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CLERK OF THE BUTLER COUNTY DISTRICT COURT  
CASE NUMBER: 2016-CV-000299



**Court:** Butler County District Court  
**Case Number:** 2016-CV-000299  
**Case Title:** Vern T Palmer, et al. vs. Mary Ellen Nusz, et al.  
**Type:** Agreed Journal Entry

SO ORDERED.

*Charles M Hart*

/s/ Honorable Charles Hart, District Court Judge

Electronically signed on 2018-08-10 14:40:25 page 1 of 3



Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument filed on the 10 day of August, 2018 and recorded in this court of the 13th Judicial District, Butler County, Kansas done this 25 day of September, 2018.  
Janell Pleseum, Clerk of the District Court  
By: *[Signature]*, Deputy Clerk

**IN THE DISTRICT COURT OF BUTLER COUNTY, KANSAS**

VERN T. PALMER and PEGGY PALMER )  
AS TRUSTEES OF THE PALMER FAMILY )  
TRUST, et al; )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
L.A. KNEBLER ADDITION HOMEOWNERS )  
ASSOCIATION, ET AL., )  
 )  
Defendants. )

Case No. 2016-CV-299

\_\_\_\_\_  
(pursuant to K.S.A. Chapter 60)

**JOURNAL ENTRY**

On this 6<sup>th</sup> day of March, 2018, the above-captioned matter came before the Court for an Opinion Ruling on Plaintiff’s previously filed Motion for Summary Judgment. Plaintiffs appeared by counsel Vernon L. Jarboe, and the following Plaintiffs appeared in person: Vern T. Palmer, Peggy Palmer, and Kolene Luper. Defendants appeared by their counsel, Jason Reed.

After receiving arguments and reviewing memorandum by the parties, and being fully advised, the Court hereby FINDS, ORDERS, ADJUDGES, AND DECREES as follows:

1. Pursuant to K.S.A. 53-109(a), it is clear that a notary cannot perform the notary act as to a document when that notary has a beneficial interest. Notary Shirley Stewart has a beneficial interest for all of the proposed signatures within the Plaintiffs’ motion, and, therefore, the subject notarized signatures are in violation of K.S.A. 53-109(a).
2. Subsequently, the Court finds that, as set forth in plaintiff’s memorandum in support of plaintiff’s motion for summary judgment commencing at Page 3, Paragraph 10, subparagraph small “a” through small “x” inclusive, that the signatures as set forth are insufficient in nature as set for the reasons in plaintiff’s memorandum.

3. Subsequently, the Court finds the liens filed against the Plaintiffs' properties for failure to pay the dues owed under the Amended Protective Covenants and Restrictions covering the L.A. Knebler Addition are improper and must be removed.
4. Additionally, the Court finds, at this time, that it does not currently have jurisdiction to rule over the ability of Linda Knebler to convey the subject reserve property, therefore, the Court does not set aside the subject Quit Claim Deed.

Therefore, for the reasons stated above, the Court grants the Plaintiffs' motion for summary judgment and orders the removal of all liens filed by the L.A. Knebler Addition Homeowners Association against the property owners in this subject development.

IT IS SO ORDERED.

**THIS ORDER IS EFFECTIVE AS OF THE DATE AND TIME ON THE  
ELECTRONIC FILE STAMP.**

Prepared by:

/s/Vernon L. Jarboe  
Vernon L. Jarboe, KS #9436

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Reviewed and Approved by:

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