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Lancaster County, NE Assessor/Register of Deeds Office DECREE
Pages: 9

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: June 28, 2019

CERTIFIED COPY OF STIPULATED DECREE QUIETING TITLE AND RATIFYING PROPERTY CONVEYANCE

AFFECTED INSTRUMENT IF APPLICABLE: Trustee's Deed Under Sale recorded on August 1, 2018, as Instrument No. 2018029994 in the office of the Register of Deeds of Lancaster County, Nebraska.

LEGAL DESCRIPTION (CONTINUED ON NEXT PAGE IF APPLICABLE):

Lot 1, Block 2, Evandale Estates First Addition, Waverly, Lancaster County, Nebraska

Address of Real Estate: 10120 North 149th Street, Waverly, NE 68462.

File No. 208238

EVAES1

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

<p>MORRIS H. BISHAY AND FATEN Z. BISHAY,</p> <p>Plaintiffs,</p> <p>v.</p> <p>BAYVIEW LOAN SERVICING, LLC, a Foreign Entity Registered to do Business in the State of Nebraska, HOMEBUYERS INCORPORATION, and LINCOLN HOMEBUYERS, LLC, et al.,</p> <p>Defendants.</p>	<p>Case No. CI 18-2510</p> <p>STIPULATED DECREE QUIETING TITLE AND RATIFYING PROPERTY CONVEYANCE</p>
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The above-captioned matter comes before the Court upon agreement of the parties to dispose of the pending action by virtue of this Stipulated Decree Quieting Title and Ratifying Sale. Upon evidence having been adduced, the Court being fully advised in the premises, finds that Court has jurisdiction over the parties hereto and the subject matter hereof, and the terms of the instant Decree are proper in all respects and that the Decree should be entered, hereby disposing of the instant litigation.

The Court further finds as follows:

1. On July 27, 2018, Plaintiffs initiated the above-entitled matter by filing its Complaint.
2. Counsel for Defendant, Bayview Loan Servicing, LLC, filed an Answer with the Court on August 10, 2018.
3. Counsel for Defendants, Homebuyers Incorporated and Lincoln Homebuyers LLC, a Nebraska Limited Liability Company, filed an Answer with the Court on August 16, 2018.
4. The Court entered a Temporary Order on October 19, 2018 temporarily restraining Defendants, Homebuyers Incorporated and Lincoln Homebuyers LLC, a Nebraska Limited Liability Company, from selling, transferring, or encumbering the subject property until further Order of this Court. Said Temporary Order required Plaintiffs to post a cash bond or surety in the amount of \$35,000.00 to be held by the Clerk of the District Court.

SL File No. 208238
Case No. CI 18-2510



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2019 JUN 28 PM 4: 29
CLERK OF THE DISTRICT COURT

LANCASTER COUNTY



5. Plaintiffs posted a surety bond in the amount of \$35,000.00 with the Clerk of the District Court on October 23, 2018.
6. The Court entered a Progression Order setting the matter for trial on September 18, 2018.
7. The parties participated in mediation, pursuant to the Court's Progression Order, on January 29, 2019.
8. The Court entered an Order continuing the previously scheduled trial and permitting the parties to file amended complaints and pleadings with the Court.
9. Plaintiffs filed their Amended Complaint with the Court on February 26, 2019.
10. Counsel for Defendant, Bayview Loan Servicing, LLC, filed its Answer to Plaintiffs' Amended Complaint with the Court on March 8, 2019.
11. Counsel for Defendants, Homebuyers Incorporated and Lincoln Homebuyers LLC, a Nebraska Limited Liability Company, filed their Answer to Plaintiffs' Amended Complaint and a Counter Claim with the Court on March 19, 2019.
12. Plaintiffs filed their Reply to Bayview Servicing LLC's Answer with the Court on April 16, 2019.
13. Plaintiffs filed their Reply to Defendants', Homebuyers Incorporated and Lincoln Homebuyers LLC, a Nebraska Limited Liability Company, Answer and Counter Claim with the Court on April 16, 2019.
14. On or about August 28, 2009, Plaintiffs, Morris H. Bishay and Faten Z. Bishay, entered into a Deed of Trust, as Trustor(s), and Mortgage Electronic Registration Systems, Inc., as nominee for Lincoln Federal Savings Bank, its successors and assigns, which Deed of Trust was recorded on September 8, 2009, Document No. 2009049323 in the records of the Register of Deeds of Lancaster.
15. The Deed of Trust encumbered the subject property legally described as:

 Lot 1, Block 2, Evandale Estates First Addition, Waverly, Lancaster County, Nebraska, commonly known as 10120 North 149th Street, Waverly, NE 68462 (the "Property").
16. The Deed of Trust was assigned to Bayview as servicer of the loan by virtue of an Assignment of Mortgage/Deed of Trust executed on December 12, 2017 and recorded on December 20, 2017, as Document No. 2017052997 in the records of the Register of Deeds of Lancaster County, Nebraska.

17. That On May 1, 2018, an Appointment of Successor Trustee naming Edward E. Brink as Successor Trustee under the Deed of Trust was recorded as Instrument No. 2018016763 in the Office of the Register of Deeds of Lancaster County, Nebraska.
18. On May 7, 2018, a Notice of Default was recorded as Instrument No. 2018016818 in the Office of the Register of Deeds of Lancaster County, Nebraska, which provided that Plaintiffs, Morris H. Bishay and Faten Z. Bishay, Trustors under the Deed of Trust, were in default under its terms.
19. On July 17, 2018, Edward E. Brink, Successor Trustee, offered the Property for sale at public auction, and sold the same to United Equity, LLC, for the sum of \$254,100.00, it being the highest bidder.
20. On July 18, 2018, Edward E. Brink, Successor Trustee, executed a Trustee's Deed to United Equity, LLC which was recorded on August 1, 2018, as Instrument No. 2018029994 in the office of the Register of Deeds of Lancaster County, Nebraska.
21. On July 31, 2018, United Equity, LLC executed a Corporate Warranty Deed to Defendant Lincoln Homebuyers LLC, a Nebraska Limited Liability Company, which was recorded on August 3, 2018, as Instrument No. 2018030265 in the office of the Register of Deeds of Lancaster County, Nebraska.
22. The parties, without admitting liability, have subsequently come to an agreement to settle the matters in the instant litigation.
23. Defendant Lincoln Homebuyers LLC, a Nebraska Limited Liability Company shall convey the subject property commonly known as 10120 North 149th Street, Waverly, NE 68462 to Plaintiffs, Morris H. Bishay and Faten Z. Bishay, for previously agreed upon compensation to settle outstanding issues in the instant litigation and said conveyance shall be memorialized by a Special Warranty Deed executed by Defendant Lincoln Homebuyers LLC. Said Special Warranty Deed, pursuant to Neb. Rev. Stat. 76-902(12), upon recordation, shall be exempt from documentary tax stamps.
24. The parties agree and stipulate that the conveyance of the subject property from Defendant Lincoln Homebuyers LLC, a Nebraska Limited Liability Company, to Plaintiffs, Morris H. Bishay and Faten Z. Bishay, shall be declared ratified and legally valid.

25. The parties agree and stipulate that title of the subject property shall be quieted in Defendants, Lincoln Homebuyers, LLC.
26. The parties agree and stipulate that the Trustee's Deed Under Sale conveying the subject property to United Equity, LLC which was recorded on August 1, 2018, as Instrument No. 2018029994 in the office of the Register of Deeds of Lancaster County, Nebraska, shall be affirmed.
27. The parties agree and stipulate that the cash bond in the amount of \$2,500.00 filed by the Plaintiffs with the Court on or about July 27, 2018 and the surety bond in the amount of \$35,000.00 filed with the Court on or about October 23, 2018 shall be refunded to the Plaintiffs by the Clerk of the Lancaster County District Court upon the entry of this Decree.
28. The parties agree and stipulate that a certified copy of the judicially executed instant Decree, quieting title and claims in relation to the subject property, shall be filed for record with the Lancaster County Register of Deeds.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trustee's Deed Under Sale conveying the subject property to United Equity, LLC which was recorded on August 1, 2018, as Instrument No. 2018029994 in the office of the Register of Deeds of Lancaster County, Nebraska, is hereby affirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that title be quieted in Defendants, Lincoln Homebuyers, LLC, to the property identified as:

Lot 1, Block 2, Evandale Estates First Addition, Waverly, Lancaster County, Nebraska, commonly known as 10120 North 149th Street, Waverly, NE 68462 (the "Property").

that Defendants, Lincoln Homebuyers, LLC, shall be declared the fee owners of the Property and their title to the Property be forever quieted against the claims of these defendants and all persons, including but not limited to United Equity, LLC, claiming any right, title, interest or estate by, through or under them, and enjoining these defendants from further setting up or claiming any title, interest or estate in the Property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the conveyance of the subject property from Defendant, Lincoln Homebuyers LLC, a Nebraska Limited Liability Company, to Plaintiffs, Morris H. Bishay and Faten Z. Bishay, shall be declared ratified and legally valid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant, Lincoln Homebuyers LLC, a Nebraska Limited Liability Company, is hereby directed to execute a Special Warranty Deed conveying the subject property Plaintiffs, Morris H. Bishay and Faten Z. Bishay, which shall be recorded in the Office of the Register of Deeds of Lancaster County, Nebraska. Said Special Warranty Deed, pursuant to Neb. Rev. Stat. 76-902(12), upon recordation, shall be exempt from documentary tax stamps.

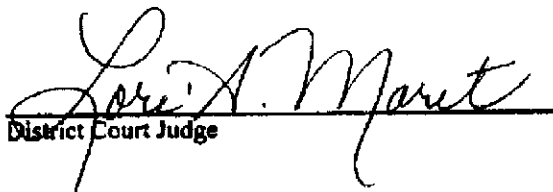
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED the cash bond in the amount of \$2,500.00 filed by the Plaintiffs with the Court on or about July 27, 2018 and the surety bond in the amount of \$35,000.00 filed with the Court on or about October 23, 2018 shall be refunded to the Plaintiffs by the Clerk of the Lancaster County District Court upon the entry of this Decree.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that a certified copy of the judicially executed instant Decree, quieting title and claims in relation to the subject property, shall be filed for record with the Lancaster County Register of Deeds.

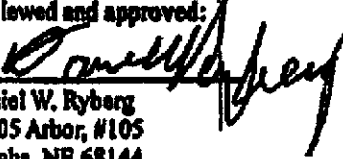
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that all parties have consented and stipulated to the entry of this Decree through counsel.


DATED this ^{28th} day of June 2019.


BY THE COURT:


District Court Judge

Prepared and Submitted By:
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a Nebraska Limited Liability Company*

CERTIFICATE OF SERVICE

I, the undersigned, certify that on July 1, 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:

Liliana E Shannon
liliana.shannon@southlaw.com

Shawn F Dontigney
courts@simplybetterhomes.com

Daniel W Ryberg
dan@danryberglaw.com

Date: July 1, 2019

BY THE COURT: Troy Z. Clark
CLERK



TROY L. HAWK
CLERK of the DISTRICT COURT
LANCASTER COUNTY
575 South 10th Street
Lincoln, Nebraska 68508-2810
402-441-7328/FAX 402-441-6190

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

--CERTIFICATE--

I, Annette M. Emerson, Deputy of the District Court of Lancaster County, Nebraska, do hereby certify that the foregoing is/are a full and correct copy/copies of the original instrument(s) duly filed and of record in this Court. This Certificate, which bears the seal of the District Court of Lancaster County, State of Nebraska, USA, was signed on

JUL 03 2019



By: Annette M. Emerson
Annette M. Emerson, Deputy