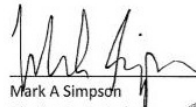


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2023 Jan 20 PM 3:17  
CLERK OF THE DOUGLAS COUNTY DISTRICT COURT  
CASE NUMBER: 2022-CV-000201



**Court:** Douglas County District Court  
**Case Number:** 2022-CV-000201  
**Case Title:** Board of Cty Commissioners of Douglas Cty, Kansas  
vs. Michael J. Albers, et al.  
**Type:** Order to Confirm Tax Sale

SO ORDERED.

  
Mark A Simpson  
District Court Judge  
Division 5



/s/ Honorable Mark Simpson, District Court Judge

**IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS**

THE BOARD OF COUNTY COMMISSIONERS OF )  
DOUGLAS COUNTY, KANSAS, )  
Plaintiff, ) Case No. 2022-CV-201  
vs. ) Div. No. 5  
)  
MICHAEL J. ALBERS, ET AL )  
Defendants. )  
Pursuant to K.S.A. Chapter 60 and K.S.A. 79-2801 et. seq.

**ORDER TO CONFIRM TAX SALE**

At this time, the above-entitled action comes before the Court for consideration of the Plaintiff's Motion to Confirm Tax Sale as it pertains to Cause No. 11.

WHEREUPON, the Court, having examined the Motion, the Sheriff's Return of Order of Sale, and other matters in the file, finds that the real estate described in Cause No. 11 as described in the Sheriff's Return was sold at the Sheriff's Sale held January 6, 2023, that said sale and Sheriff's Return are regular and according to law, and that said sale of the real estate described in Cause No. 11 is hereby confirmed.

The Court further finds that a Purchaser Affidavit has been filed with the Clerk of the District Court in conformance with K.S.A. 79-2804h.

IT IS, THEREFORE, BY THE COURT ORDERED that the Sheriff's Sale held on January 6, 2023, in the above-entitled action is confirmed in all respects as to Cause No. 11 as detailed in the Sheriff's Return of Order of Sale.

IT IS FURTHER BY THE COURT ORDERED that the costs, charges, and expenses of the proceedings in the above-entitled action, including the cost of the Sheriff's sale, consist of the following:

Filing Fee:	\$	0.00
Title Searches:	\$	1,080.00
Order of Sale:	\$	0.00
Publication of Notice of Suit:	\$	1,940.73
Sheriff's Sale:		
Publication of Notice of Sale	\$	1,191.54
Auctioneer Fee	\$	0.00
Guardian Ad Litem and Attorney		
For Defendants in Military Fees:	\$	<u>1,500.00</u>
<b>TOTAL COSTS:</b>	<b>\$</b>	<b>5,712.27</b>

Reduced by \$420.33 per Cause for Costs Paid into Court in Connection with Redemptions of Property (10 Causes redeemed) **\$ 4,203.30**

**REMAINING COSTS TO APPORTION \$ 1,508.97**

IT IS FURTHER BY THE COURT ORDERED that, in accordance with K.S.A. 79-2803 the above-allowed and excess costs and expenses of the proceedings, shall be apportioned to Cause No. 11 as set forth in Column 3 of attached **EXHIBIT A**.

IT IS FURTHER BY THE COURT ORDERED that the Clerk of the District Court is directed to make the following payments from monies paid into Court in connection with this matter:

- a. **\$4,203.30** to the Plaintiff as the pre-sale costs paid into Court in connection with the Redemptions of the real estate in Cause Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.
- b. **\$300.00** to the Plaintiff as the remaining costs and expenses of this action, to come from the proceeds of sale.

IT IS FURTHER BY THE COURT ORDERED that the Plaintiff pay **\$1,500.00** to Petefish, Immel, Hird, Johnson, & Leibold, L.L.P. as fees for services rendered by

Terence E. Leibold as Guardian Ad Litem for Defendants who are minors or disabled persons and attorney for Defendants in the military, to come from the pre-sale costs previously paid into Court.

IT IS FURTHER BY THE COURT ORDERED that the Sheriff of Douglas County, Kansas, forthwith execute and deliver to the purchaser of the real estate described in Cause No. 11 a good and sufficient deed for the real estate.

IT IS FURTHER BY THE COURT ORDERED that if any Defendants or anyone claiming under them, including tenants thereof, shall fail to deliver possession of the subject real estate to the purchaser, a Writ of Assistance shall issue out of this Court without further order or notice for the purpose of placing said purchaser in possession thereof.

This Order is effective as of the date and time shown on the electronic file stamp.

**PREPARED AND APPROVED BY:**

STEVENS & BRAND, L.L.P.  
900 Massachusetts, Ste. 500  
PO Box 189  
Lawrence KS 66044-0189  
(785) 843-0811  
[jheiman@stevensbrand.com](mailto:jheiman@stevensbrand.com)

Attorneys for Plaintiff, Board of County Commissioners  
of Douglas County, Kansas

By: /s/ Jeffrey L. Heiman  
Jeffrey L. Heiman, #20858

**APPROVED BY:**

Terence E. Leibold

Petefish, Immel, Hird, Johnson & Leibold, L.L.P.

842 Louisiana

Lawrence, Kansas 66044

(785) 843-0450 ext. 6

[tleibold@petefishlaw.com](mailto:tleibold@petefishlaw.com)

*Attorney for Defendants in Military Service and Guardian ad Litem*

By: /s/ Terence E. Leibold

Terence E. Leibold, #17763

**EXHIBIT A**

	1	2	3	4	5
<b>CAUSE NO.</b>	<b>TAX LIEN (as of January 6, 2023)</b>	<b>SALE PRICE</b>	<b>COST OF SALE TO APPORTION (\$1,508.97)</b>	<b>TO PLAINTIFF FOR TAXES (#2 - #3)</b>	<b>HOLD FOR INTERESTED PARTIES (#2-#3-#4)</b>
11	\$140.13	\$300.00	\$300.00	\$0.00	\$0.00
<b>TOTAL</b>	<b>\$140.13</b>	<b>\$300.00</b>	<b>\$300.00</b>	<b>\$0.00</b>	<b>\$0.00</b>