

SUMMONS

STATE OF MINNESOTA
COUNTY OF CARVER
DISTRICT COURT

FIRST JUDICIAL DISTRICT

Case type: Other civil (Reformation of Instrument)

Court File No.: 10-CV-18-479

Ditech Financial, LLC,
Plaintiff,

v.

Roy T. Whitney and Jodie M. Whitney, Arlen Ask, Peter Ask, Gary Ask, Rodney Ask, Laurel Lange, Shirley Harper, Randy Finholt, Lauren Peterson, the unknown heirs of Ralph C. Ask and the unknown heirs of Alida G. Ask,
Defendants.

THIS SUMMONS IS DIRECTED TO THE ABOVE NAMED DEFENDANTS;

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you.

The Plaintiff's Complaint against you is on file in the office of the court administrator of the above-named court. 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:

Bradley N. Beisel
Beisel & Dunlevy, P.A.
730 Second Avenue S.,
Suite 282
Minneapolis, MN 55402-2444

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 Plaintiff 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 Carver County, Minnesota, commonly known as 120 Elm Street W., Norwood Young America, MN 55368, and legally described as:

Tract A
Commencing at the Southwest Corner of Block 6 of the original townsite of Norwood, Minnesota, according to the recorded plat thereof; thence Easterly along the South line of said Block 6 for a distance of 87.00 feet; thence Northerly deflecting to the left 83 degrees 07 minutes 00 seconds parallel with the Easterly line of Morse Street for a distance of 79.08 feet to the Northerly line of said Block 6; thence Easterly deflecting to the right 90 degrees 54 minutes 00 seconds along said Northerly line of Block 6 for a distance of 26.67 feet to the actual point of beginning of the tract to be described; thence continuing Easterly along said Northerly line of Block 6 for a distance of 42.84 feet to the intersection of said Northerly line of Block 6 and a line that is parallel to said Easterly line of Morse Street and 157.00 feet Easterly of said Southwest corner of Block 6, as measured along said Southerly line of Block 6; thence Southerly deflecting to the right 89 degrees 06 minutes 00 seconds parallel with said Easterly line of Morse Street for a distance of 69.60 feet to said Southerly line of Block 6; thence Westerly deflecting to the right 83 degrees 07 minutes 00 seconds along said Southerly line of Block 6 for a distance of 36.17 feet; thence Northerly deflecting to the right 91 degrees 35 minutes 00 seconds for a distance of 74.93 feet to the actual point of beginning.

Tract B:
Commencing at the Southwest corner of Block 6, original townsite of Norwood, Minnesota, according to the recorded plat thereof; thence Easterly along the North line of Elm Street 157.00 feet to the actual point of beginning of the tract to be described; thence continuing Easterly along said North line of Elm Street 62.6 feet; thence Northerly 59.9 feet, more or less, to a point on the north line of said Block 6, same also being the right of way of the Chicago, Milwaukee and St. Paul Railway Co., which is 215 feet Easterly of the Northwest corner of said Block 6, as measured along said North line of Block 6; thence Westerly along said North line of Block 6 to the point of intersection of said north line of Block 6 and a line parallel to the East line of Morse Street, according to said plat of the original townsite of Norwood, that passes through the point of beginning; thence Southerly deflecting to the left 90 degrees 54 minutes 00 seconds parallel with said East line of Morse Street 69.60 feet to the actual point of beginning.

(hereinafter the "House Parcel")

AND

The South 5 feet of the West 25 feet of the East 175 feet of the following described tract, to-wit: that part of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right-of-way situated in the Northwest Quarter of Section 14 Township 115, Range 26 West, described as follows: beginning at the Northwest corner of Block 6, Original TOWNSITE OF NORWOOD, Minnesota, according to the recorded plat thereof; thence on an assumed bearing of North 00 degrees 25 minutes 12 seconds West along the East line of Morse Street, a distance of 149.85 feet; thence South 89 degrees 52 minutes 09 seconds East a distance of 354.53 feet to the Westerly line of Franklin Street; thence South 00 degrees 54 minutes 24 seconds East along the West line of Franklin Street, a distance of 149.87 feet, to the Northeast corner of said Block 6; thence North 89 degrees 52 minutes 06 seconds West along the North Line of said Block 6; thence North 89 degrees 52 minutes 06 seconds West along the North line of said Block 6, a distance of 355.80 feet to the point of beginning.

Together with a temporary, non-exclusive easement for ingress and egress thereto over the North 11 feet of the South 20 feet of the East 75 feet and along the South 20 feet of the West 100 feet of the East 175 feet of the following described tract: that part of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right-of-way situated in the Northwest Quarter of Section 14 Township 115 Range 26 West, described as follows: beginning at the Northwest corner of Block 6, Original Townsite of Norwood, Minnesota, according to the recorded plat thereof; thence on an assumed bearing of North 00 degrees 25 minutes 12 seconds West along the East line of Morse Street, a distance of 149.85 feet; thence South 89 degrees 52 minutes 09 seconds East a distance of 354.53 feet to the Westerly line of Franklin Street; thence South 00 degrees 54 minutes 24 seconds East along the West line of Franklin Street, a distance of 149.87 feet, to the Northeast corner of said Block 6; thence North 89 degrees 52 minutes 06 seconds West along the North Line of said Block 6, a distance of 355.80 feet to the point of beginning. (Easement shall terminate at such time that the existing garage partially located on the above described south 5 feet of the West 25 feet of the East 175 feet becomes substantially destroyed or unusable for whatever reason).

(hereinafter "the Access Parcel")

(together the House Parcel and the Access Parcel shall constitute the "Subject Property" and the "Correct Legal Description")

The purpose of this action is to obtain an Order for the following relief:

1. Reforming the Mortgage, Document No. A355065, as assigned by Assignment, Document No. A658007, nunc pro tunc, from the Incorrect Legal Description cited therein, to state the above-cited Correct Legal Description, to wit:

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AND

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2. Determining that the Mortgage, Document No. A355065, as assigned by Assignment, Document No. A658007, is a valid and enforceable encumbrance against the Property, notwithstanding the legal description error described herein.

3. For such other and further relief as the Court may deem just and equitable.

557.03 NOTICE OF NO PERSONAL CLAIM

Pursuant to Minn. Stat. § 557.03 you are hereby served with notice that no personal claim is made against you and that any order awarded upon whom this notice is served who unreasonably defends this action shall pay full costs to the plaintiff.

Dated: July 19, 2018
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