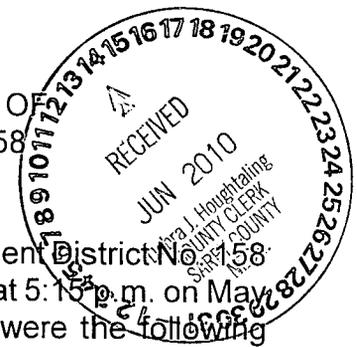


158

MINUTES OF MEETING OF BOARD OF TRUSTEES OF  
SANITARY AND IMPROVEMENT DISTRICT NO. 158  
OF SARPY COUNTY, NEBRASKA



The meeting of the Board of Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska was convened in public and open session at 5:15 p.m. on May 12, 2010 at 9915 South 148<sup>th</sup> Street, Omaha, Nebraska. Present were the following Trustees: David A. Christensen, Paul R. Stoupa, and Larry Hammer. Absent was the following Trustee: Patrick S. Lichter and Allen Marsh. Present by invitation were Ronald W. Hunter, attorney for the District; Kristi Bland, his assistant; and Dean Jaeger of Thompson, Dreessen & Dorner, Inc., engineers for the District. Also present were Diane Alderson and Matt Kallman, both taxpayers living in the District. Notice was given in advance thereof by publication in the Papillion Times on May 6, 2010, a copy of the Proof of Publication being attached to these Minutes. Notice of the meeting was given to all members of the Board of Trustees, a copy of their Acknowledgment of Receipt of Notice being attached to these minutes. Availability of the Agenda was communicated in the published Notice and in the Notice to the Trustees of the meeting. All proceedings of the Board were taken while the convened meeting was held open to the attendance of the public.

The Attorney for the District certifies that these Minutes were written and available for public inspection within ten (10) working days and prior to the next convened meeting of the Board of Trustees.

In the absence of the Chairman, Trustee Stoupa served as the Acting Chairman. The Acting Chairman called the meeting to order and called the roll.

The Acting Chairman publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

The Acting Chairman stated the first order of business was an update from Gerry Gutoski. There were no updates at this time.

The Acting Chairman stated the next order of business was a discussion regarding a Preliminary Engineer's Estimate for Tiburon View Storm Sewer Modifications. Mr. Jaeger stated that the cheapest solution would be to add two additional manholes with sump trash heads to collect the silt and debris from flowing into the pond. After a full and complete discussion, the following Resolutions were proposed by Trustee Christensen and seconded by Trustee Hammer, to-wit:

RESOLVED, that Thompson, Dreessen & Dorner, Inc. are hereby authorized and directed to attempt to obtain easements from property owners of the lots where the Tiburon View Storm

Sewer Modifications will be preformed.

RESOLVED FURTHER, upon obtaining the proper easements, Thompson, Dreessen & Dorner, Inc. are authorized to hire a contractor to construct two manholes with sump trash heads at the specified locations at an approximate cost of \$10,000.00.

On the foregoing Resolutions the following Trustees voted "aye": Trustees Christensen, Hammer, and Stoupa. Voting "nay" thereon were the following: None. The Acting Chairman then declared that said Resolutions were duly carried and adopted.

At this point in the meeting, Mr. Jaeger left the meeting.

The Acting Chairman stated the next order of business was property owner questions or concerns. Mrs. Alderson presented the Profit and Loss balance sheet for the Tiburon Pool. The Trustees reviewed this information.

Mr. Kallman stated that a resident has requested that the awning for the poolhouse be improved. The Trustees agreed that Mr. Kallman should contact Dean Jaeger for suggestions for improving the awning.

At this point in the meeting Mrs. Alderson and Mr. Kallman left the meeting.

The Acting Chairman presented several examples of possible entrance signs to the Tiburon subdivision. The Trustees reviewed these drawings and it was agreed that the homeowner's association should also be provided the drawings for suggestions.

The Acting Chairman stated the next order of business was a discussion regarding Happy Tails Pet Services appeal. The Trustees reviewed an e-mail from the owners of Happy Tails Pet Services which stated they were filing an appeal with the Sarpy County District Court regarding denial of a permit for the dog kennel. Mr. Hunter also presented a letter, dated May 6, 2010, from Jason Bruno, the attorney representing Happy Tails Pet Services, which stated it was asking for a formal retraction from Allen Marsh regarding comments made in a news broadcast on April 12, 2010. The Trustees discussed this issue in detail and stated that it would stand behind Allen Marsh regarding this matter.

The following are reporting items for the Trustees' information and required no action: a letter, dated April 26, 2010, to Rich James depositing a check from Dial-Tiburon Village Small Shops, LLC in the amount of \$249.24 in the Service Fee Fund of the District; a letter, dated April 26, 2010, to Rich James depositing a check from SID 192 in the amount of \$8,259.75 in the Service Fee Fund; a Certificate To County Treasurer And Request For Funds Of The Sanitary And Improvement District No. 158 General Obligation Bonds Series 2004; and General Ledger detail revenue listing per funds of SID 158 from the Sarpy County Treasurer.

The Chairman stated the next order of business was the consideration of the hereinafter described statements, bills and invoices. After a full and complete discussion, the following Resolutions were moved by Trustee Christensen and seconded by Trustee Hammer, to-wit:

BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska, that the Chairman and Clerk be and hereby are directed and authorized to execute and deliver General Fund Warrants Nos. 5373 through 5386 of the District, dated the date of this meeting, to the following payees and in the following amounts, said Warrants to be drawn on the General Fund of the District and to draw interest at the rate of seven percent (7%) per annum, to be redeemed no later than May 12, 2013, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska, after notice is given as required by law, to-wit:

WARRANT NO. 5373 in the amount of \$10.31 made payable to OMAHA WORLD HERALD MEDIA GROUP, per Customer No. 154004, Order No. 0001227832-01, attached.

WARRANT NO. 5374 in the amount of \$23.46 made payable to BLACK HILLS ENERGY, per Account No. 8978 6461 65, dated 04/29/10, attached.

WARRANT NO. 5375 in the amount of \$44.61 made payable to QWEST, per Account No. 402 895-8841 741, dated 04/07/10, attached.

WARRANT NO. 5376 in the amount of \$4,961.28 made payable to PAPILLION SANITATION, per Invoice No. 1908796, attached.

WARRANT NO. 5377 in the amount of \$1,100.00 made payable to K.C. SWEEPING, per Invoice No. 5200, attached.

WARRANT NO. 5378 in the amount of \$2,169.00 made payable to ARBOR HILLS TREES & LANDSCAPING, per Invoice No. 917, attached.

WARRANT NO. 5379 in the amount of \$1,615.29 made payable to THOMPSON, DRESSEN, DORNER, INC., per Project No. 1592-103, Invoice No. 88277 and Project No. 1592-900, Invoice No. 88278, attached.

WARRANT NO. 5380 in the amount of \$78.63 made payable to GREAT PLAINS ONE-CALL SERVICES, INC., per Invoice No. 410SD158, attached.

WARRANT NO. 5381 in the amount of \$32.00 made payable to NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB, per Invoice No. 349442, attached.

WARRANT NO. 5382 in the amount of \$5,520.38 made payable to FIELD R & D, per Invoice No. 100051, attached.

WARRANT NO. 5383 in the amount of \$30.00 made payable to SWIFT GREEN LAWN CARE, per Invoice No. 3308, attached.

WARRANT NO. 5384 in the amount of \$1,373.75 made payable to C & C CUTTING, LLC, per Invoice No. 387, attached.

WARRANT NO. 5385 in the amount of \$5,741.58 made payable to CITY OF OMAHA, per Invoice No. 63820, attached.

WARRANT NO. 5386 in the amount of \$2,595.00 made payable to RONALD W. HUNTER, per Statement dated 05/11/10, attached.

BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Construction Fund Warrant Nos. 5387 through 5388 of the District, dated the date of this meeting, to the following payees and in the following amounts, said Warrants to be drawn on the Construction Fund of the District and to draw interest at the rate of seven percent (7%)

per annum (interest to be payable on March 1 of each year) and to be redeemed no later than May 12, 2015, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska, after notice is given as required by law, to-wit:

WARRANT NO. 5387 in the amount of \$250.00 made payable to GREAT WESTERN BANK, per Statements dated 04/30/10, attached.

WARRANT NO. 5388 in the amount of \$12.50 made payable to AMERITAS INVESTMENT CORP., per 5% fee agreement.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska, that both they and the district hereby find and determine and covenant, warrant and agree as follows: the improvements and/or facilities being financed or refinanced by the above Warrants are for essential governmental functions and are designed to serve members of the general public on an equal basis; all said improvements have from the time of their first acquisition and construction been owned, are owned and are to be owned by the District or another political subdivision; to the extent special assessments have been or are to be levied for any of said improvements, such special assessments have been or are to be levied under Nebraska law as a matter of general application to all property specially benefited by said improvements in the District; the development of the land in the District is for residential or commercial use and the development of the land in the District for sale and occupation by the general public has proceeded and is proceeding with reasonable speed; other than any incidental use of said improvements by a developer during the initial period of development of said improvements, there have been, are and will be no persons with rights to use such improvements other than as members of the general public; none of the proceeds of said Bonds or any refinanced indebtedness have been or will be loaned to any private person or entity; the District hereby authorizes and directs the Chairperson or Clerk to file or cause to be filed, when due, an information reporting form pursuant to Section 149(e) of the Internal Revenue Code of 1986, as amended, pertaining to the above Warrants; and the District does not reasonably expect to sell or otherwise dispose of said improvements and/or

facilities, in whole or in part, prior to the last maturity of the above Warrants.

BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska, that the District hereby covenants, warrants and agrees as follows: (a) to take all actions necessary under current federal law to maintain the tax exempt status (as to taxpayers generally) of interest on the above Warrants; and (b) to the extent that it may lawfully do so, the District hereby designates the above Warrants as its "qualified tax exempt obligations" under Section 265(b)(3)(B)(I)(III) of the Internal Revenue Code of 1986 as amended and covenants and warrants that the District does not reasonably expect to issue Warrants or Bonds or other obligations aggregating in the principal amount of more than \$5,000,000.00 during the calendar year in which the above Warrants are to be issued.

BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska that this and the preceding Resolutions are hereby adopted as the Certificate with Respect to Arbitrage of the District hereby further certify, as of the date of the registration of the above Warrants with the County Treasurer of Sarpy County, Nebraska, as follows:

1. No separate reserve or replacement fund has been or will be established with respect to the above Warrants. The District reasonably anticipates that monies in its Bond Fund reasonably attributable to the above Warrants in excess of the lesser of: (a) 10% of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) 125% of average annual debt service due on the above Warrants will be expended for payment of principal of and interest on the above Warrants within 13 months after receipt of such monies. That amount which is currently held in the District's Bond Fund which exceeds the amount which is to be expended for payment of principal and interest on the above Warrants within 13 months after receipt of such monies, plus that amount arrived at pursuant to the immediately preceding sentence, will not be invested in any securities or any other investment obligations which bear a yield, as computed in accordance with the actuarial method, in excess of the yield of the above Warrants.
2. To the best of their knowledge, information and belief, the above expectations are reasonable.
3. The District has not been notified of any listing of it by the Internal Revenue Service as an issuer that may not certify

its Bonds.

4. This Certificate is being passed, executed and delivered pursuant to Sections 1.148-2 (b)(2) of the Income Tax Regulations under the Internal Revenue Code of 1986, as amended.

On the foregoing Resolutions the following Trustees voted "aye": Trustees Christensen, Hammer, and Stoupa. Voting "nay" thereon were the following: None. The Acting Chairman then declared that said Resolutions were duly carried and adopted.

There being no further business to come before the meeting, the same was thereupon adjourned.

ABSENT  
ALLEN J. MARSH, Chairman

ABSENT  
PATRICK S. LICHTER, Trustee

PAUL R. STOUPA, Trustee  
Acting Chairman

  
\_\_\_\_\_  
DAVID A. CHRISTENSEN, Clerk

  
\_\_\_\_\_  
LARRY HAMMER, Trustee

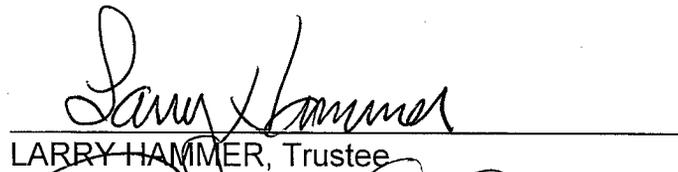
ACKNOWLEDGMENT OF RECEIPT  
OF  
NOTICE OF MEETING

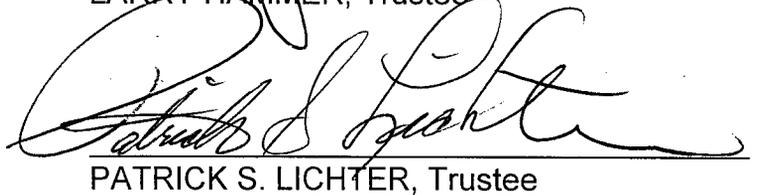
THE UNDERSIGNED Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska, hereby acknowledge receipt of advance notice of a meeting of the Board of Trustees of said District, and the Agenda for such meeting held at 5:15 p.m. on May 12, 2010 at 9915 South 148<sup>th</sup> Street, Omaha, Nebraska.

DATED this 12th day of May, 2010.

  
ALLEN J. MARSH, Chairman

  
DAVID A. CHRISTENSEN, Clerk

  
LARRY HAMMER, Trustee

  
PATRICK S. LICHTER, Trustee

\_\_\_\_\_  
PAUL R. STOUPA, Trustee

## CERTIFICATE

The undersigned hereby certify that they are the Chairman and Clerk of Sanitary and Improvement District Number 158 of Sarpy County, Nebraska, (the "District") and hereby further certify as follows:

1. Annexed to this certificate is a true and correct transcript of the proceedings of the Board of Trustees of the District relating to a meeting of said District held on the date and at the time reflected in the meeting minutes contained in said foregoing transcript (the "Meeting"). All of the proceedings of the District and of the Board of Trustees thereof which are set out in the annexed and foregoing transcript have been fully recorded in the journal of proceedings of the District and the undersigned District Clerk has carefully compared the annexed and foregoing transcript with said journal and with the records and files of the District which are in such Clerk's official custody and said transcript is a full, true and complete copy of said journal, records and files which are set out therein.

2. Advance notice for the Meeting was given by publication as set forth in the affidavit of publication contained in the foregoing transcript and was given to the Clerk of the municipality or county within whose zoning jurisdiction the District is located at least seven days prior to the date of the Meeting. Advance notice for the Meeting, including notice of agenda subjects, was given to all members of the Board of Trustees. All news media requesting notification of meetings of said body were provided with advance notice of the times and places of such meetings and the subjects to be discussed.

3. All of the subjects addressed at the Meeting were contained in the agenda for the Meeting, which agenda was kept continually current and readily available for public inspection at the address listed in the meeting notice for the Meeting and a copy of which is attached to this Certificate; such subjects were contained in said agenda for at least 24 hours prior to the Meeting and each agenda item was sufficiently descriptive to give the public reasonable notice of the matters to be considered at the Meeting.

4. A current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during the Meeting in the room in which such Meeting was held and all in attendance at the Meeting were informed that such copy of the Nebraska Open Meetings Act was available for review and were informed of the location of such copy in the room in which such Meeting was being held. At least one copy of all resolutions and other reproducible written materials, for which actions are shown in said proceedings, was made available for examination and copying by members of the public at the Meeting.

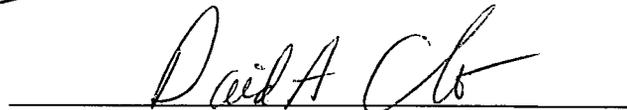
5. The minutes of the Meeting were in written form and available for public inspection within ten (10) working days after the Meeting or prior to the next convened meeting, whichever occurred earlier, at the office of the District; within thirty (30) days after the date of the Meeting, a copy of the minutes of the Meeting was sent to the Clerk of the municipality or county within whose zoning jurisdiction the District is located.

6. No litigation is now pending or threatened to restrain or enjoin the District from

the issuance and delivery of any warrants or other obligations issued by the District or the levy and collection of tax or other revenues or relating to any of the improvements for which any such warrants or other obligations were or are issued nor in any manner questioning the proceedings and authority under which any such warrants or other obligations were or are issued or affecting the validity thereof; neither the corporate existence or boundaries of the District nor the title of its present officers to their respective offices is being contested; no authority or proceedings for the issuance of any warrants or other obligations by the District have been repealed, revoked or rescinded as of the date hereof. All actions taken by the Board of Trustees referred to in said transcript were taken at a public meeting while open to the attendance of the public.

IN WITNESS WHEREOF, we have hereunto affixed our official signatures this 12th day of May, 2010.

  
Chairman

  
Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }  
 } SS.  
County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Thursday, May 6, 2010 Papillion Times

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

*Shon Barenklau*  
\_\_\_\_\_

Shon Barenklau OR Kirk Hoffman  
Publisher Business Manager

Attorney at Law  
11605 Arbor St. Suite 104  
Omaha, NE 68144

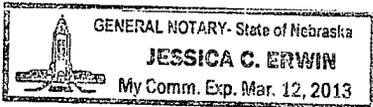
NOTICE OF MEETING  
Sanitary and Improvement District  
No. 158 of Sarpy County, Nebraska

NOTICE IS HEREBY GIVEN that a meeting of the Board of Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska, will be held at 5:15 p.m. on 12th day of May, 2010, at 9915 South 148th Street, Omaha, Nebraska, which meeting will be open to the public. An Agenda for such meeting, kept continuously current, is available for public inspection at the office of the Chairman of the Board of the District at 11605 Arbor St., Suite 104, Omaha, Nebraska, and includes payment of bills of the District.  
Dave Christensen  
Clerk of the District  
1227832; 5/6

Today's Date 05-05-2010  
Signed in my presence and sworn to before me:

*Jessica C. Erwin*  
\_\_\_\_\_

Notary Public



Printer's Fee \$ 10.31  
Customer Number: 154004  
Order Number: 0001227832

## AGENDA

Meeting of the Board of Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska:

Allen J. Marsh, Chairman  
David A. Christensen, Clerk  
Larry Hammer, Trustee  
Patrick S. Lichter, Trustee  
Paul Stoupa, Trustee

Held at 5:15 p.m. on May 12, 2010 at 9915 South 148<sup>th</sup> Street, Omaha, Nebraska.

1. Call meeting to order and roll call.
2. The Chairman to state to all in attendance that a current copy of the Nebraska Open Meetings Act is available for review and indicate the location of such copy in the room where the meeting is being held.
3. Update from Gerry Gutoski.
4. A discussion regarding Preliminary Engineer's Estimate for Tiburon View Storm Sewer Modifications.
5. Discussion regarding property owner questions or concerns.
6. Discussion regarding Happy Tails Pet Services appeal.
7. The following are reporting items for the Trustees' information and required no action: a letter, dated April 26, 2010, to Rich James depositing a check from Dial-Tiburon Village Small Shops, LLC in the amount of \$249.24 in the Service Fee Fund; a letter, dated April 26, 2010, to Rich James depositing a check from SID 192 in the amount of \$8,259.75 in the Service Fee Fund; a Certificate To County Treasurer And Request For Funds Of The Sanitary And Improvement District No. 158 Of Sarpy County, Nebraska General Obligation Bonds Series 2004; and General Ledger detail revenue listing per Funds of SID 158 from the Sarpy County Treasurer.
8. Pay the following bills (statements and/or invoices attached):
  - A. World Herald Media Group  
Customer No. 154004  
Order No. 0001227832-01

B.	Black Hills Energy Account No. 8978 6461 65 dated 04/29/10		23.46
C.	Qwest Account No. 402 895-8841 741 dated 04/07/10		44.61
D.	Papillion Sanitation Invoice No. 1908796		4,961.28
E.	K.C. Sweeping Invoice No. 5200		1,100.00
F.	Arbor Hills Trees & Landscaping Invoice No. 917		2,169.00
G.	Thompson, Dreessen, Dorner, Inc. Project No. 1592-103, Invoice No. 88277 Project No. 1592-900, Invoice No. 88278	1,343.34  <u>271.95</u>	1,615.29
H.	Great Plains One-Call Services, Inc. Invoice No. 410SD158		78.63
I.	Nebraska Public Health Environmental Laboratory Invoice No. 349442		32.00
J.	Field R & D Invoice No. 100051		5,520.38
K.	Swift Green Lawn Care Invoice No. 3308		30.00
L.	C & C Cutting, LLC Invoice No. 387		1,373.75
M.	City of Omaha Invoice No. 63820		5,741.58
N.	Ronald W. Hunter Statement dated 05/11/10		2,595.00
O.	Great Western Bank Statement dated 04/30/10		* 250.00

P. Ameritas Investment Corp.  
5% Fee Agreement

\* 12.50

9. Adjourned.

THE UNDERSIGNED, hereby certifies that the foregoing Agenda was prepared and available for public inspection at the address shown on the published notice of meeting at least 24 hours prior to the commencement of said meeting, and that no items were added to the Agenda after the commencement of the meeting.

  
\_\_\_\_\_  
Clerk

**Kristi Bland**

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**From:** "Allen Marsh" <aj.marsh@cox.net>  
**To:** "Dave Christensen" <dchristensen@mclawyers.com>; "Larry Hammer" <lhammer17@cox.net>; "Pat Lichter" <plichter@radiks.net>; "Paul Stoupa" <prstoupa@hotmail.com>; "Ronald W Hunter" <rwhe@hunterlaw.omhcoxmail.com>  
**Sent:** Sunday, May 09, 2010 7:45 PM  
**Subject:** FW: Happy Tails Pet Services

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**From:** Kim larsen [mailto:chickensoup4pets@gmail.com]

**Sent:** Sunday, May 02, 2010 9:02 AM

**To:** aj.marsh@cox.net

**Subject:** Happy Tails Pet Services

Hi Allen,

Just wanted to let you know that we have decided to appeal the boards decision. We have retained a very competent attorney on these type of matters. At this time we would like to ask you and the Tiburon home owners association to withdraw your opposition to our small pet care center. We are very confident we can operate this facility in a neighborly fashion for a short period of time until we find just the right location that will be just right for everyone. We feel that it will be at least FIVE years before any more farm ground is sold for development around here. We would not be surprised if it is longer. Maybe you have not been informed that there is a major problem with sewers in this area and it will be very costly for anyone to develop ground around here. Probably to the point that it will be cost prohibitive. We think all of the counties in the area are going to force the developers to use up the 20,000 lots already available first. We truly do not want to effect anyone in any negative way at all. We were taught that way as young working class Americans. We will be the first to admit that we have made mistakes and done some dumb things in our days, but we do know right from wrong and learn from our mistakes. Right now we feel that with unemployment around 10% it would be a mistake to force this small business to close its doors. It simply would not be possible to relocate in the short amount of time the county is willing to give us. We are 100% positive that no one in the Tiburon neighborhood can prove that nuisance barking has ever came from our home. We are just trying to provide a much needed service in the Metro area. A long court battle would not be good for the tax payers of Sarpy county, not to mention the hassle to everyone involved who would have to

testify. Please reconsider. One last thing, we have talked to the Boyer and Young team that developed The Palisades, and they have no concerns what so ever. They feel what we do over here will not effect the sale of lots or property values at all. We are ready and willing to talk anytime. Thanks, Jerry and Kim

--

Jerry & Kim Larsen  
Happy Tails Pet Services  
(402) 679-9056  
(402) 861-8820

SHERRETS BRUNO & VOGT LLC

James D. Sherrets  
licensed in Arizona, Colorado &  
Nebraska

Jason M. Bruno  
licensed in Arizona, Minnesota &  
Nebraska

Diana J. Vogt  
licensed in Nebraska

260 Regency Parkway Drive  
Suite 200  
Omaha, NE 68114

Phone: (402) 390-1112  
Fax: (402) 390-1163  
[www.sherretslaw.com](http://www.sherretslaw.com)  
E-mail: [law@sherrets.com](mailto:law@sherrets.com)

Laura K. Woods  
licensed in Iowa & Nebraska

Blake R. Loper  
licensed in Colorado & Nebraska

Katherine N. Flickinger  
licensed in Arizona, Iowa & Nebraska

May 6, 2010

**U.S.CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

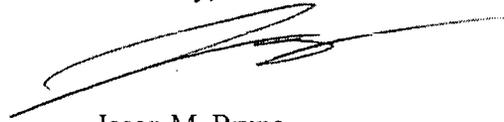
Allen Marsh  
9811 Hazeltine Avenue  
Omaha, Nebraska 68136-1536

Dear Mr. Marsh:

Please be advised that we represent Kim Larsen, Jerry Larsen and Happy Tails Pet Services, Inc. If you are represented by counsel, please forward a copy on to him or her immediately. It has been brought to our attention that you have made false and defamatory statements about my clients, including to Action 3 News on April 12, 2010. Those false and defamatory statements include that extra barking will hurt the high dollar property around the area; that the Happy Tails operation will impact the value of your home; that you would have to decrease the selling price of home and other homes in Tiburon because of Happy Tails; that Happy Tails maintains 10-25 dogs; and that there has been barking all the time coming from Happy Tails that can be heard in the Tiburon neighborhood.

Pursuant to Nebraska Revised Statute §25-840.01, this is a demand that you immediately retract the foregoing false and defamatory statements and any others you have made about Kim Larsen, Jerry Larsen and/or Happy Tails Pet Services, Inc. Please govern yourself accordingly.

Sincerely,



Jason M. Bruno  
For the Firm

JMB:bjp

cc: Kim and Jerry Larsen

25-204

paid to establish adv  
ALR4th 843.

Locating easement of way created by neces-  
sity. 36 ALR4th 769.

State statute of limitations applicable to in-

proceedings by  
landowner to obtain compensation for direct  
appropriation of land without the institution or  
conclusion of formal proceedings against spe-  
cific owner. 26 ALR4th 68.

**§ 25-203. Actions for forcible entry and detainer of real property.**

An action for the forcible entry and detainer, or forcible detainer only, of real property, can only be brought within one year after the cause of such action shall have accrued.

**Source:** R.S.1867, Code § 8, p. 395;  
R.S.1913, § 7565; C.S.1922, § 8508; C.S.1929,  
§ 20-203.

**JUDICIAL DECISIONS**

**Tenancy at sufferance.**

When a tenant defaults in the payment of the rent, his occupancy is that of tenant at sufferance, and such tenancy may be terminated by the landlord by service of the statutory notice; the statute of limitations against an action of

forcible entry and detainer against a tenant holding at sufferance begins to run against the landlord on the termination of the tenancy. Clark v. Tukey Land Co., 75 Neb. 326, 106 N.W. 328 (1905).

**§ 25-204. Actions other than for the recovery of real property.**

Civil actions, other than for the recovery of real property, can only be brought within the following periods, after the cause of action shall have accrued.

**Source:** R.S.1867, Code § 9, p. 395;  
R.S.1913, § 7566; C.S.1922, § 8509; C.S.1929,  
§ 20-204.

**JUDICIAL DECISIONS**

**ANALYSIS**

**Accrual.**  
Laches.

**Accrual.**

A cause of action "accrues" when the aggrieved party has the right to institute and maintain suit. Hoffman v. Reinke Mfg. Co., 227 Neb. 66, 416 N.W.2d 216 (1987).

Pension law which provides for the payment of benefits based upon the monthly earnings of an employee, to be paid monthly upon his death, disability or retirement, does not create

a continuing liability, but the liability for the payment of the pension accrues when the events stated in the law occur which entitle the employee to a pension. Barney v. City of Lincoln, 144 Neb. 537, 13 N.W.2d 870 (1944).

**Laches.**

Where an action is one in equity, the doctrine of laches might, under certain circumstances, serve to shorten the time within which the action could otherwise be brought. Hoffman v. Reinke Mfg. Co., 227 Neb. 66, 416 N.W.2d 216 (1987).

**§ 25-205. Actions on written contracts, on foreign judgments, or to recover collateral.**

(1) Except as provided in subsection (2) of this section, an action upon a specialty, or any agreement, contract, or promise in writing, or foreign judgment, can only be brought within five years. No action at law or equity may be brought or maintained attacking the validity or enforceability of or to rescind or declare void and uncollectible any written contract entered into pursuant to, in compliance with, or in reliance on, a statute of the State of Nebraska which has been or hereafter is held to be unconstitutional by the

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gard of the rights of the person injured as is equivalent to malice in fact. *Bartels v. Retail Credit Co.*, 185 Neb. 304, 175 N.W.2d 292 (1970).

Evidence that defendant in presence of others falsely called plaintiff thief under circumstances tending to prove express malice may be sufficient to prove slander and resulting damages notwithstanding occasion for privileged communication. *Iden v. Evans Model Laundry*, 121 Neb. 184, 236 N.W. 444 (1931).

Where slanderous words, although libelous per se, were uttered under circumstances of qualified privilege, the burden is on plaintiff to prove by a preponderance of the evidence that they were uttered with express malice. *Hall v. Rice*, 117 Neb. 813, 223 N.W. 4 (1929), modified on other grounds, *Whitcomb v. Nebraska State Educ. Ass'n*, 184 Neb. 31, 165 N.W.2d 99 (1969).

When a publication is made by a chief officer of a fraternal insurance association, addressed to the members of the association, concerning a subject matter which affects the general welfare of the association, such communication, although containing words which are libelous per se, is qualifiedly privileged, and is a complete defense unless it is shown by plaintiff by a preponderance of the evidence that the publication was made with express malice. *Peterson v. Cleaver*, 105 Neb. 438, 181 N.W. 187 (1920).

Defendant is not liable for publishing privileged communications unless there was actual malice on his part, and such malice must appear before there can be a recovery. *Estelle v. Daily News Publishing Co.*, 99 Neb. 397, 156 N.W. 645 (1916).

Publisher of a newspaper may freely expose false and defamatory matter circulated concerning a candidate for a public office, but, in so doing, he may not libel another party. *Sheibley v. Huse*, 75 Neb. 811, 106 N.W. 1028 (1906).

**Reasonable belief in truth of statement.**

To make privileged the utterance of words actionable per se, the person uttering them must believe them to be true and have reasonable grounds for such belief. *Estelle v. Daily News Publishing Co.*, 99 Neb. 397, 156 N.W. 645 (1916); *Cline v. Holdrege*, 122 Neb. 151, 239 N.W. 639 (1931).

If statement is libelous per se and is untrue in fact, the burden is upon the party who makes it to prove, not only that he in good faith believed the truth of the statement, but that he had evidence sufficient to justify a reasonable man in belief of its truth. *Estelle v. Daily News Publishing Co.*, 99 Neb. 397, 156 N.W. 645 (1916).

**Truth as defense.**

In a libel or slander action the truth itself and alone shall be a complete defense unless it shall be proved by the plaintiff that the publication was made with actual malice. *Whitcomb v. Nebraska State Educ. Ass'n*, 184 Neb. 31, 165 N.W.2d 99 (1969); *Turner v. Welliver*, 226 Neb. 275, 411 N.W.2d 298 (1987).

One who publishes of a candidate for office a statement relating to the candidate's qualifications and fitness for the office is not liable in damages if the statement is true and is made with good motives and for justifiable ends, although such statement is libelous per se. *Estelle v. Daily News Publishing Co.*, 99 Neb. 397, 156 N.W. 645 (1916).

Defendant in an action for slander cannot, in mitigation of damages, give evidence tending to prove the truth of the alleged defamatory charge under a general denial; such facts must be alleged in the answer. *Callfas v. World Publishing Co.*, 93 Neb. 108, 139 N.W. 830 (1913); *Murten v. Garbe*, 93 Neb. 589, 141 N.W. 146 (1913).

**RESEARCH REFERENCES**

**Creighton Law Review.**

To Be or Not to Be, Malice Is the Question: An Analysis of Nebraska's Fair Report Privilege from a Press Perspective. 36 *Creighton L. Rev.* 21 (2002).

The right to privacy in Nebraska. 13 *Creighton L. Rev.* 935 (1980).

**University of Nebraska Law Review.**

The truth will not set you free in Nebraska;

Actual malice and Nebraska's "truth plus motive" defense. 72 *Neb. L. Rev.* 1236 (1993).

Truth as a defense to an action for libel in Nebraska. 12 *Neb. L. Bull.* 290 (1934).

**ALR.**

Libel and slander: charging one with breach or nonperformance of contract. 45 *ALR5th* 739.

**§ 25-840.01. Libel; invasion of privacy; damages; retraction; effect.**

(1) In an action for damages for the publication of a libel or for invasion of privacy as provided by section 20-204 by any medium, the plaintiff shall recover no more than special damages unless correction was requested as herein provided and was not published. Within twenty days after knowledge of the publication, plaintiff shall have given each defendant a notice by certified or registered mail specifying the statements claimed to be libelous or to have invaded privacy as provided by section 20-204 and specifically requesting correction. Publication of a correction shall be made within three weeks after

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receipt of the request. It shall be made in substantially as conspicuous a manner as the original publication about which complaint was made. A correction, published prior to receipt of a request therefor, shall have the same force and effect as if published after such request. The term special damages, as used in this section, shall include only such damages as plaintiff alleges and proves were suffered in respect to his or her property, business, trade, profession, or occupation as the direct and proximate result of the defendant's publication.

(2) This section shall not apply if it is alleged and proved that the publication was prompted by actual malice, and actual malice shall not be inferred or presumed from the publication.

**Source:** Laws 1957, c. 83, § 2, p. 329; Laws 1979, LB 394, § 12; Laws 1987, LB 93, § 8.

### JUDICIAL DECISIONS

#### ANALYSIS

##### Damages.

Proof of special damages.  
Review of award.

##### Damages.

One who is liable for a libel or for a slander actionable per se is liable for at least nominal damages. *Rimmer v. Chadron Printing Co.*, 156 Neb. 533, 56 N.W.2d 806 (1953).

Condition and station in life of one injured by a libel may be such as greatly to aggravate the injury and a jury is entitled to take this into account in fixing the amount of recovery. *Estelle v. Daily News Publishing Co.*, 101 Neb. 610, 164 N.W. 558 (1917).

Evidence of the extensive circulation of a paper in which an alleged libel is published may be admitted for the purpose of showing the extent of the injury. *Bee Publishing Co. v. Shields*, 68 Neb. 750, 94 N.W. 1029 (1903).

##### Proof of special damages.

Where plaintiff former employee sued defendant former employer and its chief executive officer for libel per se and libel per quod which caused him to be discharged from his then current employment, and the employee testified that he was treated differently immedi-

ately after his then current employer received the letter, he was unable to find employment as a manager, and that he earned less in his new employment, there was sufficient evidence to support an award of special damages under the provisions of Neb. Rev. Stat. § 25-840.01. *Bowley v. W.S.A., Inc.*, 2002 Neb. LEXIS 127, 264 Neb. 6, 654 N.W.2d 512 (2002).

The words spoken by the defendant, transcribed and broadcast over the radio, not constituting slander per se or libel per se, and not being defamatory, no cause of action is stated in the plaintiff's petition in the absence of an allegation of special damages. *Barry v. Kirkland*, 149 Neb. 839, 32 N.W.2d 757 (1948).

In an action for slander, where the words are actionable on their face, pleading and proof of special damages are unnecessary. *Fitzgerald v. Young*, 89 Neb. 693, 132 N.W. 127 (1911).

##### Review of award.

Unless the amount of a verdict for slander appears to be clearly wrong, or the result of passion or prejudice, or of an abuse of discretion, or of a serious mistake or gross error, or of an extravagant or unconscionable estimate of damages, it will not ordinarily be set aside on appeal as excessive or reduced by remittitur. *Hall v. Vakiner*, 124 Neb. 741, 248 N.W. 70 (1933).

### RESEARCH REFERENCES

#### Creighton Law Review.

The right to privacy in Nebraska. 13 *Creighton L. Rev.* 935 (1980).

Media libel: Federal and Nebraska Law. 12 *Creighton L. Rev.* 149 (1978).

#### University of Nebraska Law Review.

Necessity of allegation and proof of special damages in libel action. 26 *Neb. L. Rev.* 105 (1946).

### § 25-840.02. Broadcasting stations; liability.

(1) The owner, licensee, or operator of a visual or sound radio broadcasting station or network of stations, and the agents or employees of any such owner, licensee, or operator, shall not be liable for any damages for any defamatory

statement published or uttered in or as a part of a visual or sound radio broadcast, by any person other than such owner, licensee, or operator, or an agent or employee thereof, unless it is alleged and proved by the complaining party that such owner, licensee, or operator, or such agent or employee, has failed to exercise due care to prevent the publication or utterance of such statement in such broadcast.

(2) In no event shall any owner, licensee, or operator, or an agent or employee thereof, be held liable for any damages for any defamatory statement uttered over the facilities of the visual or sound radio broadcasting station or network by any person other than such owner, licensee, or operator, or an agent or employee thereof, by, on behalf of, or against any candidate for public office.

(3) In any action for damages for any defamatory statement published or uttered in or as a part of a visual or sound radio broadcast, the complaining party shall be allowed only such actual damages as such party has alleged and proved.

**Source:** Laws 1949, c. 316, § 1, p. 1037; R.S.1943, (1999), § 86-601; Laws 2002, LB 1105, § 420.

**Operative date:** January 1, 2003.

**Cross references.**

Limitation on cause of action, see § 20-209.

**Effect of amendments.**

Laws 2002, LB 1105, effective July 19, 2002 and operative January 1, 2003, renumbered the section, which was formerly § 86-601, and re-wrote the section.

**RESEARCH REFERENCES**

**Creighton Law Review.**

Media libel: Federal and Nebraska Law. 12 Creighton L. Rev. 149 (1978).

**§§ 25-841 to 25-856. Repealed.** Laws 2002, LB 876, § 92.

**Editor's notes.**

These sections, pertaining to mistakes and amendments were repealed by Laws 2002, LB 876, effective and operative January 1, 2003.

These sections derived from:

- 25-841: R.S.1867, Code § 133, p. 414; R.S.1913, § 7701; C.S.1922, § 8645; C.S.1929, § 20-841.
- 25-842: R.S.1867, Code § 134, p. 414; G.S.1873, c. 57, § 134, p. 545; R.S.1913, § 7702; C.S.1922, § 8646; C.S.1929, § 20-842.
- 25-843: R.S.1867, Code § 135, p. 415; R.S.1913, § 7703; C.S.1922, § 8647; C.S.1929, § 20-843.
- 25-844: R.S.1867, Code § 136, p. 415; R.S.1913, § 7704; C.S.1922, § 8648; C.S.1929, § 20-844.
- 25-845: R.S.1867, Code § 137, p. 415; R.S.1913, § 7705; C.S.1922, § 8649; C.S.1929, § 20-845.
- 25-846: R.S.1867, Code § 138, p. 415; R.S.1913, § 7706; C.S.1922, § 8650; C.S.1929, § 20-846.
- 25-847: R.S.1867, Code § 139, p. 415; R.S.1913, § 7707; C.S.1922, § 8651; C.S.1929, § 20-847.
- 25-848: R.S.1867, Code § 140, p. 415;

- R.S.1913, § 7708; C.S.1922, § 8652; C.S.1929, § 20-848.
- 25-849: R.S.1867, Code § 141, p. 415; R.S.1913, § 7709; C.S.1922, § 8653; C.S.1929, § 20-849.
- 25-850: R.S.1867, Code § 142, p. 415; R.S.1913, § 7710; C.S.1922, § 8654; C.S.1929, § 20-850.
- 25-851: R.S.1867, Code § 143, p. 415; R.S.1913, § 7711; C.S.1922, § 8655; C.S.1929, § 20-851.
- 25-852: R.S.1867, Code § 144, p. 416; Laws 1899, c. 81, § 144, p. 336; R.S.1913, § 7712; C.S.1922, § 8656; C.S.1929, § 20-852; R.S.1943, § 25-852; Laws 1993, LB 29, § 1.
- 25-853: R.S.1867, Code § 145, p. 416; R.S.1913, § 7713; C.S.1922, § 8657; C.S.1929, § 20-853.
- 25-854: R.S.1867, Code § 146, p. 416; R.S.1913, § 7714; C.S.1922, § 8658; C.S.1929, § 20-854.
- 25-855: R.S.1867, Code § 147, p. 416; R.S.1913, § 7715; C.S.1922, § 8659; C.S.1929, § 20-855.
- 25-856: R.S.1867, Code § 149, p. 416; R.S.1913, § 7716; C.S.1922, § 8660; C.S.1929, § 20-856.

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**Ronald W. Hunter**  
Attorney at Law  
11605 Arbor St., Suite 104  
Omaha, NE 68144  
e-mail: [rwhre@hunterlaw.omhcoxmail.com](mailto:rwhre@hunterlaw.omhcoxmail.com)

Phone (402) 397-6965

Fax (402) 397-0607

April 26, 2010

Rich James  
Sarpy County Treasurer  
Sarpy County Clerk's Office  
1210 Golden Gate Drive  
Papillion, NE 68046

Dear Mr. James:

Enclosed is a check in the amount of \$249.24 from Dial-Tiburon Village Small Shops, LLC, made payable to SID 158. Please deposit this check in the Service Fee Fund of the District.

If you should have any questions, please contact me.

Sincerely Yours,



Kristi Bland,  
Legal Assistant to  
Ronald W. Hunter

DETACH AND RETAIN THIS STATEMENT

TIBURON VILLAGE SMALL SHOPS  
DIAL-TIBURON VILLAGE SMALL SHOPS, L.L.C.  
C/O DIAL PROPERTIES, CO.  
11506 NICHOLAS STREET  
SUITE 200  
OMAHA, NE 68154

CHARTERWEST NATIONAL BANK  
20041 MADERSON  
ELKHORN, NE 68022

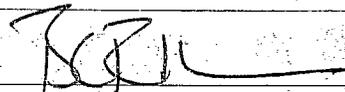
NO 0000470  
166  
1049 76

Check No.	Date	Amount
0000470	03/24/2010	\$249.24

Two Hundred Forty Nine and 24/100 Dollars\*\*\*\*\*

Pay to the order of

SID #158- SFF  
C/O Burr Accounting Services,  
4405 S. 173rd Street  
OMAHA NE 68135



**Ronald W. Hunter**  
Attorney at Law  
11605 Arbor St., Suite 104  
Omaha, NE 68144  
e-mail: [rwhre@hunterlaw.omhcoxmail.com](mailto:rwhre@hunterlaw.omhcoxmail.com)

Phone (402) 397-6965

Fax (402) 397-0607

April 26, 2010

Rich James  
Sarpy County Treasurer  
Sarpy County Clerk's Office  
1210 Golden Gate Drive  
Papillion, NE 68046

Dear Mr. James:

Enclosed is a check in the amount of \$8,259.75 from SID 192, made payable to SID 158. Please deposit this check in the Service Fee Fund of the District.

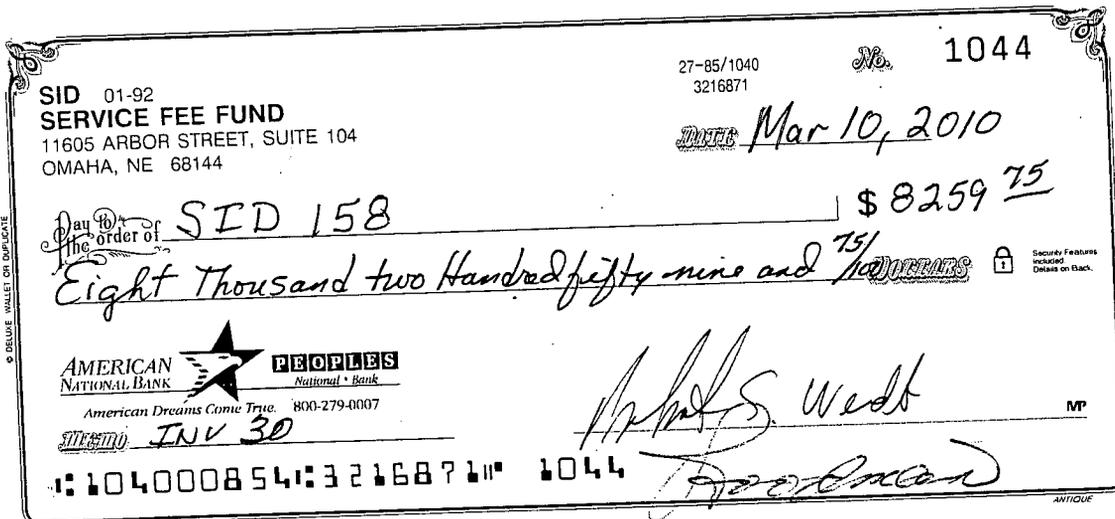
If you should have any questions, please contact me.

Sincerely Yours,



Kristi Bland,  
Legal Assistant to  
Ronald W. Hunter

RWH:kab  
cc: enclosure



27-85/1040  
3216871

No. 1044

SID 01-92  
SERVICE FEE FUND  
11605 ARBOR STREET, SUITE 104  
OMAHA, NE 68144

DATE Mar 10, 2010

Pay to the order of SID 158 \$ 8259.75

Eight Thousand two Hundred fifty nine and 75/100 DOLLARS

AMERICAN NATIONAL BANK  
National Bank  
American Dreams Come True. 800-279-0007

PEOPLES National Bank

MP

10400085432168711044

CERTIFICATE TO COUNTY TREASURER AND REQUEST FOR  
FUNDS OF THE SANITARY AND IMPROVEMENT DISTRICT NO. 158  
OF SARPY COUNTY, NEBRASKA  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004

TO: County Treasurer of Sarpy County, Nebraska

**COPY**

The undersigned Paying Agent for bonds of the above stated General Obligation Refunding Bonds, SID #158, hereby certifies that funds of said District are needed for payment of interest and principal on bonds of said District as follows: Issued 11/15/2004

PRINCIPAL DUE:	\$0.00
INTEREST DUE:	<u>\$71,917.50</u>
TOTAL DUE:	\$71,917.50

**DUE DATE OF THE ABOVE IS: MAY 17, 2010**

Please remit your payment via wire or ACH to Great Western Bank as follows:

Great Western Bank  
ATTN: Trust Department  
Watertown, SD  
ABA #091408734  
Credit Account #63-6704 for the Trust Department

GREAT WESTERN BANK  
Paying Agent

DATE: May 3, 2010

BY: \_\_\_\_\_  
Beth Riege  
Vice President  
and Trust Operations Officer

05/05/2010  
09:35:44

\*\*\*\* COUNTY TREASURER GENERAL LEDGER \*\*\*\*  
DETAIL REVENUE LISTING PER FUND  
FOR: APRIL 2010

PAGE: 1

FUND: 8058	SID #158 GENERAL	M-T-D	Y-T-D
10100	- BEGINNING CASH ON HAND	356,514.25	306,019.46
15100	- BEGINNING INVESTMENT ON HAND	0.00	0.00
BEGINNING BALANCE:		356,514.25	306,019.46
TAX RECEIPT COLLECTIONS:			
30134	- 2008 PERSONAL PROP TAX	0.00	1,159.01
30135	- 2009 PERS PROP TAX	97.01	987.73
30333	- 2007 REAL ESTATE TAX	0.00	255.70
30334	- 2008 REAL ESTATE TAX	77.60	162,977.20
30335	- 2009 REAL ESTATE TAX	11,726.76	187,681.47
TAX RECEIPT TOTALS:		11,901.37	353,061.11
34401	- HOMESTEAD EXEMP ALLOCATION	432.10	1,617.68
34403	- REAL ESTATE TAX CREDIT	6,354.01	12,708.02
34601	- MOTOR VEHICLE PRO RATE	479.59	1,032.89
53002	- SALE OF LAND	0.00	45,900.39
54001	- MISCELLANEOUS REVENUE	0.00	47,055.57
OTHER RECEIPT TOTALS:		7,265.70	108,314.55
60000	- DISBURSEMENTS	-1,185.00	-386,075.61
60001	- PROPERTY TAX COMMISSION	-238.03	-7,061.22
10000	ENDING CASH ON HAND	374,258.29	374,258.29
15100	ENDING INVESTMENT ON HAND	0.00	0.00
GRAND TOTALS		374,258.29	374,258.29

05/05/2010  
09:36:00

\*\*\*\* COUNTY TREASURER GENERAL LEDGER \*\*\*\*  
DETAIL REVENUE LISTING PER FUND  
FOR: APRIL 2010

PAGE: 1

FUND: 8358	SID #158 BOND	M-T-D	Y-T-D
10100	- BEGINNING CASH ON HAND	373,775.70	582,810.15
15100	- BEGINNING INVESTMENT ON HAND	1,524,553.58	1,098,498.50
BEGINNING BALANCE:		1,898,329.28	1,681,308.65
TAX RECEIPT COLLECTIONS:			
30134	- 2008 PERSONAL PROP TAX	0.00	1,572.94
30135	- 2009 PERS PROP TAX	131.66	1,340.48
30333	- 2007 REAL ESTATE TAX	0.00	347.03
30334	- 2008 REAL ESTATE TAX	105.32	221,183.40
30335	- 2009 REAL ESTATE TAX	15,914.88	254,710.76
TAX RECEIPT TOTALS:		16,151.86	479,154.61
31701	- SPECIAL ASSESSMENTS	0.00	390,839.89
34401	- HOMESTEAD EXEMP ALLOCATION	586.42	2,195.41
34403	- REAL ESTATE TAX CREDIT	8,623.30	17,246.60
34601	- MOTOR VEHICLE PRO RATE	650.88	1,401.77
51001	- INTEREST ON INVESTMENTS	0.00	1,778.74
54001	- MISCELLANEOUS REVENUE	0.00	2,000.00
OTHER RECEIPT TOTALS:		9,860.60	415,462.41
60000	- DISBURSEMENTS	-57,273.75	-691,780.83
60001	- PROPERTY TAX COMMISSION	-323.04	-9,583.08
60002	- SPECIAL ASSESSMENT COMM	0.00	-7,816.81
15100	- INVESTMENTS	264,765.48	690,820.56
10000	ENDING CASH ON HAND	77,425.89	77,425.89
15100	ENDING INVESTMENT ON HAND	1,789,319.06	1,789,319.06
GRAND TOTALS		1,866,744.95	1,866,744.95

05/05/2010  
09:36:05

\*\*\*\* COUNTY TREASURER GENERAL LEDGER \*\*\*\*  
DETAIL REVENUE LISTING PER FUND  
FOR: APRIL 2010

PAGE: 1

FUND: 8411	SID 158 SERVICE FEE	M-T-D	Y-T-D
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10100	- BEGINNING CASH ON HAND	21,762.98	8,664.37
15100	- BEGINNING INVESTMENT ON HAND	0.00	0.00
-----			
	BEGINNING BALANCE:	21,762.98	8,664.37
TAX RECEIPT COLLECTIONS:			
53050	- USE FEES	8,508.99	20,522.79
54001	- MISCELLANEOUS REVENUE	0.00	1,084.81
-----			
	OTHER RECEIPT TOTALS:	8,508.99	21,607.60
10000	ENDING CASH ON HAND	30,271.97	30,271.97
15100	ENDING INVESTMENT ON HAND	0.00	0.00
-----			
	GRAND TOTALS	30,271.97	30,271.97

# AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA        }  
                                      } SS.  
County of Sarpy            }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Thursday, May 6, 2010

Papillion Times

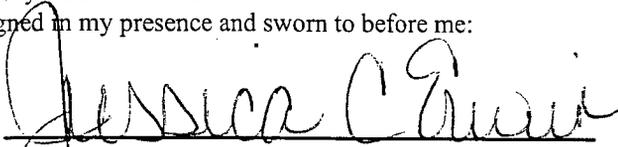
And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.



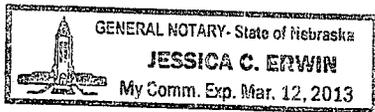
Shon Barenklau   OR   Kirk Hoffman  
Publisher                    Business Manager

Today's Date 05-05-2010

Signed in my presence and sworn to before me:



Notary Public



Attorney at Law  
11605 Arbor St. Suite 104  
Omaha, NE 68144

**NOTICE OF MEETING**  
Sanitary and Improvement District  
No. 158 of Sarpy County, Nebraska

NOTICE IS HEREBY GIVEN that a meeting of the Board of Trustees of Sanitary and Improvement District No. 158 of Sarpy County, Nebraska, will be held at 5:15 p.m., on 12th day of May, 2010, at 9915 South 148th Street, Omaha, Nebraska, which meeting will be open to the public. An Agenda for such meeting, kept continuously current, is available for public inspection at the office of the Chairman of the Board of the District at 11605 Arbor St., Suite 104, Omaha, Nebraska, and includes payment of bills of the District.  
Dave Christensen  
Clerk of the District  
1227832; 5/6

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24 hour Emergency Service call 1-800-694-8989

**Helpful Information**

Black Hills Cares helps eligible people meet energy needs through your voluntary tax-deductible donations. To give, please mark your payment stub (below) with the amount you wish to be billed monthly. Black Hills Energy matches customer contributions. Call 1-888-890-5554 to stop giving.

If you smell natural gas, leave the premises immediately and call Black Hills Energy at 1-800-694-8989.

BHE's remittance address has changed. Please mail your payments to PO Box 6001, Rapid City, SD 57709-6001. If your payments are made by online banking, please update our remit address to avoid delays in receiving your payment.

If you have a previous balance, that amount is due immediately; the remaining balance is due on the due date.

Customer Charge covers part of the fixed costs of delivering your energy, regardless of usage.

Supply Cost - Your bill may include an adjustment or rate change due to the cost of purchasing energy from suppliers. The charge may appear as PGA, GCR, ECA or FAC dependent upon the state you reside in.

Need to start or stop your Black Hills Energy utility service? Help yourself! It's fast and easy at [www.blackhillsenergy.com](http://www.blackhillsenergy.com)

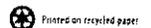
**TIBURON LIMITED PARTNERSHIP**

Account Number: 8978 6461 65  
Amount Now Due: \$80.91  
Billing Date: 04/29/10  
Please Pay By: 05/19/10

Previous Account Balance	\$56.88
Payments Received	0.00
Previous Balance Due	56.88
Fees/Adjustments	0.57
Current Charges	
Gas	\$23.46
Total This Bill	23.46
New Account Balance	\$80.91

Payment Due May 19 \$80.91  
Pay \$81.72 after May 19  
Make checks payable to :  
Black Hills Energy

See back for billing details.



Detach and mail this portion with your payment. Bring entire bill if paying in person.

Account Number 8978 6461 65

Payment Due May 19 \$80.91

Please write this account number on your check

Amount due after May 19 \$81.72

Make checks payable to Black Hills Energy. Allow 5 to 7 days for delivery and processing when sending payment by mail.

I want to support Black Hills Cares with a monthly gift of:

\$ Other \$5 \$10 \$20

Please enter amount enclosed

See back of bill for CheckLINE sign up or address change.

BLACK HILLS ENERGY  
PO BOX 6001  
RAPID CITY SD 57709-6001

POLOJT 3 6 25633 1 AT 0 357 00025633 107 25633 GP13  
TIBURON LIMITED PARTNERSHIP  
RON HUNTER  
11605 ARBOR ST STE 104  
OMAHA NE 68144-2982



897864616500000008172000000080918305





SANITRY & DEVELOPMNT  
 RONALD W HUNTER  
 Bill Date: Apr 7, 2010  
 Account Number: 402 895-8841 741

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$89.32	\$44.61	\$133.93	Apr 25, 2010

**Account Summary**

Previous Balance		165.32
Charges		76.00
Payment	Thank you for your payment	\$89.32
<b>Balance Forward</b>		
New Charges		44.61
Qwest		\$44.61
<b>Total New Charges</b>		<b>\$133.93</b>
<b>TOTAL AMOUNT DUE</b>		

001274 1/2

For questions, call: 1-800-603-6000 Page 2

You already receive world-class Qwest services. Call to find out if you qualify for a 20% discount offered on many of our services with a 3 year term commitment: 1 888-944-4460.

Qwest, P O Box 91154, Seattle, WA 98111-9254

1 6

Please fold, tear here and return this portion with your payment.



Bill Date: Apr 7, 2010  
 Account No: 402 895-8841 741  
 Bill Due Date: Apr 25, 2010  
 Balance Forward: \$89.32  
 New Charges: \$44.61  
**TOTAL AMOUNT DUE: \$133.93**

AT 01 001274 82098 H 6 A\*\*3DGT

SANITRY & DEVELOPMNT  
 RONALD W HUNTER  
 11605 ARBOR ST  
 OMAHA NE 68144-2982

Amount Enclosed \$ \_\_\_\_\_

QWEST  
 P O BOX 91154  
 SEATTLE, WA 98111-9254



2354021095884120202020741600000893260000133934



PAPILLION SANITATION  
10810 SOUTH 144TH ST  
OMAHA NE 68138-3848  
DISTRICT NO - 3050

ACCOUNT NO. 3050-30012002-001  
INVOICE NO. 1908796  
STATEMENT DATE 05/01/10  
DUE DATE 05/20/10  
BILLING PERIOD 04/01/10 - 04/30/10

TIBURON HOMES SID #158  
C/O RONALD W. HUNTER  
11605 ARBOR ST # 104  
OMAHA NE 68144

FOR ASSISTANCE  
Customer Service (402) 346-7800  
Or Toll Free (800) 494-5441

INVOICE STATEMENT

Date	Description	Amount
	Previous Balance	\$ 14,883.84
	<b>Service Location</b> Tiburon Homes Sid #158	
	<b>Acct #30012002-001</b> Billing Acct	
04/30/10	Residential Svc 1 Cart	\$ 4,961.28
	04/01/10-04/30/10	
	<b>Current Charges And Fees</b>	\$ 4,961.28
	<b>Total Due</b>	\$ 19,845.12

Payment for previous balance is now due. Please pay promptly to avoid service interruption.

Please remit to the address below and return your remit stub with your payment or look on the reverse side to learn about on-line bill pay.

6



PAPILLION SANITATION  
10810 SOUTH 144TH ST  
OMAHA NE 68138-3848

ACCOUNT NO. 3050-30012002-001  
INVOICE NO. 1908796  
STATEMENT DATE 05/01/10  
DUE DATE 05/20/10  
PAY THIS AMOUNT 19,845.12

AV 01 005338 94825B 22 C\*\*5DGT



TIBURON HOMES SID #158  
C/O RONALD W. HUNTER  
11605 ARBOR ST # 104  
OMAHA NE 68144-2982

WRITE IN AMOUNT PAID \$

TO CHANGE ADDRESS  
Check here and complete the information on the reverse side.

MAIL PAYMENT TO:  
PAPILLION SANITATION  
A WASTE CONNECTIONS COMPANY  
PO BOX 660177  
DALLAS TX 75266-0177



3050 000000030012002-0016 000198451201908796 1

K. C. SWEEPING

# K.C. SWEEPING

# Invoice

Frederick E. Schmidt, President

Customer No.: SID158

Invoice No.: 5200

Bill To: **MR RONALD W HUNTER**  
11605 ARBOR ST #104  
OMAHA, NE 68144

Ship To:

Date	Ship Via	F.O.B.	Terms
04/21/10		Origin	

Purchase Order Number	Order Date	Sales Person	Our Order Number
	04/21/10		

Quantity			Item Number	Description	Unit Price	Amount
Required	Shipped	B.O.				
1	1		S	SWEEPING PERFORMED AT: SID #158 - TIBURON DATE SWEPT: 04/17/10	1100.00	1100.00

Invoice subtotal 1100.00

Invoice total 1100.00



ARBOR HILLS TREES &  
LANDSCAPING

20185 George B Lake Pkwy  
Omaha, NE 68130

# Invoice

Date	Invoice #
4/26/2010	917

<b>Bill To</b>
SID #158 of Sarpy County % Alan Marsh 11605 Arbor St # 104 Omaha, NE 68144

<b>Directions</b>
Planting Area# 3 - Fill in extra trees on longer lot lines.

Phone	Cell Phone	Terms	Due Date	E-mail
861-8333	212-8533	Due upon Job Com...	4/26/2010	

Quantity	Item Code	Description	Price Each	Amount
8	E20032	5-6' Black Hill Spruce	159.00	1,272.00T
3	ER20029	6-7' Colorado Blue Spruce	189.00	567.00T
11	Retail Labor 1	Planting of Standard Size Trees	30.00	330.00T
	HW00001	3.0" of Hardwood Mulch at base of each tree	0.00	0.00T
		Installation complete 4/26/2010		

2 year replacement warranty	<b>Subtotal</b>	\$2,169.00
-----------------------------	-----------------	------------

THANK YOU FOR YOUR BUSINESS!	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$2,169.00
	<b>Balance Due</b>	\$2,169.00

Phone #	Fax #	E-mail	Web Site
402-895-3635	402-895-2961	arborhills@cox.net	arborhilltrees.com arborhilllandscaping.com

**Invoice**

Thompson, Dreesen & Dorner, Inc.  
Consulting Engineers & Land Surveyors  
10836 Old Mill Road  
Omaha, NE 68154  
Office:(402)330-8860 Fax:(402)330-5866  
www.td2co.com



May 6, 2010  
Project No: 1592-103  
Invoice No: 88277

MR. RON HUNTER  
SID #158 (TIBURON) SCN  
11605 ARBOR STREET SUITE 104  
OMAHA, NE 68144

Project 1592-103 MISCELLANEOUS SERVICES, 2010, CIVIL

**Professional Services from April 15, 2010 to May 2, 2010**

**Professional Personnel**

Meet On-Site with Prestwick Avenue Residents and Modify Construction  
Drawing to Accommodate Future Rear Yard Amenities

**Total this Invoice \$1,343.34**

**Invoice**

Thompson, Dreesen & Dorner, Inc.  
Consulting Engineers & Land Surveyors  
10836 Old Mill Road  
Omaha, NE 68154  
Office:(402)330-8860 Fax:(402)330-5866  
www.td2co.com



May 6, 2010  
Project No: 1592-900  
Invoice No: 88278

MR. RON HUNTER  
SID #158 (TIBURON) SCN  
11605 ARBOR STREET SUITE 104  
OMAHA, NE 68144

Project 1592-900 ONE CALL MEMBER AGREEMENT

**Professional Services from April 16, 2010 to May 2, 2010**

**Professional Personnel**

Locate Existing 168<sup>th</sup> Street Water Main for Power Relocation

**Total this Invoice \$271.95**

Return address (NOT remittance address):  
**Great Plains One-Call Services Inc.**  
 4141 N 156 St  
 Omaha, NE 68116



Statewide  
**1-800-331-5666**  
 Metro Omaha  
**344-3565**

www.ne-diggers.com Nationwide Dial 811

**BILL TO:**

**SID 158 SARPY COUNTY**  
  
**RON W HUNTER**  
**11605 ARBOR ST**  
**SUITE 104**  
**OMAHA NE 68144**

**INVOICE DATE:** 5/1/2010

**FOR MONTH BEGINNING:** 4/1/2010

**INVOICE#:** 410SD158

**PO#:**

<i>SID158SP1</i>	Ticket Type	Quantity	Amount	Total
	Locate Request	41	\$1.75	\$71.75
	Emergency Locate	2	\$2.58	\$5.16
	<b>Terminal Total</b>	43		\$76.91
<b>Member Billing Subtotal:</b>		43		\$76.91
Nebraska One Call Board Surcharge (.04 per ticket):				\$1.72
<b>Total Current Invoice Amount:</b>				<b>\$78.63</b>
Previous Balance:				\$44.59
<b>TOTAL BALANCE DUE:</b>				<b>\$123.22</b>

Any balance due less than \$25.00 may be paid quarterly. Quarter ends last day of March, June, September, and December.

<b>Terms: Net 30 days</b>	<b>Over 30 Day</b>	<b>Over 60 Day</b>	<b>Over 90 Day</b>	<b>Over 120 Day</b>
	\$23.27	\$15.15	\$21.48	(\$15.31)

\*\*Please note: WE HAVE MOVED! Our new address, effect April 15, 2010, is indicated in the return address above.

For billing questions please contact: JILL GEYER Email: jill.geyer@cusinc.com Phone: 402-738 2170

<b>Make checks payable to:</b>		<b>Great Plains One Call Services, Inc.</b>	
<b>**IMPORTANT** SEND ALL PAYMENTS TO:</b>		<b>P.O. Box 102721 Atlanta GA 30368-2721</b>	
<b>From:</b> SID 158 SARPY COUNTY	<b>Invoice Number</b>	<input type="text"/>	
<b>Invoice:</b> 410SD158	<b>Amount due:</b> \$123.22	<b>Amount Enclosed</b>	<input type="text"/>
<b>Code:</b> SD158			
<b>Please return this portion of the bill with your remittance to the address indicated in this box.. Thank You.</b>			

Nebraska Public Health Environmental Laboratory  
 3701 South 14th Street  
 P.O. Box 22790  
 Lincoln, NE 68542-2790  
 Main number: (402) 471-2122  
 Fax: (402) 471-2080  
 www.dhhs.ne.gov/lab

# ORIGINAL INVOICE

Invoice Number:

**349442**

Invoice Date:

19-APR-10

Date Due:

19-MAY-10

NIS Account #:

**598258**

**BILL TO:**

SARPY CO. SID #158 - TIBURON GOLF COURSE  
 TIBURON GOLF COURSE  
 RON HUNTER  
 11605 ARBOR ST SUITE #104  
 OMAHA, NE 68144

Customer ID	Customer PO#	Payment Terms
NE3120787		Net 30 Days

Qty	Analysis	Description and Sample Information	Sample Price	Sub Total
2	SDWIS ROUTINE MF	COLIFORM (membrane filter)		
	Sample Number	Collection Date    Location	Sample Collector	
	P38159-187	03-MAR-10    Z1SC	GUTOSKI, G	\$16.00
	P38159-188	03-MAR-10    Z2SA	GUTOSKI, G	\$16.00
				<b>\$32.00</b>

**Total Amount Due: \$32.00**

Electronic Check Re-presentment Policy - In the event that your check is returned unpaid for Non-Sufficient funds, the Treasurer's office may re-present your check once more, electronically. In the ordinary course of business, your check will not be provided to you with your bank statement, but a copy can be retrieved by contacting your financial institution.

If your invoice shows "Additional Cost" in the Description field, this can reflect a charge for things such as kit and postage costs due to excessive age, improper labeling, insufficient sample amount, air bubbles, insufficient postage and shipping charges to contract labs.

**SUBMIT REMITTANCE COPY WITH PAYMENT AND KEEP ORIGINAL FOR YOUR RECORDS**

\*\*\*\*\* I N V O I C E \*\*\*\*\*

FIELD R & D  
 8505 Makaha Circle  
 Papillion, NE 68046-5616

Invoice No. 100051      05-01-10  
 Customer No. TIB

SID 158 TIBURON  
 c/o RON HUNTER  
 11605 ARBOR STREET, SUITE 104  
 OMAHA, NE 68144

Terms: 18% APR interest rate applies to unpaid balances after 31 days, 06-01-10

Quant	Item No.	Item Description	Unit Price	Extension
4	TIBPWS	LASTMONTH - COMMUNITY WATER WELL OPERATING FEE	875.00	\$3500.00
23.5	HRS	EXTRAORDINARY SERVICE HOURS	49.50	1163.25
5		WEEKLY MICROBIAL MANHOLE(2) DOUSING - SID158	78.00	390.00
1		QWEST DIAL OUT TELEALARMS: 4 WELLHOUSES	135.13	135.13
4		PIII FLOW RECORDER CPU	83.00	332.00

-----> Note: SIGNIFICANT EVENTS: START WELL 5 DOCUMENTATION ON  
 OFF-BALANCE; FLUSH WELL 4; PATCH WELL 1 WALL ACCESS HOLE;  
 REPAINT HYDRANT FLAGS; MANHOLE INSPECTIONS FOR CLOGS;  
 PERFORM REQ'D WARM MONTH WELL DRAWDOWNS; PREPARE REQ'D  
 NEHHS CONSUMER CONFIDENCE REPORTS (THOA TO PUBLISH 2 PGS  
 BACK TO BACK).

Subtotal      \$5,520.38  
 \*Sales Tax: NOT APPLICABLE      .00  
 TOTAL AMOUNT DUE      \$5,520.38

>>> Please submit your payment with the top part of this invoice <<<      =====

TUB

Nebraska Public Health Environmental Laboratory  
3701 South 14th Street  
Lincoln, NE 68502  
(402) 471-2122  
(402) 471-2080 (fax)

NE3120787  
GERALD GUTOSKI  
8505 MAKAHA CR  
PAPILLION, NE 68046

**ANALYTICAL RESULTS QUALIFIERS**

Workorder: Profile: Routine, Routine

Lab ID: 11859 Date: 4/13/2010 Matrix: Water  
Sample ID: 11859 Date: 4/12/2010 09:52  
Sampled By: GUTOSKI, G Date: 4/14/2010  
Location: Z2SE 9963 171 ST

Parameters	Results	Units	Qual	Report Limit	MCL	Analyzed	Bv
Analytical Method: SM 9222B - Membrane Filter							
Total Coliform	0	cfu/100 ml		0		4/14/2010	TSW
E.coli	E. coli absent	cfu/100 ml		0		4/14/2010	TSW

TUB

Nebraska Public Health Environmental Laboratory  
3701 South 14th Street  
Lincoln, NE 68502  
(402) 471-2122  
(402) 471-2080 (fax)

NE3120787  
GERALD GUTOSKI  
8505 MAKAHA CR  
PAPILLION, NE 68046

**ANALYTICAL RESULTS QUALIFIERS**

Workorder: Profile: Routine, Routine

Lab ID: 11858 Date: 4/13/2010 Matrix: Water  
Sample ID: 11858 Date: 4/12/2010 10:23  
Sampled By: GUTOSKI, G Date: 4/14/2010  
Location: Z1SD 9749 S 175 CIR

Parameters	Results	Units	Qual	Report Limit	MCL	Analyzed	Bv
Analytical Method: SM 9222B - Membrane Filter							
Total Coliform	0	cfu/100 ml		0		4/14/2010	TSW
E.coli	E. coli absent	cfu/100 ml		0		4/14/2010	TSW

SAMPLE COMMENTS:

TIBURON COMMUNITY WELL WATER PERIODIC REPORT

for the period: 00,2001

Generated: 04/30/2010

	THIS PERIOD	LAST PERIOD
WELL#1 (CORNHUSKER) KGALS USAGE..	643	250
WELL#2 (176TH ST) KGALS USAGE....	2670	2458
WELL#3 (FAIRWAY) KGALS USAGE.....	0	0
WELL#4 (180TH ST) KGALS USAGE....	1340	0
WELL#5 (CORNHUSKR) KGALS USAGE....	1940	1942
WELL#1 (CORNHUSKER) GENERATOR HRS.	N/A	N/A
WELL#2 (176TH ST) GENERATOR HRS.	1.2	.9
WELL#3 (FAIRWAY) GENERATOR HRS.	0	0
WELL#4 (180TH ST) GENERATOR HRS.	1	2
WELL#5 (CORNHUSKER) GENERATOR HRS.	N/A	N/A
WELL#1 DRAWDOWN FEET.....	13	0
WELL#1 VFD PUMP STARTS.....	342	162
WELL#2 DRAWDOWN FEET.....	10	0
WELL#2 VFD PUMP STARTS.....	4021	5911
WELL#3 DRAWDOWN FEET.....	0	0
WELL#3 VFD PUMP STARTS.....	0	0
WELL#4 DRAWDOWN FEET.....	8	0
WELL#4 VFD PUMP STARTS.....	407	0
WELL#5 DRAWDOWN FEET.....	4	0
WELL#5 VFD PUMP STARTS.....	6600	6865
EAST BULK METER KGAL USAGE .....	363	279
WEST BULK METER KGAL USAGE .....	1181	944
E+W SID158 BULK METER KGAL USAGE ...	1544	1223
CAR WASH METER KGAL USAGE .....	102	203
STRIPMALL SPRINKLER METER KGAL USAGE	0	0
STRIPMALL REGULAR METER KGAL USAGE ..	42	37
KUM & GO TOP METER KGAL USAGE .....	0	0
KUM & GO BOTTOM METER KGAL USAGE ....	7	6
TOTAL WATER KGAL USAGE THIS MONTH	6600	4650
TOTAL WATER KGAL USAGE PER DAY...	220	150

SID192 TIBURON SOUTH COMMUNITY WELL WATER PERIODIC REPORT

for the period: 00,2001

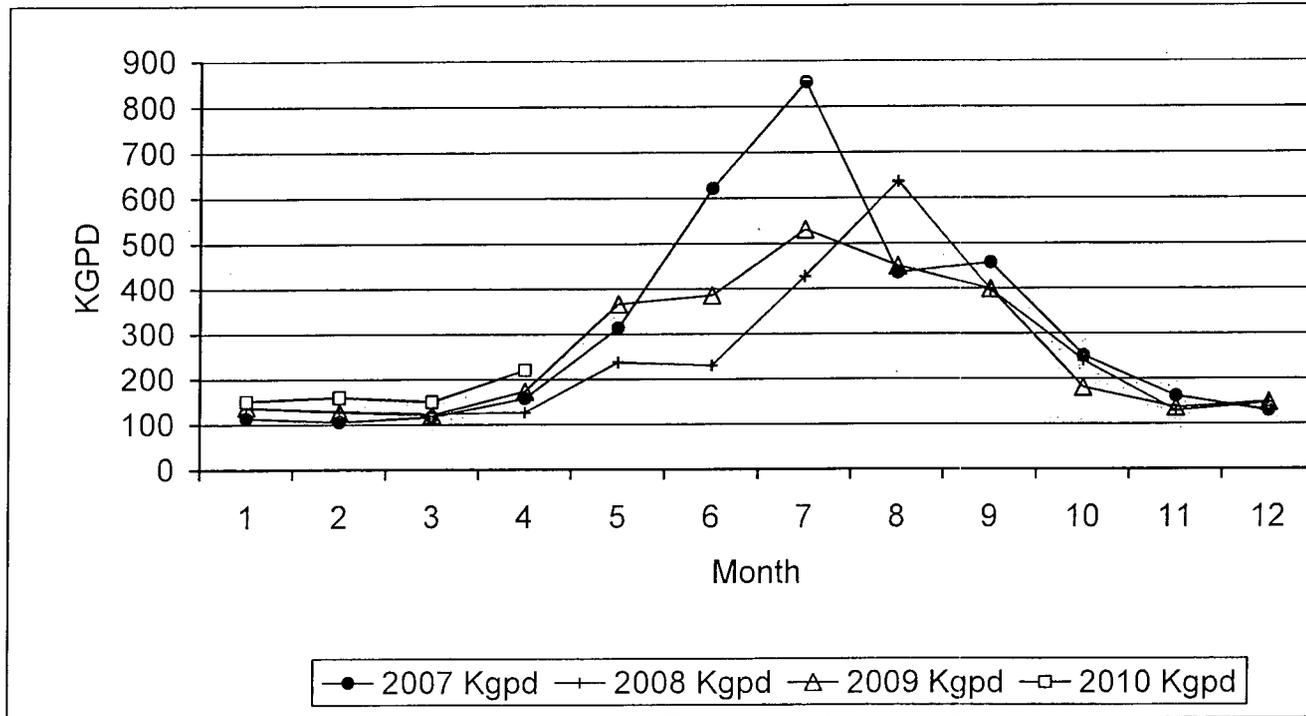
Generated: 04/30/2010

	THIS PERIOD	LAST PERIOD
WELL#3 (FAIRWAY) KGALS USAGE.....	0	0
WELL#3 (FAIRWAY) GENERATOR HRS...	0	0
WELL#3 DRAWDOWN FEET.....	0	0
HYDRANT A8 GALLONS OVERFLOW .....	0	0
E+W SID158 BULK METER KGAL USAGE ...	1544	1223
WELL#3 NET KGALLONS .....	0	
SID192 GRACE WATER @ 111 meters....	0	

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
2007	113	105	116	157	313	621	854	435	457	250	161	129	309.25
2008	136	129	123	126	237	230	427	636	397	240	129	146	246.333
2009	138	127	121	173	366	385	530	450	399	180	136	148	262.75
2010	151	160	150	220									170.25

Highest day was July 24th, 2005 at 1,052,000 gallons. Highest month was July, 2007 at 854,000 gallons average per day.

Submitted by Field R&D



Commercial Meters	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mall Sprinkler	0	0	0	0	0	4	5	4	4	2	0	0
Mall Regular	32	33	37	42	69	53	53	56	54	41	32	30
Kum&Go TOP Mtr	0	0	0	0	0	0	6	145	39	0	0	0
Kum&Go BOTT Mtr	5	5	6	7	8	7	8	8	8	8	8	5
Car/Dog Wash	192	206	203	102	120	87	90	83	87	83	92	99

Bold kgal values = current year





P.O. Box 4743  
Omaha, NE 68104

# Invoice

Date	Invoice #
4/29/2010	3308

Bill To
Pat Lichter - Tiburon SID 16909 Lakeside Hills Plaza Suite 119 Omaha NE 68130

P.O. No.	Terms	Project
	Net 30	

Item	Description	Qty	Rate	Amount
Misc. lawn care	Description: String trim around 4 well houses in Tiburon area		30.00	30.00

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 90 days. For billing inquiries: 618-8338.

<b>Total</b>	\$30.00
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$30.00

10721 WOODLAND DRIVE

Omaha, NE 68136

(402) 689-5686

Date	Invoice #
5/2/2010	387

Bill To
Allen Marsh SID #158 9811 Hazeltine Avenue Omaha, NE 68136

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
65	Mowing Undeveloped Lots @ Tiburon (May 1, 2010)	16.75	1,088.75
1	Trim Work	145.00	145.00
1	Trimming Around New Trees	140.00	140.00
		<b>Total</b>	<b>\$1,373.75</b>

**CITY OF OMAHA**1819 Farnam St. Billing Div.  
Omaha, NE 68183

Contact: (402) 444-5453

Date 27-APR-10  
1 of 1Remit To: City of Omaha Cashier  
RM H10  
1819 Farnam St.  
Omaha NE 68183

Customer No: 32905

Bill To:

TIBURON SID 158  
11605 ARBOR ST SUITE 104  
OMAHA NE 68144-2934

Ship To:

Transaction Type: SEWER BILLING

Invoice Number: 63820

Terms: 30 NET

Total Due: 5,741.58

**PLEASE RETURN TOP PORTION WITH REMITTANCE**

Item No.	DESCRIPTION	QTY	UOM	TAX	UNIT PRICE	EXTENDED PRICE
1	SEWER BILLING- FEBRUARY 2010 - SID 158- TIBURON- \$458.38 \$2.28 6129.000 \$0.862 6129.000	1	1		5,741.58	5,741.58
SPECIAL INSTRUCTION			DUE DATE		TOTAL DUE	
			63820 27-MAY-10		5,741.58	

**RONALD W. HUNTER**

Attorney at Law  
11605 Arbor Street, Suite 104  
Omaha, NE 68144  
e-mail: [rwhre@hunterlaw.omhcoxmail.com](mailto:rwhre@hunterlaw.omhcoxmail.com)

Telephone: (402) 397-6965

Fax: (402) 397-0607

May 11, 2010

Sanitary and Improvement District No. 158  
c/o 11605 Arbor Street, Suite 104  
Omaha, NE 68144

Re: Sanitary and Improvement District No. 158

=====

For legal services performed re: general services from 03-10-10  
through 05-11-10.

(See Attached Schedule of Services)

17.30 hours x \$150.00 per hour = \$2,595.00

TOTAL AMOUNT DUE \$2,595.00

**SCHEDULE OF SERVICES FOR SID 158**

03/10/10	Attended Board of Trustees meeting.	<b>1.20</b>
03/15/10	Wrote letter to Rich James depositing proceeds from sale of Lot 382.	<b>0.30</b>
03/16/10	Call to Pat Lichter. Review of the service agreement for planting of 45 evergreen trees. Call to Pat. Attended a lengthy hearing and spoke at Sarpy County Planning Committee meeting re dog kennel.	<b>4.10</b>
03/17/10	Prepared minutes, supporting documents and warrants of last meeting.	<b>1.60</b>
03/18/10	Final review of minutes, supporting documents and warrants of last meeting. Made copies and mailed to accountants and Chairman for signature.	<b>0.80</b>
04/05/10	Preparation of notice to County Clerk, Trustees, Papillion Times, and others of next meeting of the Board of Trustees.	<b>1.10</b>
04/08/10	Checked notice of meeting in Papillion Times.	<b>0.10</b>
04/11/10	Prepared Agenda for meeting to be held on April 12, 2010.	<b>1.10</b>
04/12/10	Prepared minutes, supporting documents and warrants of last meeting.	<b>1.60</b>
04/26/10	Prepared Notice To Contractors for Tiburon View Storm Sewer repair.	<b>1.10</b>
04/27/10	Wrote letters to Rich James depositing water payments from SID 192 and Strip Mall.	<b>0.60</b>
04/28/10	Final review of minutes, supporting documents and warrants of last meeting. Made copies and mailed to accountants and Chairman for signature.	<b>0.80</b>
04/29/10	Hand carried minutes to Chairman.	<b>0.50</b>
05/03/10	Preparation of notice to County Clerk, Trustees, Papillion Times, and others of next meeting of the Board of Trustees.	<b>1.10</b>
05/11/10	Prepared Agenda for next meeting.	<b><u>1.30</u></b>
	<b>Total</b>	<b><u>17.30</u></b>



# Great Western Bank<sup>SM</sup>

Making Life Great

Member FDIC

April 30, 2010

Hunter Law Office  
ATTN: Ronald W. Hunter  
11605 Arbor St., Suite 104  
Omaha, NE 68144

RE: Sanitary and Improvement District #158, Series 2004  
Account #6687

Dear Mr. Hunter:

Fee billing for services rendered as Registrar and Paying Agent:  
FOR PERIOD OF: NOVEMBER 16, 2009 THROUGH MAY 15, 2010

MINIMUM BOND FEE:

\$250.00

EXTRAORDINARY FEE:

TOTAL FEE DUE:

\$250.00

Please remit your check payable to Great Western Bank, ATTN: Trust Department, P.O. Box 4070, Omaha, NE 68104-0070. If you have any questions feel free to call us at (402) 557-4142.

Sincerely,

Beth Riege  
Vice President  
and Trust Operations Officer



by **Joe Putjenter**

March 19, 2010

Paul Stoupa

Tiburon

Monument sign for Tiburon:

Sign will have permanent stucco (EIFS) finish

Sign will have aluminum and high density urethane structure.

Letters & graphics will be 1" thick, carved & shaped with cold cast bronze finish

180th & Camelback

6'-6" wide x 4'-8" tall

Installed price - \$5,996<sup>00</sup>

50% down required upon acceptance

Remainder due upon completion

Allow 3-4 weeks for completion.

Please call with any questions,

**Joe Putjenter**

Joe Putjenter

President,

Artistic Sign & Design

1'-8"



6'-6"

• Artistic •  
SIGN & DESIGN

Joe Rotjenter

402-691-8222 fax 691-8229 • 13606 A St. Omaha, NE 68144

From: bobhill@tiburongolf.com

To: Paul Stoupa <prstoupa@aol.com>

Subject: Re: Permission to use the Shark logo on our Entry sign on 180th and Camelback

Date: Thu, Apr 29, 2010 4:41 pm

Sorry haven't been in the office much this week. Sign looks good, you have our approval.

-----Original Message-----

From: Paul Stoupa

To: E-mail Bob @ Tiburon

Subject: Re: Permission to use the Shark logo on our Entry sign on 180th and Camelback

Sent: Apr 29, 2010 4:23 PM

Hi Bob,

I wanted to check back with you on getting your permission to use the shark logo on our entry sign on 180th and Camelback. Let me know, Thx

Paul

THOA - Treasurer

prstoupa@aol.com

On Apr 26, 2010, at 10:54 AM, bobhill@tiburongolf.com wrote:

> Paul I received it, I am not at the office, can't see it real well  
> on my phone. Will let you know later today.  
> Sent from my Verizon Wireless BlackBerry

> -----Original Message-----

> From: Paul Stoupa <prstoupa@aol.com>

> Date: Mon, 26 Apr 2010 10:23:03

> To: <bobhill@tiburongolf.com>

> Subject: Permission to use the Shark logo on our Entry sign on 180th and Camelback

> Bob

> To refresh your memory on our conversation last week, I am the  
> treasurer for the Tiburon Home Owners Association and a member of the  
> SID 158 board. There has been a lot of effort put in to  
> investigating the installation of signs for our community over the  
> years, both at 168th and Cornhusker and at 180th and Camelback. I am  
> leading the effort now and have received a design from Artistic Sign  
> and Design for the 180th and Camelback location (attached) and would  
> like your permission to use the shark logo on that sign in that manner  
> so we can move ahead with approvals and then hopefully procurement and  
> installation.

> Let me know if you have questions.

> Thanks

> Paul

> Paul Stoupa

> THOA

Paul Stoupa

prstoupa@aol.com

8:42 PM  
05/10/10  
Cash Basis

**Tiburon Pool Management Company**  
**Profit & Loss Prev Year Comparison**  
January 1 through May 10, 2010

	Jan 1 - May 10, 10	Jan 1 - May 10, 09	\$ Change	% Change
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Non-Resident Memberships	43,635.00	39,365.00	4,270.00	10.9%
Resident Memberships	7,785.00	7,150.00	635.00	8.9%
Swim Team Income				
Swim Team Reg. Fees	0.00	505.00	-505.00	-100.0%
<b>Total Swim Team Income</b>	<u>0.00</u>	<u>505.00</u>	<u>-505.00</u>	<u>-100.0%</u>
<b>Total Income</b>	<u>51,420.00</u>	<u>47,020.00</u>	<u>4,400.00</u>	<u>9.4%</u>
<b>Expense</b>				
Bank Service Charges	15.33	16.94	-1.61	-9.5%
Insurance				
Workers Comp/Liability Ins.	0.00	-247.21	247.21	100.0%
<b>Total Insurance</b>	<u>0.00</u>	<u>-247.21</u>	<u>247.21</u>	<u>100.0%</u>
Licenses and Permits	40.00	100.00	-60.00	-60.0%
Maintenance	0.00	102.84	-102.84	-100.0%
Postage and Delivery	40.00	38.00	2.00	5.3%
Professional Fees				
Accounting	0.00	540.00	-540.00	-100.0%
<b>Total Professional Fees</b>	<u>0.00</u>	<u>540.00</u>	<u>-540.00</u>	<u>-100.0%</u>
Supplies				
Bathhouse Supplies	0.00	47.51	-47.51	-100.0%
Office	0.00	25.31	-25.31	-100.0%
<b>Total Supplies</b>	<u>0.00</u>	<u>72.82</u>	<u>-72.82</u>	<u>-100.0%</u>
Taxes	26.00	0.00	26.00	100.0%
<b>Total Expense</b>	<u>121.33</u>	<u>623.39</u>	<u>-502.06</u>	<u>-80.5%</u>
<b>Net Ordinary Income</b>	<u>51,298.67</u>	<u>46,396.61</u>	<u>4,902.06</u>	<u>10.6%</u>
<b>Net Income</b>	<u><u>51,298.67</u></u>	<u><u>46,396.61</u></u>	<u><u>4,902.06</u></u>	<u><u>10.6%</u></u>