

SUMMONS

STATE OF MINNESOTA

COUNTY OF DAKOTA

DISTRICT COURT

FIRST JUDICIAL DISTRICT

CASE TYPE: Civil

Court File No.: 19HA-CV-18-4550

Fravi LLC, a Minnesota Limited Liability Company

Plaintiff,

vs.

Herman Marthaler, deceased and the unknown heirs of Herman Marthaler; M&O Partnership aka M & O Partnership, a partnership of William C. Groth and Gertrude E. Groth; M. & O. Center, Inc. aka M&O Center, Inc. aka M&O Center, Inc.; Gertrude E. Groth, deceased and the unknown heirs of Gertrude E. Groth; Tomanek and Olson, LTD, a general partnership under the laws of Minnesota aka Tomanek and Olson; Hiawatha National Bank; Building, L.L.C., a limited liability company under the laws of Minnesota aka Building LLC aka Building, LLC; Holiday Acres Limited Partnership, a limited partnership under the laws of Minnesota; also all other persons unknown claiming any right, title, estate, interest or lien in the real estate described in the Complaint herein, Defendants.

THIS SUMMONS IS DIRECTED TO THE ABOVE NAMED DEFENDANTS

1. YOU ARE BEING SUED. The Plaintiffs have started a lawsuit against you.

The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this summons a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at:

Bjerke Law Offices, LLC, 210 Main Street South, Pine City, MN 55063

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiffs should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

7. THIS LAWSUIT MAY AFFECT OR BRING INTO QUESTION TITLE TO REAL PROPERTY located In Dakota County, State of Minnesota, legally described as follows:

The East 267.00 feet of the West 288.20 feet of the North 163.00 feet of the South 177.00 feet of the East half (E 1/2) of the Southeast quarter (SE 1/4) of Section Twenty (20), Township Twenty-eight (28), Range Twenty-two (22), according to the governmental survey thereof. (Parcel Identification Number 42-02000-87-030).

The object of this action is to terminate all claims to any right, title, estate, interest or lien of the said defendants as above-named and designated in and to the lands and premises described above and to confirm and quiet the estate and title thereof and thereto in Plaintiff and for judgment declaring that neither of said defendants, nor any of them, have any right, title, estate, interest or lien therein.

Dated: October 5, 2018

By: /s/ Michael L. Bjerke

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