

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

TATE AND SON CONSTRUCTION, INC.,)	Case No. CI
)	
Plaintiff,)	
)	
vs.)	
)	COMPLAINT
MABABIL LLC,)	
)	
Defendants.)	

COMES NOW the Plaintiff, and for its causes of action Pursuant to the Nebraska Construction Lien Act, *Neb. Rev. Stat.* §52-125 et seq., and otherwise, against the Defendant states and alleges:

I. PARTIES AND VENUE

1. Plaintiff is a Nebraska corporation engaged in the business of building construction services, project management and consulting services. Its principal business office is located in Douglas County, Nebraska.

2. Defendant and or its owners/operators at various times relevant hereto have owned, operated, renovated, purchased, transferred, bought, sold, and/or improved real property commonly known as 1108 and 1112 Howard Street, Omaha, Nebraska 68102, and legally described as follows:

Unit 13 in 420 Condominium Property Regime, a condominium organized under the laws of the State of Nebraska pursuant to the Master Deed and Declaration of 420 Condominium Property Regime filed August 27, 1991 in Book 1905 at Page 639 of the Deed Records of Douglas County, Nebraska; and, as amended and refiled August 16, 1996 in Book 1185 at Page 85 of the Miscellaneous Records of Douglas County, Nebraska. Defendants are “contracting owners” of that real property, as defined by *Neb. Rev. Stat.* §52-127(3).

3. Plaintiff provided construction and consulting services for the benefit of Defendant’s

real property, as more fully described below, in Douglas County, Nebraska. Therefore, venue is proper in the district court of Douglas County.

II. FACTS

4. At all times relevant to this action, the Plaintiff provided professional services involving estimating, designing, consulting, representing Defendant re: insurance claims and property construction/renovation/repair, dealt with all insurance companies, the building owner, its attorneys, and generally performed valuable services for the Defendant regarding the real property in question.

5. Plaintiff fully performed its obligations for the benefit of Defendant's real property as agreed upon, and Plaintiff's obligations have been satisfied. The approximate last date of Plaintiff's provision of labor or materials to Defendant's real property pursuant to agreement was April 5, 2019.

6. Defendant accepted the work performed by Plaintiff.

III. CAUSE OF ACTION

7. The allegations set forth in paragraphs one through six of this petition are incorporated by reference, as though fully set forth.

8. Plaintiff has not been paid the remaining amount due of \$57,844.00 for the improvements, labor and materials provided by Plaintiff for the benefit of Defendant's real property.

9. There is no good-faith dispute or controversy about the amount of the sums due to Plaintiff, and Plaintiff has agreed to no reduction of the amount due to it.

10. Plaintiff filed and recorded a construction lien against Defendant on or about May 9, 2019, and provided proper notice of that lien to Defendant. A true and correct copy of the lien is attached to this petition as Exhibit "B". To date, no payment of the amount claimed in the lien has been paid to Plaintiff by Defendant or any person acting on Defendant's behalf, leaving the sum of \$57,844.00 due and owing to Plaintiff pursuant to the contracts.

IV. REQUEST FOR RELIEF

ON THE FOREGOING BASIS, Plaintiff requests judgment against Defendant as

follows:

- a. A finding that Plaintiff's lien against Defendant is valid and enforceable;
- b. Judgment in Plaintiff's favor, and against Defendant, in the amount of \$57,844.00;
- c. Foreclosure upon Defendant's property, if necessary, to secure payment of the judgment to Plaintiff;
- d. Interest on the damages due to Plaintiff by Defendant, to the extent allowed by law; and
- e. Costs and fees associated with this action, to the extent allowed by law.

DATED this 19th day of June, 2019.

**TATE AND SON CONSTRUCTION,
INC.,** a Nebraska Corporation, Plaintiff,

BY: /s/ Scott Lautenbaugh

Scott A. Lautenbaugh, #19559

The Law Offices of Scott Lautenbaugh

The Exchange Building

1905 Harney Street, Suite 224

Omaha, Nebraska 68102

(402) 702-1022

PLAINTIFF'S ATTORNEY.



Above Space for Official Use Only

Recording requested by, and, when recorded return to:

Tate and Son Construction, Inc.

c/o The Law Offices of Scott Lautenbaugh

1905 Harney Street, Suite 224

Omaha, Nebraska 68102

CONSTRUCTION LIEN

The person against whose interest in real estate the lien is claimed is:

MABABIL LLC

1108 Howard Street

Omaha, NE 68102

Person/Entity with Whom Claimant Contracted:

MABABIL LLC

1108 Howard Street

Omaha, NE 68102

Lien Claimant and Address:

Tate and Son Construction, Inc.

PO Box 3468

Omaha, NE 68103

(402) 315- 9119- Phone

EXHIBIT "B"

Property Subject to Lien:

1108/1112 Howard Street

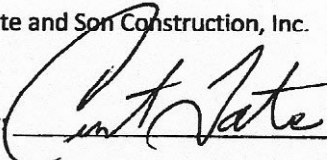
Omaha, NE 68102

Legal Description: **420 CONDOMINIUM PROPERTY REGIME LOT 13 BLOCK 0 APT 413 26.34 %;**
as surveyed, platted and recorded in Omaha, Douglas County Nebraska.

- 2. The contract price or agreed upon estimate or fair value of services: \$57,844.00
- 3. The principal amount due through May 6, 2019, ("due date") is \$57,844.00, after deducting just credits and offsets, and including change orders. The total price of the work performed was \$57,844.00.
- 4. The approximate date claimant's services or materials were last furnished was April 5, 2019. The claimant provided professional services involving estimating, designing, consulting, representing re: insurance claims and property construction/renovation/repair with all insurance companies, building owner, it's attorneys, and Mababil, LLC.

Dated: May 7th, 2019

Tate and Son Construction, Inc.

By 

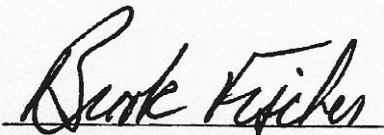
Title: President

STATE OF NEBRASKA)

)

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, a Notary Public, on May 7th, 2019, by Curt Tate, as President of Tate and Son Construction, Inc., Lien Claimant.



Notary Public

