

IN THE IOWA DISTRICT COURT IN AND FOR PAGE COUNTY

BMO HARRIS BANK N.A.,

Plaintiff,

EQUITY NO. EQCV105980

v.

JUDGMENT ON DEFAULT

NARKE CAPITAL TIMBERCREEK LLC, et
al.,

Defendants.

This matter comes before the Court on Plaintiff's, BMO Harris Bank N.A. ("**BMO Harris**"), application for default judgment filed February 24, 2023 against the following defendants: (a) Chandrashekar Ningegowda ("**CN**"), (b) Sahana Kalasegowda ("**SK**"), (c) SSPG LLC ("**SSPG**"), (d) the parties in possession of the 16th Street Property¹ identified on **Exhibit A** attached hereto and incorporated herein by this reference (collectively, the "**16th Street Property Tenants**"), and (e) the parties in possession of the 27th Street Property identified on **Exhibit B** attached hereto and incorporated herein by this reference (collectively, the "**27th Street Property Tenants**").

After reviewing the Court's file, BMO Harris' application for default judgment, and the affidavits of John Foster and Brandon R. Tomjack attached thereto, the Court finds as follows:

1. The original notice and petition in this action was duly served on CN on December 14, 2022, and the time for CN to appear and defend herein has expired, and BMO Harris duly sent a notice of intent to file written application for default judgment to

¹ Capitalized terms not defined herein shall have the same meaning set forth in BMO Harris' petition and lis pendens filed in this case on December 2, 2022 (the "**Petition**").

CN at CN's last known address on January 12, 2023, and CN has not answered or otherwise defended, and BMO Harris sent CN a copy of its application for default judgment on February 24, 2023; and

2. The original notice and petition in this action was duly served on SK on December 14, 2022, and the time for SK to appear and defend herein has expired, and BMO Harris duly sent a notice of intent to file written application for default judgment to SK at SK's last known address on January 12, 2023, and SK has not answered or otherwise defended, and BMO Harris sent SK a copy of its application for default judgment on February 24, 2023; and

3. The original notice and petition in this action was duly served on SSPG on December 29, 2022, and the time for SSPG to appear and defend herein has expired, and BMO Harris duly sent a notice of intent to file written application for default judgment to SSPG at SSPG's last known address on January 20, 2023, and SSPG has not answered or otherwise defended, and BMO Harris sent SSPG a copy of its application for default judgment on February 24, 2023; and

4. The original notice and petition in this action was duly served on each of the 16th Street Property Tenants on January 21, 2023, and the time for the 16th Street Property Tenants to appear and defend herein has expired, and BMO Harris duly sent notices of intent to file written applications for default judgment to each of the 16th Street Property Tenants at their last known addresses on February 13, 2023, and the 16th Street Property Tenants have not answered or otherwise defended, and BMO Harris sent each of the 16th Street Property Tenants a copy of its application for default judgment on February 24, 2023; and

5. The original notice and petition in this action was duly served on each of the 27th Street Property Tenants on January 21, 2023, and the time for the 27th Street Property Tenants to appear and defend herein has expired, and BMO Harris duly sent notices of intent to file written applications for default judgment to each of the 27th Street Property Tenants at their last known addresses on February 13, 2023, and the 27th Street Property Tenants have not answered or otherwise defended, and BMO Harris sent each of the 27th Street Property Tenants a copy of its application for default judgment on February 24, 2023; and

6. BMO Harris has submitted the affidavits of John Foster and Brandon R. Tomjack indicating CN and SK, jointly and severally, are indebted to BMO Harris in the principal amount of \$2,037,773.93, plus accrued and unpaid interest as of February 2, 2023 in the amount of \$149,615.93, plus interest accruing from and after February 2, 2023 at the default rate of 9.38% or \$530.95 per day, plus BMO Harris' fees and costs incurred in the amount of \$105,896.02, plus BMO Harris' attorneys' fees as of January 31, 2023 in the amount of \$31,351.50 and costs in the amount of \$3,913.30; and

7. BMO Harris has submitted the affidavits of John Foster and Brandon R. Tomjack indicating SSPG is indebted to BMO Harris in the principal amount of \$1,359,708.67, plus accrued and unpaid interest as of February 2, 2023 in the amount of \$64,032.36, plus interest accruing from and after February 2, 2023 at the default rate of 9.31% or \$351.64 per day, plus BMO Harris' fees and costs incurred in the amount of \$9,861.75, plus BMO Harris' attorneys' fees as of January 31, 2023 in the amount of \$13,501.00 and costs in the amount of \$5,685.55.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

A. BMO Harris shall recover from defendants CN and SK, jointly and severally, the principal amount of \$2,037,773.93, plus accrued and unpaid interest as of February 2, 2023 in the amount of \$149,615.93, plus interest accruing from and after February 2, 2023 at the default rate of 9.38% or \$530.95 per day, plus BMO Harris' fees and costs incurred in the amount of \$105,896.02, plus BMO Harris' attorneys' fees as of January 31, 2023 in the amount of \$31,351.50 and costs in the amount of \$3,913.30, plus BMO Harris' attorneys' fees incurred from and after January 31, 2023 and additional costs incurred, and BMO Harris shall have execution therefor; and

B. BMO Harris shall recover from defendant SSPG the principal amount of \$1,359,708.67, plus accrued and unpaid interest as of February 2, 2023 in the amount of \$64,032.36, plus interest accruing from and after February 2, 2023 at the default rate of 9.31% or \$351.64 per day, plus BMO Harris' fees and costs incurred in the amount of \$9,861.75, plus BMO Harris' attorneys' fees as of January 31, 2023 in the amount of \$13,501.00 and costs in the amount of \$5,685.55, plus BMO Harris' attorneys' fees incurred from and after January 31, 2023 and additional costs incurred, and BMO Harris shall have execution therefor; and

C. Any interest, right, title, or lien which CN, SK and/or SSPG may have or claim in the 16th Street Property and/or the 27th Street Property are junior, inferior and subordinate to the liens of BMO Harris' 16th Street Mortgage and 27th Street Mortgage described in the Petition and are forever foreclosed; and

D. Any interest, right, title, or lien which any or all of the 16th Street Property Tenants may have or claim in the 16th Street Property and/or the 27th Street Property are

junior, inferior and subordinate to the liens of BMO Harris' 16th Street Mortgage and 27th Street Mortgage described in the Petition and are forever foreclosed; and

E. Any interest, right, title, or lien which any or all of the 27th Street Property Tenants may have or claim in the 16th Street Property and/or the 27th Street Property are junior, inferior and subordinate to the liens of BMO Harris' 16th Street Mortgage and 27th Street Mortgage described in the Petition and are forever foreclosed; and

F. This Court retains jurisdiction to issue additional orders and decrees, including without limitation orders and decrees relating to the calculation of interest in favor of BMO Harris and BMO Harris' attorneys' fees incurred from and after January 31, 2023 and any additional costs or expenses.

[Judge's signature page follows]

Prepared and submitted by:
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Omaha, NE 68102-2068
402-344-0500
Attorneys for Plaintiff

DOCS/2933986.1

EXHIBIT A
16th Street Property Tenants

Ethan Barlow 1010 N. 16 th Street, Apt. A1 Clarinda, NE 51632	Stephen Tasto 1010 N. 16 th Street, Apt. A2 Clarinda, NE 51632	Lisa Greiner 1010 N. 16 th Street, Apt. A3 Clarinda, NE 51632
Jeff Runyan 1010 N. 16 th Street, Apt. A4 Clarinda, NE 51632	Mary Holcomb 1010 N. 16 th Street, Apt. A5 Clarinda, NE 51632	Colleen Peek 1010 N. 16 th Street, Apt. A6 Clarinda, NE 51632
Kenny York 1010 N. 16 th Street, Apt. A7 Clarinda, NE 51632	Linda May 1010 N. 16 th Street, Apt. A9 Clarinda, NE 51632	Boyd Rohring 1010 N. 16 th Street, Apt. A10 Clarinda, NE 51632
Willow Nicholson 1010 N. 16 th Street, Apt. A11 Clarinda, NE 51632	Gary Baldwin 1010 N. 16 th Street, Apt. A13 Clarinda, NE 51632	Robert Goforth 1010 N. 16 th Street, Apt. A15 Clarinda, NE 51632
Tamra Meek 1010 N. 16 th Street, Apt. A16 Clarinda, NE 51632	Randy Sipes 1010 N. 16 th Street, Apt. B6 Clarinda, NE 51632	Levi Heuer 1010 N. 16 th Street, Apt. B8 Clarinda, NE 51632
Rose Gabel 1010 N. 16 th Street, Apt. B10 Clarinda, NE 51632	Robert Childs 1010 N. 16 th Street, Apt. B12 Clarinda, NE 51632	Kalan Whitehill 1010 N. 16 th Street, Apt. C3 Clarinda, NE 51632
Paul Landendof 1010 N. 16 th Street, Apt. C11 Clarinda, NE 51632	Katy Condon 1010 N. 16 th Street, Apt. C15 Clarinda, NE 51632	

EXHIBIT B
27th Street Property Tenants

Courtney Wright 940 S. 27 th Street, Apt. 3 Clarinda, IA 51632	Deyssi Pizado 940 S. 27 th Street, Apt. 4 Clarinda, IA 51632	Dianna Reed 940 S. 27 th Street, Apt. 5 Clarinda, IA 51632
Melissa Valdez 940 S. 27 th Street, Apt. 6 Clarinda, IA 51632	Matthew Boyce 940 S. 27 th Street, Apt. 7 Clarinda, IA 51632	Vicky Campbell 940 S. 27 th Street, Apt. 8 Clarinda, IA 51632
Ricky Peterson 940 S. 27 th Street, Apt. 9 Clarinda, IA 51632	Mackenzie Farlin 940 S. 27 th Street, Apt. 10 Clarinda, IA 51632	Cera Sams 940 S. 27 th Street, Apt. 11 Clarinda, IA 51632
Dustin Hanshaw 940 S. 27 th Street, Apt. 12 Clarinda, IA 51632	Christian Hull 940 S. 27 th Street, Apt. 13 Clarinda, IA 51632	Brandi Novak 940 S. 27 th Street, Apt. 14 Clarinda, IA 51632
Andrea Sprague 940 S. 27 th Street, Apt. 16 Clarinda, IA 51632	Samantha Lawton 940 S. 27 th Street, Apt. 17 Clarinda, IA 51632	Tylor Offenbacker 940 S. 27 th Street, Apt. 19 Clarinda, IA 51632
Jared Moss 940 S. 27 th Street, Apt. 20 Clarinda, IA 51632	Courtney Ryan 940 S. 27 th Street, Apt. 22 Clarinda, IA 51632	Zachary Higgins 940 S. 27 th Street, Apt. 24 Clarinda, IA 51632



State of Iowa Courts

Case Number
EQCV105980
Type:

Case Title
BMO HARRIS BANK NA VS NARKE CAPITAL ET AL
JUDGMENT DEFAULT

So Ordered

Margaret Reyes, District Court Judge
Fourth Judicial District of Iowa

Electronically signed on 2023-02-24 13:45:01