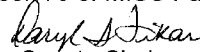


2019-00176 Page Count: 8
STATE OF NEBRASKA } SS
SALINE COUNTY

No.	Gen.	Num.	Paged	
#10				
drk		Register of Deeds		

Submitted by: SouthLaw, P.C.
\$52.00

Entered in numerical index and filed on record, the 04 day of February 2019 at 12:26 o'clock PM and recorded in Book 79 of MISC Page 634


County Clerk

Electronically Recorded By: drk

MARGIN ABOVE RESERVED FOR RECORDING INFORMATION
RETURN RECORDED QUIET TITLE DECREE TO: SOUTHLAW, P.C., 10855 W. DODGE RD., STE 230,
OMAHA, NE 68154 (402) 342-4644

DATE OF INSTRUMENT: January 28, 2019

CERTIFIED COPY OF DECLARATORY JUDGMENT AND QUIET TITLE DECREE

AFFECTED INSTRUMENT IF APPLICABLE: Deed of Trust recorded on September 26, 2016 in Book 419, Page 701-711, as Instrument No. 2016-01541 in the office of the Register of Deeds of Saline County, Nebraska.

LEGAL DESCRIPTION (CONTINUED ON NEXT PAGE IF APPLICABLE):

The South Half of Lot Nine (9) and all of Lots Ten (10), Eleven (11) and Twelve (12), Block One Hundred Eight Six (186), City of Crete, Saline County, Nebraska

Address of Real Estate: 805 Norman Avenue, Crete, NE 68333.

File No. 208708

FILED BY THE CLERK

IN THE DISTRICT COURT OF SALINE COUNTY, NEBRASKA

JAN 28 2019

MidFirst Bank,

Plaintiff,

v.

Courtney Clements; Christopher K. Clements;
and John Doe (Unknown Tenant);

Defendants.

Case No. CI 18-130

OF DISTRICT COURT
SALINE COUNTY NEBRASKA

DECLARATORY JUDGMENT
AND QUIET TITLE DECREE

The above-captioned matter comes before the Court upon Plaintiff's Motion for Default Judgment. Upon evidence having been adduced, the Court being fully advised in the premises, finds that due, legal, good and proper service of process has been had upon the Defendants, that the Court has jurisdiction over the parties hereto and the subject matter hereof, that the Defendants, Courtney Clements; Christopher K. Clements; and John Doe (Unknown Tenant), have failed to answer or respond to Plaintiff's Complaint, and as such, Plaintiff's Motion for Default Judgment is true and proper in all respects and should be granted.

THE COURT FURTHER FINDS:

1. That the instant litigation, requesting a decree of declaratory judgment and quieting title, was filed on August 31, 2018.
2. That Defendant, Christopher K. Clements, was served via certified mail on October 25, 2018, and has failed to appear, answer or otherwise plead herein, and default for want of answer should be entered against said Defendant.
3. That Defendant, Courtney Clements, was served via publication with an answer date of November 21, 2018 and has failed to appear, answer or otherwise plead herein, and default for want of answer should be entered against said Defendant.

SL File 208708
Case No. CI 18-130

STATE OF NEBRASKA } ss
COUNTY OF SALINE }

I do hereby certify this is a true
copy of the original on file with
this Court.

Date: 1-31-19

[Signature]
CLERK OF THE DISTRICT COURT

BY _____
DEPUTY CLERK



000045760D22

4. That Defendant, John Doe a/k/a Unknown Tenant, was served via publication with an answer date of November 21, 2018 and has failed to appear, answer or otherwise plead by the CLERK and default for want of answer should be entered against said Defendant.

5. Generally in favor of the Plaintiff and against the Defendants.

JAN 28 2019

6. That the Property which is the subject of this action is the following-described property in Saline County, Nebraska:

OF DISTRICT COURT
SALINE COUNTY NEBRASKA

The South Half of Lot Nine (9) and all of Lots Ten (10), Eleven (11) and Twelve (12), Block One Hundred Eight Six (186), City of Crete, Saline County, Nebraska, more commonly known as 805 Norman Avenue, Crete, NE 68333 (the "Property").

7. On or about April 16, 2010, Roger Gene Belohavy and Janice Kay Belohavy, husband and wife, Grantors, conveyed the subject property to Grantees, Nathan D. Scribner and Jennifer R. Scribner, husband and wife, through a Survivorship Warranty Deed. The Survivorship Warranty Deed was recorded on May 21, 2010 in Book 375, Page 326, as Instrument No. 2010-01017 in the office of the Register of Deeds of Saline County, Nebraska.

8. On or about September 9, 2016, Grantors, Nathan D. Scribner and Jennifer R. Scribner, husband and wife, conveyed the subject property to Grantee, Courtney Clements, whose marital status was not referenced in the instrument, through a Warranty Deed. The Warranty Deed was recorded on September 26, 2016 in Book 419, Page 700, as Instrument No. 2016-01540 in the office of the Register of Deeds of Saline County, Nebraska.

9. On or about September 13, 2016, Courtney Clements executed and delivered a promissory Note (the "Note") to Paramount Residential Mortgage Group, Inc., a California Corporation, its successors and assigns, for good and valuable consideration, in the principle sum of \$100,642.00, together with interest. An Allonge to the Note was endorsed to AmeriHome Mortgage Company, LLC without recourse.

10. On September 13, 2016, to secure repayment of the Note, Courtney Clements, a married Person, executed a Deed of Trust (the "Deed of Trust") naming Old Republic National Title Insurance Company as the Trustee, for the benefit of Paramount Residential Mortgage Group, Inc., a California Corporation, the Lender. Mortgage Electronic Registration Systems, Inc. was named as the Beneficiary but was acting solely as a nominee for Paramount Residential Mortgage Group, Inc., a California Corporation. The Deed of Trust was recorded on September 26, 2016 in Book 419, Page 701-711, as Instrument No. 2016-01541 in the office of the Register of Deeds of Saline County, Nebraska.

11. An Assignment of the Deed of Trust (the "Assignment") from Mortgage Electronic Registration System, Inc. ("MERS") acting as nominee for Paramount Residential Mortgage Group, Inc., a California Corporation to AmeriHome Mortgage Company, LLC was recorded on December 28, 2017 in Book 428, Page 564, as Instrument No. 2017-02200 in the office of the Register of Deeds of Saline County, Nebraska.

12. An Assignment of the Deed of Trust (the "Assignment") from AmeriHome Mortgage Company, LLC to Plaintiff, MidFirst Bank, was recorded on October 11, 2018 as Instrument No. 2018-01682 in the office of the Register of Deeds of Saline County, Nebraska.

13. Upon information and belief, Defendants, Courtney Clements and Christopher K. Clements, are not members of the armed forces of the United States.

14. Plaintiff is entitled to enforce the Note and Deed of Trust securing the Note and encumbering the Property as the current holder of the subject Note and Deed of Trust, and therefore a real party in interest.

15. Through inadvertence and mistake, the Deed of Trust contains a defect regarding the marital status of borrower Courtney Clements.

FILED BY THE CLERK

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16. The marital status of Courtney Clements is listed as a "married person" on the Deed of Trust. Christopher K. Clements executed the Deed of Trust, but he is not listed in the Deed of Trust nor is his marital status referenced. On page eleven (11) of the Deed of Trust, the signature block, which contains the signatures of Courtney Clements and Christopher K. Clements, does not reference the marital status of either Defendant, thereby creating a cloud on the title. It is believed that Courtney Clements and Christopher K. Clements were married to each other at the time that Courtney Clements and Christopher K. Clements executed the Deed of Trust.

17. Defendants Courtney Clements and Christopher K. Clements participated in a marriage ceremony on or about September 20, 2013 and are still married to each other, as a diligent search for dissolution of marriage filings in the state of Nebraska did not yield results for a dissolution of marriage action filed by said Defendants in the state of Nebraska, and therefore were married to each other at the time the Deed of Trust was executed.

18. On or about September 9, 2016, Grantors, Nathan D. Scribner and Jennifer R. Scribner, husband and wife, conveyed the subject property to Grantee, Courtney Clements, whose marital status was not referenced in the instrument, through a Warranty Deed. The Warranty Deed was recorded on September 26, 2016 in Book 419, Page 700, as Instrument No. 2016-01540 in the office of the Register of Deeds of Saline County, Nebraska. The Warranty Deed executed by Grantors, Nathan D. Scribner and Jennifer R. Scribner fails to list the marital status of Courtney Clements who was believed to have been married to Christopher K. Clements when the Warranty Deed was executed on September 9, 2016.

19. Defendants Courtney Clements and Christopher K. Clements were married at the time the Deed of Trust was executed, having been married on or about September 20, 2013 in Crofton, Knox County, Nebraska.

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20. Plaintiff is the beneficiary of the subject Deed of Trust. As the holder and beneficiary, Plaintiff is entitled to enforce the terms of the Deed of Trust and request the record of the subject Property be corrected to remedy any cloud on title.

21. Defendant Christopher K. Clements may claim to have some equitable right, title or interest in the Property adverse to the interests of the Plaintiff thereby creating a cloud on title. Whatever claim, right or interest said Defendant has or may have had is inferior and subject to the rights of Plaintiff.

22. Defendant John Doe (Unknown Tenant), if in existence, may claim to have some right, title or interest in the Property adverse to the interests of the Plaintiff by virtue of physical possession thereby creating a cloud on title. Whatever claim, right or interest said Defendant has or may have had is inferior and subject to the rights of Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Judgment is entered against Defendants Courtney Clements; Christopher K. Clements; and John Doe (Unknown Tenant) and each of them.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court declares Defendants Courtney Clements and Christopher K. Clements were married to each other on September 13, 2016, the date the subject Deed of Trust was executed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that ~~filed~~ ^{FILED} BY THE CLERK quieted in in the name of Courtney Clements to the property legally described as:

The South Half of Lot Nine (9) and all of Lots Ten (10), Eleven (11) and Twelve (12), Block One Hundred Eight Six (186), City of Crete, Saline County, Nebraska, more commonly known as 805 Norman Avenue, Crete, NE 68333 (the "Property").

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OF DISTRICT COURT
SALINE COUNTY NEBRASKA

subject to Plaintiff's first position Deed of Trust recorded on September 26, 2016 in Book 419, Page 701-711, as Instrument No. 2016-01541 in the office of the Register of Deeds of Saline

County, Nebraska; and that that the interest of Defendant Courtney Clements in the Property shall be forever quieted against the claims of these Defendants, and all persons claiming any right, title, interest or estate by, through or under them, and enjoining these Defendants, and all persons claiming any right, title, interest or estate by, through or under them, from further setting up or claiming any title, interest or estate in the Property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that Plaintiff is the owner and holder of the Note and Deed of Trust and the beneficiary of the Deed of Trust recorded on September 26, 2016 in Book 419, Page 701-711, as Instrument No. 2016-01541 in the office of the Register of Deeds of Saline County, Nebraska.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Deed of Trust lien on the property is hereby declared senior and paramount and all other liens deemed subordinate.


DATED this 20th day of January 2019.

FILED BY THE CLERK

JAN 23 2019

BY THE COURT:

OF DISTRICT COURT
SALINE COUNTY NEBRASKA



District Court Judge

Prepared by:
/s/ Lilliana E. Shannon
Lilliana E. Shannon (#22854)
SOUTH LAW, P.C.
10855 West Dodge Road, Suite 230
Omaha, NE 68154
(402) 342-4644 Phone, ext. 352
(402) 342-4844 Fax
Lilliana.Shannon@southlaw.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, certify that on January 28, 2019 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Courtney Clements
88631 543 Ave.
Bloomfield, NE 68718

Christopher K Clements
769 N. 5th St.
Tecumseh, NE 68450

John Doe Unknown Tenant
805 Norman Avenue
Crete, NE 68333

Liliana E Shannon
liliana.shannon@southlaw.com

Date: January 28, 2019

BY THE COURT:


CLERK

