

IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA

JON L. NEIMAN, FRANCES E. NEIMAN, individually, AND TRI R ANGUS, INC., a Nebraska corporation,  
 Plaintiffs and Counter-Defendants,  
 vs.  
 NEIMAN & NEIMAN CORPORATION, a Nebraska corporation, and TROY J. NEIMAN, CAROL JEAN LEWIS AND JON R. NEIMAN, TRUSTEES OF THE JON L. NEIMAN IRREVOCABLE TRUST DATED SEPTEMBER 9, 1977,  
 Defendants and Counter-Plaintiffs.

Case No. CI 03-41

**ORDER**

DATE OF HEARING: June 6, 2003.

DATE OF RENDITION: July 2, 2003.

DATE OF ENTRY: See court clerk's file-stamp date.

Upon the applications of the judgment creditor the Court finds as follows:

1. That the judgment debtors are stockholders of the garnishee, Tri R Angus, Inc. The judgment debtor, Jon L. Neiman, is a stockholder of the corporation, the garnishee, owning 2,700 shares,
2. That the judgment debtor, Frances E. Neiman, is a stockholder of the corporation, the garnishee, owning 3,800 shares.
3. That the garnishee disclosed property interests in Tri R Angus, Inc. of Jon L. Neiman and Frances E. Neiman when the garnishment orders were served to the extent that Jon L. Neiman has an ownership interest of 27 percent of Tri R Angus, Inc. and Frances E. Neiman has an ownership interest of 38 percent in Tri R Angus, Inc.
4. That the property interests of the judgment debtors shall be sold by the Sheriff of Cherry County, Nebraska, as upon execution. The judgment to be satisfied is in the amount of \$250,000.00, together with interest as of May 7, 2003, in the amount of

\$55,632.33, with accruing interest thereafter at the rate of 6.224% per annum, and costs of sale.

5. Both of the judgment debtors, through their counsel, have specifically requested that the property interest of judgment debtor Jon L. Neiman be sold first and that only if the sale of the interest of Jon L. Neiman is insufficient to satisfy the judgment, interest, and costs should the property interest of judgment debtor Frances E. Neiman be sold.

IT IS, THEREFORE, ORDERED that:

1. The applications of the judgment creditors are granted to the extent of the relief set forth herein and otherwise denied.

2. The property interests of the judgment debtors, Jon L. Neiman and Frances E. Neiman, in Tri R Angus, Inc., shall be delivered into court, which shall be accomplished by the issuance by said Tri R Angus, Inc. of proper certificates of corporate stock to the buyer or buyers thereof as provided herein, which shall be accomplished within 10 days after confirmation of sale as set forth below.

3. The clerk shall issue an order of sale of said corporate stock by delivering a true and certified copy of this order under seal to the sheriff and the Sheriff of Cherry County, Nebraska, shall sell the property as upon execution.

4. The Sheriff shall give notice of sale in the manner provided by Section 25-1525 of the Revised Statutes of Nebraska, Reissue of 1995. The sheriff may require the judgment creditors to advance the reasonable costs of publication and sale.

5. At the sale to be conducted by the Sheriff, the Sheriff shall first offer for sale the property interests of Jon L. Neiman, to-wit, 27 percent ownership of Tri R Angus, Inc., and if the highest and best bid therefor is more than the judgment debtor's judgment and interest then the sale be concluded and the Sheriff make a return accordingly. But if the amount bid for the property interest of Jon L. Neiman be insufficient or be less than the amount of the judgment and interest of the judgment

creditor, then the Sheriff proceed to sell the property interest of Frances E. Neiman, 38 percent of Tri R Angus, Inc., to the highest and best bidder and that following the conclusion of the sale the Sheriff make due return of the order of sale.

6. The buyer at such sale shall remit the sale price to the sheriff, who shall deposit the same with the clerk of the district court upon making his return. The judgment creditors may have the judgment debt applied to the amount of any bid by the judgment creditors and shall not be required to deposit the sale bid, except to the extent that the bid may exceed the judgment and interest thereon.

7. The sale shall be subject to confirmation by the court upon proper motion after the sale and return of the sheriff.

8. Supersedeas bond is set in the amount of \$340,000.00.

Signed in chambers at **Ainsworth**, Nebraska, on **July 2, 2003**;  
DEEMED ENTERED upon file stamp date by court clerk.  
If checked, the court clerk shall:

BY THE COURT:

Issue certified copy of this order to sheriff as order of sale, as required by paragraph 3 of order.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

Note the decision on the trial docket as: [date of filing] **Signed "Order" directing sale of corporate stock entered upon application of judgment creditors.**  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

Mail a copy of this order to all counsel of record and any pro se parties.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
**William B. Cassel**  
District Judge

Mailed to: