

Helzer v. Mamot

Case Number

A-14-0683

Call Date

May 13, 2015

Case Time

9:00 AM

Case Audio

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Case Summary

A-14-0683, Gerald N. Helzer, Mamot Land and Cattle Co., Inc., Mamot Trucking, Inc., and Mamot Feedlots (Appellants) v. Jamie Mamot and Heritage Bank (Cross-Appellants)

District Court for Howard County, District Judge Karin L. Noakes

Attorneys for Appellants: Barry D. Geweke & Robert D. Stowell (Stowell Kruml Law Firm)

Attorney for Appellees/Cross-Appellants: Larry W. Beucke (Parker Grossart Law Firm)

Civil Action: Declaratory judgment action with respect to life insurance proceeds

Action taken by the Trial Court: The trial court declined to enter a declaratory judgment, finding adequate and legal grounds for defendant to accept and keep the insurance proceeds and that she was not unjustly enriched. The court ordered the return of the funds deposited with the court and dismissed the complaint.

Assignments of Error and Issues on Appeal: Did the trial court err in determining a declaratory judgment was not an appropriate remedy in this case? Did the trial court err in determining Jamie was not unjustly enriched by her receipt of the life insurance benefits? Did the trial court err in failing to enter an order on the interpleader action?

Assignments of Error and Issues on Cross-Appeal: Did the trial court err in determining a declaratory judgment was inappropriate? Should the trial court have determined the final amount owed by Mamot Entities under the stock purchase agreement and ordered the interpleader funds to be paid to Heritage Bank?

Case Location

North Platte

Panel Text

Moore, Chief Judge, Pirtle, and Bishop, Judges
