.

That the above described parcels of property are adjoining tracts separated only by Burlington Street, a public street within the Townsite of Ralston.

v.

That Defendants' predecessors in title had constructed a sanitary sewer line running from the Defendant's property in a north-south direction across a portion of Lot 5, Lot 57, in the Townsite of Ralston, Douglas County, Nebraska, and now owned by the Plaintiff.

VI.

That the Defendants have continued to use the sanitary sewer line in dispute for a period in excess of ten (10) years.

VII.

That the use of said sanitary and sewer line during said statutory period has been continuous and uninterrupted, open, visible, notorious, hostile, under a claim of right.

VIII.

Defendants and Defendants' predecessors in title have thus acquired an easement by prescription to the use of that portion of the property of the Plaintiff, occupied by the sanitary and sewer line.

IX.

That Defendants have no adequate remedy at law.

WHEREFORE, Defendants, Edward Belgrade, Jack B. Cohen and Harold Mann, Trustees of the Eli Zalkin Testamentary Trust, pray that an easement by prescription in the property of the Plaintiff containing the sanitary and sewer line be quieted and confirmed in the Defendants, for an Order permanently enjoining Plaintiff form obstructing such easement, for Defendant's costs, and for such other relief as the court may deem just.

EDWARD BELGRADE, JACK B. COHEN and HAROLD MANN, TRUSTEES OF THE ELIZALKIN TESTAMENTARY TRUST, Defendants and Counterclaimants

Ву

MYRON J. KAPLAN, #16869

RICHARD, RIEKES, BROWN & ZABIN, P.C. 1125 South 103rd Street, Suite 600

Omaha, Nebraska 68124

(402) 390-1112

CERTIFICATE OF SERVICE

It is hereby certified that on this 1/200 day of January, 1992, a copy of the above and foregoing Answer and Counterclaim was mailed to the following by first-class United States mail, postage prepaid:

Duane M. Katz, Esq. 11590 West Dodge Road Omaha, NE 68154 William J. Brennan, Jr., Esq. Fitzgerald, Schorr, Barmettler & Brennan 1000 Woodmen Tower Omaha, NE 68102