Filed in Douglas District Court

*** EFILED ***

Case Number: D01Cl200000055 Transaction ID: 0009983208 Filing Date: 01/03/2020 01:31:39 PM CST

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

A Nebraska corporation	Case No. CI 19
Plaintiff,))
v.)
KIPER INVESTMENT CO., A Partnership,	QUIET TITLE
KLAUS RUMMER, SONJA RUMMER POS,)
CLAUDINE RUMMER, EDWARD KIPER,	
RICHARD KIPER, DANIEL KIPER, and	
All Persons Having or Claiming Any	
Interest in the Real Estate Described	
Below, Real Names Unknown,	
Defendants.	
Deletidatios.]

COMES NOW Plaintiff Kiper Engineering and MFG. Co. (the "Plaintiff"), by and through its attorneys, for its complaint, it states and alleges as follows:

- 1. The Plaintiff is a Nebraska corporation, validly existing under the laws of the State of Nebraska.
- 2. The Defendants, Klaus Rummer, Sonja Rummer Pos, Claudine Rummer, Edward Kiper, Richard Kiper, and Daniel Kiper (hereinafter sometimes referred collectively as the "Defendants") are the current members of Kiper Investment Co.
- 3. According to the Douglas County Register of Deeds, Kiper Investment Co. is the record title owner of the following Real Estate located in Douglas County, Nebraska:
 - Lots 7, 8, 9, and 10, Block 6, McCague's Addition, as surveyed, platted and recorded in Douglas County, Nebraska, together with the East 1/2 of vacated 10th Street adjoining said lots on the West; Lots 1 to 7, both inclusive, Block 7, said McCague's Addition; Lots 1 and 2, Block 8, said

McCague's Addition, together with all of vacated 10th Street lying between said Blocks 7 and 8, and together with all of vacated Clark Street lying North of said Blocks 7 and 8; part of Tax Lot 2 of Government Lot 1 and part of Government Lot 1, both being in the NW 1/4 of Section 14, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of said Lot 2, Block 8, McCague's Addition; thence Northerly along the Easterly R.O.W. line of Union Pacific Railroad, a distance of 406.34 feet (Plat) (403.35 feet, Actual) to the North R.O.W. line of vacated Clark Street; thence East along the North R.O.W. line of vacated Clark Street, a distance of 132.4 feet (Plat) (131.43 feet Actual) to the centerline of vacated 10th Street; thence North along the centerline of vacated 10th Street, a distance of 216.0 feet (Plat) (219.79 feet Actual) to a point being at the intersection of the extension of the North lot line of said Lot 7, Block 6, to the West with the centerline of vacated 10th Street; thence East, 180 feet (Plat) (180.3 Actual) along the North line of said Lot 7, Block 6, to the Northeast corner of said Lot 7; thence South 232.0 feet (Plat) (286.45 feet Actual) along the rear lines of Lots 7 to 10, both inclusive, said Block 6, extended across vacated Clark Street to the South R.O.W. line of vacated Clark Street, being also the Northeast corner of said Lot 1, Block 7; thence East, 82.90 feet along the extension of the South R.O.W. line of Clark Street to the East; thence on a right deflection angle of 84°55'20", a distance of 43.70 feet to the North line of said Tax Lot 2; thence on a right deflection angle of 4°56'10", a distance of 103.27 feet to a point which is 115.0 feet East of the West line of said Tax Lot 2; thence on a right deflection angle of 10°09'30", 186.0 feet along a line 115 feet East of and parallel with the West line of said Tax Lot 2 to the North R.O.W. line of Seward Street; thence West, 368.1 feet along the North R.O.W. line of Seward Street to the point of beginning (the "Real Estate").

- 4. In 1995, the Plaintiff purchased the Real Estate from Kiper Investment Co., but that real estate transaction was never properly documented and a deed transferring the Real Estate to the Plaintiff was never recorded in Office of the Register of Deeds in Douglas County, Nebraska.
- 5. The Plaintiff has paid the real property taxes on the Real Estate since 1995 and has maintained the physical structure located on the Real Estate since that time.

6. Plaintiff has been in actual, continuous, exclusive and notorious possession of the Real Estate from 1995 to the present.

7. Plaintiff wishes to quiet the title of the Real Estate into its name.

WHEREFORE, Plaintiff prays that the Court enter a judgment quieting title to the Real Estate in its name and for such other and further relief as the Court deems just and proper.

KIPER ENGINEERING AND MFG. CO., Plaintiff

By: Michael J. Whaley - #19390 Amada C. Carter- # 26632 CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P. 12910 Pierce Street Suite 200 Omaha, NE 68144 (402) 397-1700

By: <u>/s/ Michael J. Whaley</u>
Michael J. Whaley - #19390

Filed in Douglas District Court

*** EFILED ***

Case Number: D01Cl200000055 Transaction ID: 0010229778 Filing Date: 02/12/2020 09:41:47 AM CST

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

A Nebraska corporation) Case No. CI 20-00055
Plaintiff,)
V.)
) AMENDED COMPLAINT
KIPER INVESTMENT CO., A Partnership,) TO QUIET TITLE
KLAUS RUMMER, SONJA RUMMER,)
CLAUDINE RUMMER, EDWARD KIPER,)
RICHARD KIPER, DANIEL KIPER, and)
All Persons Having or Claiming Any)
Interest in the Real Estate Described)
Below, Real Names Unknown,)
)
Defendants.	

COMES NOW Plaintiff Kiper Engineering and MFG. Co. (the "Plaintiff"), by and through its attorneys, for its complaint, it states and alleges as follows:

- 1. The Plaintiff is a Nebraska corporation, validly existing under the laws of the State of Nebraska.
- 2. The Defendants, Klaus Rummer, Sonja Rummer, Claudine Rummer, Edward Kiper, Richard Kiper, and Daniel Kiper (hereinafter sometimes referred collectively as the "Defendants") are the current members of Kiper Investment Co.
- 3. According to the Douglas County Register of Deeds, Kiper Investment Co. is the record title owner of the following Real Estate located in Douglas County, Nebraska:
 - Lots 7, 8, 9, and 10, Block 6, McCague's Addition, as surveyed, platted and recorded in Douglas County, Nebraska, together with the East 1/2 of vacated 10th Street adjoining said lots on the West; Lots 1 to 7, both inclusive, Block 7, said McCague's Addition; Lots 1 and 2, Block 8, said

McCague's Addition, together with all of vacated 10th Street lying between said Blocks 7 and 8, and together with all of vacated Clark Street lying North of said Blocks 7 and 8; part of Tax Lot 2 of Government Lot 1 and part of Government Lot 1, both being in the NW 1/4 of Section 14, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of said Lot 2, Block 8, McCague's Addition; thence Northerly along the Easterly R.O.W. line of Union Pacific Railroad, a distance of 406.34 feet (Plat) (403.35 feet, Actual) to the North R.O.W. line of vacated Clark Street; thence East along the North R.O.W. line of vacated Clark Street, a distance of 132.4 feet (Plat) (131.43 feet Actual) to the centerline of vacated 10th Street; thence North along the centerline of vacated 10th Street, a distance of 216.0 feet (Plat) (219.79 feet Actual) to a point being at the intersection of the extension of the North lot line of said Lot 7, Block 6, to the West with the centerline of vacated 10th Street; thence East, 180 feet (Plat) (180.3 Actual) along the North line of said Lot 7, Block 6, to the Northeast corner of said Lot 7; thence South 232.0 feet (Plat) (286.45 feet Actual) along the rear lines of Lots 7 to 10, both inclusive, said Block 6, extended across vacated Clark Street to the South R.O.W. line of vacated Clark Street, being also the Northeast corner of said Lot 1, Block 7; thence East, 82.90 feet along the extension of the South R.O.W. line of Clark Street to the East; thence on a right deflection angle of 84°55'20", a distance of 43.70 feet to the North line of said Tax Lot 2; thence on a right deflection angle of 4°56'10", a distance of 103.27 feet to a point which is 115.0 feet East of the West line of said Tax Lot 2; thence on a right deflection angle of 10°09'30", 186.0 feet along a line 115 feet East of and parallel with the West line of said Tax Lot 2 to the North R.O.W. line of Seward Street; thence West, 368.1 feet along the North R.O.W. line of Seward Street to the point of beginning (the "Real Estate").

- 4. In 1995, the Plaintiff purchased the Real Estate from Kiper Investment Co., but that real estate transaction was never properly documented and a deed transferring the Real Estate to the Plaintiff was never recorded in Office of the Register of Deeds in Douglas County, Nebraska.
- 5. The Plaintiff has paid the real property taxes on the Real Estate since 1995 and has maintained the physical structure located on the Real Estate since that time.

6. Plaintiff has been in actual, continuous, exclusive and notorious possession of the Real Estate from 1995 to the present.

7. Plaintiff wishes to quiet the title of the Real Estate into its name.

WHEREFORE, Plaintiff prays that the Court enter a judgment quieting title to the Real Estate in its name and for such other and further relief as the Court deems just and proper.

KIPER ENGINEERING AND MFG. CO., Plaintiff

By: Michael J. Whaley - #19390 Amada C. Carter- # 26632 CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P. 12910 Pierce Street Suite 200 Omaha, NE 68144 (402) 397-1700

By: /s/ Michael J. Whaley
Michael J. Whaley - #19390

Certificate of Service

I hereby certify that on Wednesday, February 12, 2020 I provided a true and correct copy of the Amended Complaint to the following:

Kiper, Edward, service method: No Service

Kiper Engineering and MFG. Co. represented by CARTER, AMANDA C. (Bar Number: 26632) service method: Electronic Service to acarter@clinewilliams.com

Rummer Pos, Sonja, service method: No Service

Rummer, Claudine, service method: No Service

Kiper, Richard, service method: No Service

Kiper Investment Co. service method: No Service

Rummer, Klaus, service method: No Service

Kiper, Daniel, service method: No Service

Signature: /s/ Michael J. Whaley (Bar Number: 19390)

CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P. 12910 Pierce Street

Suite 200 Omaha, NE 68144 NOTICE OF SERVICE BY PUBLICATION

IN THE DISTRICT COURT OF DOUGLAS COUNTY NEBRASKA Case No. CI 20-0055

KIPER ENGINEERING AND MFG. CO., A Nebraska corporation,

Plaintiff.

KIPER INVESTMENT CO., A Partnership, KLAUS RUMMER, SONJA RUMMER, CLAUDINE RUMMER, EDWARD KIPER, RICHARD KIPER, and All Persons Having or Claiming Any Inter-est in the Real Estate Described Below, Real Names Unknown,

Defendants.

To: All Persons Having or Claiming Any Interest in the Real Property Described Below, Real Names Unknown: Lots 7, 8, 9, and 10, Block 6, McCague's Ad-

dition, as surveyed, platted and recorded in Douglas County, Nebraska, together with the East 1/2 of vacated 10th Street adjoining said lots on the West; Lots 1 to 7, both inclusive, Block 7, said McCague's Addition; Lots 1 and 2, Block 8, said McCague's Addition, together with all of vacated 10th Street lying between said Blocks 7 and 8, and to-gether with all of vacated Clark Street lying North of said Blocks 7 and 8; part of Tax Lot 2 of Government Lot 1 and part of Govern-ment Lot 1, both being in the NW 1/4 of Secment Lot 1, both being in the NW 1/4 of Section 14, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of said Lot 2, Block 8, McCague's Addition; thence Northerly along the Easterly R.O.W. line of Inline Pacific Railroad a distance of 406 24 Union Pacific Railroad, a distance of 406.34 feet (Plat) (403.35 feet, Actual) to the North R.O.W. line of vacated Clark Street; thence East along the North R.O.W. line of vacated Clark Street, a distance of 132.4 feet (Plat) (131.43 feet Actual) to the centerline of vacated 10th Street; thence North along the centerline of vacated 10th Street, a distance of 216.0 feet (Plat) (219.79 feet Actual) to a point being at the intersection of the extension of the North lot line of said Lot 7, Block 6, to the West with the centerline of vacated 10th Street; thence East, 180 feet (Plat) (180.3 Actual) along the North line of said Lot 7, Block 6, to the Northeast corner of said Lot 7; thence South 232.0 feet (Plat) (286.45 feet Actual) along the rear lines of Lots 7 to 10, both inclusive, said Block 6, extended across vacated Clark Street to the South R.O.W. line of vacated Clark Street, being also the Northeast corner of said Lot 1, Block 7; thence East, 82.90 feet along the extension of the South R.O.W. line of Clark Street to the East; thence on a right deflection angle of 84°55′20″, a distance of 43.70 feet to the North line of said Tax Lot 2; thence on a right deflection angle of 4°56′10″, a distance of 103.27 feet to a point which is 115.0 feet East of the West point which is 113.0 reet cast or the west line of said Tax Lot 2; thence on a right deflection angle of 10°09'30", 186.0 feet along a line 115 feet East of and parallel with the West line of said Tax Lot 2 to the North R.O.W. line of Seward Street, thence West, 368.1 feet along the North R.O.W. line of Seward Street to the point of beginning (the "Real Estate")

Take notice that you have been sued by the Plaintiff in the above-entitled court and action, the object and prayer of the Amended Com-Notice is hereby given that there has been filed with the City Clerk of the City of Omaha a petition for the improvement of south 91st

To the owners of all lots, lands, tracts, and parcels of land within proposed Road Mainter nance District No. 2019-09, and to all owners of property abutting on and adjacent to South 1st Avenue from Pacific Street to Hickory Street and Poppleton Avenue: Street and Poppleton Avenue:



THE D

JASON W. HUFF, Publisher PROOF OF PUBLICATION

UNITED STATES OF AMERICA, The State of Nebraska, District of Nebraska, County of Douglas, City of Omaha,

J. BOYD, being duly sworn, deposes and says that she is LEGAL EDITOR 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 3 consecutive weeks on:

February 18

& 25, 2020 & March 3, 2020

DOUGLAS COUNTY NERHAL KA MAR 0 3 2020 JOHN M. FRIEND

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

∯ GEN	IERAL NOTARY - State of Nebraska
R	ELLEN FREEMAN
	My Comm. Exp. December 11, 2021

\$177.86

Additional Copies

Filing Fee

\$177.86

Subscribed in my pre

this <u>3rd</u> day of March 20.20

Notary Public in and for Douglas County, State of Nebraska