

ELECTRONICALLY FILED
2022 Jan 31 AM 11:54
CLERK OF THE DOUGLAS COUNTY DISTRICT COURT
CASE NUMBER: 2021-CV-000188



Court: Douglas County District Court
Case Number: 2021-CV-000188
Case Title: Board of County Commissioners of Douglas County
vs. Richard B. Borton, et al.
Type: Order to Confirm Tax Sale

SO ORDERED.

A handwritten signature in black ink, appearing to read "B. Kay Huff", is written over a horizontal line.

B. Kay Huff
District Court Judge
Division 3

/s/ Honorable Judge B. Kay Huff

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

THE BOARD OF COUNTY COMMISSIONERS OF)
DOUGLAS COUNTY, KANSAS,)
Plaintiff,) Case No. 2021-CV-188
vs.) Div. No. 3
)
RICHARD B. BORTON, 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 Nos. 1 and 4.

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 Nos. 1 and 4 as described in the Sheriff's Return were sold at the Sheriff's Sale held January 11, 2022, that said sale and Sheriff's Return are regular and according to law, and that said sale of the real estate described in Cause Nos. 1 and 4 is hereby confirmed.

The Court further finds that Purchaser Affidavits have 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 11, 2022, in the above-titled action is confirmed in all respects as to Cause Nos. 1 and 4, 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: | \$ | 525.00 |
| Order of Sale: | \$ | 0.00 |
| Publication of Notice of Suit: | \$ | 1,226.73 |
| Sheriff's Sale: | | |
| Publication of Notice of Sale | \$ | 1,094.40 |
| Auctioneer Fee | \$ | 0.00 |
| Guardian Ad Litem and Attorney For Defendants in Military Fees: | \$ | <u>1,500.00</u> |
| TOTAL COSTS: | \$ | 4,346.13 |

Reduced by \$505.12 per Cause for Costs Paid
into Court in Connection with Redemptions of Property
(5 Causes redeemed) **\$ 2,525.60**

REMAINING COSTS TO APPORTION \$ 1,820.53

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 equally to each tract sold at the Sheriff's sale 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. **\$2,525.60** to the Plaintiff as the pre-sale costs paid into Court in connection with the Redemptions of the real estate in Cause Nos. 2, 3, 5, 6, and 7.

b. **\$1,820.53** to the Plaintiff as the remaining costs and expenses of this action, to come from the proceeds of sale.

c. **\$17,743.37** to the Plaintiff to be applied to real estate taxes for the respective Causes as set forth in Column 4 of attached Exhibit A.

IT IS FURTHER BY THE COURT ORDERED that the Plaintiff pay **\$1,500.00** to Petefish, Immel, Hird, Johnson, Leibold & Sloan 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 Clerk of the District Court retain **\$18,436.10**, as set forth in Column 5 of attached Exhibit A, from the sale for further order of this Court.

IT IS FURTHER BY THE COURT ORDERED that the Sheriff of Douglas County, Kansas, forthwith execute and deliver to the purchasers of the real estate described in Cause Nos. 1 and 4, a good and sufficient deed for each 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:

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By: /s/ Zachary A. King
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EXHIBIT A

| | 1 | 2 | 3 | 4 | 5 |
|------------------|--|-----------------------|---|---|---|
| CAUSE NO. | TAX LIEN (as of January 11, 2022) | SALE PRICE | COST OF SALE TO APPORTION (\$1,820.53) | TO PLAINTIFF FOR TAXES (#2 - #3) | HOLD FOR INTERESTED PARTIES (#2-#3-#4) |
| 1 | \$7,767.59 | \$25,000.00 | \$910.26 | \$7,767.59 | \$16,322.15 |
| 4 | \$9,975.78 | \$13,000.00 | \$910.27 | \$9,975.78 | \$2,113.95 |
| TOTAL | \$17,743.37 | \$38,000.00 | \$1,820.53 | \$17,743.37 | \$18,436.10 |