

In re Estate of Stretesky

Case Number

A-19-1077

Court Number

Deuel

Call Date

November 10, 2020

Case Time

9:00 AM

Case Summary

A-19-1077, William Stretesky Foundation (Appellant) v. Estate of Neil S. Stretesky

Deuel County Court, Judge Randin R. Roland

Attorney for Appellant: R. Kevin O'Donnell (Law Office of R. Kevin O'Donnell)

Attorney for Appellee: Brock D. Wurl (Paloucek, Herman & Wurl) for Michael Hutchinson, an interested party

Civil Action: Probate, Judgment Lien

Action Taken by Trial Court: Following a claim against Stretesky's Estate and a judgment in its favor, appellant filed a Petition for Enforcement of Claim to enforce its lien and allow payment of the remainder of the claim amount out of funds held by the court from crop insurance proceeds. The county court determined that appellant did not have a judgment lien against the crop insurance proceeds at the time of Stretesky's death and denied the enforcement petition.

Assignments of Error on Appeal: Did the county court err in misinterpreting the findings in *McCook National Bank v. Bennett*, 248 Neb. 567, 537 N.W.2d 353 (1995)? Was the county court precluded from making any finding with regard to a judgment lien when the Deuel County District Court had previously made a determination in regard to a judgment and a judgment lien? Did the county court lack subject matter jurisdiction with regard to the application of judgment liens because of issue preclusion? Did the county court lack subject matter jurisdiction with regard to judgment liens since there is no specific legislative mandate granting such power to county courts?

Case Location

Kearney

Court Type

County Court

Schedule Code

A2

Panel Text

Pirtle, Chief Judge, Moore, and Riedmann, Judges
