

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

JUDGMENT

This matter having come before this Court on Plaintiff’s properly noticed Motion for Summary Judgment on August 27, 2021 at the hour of 9:30am CST in the Hughes County Courthouse in Pierre, SD, and Plaintiff Bryan Reo appeared telephonically represented by his attorney of record, Robert Konrad appearing in person; the Defendant Martin Lindstedt appeared telephonically pro se; and Susan Bessman not appearing, but did appear by and through her attorney of record, Sarah Baron Houy; and the Court having reviewed the entirety of the Court filings in this matter, having reviewed the Motion for Summary Judgment filed by Plaintiff Reo, and the Court having heard the evidence and reviewed the exhibits offered at said hearing; and the Court taking judicial notice of several matters; the Court having entered its written findings of fact and conclusions of law on or about December 10, 2021 over the objections filed by Defendant Bessman, this Court now grants in its entirety Plaintiff’s Motion for Summary Judgment pursuant to the findings of fact and conclusions of law already entered. It is hereby:

ORDERED, ADJUDGED AND DECREED Plaintiff’s Motion for Summary Judgment is granted in its entirety. As set forth in the Findings of Fact and Conclusions of Law filed by

this Court on or about December 10, 2021, this Court finds that Defendants have engaged in a fraudulent transfer of certain Stanley County Property, and accordingly this Court pronounces judgment as a result of that fraud pursuant to its equitable powers and codified authority in the Uniform Fraudulent Transfer Act in SDCL Chapter 54-8A. As such, it is hereby

ORDERED, ADJUDGED, AND DECREED that the October 25, 2019 conveyance of Defendant Martin Lindstedt's Stanley County real property to Defendant Susan Bessman as Trustee of the Susan April Bessman Revocable Trust is hereby avoided, nullified, and cancelled. The Stanley County Register of Deeds is hereby directed to invalidate, void, cancel, or otherwise extinguish the following deed:

The "Warranty Deed" signed by Martin Lindstedt on or about October 25, 2019 and filed with the Stanley County Register of deeds on or about October 29, 2019 in Book 347 of Deeds on pages 565-466, said deed transferring the following Stanley County real property to Susan April Bessman as Trustee of the Susan April Bessman Revocable Trust:

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

The Stanley County Clerk of Courts is hereby directed to take the above-stated action immediately upon receipt of a certified copy of this Judgment. It is further;

ORDERED, ADJUDGED, AND DECREED that this Order shall serve to immediately divest Defendant Susan April Bessman of all right, title, and ownership interest in the above stated Stanley County real property. It is further;

ORDERED, ADJUDGED, AND DECREED that Susan April Bessman as Trustee for the Susan April Bessman Revocable Trust is hereby directed to execute and/or effectuate any documents, including a quit claim deed, necessary to void, undo, nullify the deed for purposes of carrying out this Order, or to provide viable chain of title at the reasonable request of any subsequent owner, purchaser, title insurance provider or underwriter, judgment creditor, or purchaser at any execution sale. It is further;

ORDERED, ADJUDGED, AND DECREED that the preliminary injunction previously granted by this Court on or about August 31, 2020 is hereby terminated as this matter is now resolved by final judgment. This Court had previously granted a temporary injunction and preliminary injunction; and the Court extended that injunctive relief through the time of filing of this judgment until this matter was complexly finalized due to Defendants' fraudulent action in this matter. It is further;

ORDERED, ADJUDGED, AND DECREED that pursuant to this Court's equitable authority in SDCL 54-8A-7(3)(i), that the Defendants in this action, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them are restrained from the following conduct until further order of this court:

Engaging in any transfer, conveyance, sale, lease, encumbrance any other similar action affecting the real property having the following legal description.

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

These terms and restrictions shall remain in place until at least such time as all of Plaintiff's now pending lawsuits against Defendant Lindstedt in the State of Ohio are brought to final judgment. The termination of these conditions shall not be automatic, but shall only be terminated by subsequent Order of this Court upon proper service of a motion made by a party to

this action, said motion being timely filed and properly noticed. This Court reserves the right to modify or change the terms of they condition at any time. It is further;

ORDERED, ADJUDGED AND DECREED that the Stanley County Clerk of Courts is hereby appointed to process, receive, deposit, account for, disburse upon proper order, and hold all proceeds from the lease income from the above-mentioned Stanley County real property pursuant to SDCL 54-8A and SDCL 21-21-4. This Court hereby directs the Stanley County Clerk of Courts to establish a receivership trust account in the name of Bryan Reo. The purpose of this account shall be to receive, collect, and ultimately disburse to the appropriate party the rental proceeds from the Stanley County real property described herein.

The Stanley County Clerk of Courts is hereby directed to immediately establish this account. Plaintiff Reo, though his attorney of record, shall provide to the Clerk any needed information necessary to establish this trust/receivership account. Upon this account being established by the Clerk, the following proceeds shall be deposited into the account:

-A currently held September/October 2020 cash rent check from the Tim and Diane Olson Partnership;

-A currently held September/October 2020 cash rent check from Roseth Brothers Adam L. Roseth or Julian T. Roster; and

-Any future cash rent proceeds from the lease of the Stanley County real property herein described.

The proceeds held in this account shall be disbursed only upon subsequent Order of this Court upon proper service of a motion made by a party to this action, said motion being timely filed and properly noticed. It is further;

ORDERED, ADJUDGED AND DECREED Defendant Martin Lindstedt and Defendant Susan Bessman shall immediately notify this court of any failure of the tenants to pay rent as directed, and shall forward to this Court any and all lease proceeds. Defendants are hereby directed to inform the tenants of the establishment of this receivership account and direct tenants to make all future lease payments payable to the “Stanley County Clerk of Courts” and to have said payment sent or delivered directly to the Stanley County Clerk of Courts. It is further;

ORDERED, ADJUDGED AND DECREED that Plaintiff shall provide a copy of this Order to the tenants, and file proof of service with the Court. It is further;

ORDERED, ADJUDGED AND DECREED Plaintiff Bran Reo is awarded judgment against Defendant Martin Lindstedt in the amount of Eighteen thousand six hundred ninety dollars and zero cents (\$18,690.00). Any amount of this judgment satisfied by Defendant Lindstedt shall accordingly reduce and satisfy the foreign judgment filed against Defendant Lindstedt in favor of Plaintiff Bryan Reo in Stanley County civil file 58CIV19-35. Plaintiff is directed to enter said reciprocal satisfaction upon any payment in full or part of any part of this judgment. This judgment shall accrue post judgment interest.

Due to the length and complexity of this Order, Plaintiff is hereby directed and authorized to submit a short form Money Judgment memorializing this specific judgment amount. It is further,

ORDERED, ADJUDGED AND DECREED Plaintiff Bryan Reo is awarded judgment against Defendant Susan April Bessman (also known as Susan April Norman and Susan April Rohde) in the amount of Fifty-six thousand seventy dollars and zero cents (\$56,070.00). Any amount of this judgment satisfied by Defendant Susan Bessman shall accordingly reduce and

satisfy the foreign judgment filed against Defendant Martin Lindstedt in favor of Plaintiff Bryan Reo in Stanley County civil file 58CIV19-35. Plaintiff is directed to enter said reciprocal satisfaction upon any payment in full or part of any part of this judgment. This judgment shall accrue post judgment interest.

Due to the length and complexity of this Order, Plaintiff is hereby directed and authorized to submit a short form Money Judgment memorializing this specific judgment amount. It is further;

ORDERED, ADJUDGED AND DECREED that attorney fees, costs and disbursements *may* be taxed to this judgment only upon further order of the court.

Dated this ____ day of December 2021.

12/31/2021 2:39:07 PM

Attest:
Caviness, Kelly
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