

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMAHA MUNICIPAL LAND BANK)	CASE NO.
)	
Plaintiff,)	
)	
vs.)	
)	COMPLAINT
RIVERVIEW PROPERTIES LLC)	
WARREN R. WHITTED, JR.)	
HOUGHTON BRADFORD WHITTED, PC, LLC)	
HOUGHTON VANDENACK WILLIAMS WHITTED)	
WEAVER PARSONAGE LLC)	
TRENT R. SIDDEERS)	
DANA PARTNERSHIP, LLC)	
)	
Real Property located at:)	
Part of Lots 4, 5, 6 and 7 Block 438)	
Omaha, NE 68108)	
)	
JOHN DOE, JANE DOE, OCCUPANT, and all other)	
persons having any right, title or interest in or to the)	
foregoing real estate, real names unknown)	
)	
Defendant(s).)	

COME NOW the Plaintiffs, Omaha Municipal Land Bank, (“Plaintiff”) acting under the *Interlocal Agreement for Collection of Delinquent Taxes through Court Proceedings in Furtherance of Returning Vacant, Abandoned, and Tax-Delinquent Properties to a Productive Use*, dated December 20, 2016 (the “Interlocal Agreement”), and for their complaint against the Defendants and each of them state and allege as follows:

1. The Plaintiffs are political subdivisions of the state. Plaintiffs are located in Omaha, Nebraska.
2. Plaintiff Douglas County, Nebraska (the “County”) is the owner and holder of Tax Sale Certificate number 15-10095 (the “Certificate”). A copy of the Certificate is attached hereto as Exhibit “A” and incorporated herein by this reference. The Certificate constitutes a first and

superior lien on the following described real estate in Douglas County, Nebraska (the “Real Estate”), to wit:

PC # 1207540002: *Part of Lots 4, 5, 6 and 7 Block 438 & vacating alley adjoining, except that part taken by ordinance 16866 in Book 266 page 209 and Ordinance 16957 at Book 266 page 207*

3. Plaintiff Omaha Municipal Land Bank (“OMLB”) has been authorized pursuant to the Interlocal Agreement to prosecute on behalf of the County, the foreclosure of the County’s lien on the Real Estate under the Certificate.

4. The following named Defendants have or claim some interest in or lien upon the Real Estate, to wit: Riverview Properties LLC, Warren R. Whitted, Jr., Houghton Bradford Whitted, PC, LLC, Houghton Vandennack Williams Whitted Weaver Parsonage LLC, Trent R. Sidders, Dana Partnership, LLC, John Doe, Jane Doe and Occupant.

5. Taxes on the Real Estate for the years set out in the Certificate were duly and lawfully assessed and levied and became delinquent, and the Real Estate was duly advertised and sold at private sale on or about November 3, 2015, for the amount of said taxes, interest and charges thereon. The Certificate was issued by the Douglas County Treasurer as provided by law.

6. Subsequent taxes were duly and lawfully assessed and levied on the Real Estate and have been purchased by the County and are now added liens thereon.

7. Three years have elapsed since the issuance of the Certificate and, pursuant to law, Plaintiffs are therefore entitled to foreclose the lien for taxes on the Real Estate represented by the Certificate as well as for subsequent years’ taxes paid by Plaintiff.

8. The Certificate has not been redeemed, nor have the subsequent taxes been paid or any part thereof. There is due to Plaintiff Douglas County, the owner of said Certificate, the

amount of the Certificate and subsequent taxes with interest at a rate of fourteen percent per annum from the several dates of delinquency thereof.

9. The County has a first and paramount lien on the Real Estate for the total amount of said taxes and interest, and the Plaintiffs are entitled to foreclosure thereof.

10. Plaintiffs have reason to believe that there may be persons who have or who claim or appear to have some interest, right or title in or to, or some lien upon, the Real Estate and that the interests, rights, titles, or liens of such persons do not appear of record in or by their respective names in Douglas County, Nebraska. The Plaintiffs and their attorney or attorneys, after diligent investigation and inquiry, are unable to ascertain and do not know the names or whereabouts, if in this state, or the residence or places of abode of such persons. For that reason, the Real Estate has been made and is a party defendant in this action, as are all persons having or claiming any interest in said Real Estate, real names unknown.

11. Upon information and belief, none of the Defendants involved in this action or being otherwise named, designated, or referred to in this action, are or within three months last past engaged in the military or naval service of the United States and are thereby entitled to the benefits of the Service Members Civil Relief Act of 2004, as amended.

12. Plaintiff has incurred or will incur certain expenses, including but not limited to, a filing fee of \$83, expenses for a title search, service costs, and other costs allowed by law (including attorney's fees), and such sum should be recovered as costs herein.

WHEREFORE, Plaintiff prays that (a) the Court find that the Real Estate was subject to taxation for state, county, city, school district and municipal and public purposes; (b) the Court find that the items of tax claimed herein were duly assessed and levied by the proper authorities according to law in the separate and several amounts and for the years claimed upon the Real

Estate; (c) the Court determine the amount due the Plaintiffs in this case pursuant to the Certificate and subsequent taxes, including interest, costs and attorney's fees as allowed by Neb. Rev. Stat. 77-1909; (d) the Plaintiffs' lien on the Real Estate be adjudged and decreed to be first and superior lien upon the aforesaid premises;(e) the right, title, interest, lien and claim of the Defendants and each of them be determined, found and decreed to be subsequent, junior and inferior to the lien of the Plaintiffs;(f) the Defendants or some of them be ordered and directed to pay this Plaintiff said sums as aforesaid, and, failing such payment for twenty days from the entry of this decree, that the Real Estate be sold for the satisfaction of said lien as provided by law;(g) upon the sale of the Real Estate, the purchasers thereof take a good and indefeasible title thereto so purchased and be placed in possession, thereof;(h) the Defendants and each of them be foreclosed of all right, title, interest, lien, claim and equity of redemption in and to said Real Estate;(i) the Plaintiffs recover their costs herein expended including attorney's fees authorized by statute; and (j) the Court grant such other relief as it may deem just and equitable.

Dated 4/25/2019.

OMAHA MUNICIPAL LAND BANK
Plaintiff

By: /s/ Christian R Blunk

Christian R. Blunk, #17640
HARRIS & ASSOCIATES PC, LLO
1005 S 107 Ave, Suite 100
Omaha NE 68114
402-397-1200 Telephone
402-397-1201 Facsimile
ATTORNEY FOR PLAINTIFF

PRIVATE SALE

COUNTY TREASURER'S CERTIFICATE OF TAX SALESTATE OF NEBRASKA
COUNTY OF DOUGLASI, JOHN W. EWING, JR. Treasurer of the County of Douglas, in the State of Nebraska,
do hereby certify that the following described Real Estate in said County and State, to wit:

0754-0002-12

GRANDVIEW ADD

-EX N 15 FT & S 10 FT- LTS 4-5-6 &

LOT 7 BLOCK 438

-EX N 15 FT & S 10 FT- E 18 FT LT 7

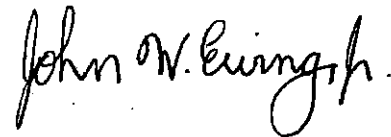
was, on the 1ST DAY OF NOVEMBER, A.D. 2015 duly sold by me in the manner provided by law at
Private Sale at my office, for the Delinquent Taxes

13/14 \$87.49 + 15.37 + 5.00 = \$107.86

amounting to 107.86
and the costs allowed by law, toDollars, including interest and penalty thereon,
0000666 DOUGLAS COUNTYfor the said sum of 127.86 Dollars. And I further certify that such Real Estate has been offered
at public sale for taxes but not sold for want of bidders, and that unless redemption is made of said Real Estate in
the manner provided by law, the said 0000666 DOUGLAS COUNTYheirs or assigns, will be entitled to a deed therefor on and after the 1ST DAY OF NOVEMBER, A.D. 2018
on surrender of this Certificate and Compliance with the provisions of the Revenue Law.

IN WITNESS WHEREOF, I have hereunto set my hand this 1ST DAY OF NOVEMBER, A.D. 2015

COPY



Treasurer of Douglas County, State of Nebraska.

\$127.86 100%

**STATE OF Nebraska
COUNTY OF Douglas**

File No. 34257-18

TITLE CERTIFICATE

EFFECTIVE DATE: November 8, 2018, at 8:00 AM

The undersigned, a Registered Nebraska Abstracter, operating under the Certificate of Authority granted it by the Abstracters Board of Examiners, presents this Title Certificate, hereafter "Certificate", relative only to the following described real estate in the County referenced, hereafter "property":

Part of Lots 4, 5, 6 and 7 Block 438 & vacating alley adjoining, except that part taken by ordinance 16866 in Book 266 page 209 and Ordinance 16957 at Book 266 page 207

NOTE: *SUBJECT PROPERTY APPEARS TO BE LAND LOCKED*

ADDRESS: None Assigned, **Omaha, NE**

This Certificate is a contract between TitleCore National, LLC as an Abstracter and Omaha Municipal Land Bank. The consideration for this contract is the information set forth below and furnished by the Abstracter together with the fee charged by the undersigned for the service performed by the Abstracter. The scope of this contract is outlined as follows:

- (a) This Certificate is not an abstract of title, nor a complete chain of title search, nor an attorney's Title Opinion, nor is it a title insurance policy or title insurance binder.
 - (b) This Certificate does provide limited title facts relative to the property only as specifically set out in the following numbered paragraphs. Each numbered paragraph identifies the particular information provided in this certificate.
 - (c) This Certificate reports limited information of record to the effective date above.
- 1.) The Grantee(s) in the last deed of record:
- Riverview Properties, L.L.C., a Nebraska limited liability company, by virtue of that certain Special Warranty Deed dated May 10, 2011 and recorded May 12, 2011 as Instrument No. 2011040921, of the Records of Douglas County, NE.**
- 2.) Unreleased mortgages and liens of record:
- Deed of Trust, Security Agreement and Assignment of Rents dated August 1, 2016 and recorded October 5, 2016 as Instrument No. 2016082636 of the Records of Douglas County, NE, executed by Riverview Properties, LLC, a Nebraska limited liability company, in favor of Warren R. Whitted, Jr., a member of the Nebraska State Bar Association, Trustee, and Houghton Bradford Whitted, PC, LLC, a Nebraska professional corporation and Houghton Vandeack Williams Whitted Weaver Parsonage LLC, a Nebraska limited liability company, Beneficiary, securing the sum of \$143,708.53 and any other amounts payable under the terms thereof.

Amended Deed of Trust, Security Agreement and Assignment of Rents dated March 13, 2018 and recorded March 13, 2018 at Instrument No. 2018018643 of the Records of Douglas County, NE, executed by Riverview Properties, LLC, a Nebraska limited liability company, in favor of Warren R. Whitted, Jr., a member of the Nebraska State Bar Association, Trustee, and Houghton Bradford Whitted, PC, LLC, a Nebraska professional corporation and Houghton Vandeack Williams Whitted Weaver Parsonage LLC, a Nebraska limited liability company, Beneficiary, securing the sum of \$143,323.92 and %22,325.50 and any other amounts payable under the terms thereof.

Deed of Trust dated September 11, 2018 and recorded September 13, 2018 at Instrument No. 2018073134 of the Records of Douglas County, NE, executed by Riverview Properties, LLC, a Nebraska limited liability company, in favor of Trent R. Sidders, an attorney and member of the Nebraska, trustee for the benefit of Dana Partnership LLC, securing the sum of \$307,457.19, and any other amounts payable under the terms thereof.

3.) Financing Statements filed in the County Register of Deeds or Recorder's Office and indexed against the property:

None

4.) Judgments and pending law suits in District Court:

(a) Judgments of record in the County District Court filed on the property, or indexed against the Grantee(s):

None

(b) Pending Law Suits of record in the County District Court on the property, or indexed against the Grantee(s):

In the District Court of Douglas County, Nebraska, "Case No. CI-17-4195 captioned Joseph R. Coschka, Plaintiff vs. Riverview Properties, LLC, and others, Defendants. Complaint filed May 19, 2017. Motion to stay proceedings filed July 2, 2018 and order granting stay filed September 17, 2018. Case is Open and Pending at date hereof.

5.) Tax Liens, State and Federal:

(a) Unreleased state tax liens of record filed against the Grantee(s):

None

(b) Unreleased federal tax liens of record filed against the Grantee(s):

None

6.) Other Liens of Record: Liens of record in the office of the Register of Deeds or Recorder and indexed against the property, (other than those liens previously set forth):

None

7.) Guardianships, Estates, and Conservatorships filed in the County Court and indexed against the Grantee(s):

None

- 8.) Real Estate Taxes and Special Assessments: Unpaid real estate taxes and unpaid special assessments certified for collection in the tax offices of Douglas County and indexed against the property:

General taxes assessed under Tax Key No. 0754-0002-12 for 2017 due and payable in 2018, levied in the amount of \$177.20, first installment is DELINQUENT WITH INTEREST ACCRUING, second installment is DELINQUENT WITH INTEREST ACCRUING.

General taxes assessed for the year 2017 in the amount of \$177.20, both installments Sold on Tax Sale Certificate No. 15-10095.

General taxes assessed for the year 2016 in the amount of \$175.96, both installments Sold on Tax Sale Certificate No. 15-10095.

General taxes assessed for the year 2015 in the amount of \$175.18, both installments Sold on Tax Sale Certificate No. 15-10095.

General taxes assessed for the year 2014 in the amount of \$173.60, both installments Sold on Tax Sale Certificate No. 15-10095.

General taxes assessed for the year 2013 in the amount of \$174.98, 2nd installment Sold on Tax Sale Certificate No. 15-10095.

Note: at the time of this report and per the records available to the Registered Nebraska Abstractor, said Tax Sale Certificate No. 15-10095 is reflected as being held by Douglas County.

Special Assessments: None

This Title Certificate certifies that TitleCore National, LLC has examined the records of Douglas County, Nebraska, and has set out, as displayed above, filings of instruments, judgments and real estate tax information of the records of the District Court, County Court, U.S. Bankruptcy Court for the District of Nebraska and Register of Deeds, that may affect the title or Grantee(s), within the defined scope and parameters of this Title Certificate.

Issued: November 19, 2018

TitleCore National, LLC



Registered Abstractor
Under Certificate of Authority No. 662

INVOICE

Invoice #: 130274
Invoice Date: 11/19/2018

File Number: 34257-18

To:

Omaha Municipal Land Bank
1141 North 11th Street
Omaha, NE 68102
Marty Barnhart
PH 402-401-2726
FX
RE: Omaha NE
Riverview Properties, L.L.C., a Nebraska limited
liability company/

From:

TitleCore National, LLC
8701 West Dodge Road, Suite 150
Omaha, NE 68114
402-333-8100

Description	Amount	Qty	Total
Property Report In County	\$150.00	1	\$150.00
		Subtotal	\$150.00
		Tax @ 0 %	\$0.00
		Non Taxable Amt.	\$0.00
		Grand Total	\$150.00

Please Remit To:

TitleCore National, LLC
8701 West Dodge Road, Suite 150
Omaha, NE 68114
402-333-8100

Thank you!

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

OMAHA MUNICIPAL LAND BANK)	CASE NO.
)	
Plaintiff,)	
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vs.)	
)	PRAECIPE
RIVERVIEW PROPERTIES LLC)	
WARREN R. WHITTED, JR.)	
HOUGHTON BRADFORD WHITTED, PC, LLC)	
HOUGHTON VANDENACK WILLIAMS WHITTED)	
WEAVER PARSONAGE LLC)	
TRENT R. SIDDEERS)	
DANA PARTNERSHIP, LLC)	
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Real Property located at:)	
Part of Lots 4, 5, 6 and 7 Block 438)	
Omaha, NE 68108)	
)	
JOHN DOE, JANE DOE, OCCUPANT, and all other)	
persons having any right, title or interest in or to the)	
foregoing real estate, real names unknown)	
)	
Defendant(s).)	

TO THE CLERK OF THE COURT:

Please issue a Summons directed to the Defendants listed below and return to the undersigned for service upon said Defendants by CERTIFIED MAIL as provided by law

Riverview Properties LLC
115 Hickory St
Omaha, NE 68108

Warren R. Whitted, Jr.
6457 Frances St #100
Omaha, NE 68106

Houghton Bradford Whitted, PC, LLC
6457 Frances St #100
Omaha, NE 68106

Houghton Vandennack Williams Whitted Weaver Parsonage LLC
17007 Marcy St
Omaha, NE 68118

Trent R. Sidders
1900 US Bank Bldg 223 S 13 St
Lincoln, NE 68508

Dana Partnership, LLC
105 N 31 Ave 2nd
Omaha, NE 68131

John Doe, Jane Doe and Occupant
Part of Lots 4, 5, 6 and 7 Block 438
Omaha, NE 68108

Dated 4/15/2019.

OMAHA MUNICIPAL LAND BANK
Plaintiff

By: /s/ Christian R Blunk

Christian R. Blunk, #17640
HARRIS & ASSOCIATES PC, LLO
1005 S 107 Ave, Suite 100
Omaha NE 68114
402-397-1200 Telephone
402-397-1201 Facsimile
ATTORNEY FOR PLAINTIFF