

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF STANLEY)

IN CIRCUIT COURT

SIXTH JUDICIAL CIRCUIT

BRYAN ANTHONY REO,)
)
 Plaintiff,)
)
VS.)
)
MARTIN LINDSTEDT and)
SUSAN APRIL BESSMAN, as)
Trustee of the Susan April Bessman)
Revocable Living Trust,)
)
)
 Defendants.

58CIV20-00007

ORDER GRANTING RECEIVERSHIP
OF LEASE PROCEEDS

This matter having come before this Court on on August 27, 2021 on Plaintiff's Motion for Summary Judgment and other requested relief, and Plaintiff Bryan Reo appearing telephonically with his attorney of record Robert T. Konrad; Defendant Lindstedt appearing telephonically with permission from the Court; and Defendant Susan Bessman not appearing, but appearing by and through her attorney of record Sarah Baron-Houy; and the Court having reviewed the motion filed by Plaintiff; and the Court having reviewed the responsive briefs and arguments filed by Defendants; the Court having reviewed the entirety of the Court filings in this matter, and the Court having previously heard the evidence and reviewed the exhibits offered at the preliminary injunction hearing; and the Court having taken judicial notice of several matters; this Court:

FINDS that the Stanley County ranch land currently owned by Defendant Bessman receives annual rent income of approximately \$37,380.00. This income is the result of two leases with two independent renters of the real property. The Court also;

FINDS that it has been preliminarily shown by the Plaintiff that the rental proceeds are currently in danger of being lost, removed, materially injured, or misappropriated. The Court also;

FINDS that Defendant Bessman has received the entirety of the rental proceeds for the 2020 calendar year, and she has also received approximately the first half of the rental proceeds for the 2021 calendar year. The Court also;

FINDS that Plaintiff Bryan Reo, at a minimum, has an unsatisfied, domesticated judgment against Defendant Martin Lindstedt in the amount of \$105,000.00. The Court also;

FINDS that the Plaintiff has received no payment to date on any of his domesticated foreign judgments in Stanley County. The Court also;

FINDS that a receivership for the lease proceeds during the pendency of this action is appropriate until the Plaintiff's claim of fraudulent transfer is finally resolved. The Court also;

FINDS that Defendant Bessman does not oppose a temporary receivership during the pendency of this action; and Defendant Lindstedt, former owner of the real property, has not stated any objection to Plaintiff's request for receivership.

WHEREFORE, based upon the findings above, it is:

ORDERED, ADJUDGED, and DECREED that the Plaintiff's motion for receivership of lease proceeds is granted in its entirety. It is further;

ORDERED, ADJUDGED, and DECREED that attorney Robert T. Konrad, a duly licensed South Dakota attorney, bar ID #4132, d/b/a Konrad Law, Prof. LLC, shall be appointed as receiver for the lease funds from any and all sources concerning the following real property:

**Township 7 North, Range 26 East of the Black Hills Meridian,
Stanley County, South Dakota:**

Section 34:

That portion of the NE1/4NE1/4 lying in the South
and West of the Highway Right of Way;
SE 1/4NE1/4, NE1/4SE1/4.

Section 35:

That portion of the NW1/4, SW1/4, SE1/4, lying
South and West of the Highway Right-of-way; and

**Township 6 North, Range 26 East of the Black Hills Meridian,
Stanley County, South Dakota:**

Section 2:

Lots 1,2,3,4, S1/2N1/2, S1/2 (all);

Section 11:

NW1/4, NE1/4, SE1/4;

Section 14:

NW1/4, N1/2SE1/4

It is also;

ORDERED, ADJUDGED, and DECREED that all future lease proceeds (necessarily including the second half of all proceeds from the 2021 lease year) from from the existing oral leases with the Roseth Brothers General Partnership and the Tim and Diane Olson Partnership shall be paid to the “Konrad Law, Prof. LLC Trust Account.” It is further;

ORDERED, ADJUDGED, and DECREED that Konrad Law, Prof LLC shall place all lease income payments into its IOLTA Trust account. The lease proceeds shall remain in the IOLTA trust checking account, and no distributions shall be made from these funds unless specifically approved by this Court. It is further;

ORDERED, ADJUDGED, and DECREED that a separate accounting and ledger sheet shall be maintained for the lease proceeds in the IOLTA trust account. The account number, internal file number, internal ledger sheet number, and banking institution shall be provided to Sarah Baron Houy as attorney for Susan Bessman by separate correspondence. It is further,

ORDERED, ADJUDGED, and DECREED that this receivership shall be in effect until further order of this Court. It is further;

ORDERED, ADJUDGED, and DECREED that Plaintiff shall send a copy of this Order and notice of entry of the same to the Roseth Brothers General Partnership and the Tim and Diane Olson Partnership. It is further;

ORDERED, ADJUDGED, and DECREED that the Court will issue a further Order concerning the ultimate disbursement of the lease funds at a future date. It is further;

ORDERED, ADJUDGED, and DECREED that Defendant Bessman shall provide to opposing counsel a verified accounting and inventory of all rental proceeds she has received since she acquired the Lindstedt ranch property in Stanley County on or about October 25, 2019. Defendant Bessman shall detail in this accounting any disbursements of this rental money. This inventory and accounting shall be provided to opposing counsel or or before September 17, 2021. It is further;

ORDERED, ADJUDGED, and DECREED that Defendant Lindstedt shall provide to opposing counsel a verified accounting and inventory of all rental proceeds for the Lindstedt ranch property in Stanley County he received for the send annual rental payment in 2019, through the date of his conveyance by warranty deed to Defendant Bessman on October 25, 2019. Defendant Lindstedt shall detail in this accounting any disbursements of this rental money. This inventory and accounting shall be provided to opposing counsel or or before September 17, 2021. It is further;

Dated this ____ day of September, 2021

Signed: 9/8/2021 2:41:25 PM

Attest:
Kilian, Julie
Clerk/Deputy



BY THE COURT

A handwritten signature in black ink, appearing to read "Bridget Mayer", written over a horizontal line.

**The Honorable Judge Bridget Mayer
Circuit Court Judge**