061791.wf

# AFFIDAVIT

STATE OF IOWA )
) SS
COUNTY OF LINN )

STATE OF IOWA )
) SS
COUNTY OF Delaware

We, *Michael S. Vestle* and *Roger Louis Heiserman*, being first duly sworn on oath, depose and state:

1. A voluntary Petition under Chapter 7 of Title 11 of the United States Code was filed on March 9, 1990. A file-stamped copy of the Petition is attached hereto as Exhibit "A" and incorporated by this reference.

2. The Debtor's homestead, located at 204 South Wayne Street in Manchester, Iowa, was listed on Schedule B-1 as parcel #3. No objections to the claimed homestead exemption were filed within the time allowed by the Court for filing objections to Debtor's claim of exempt property.

3. Prior to the filing of the Chapter 7 Petition herein, the following judgments had been entered in the Iowa District Court in and for Delaware County:

a. United Missouri Bank USA d/b/a Mastercard vs Roger L. Heiserman and Marjorie Heiserman, Small Claim #SC4480.

b. Ford Motor Credit Company vs Roger L. Heiserman, Law #2535.

c. Dorothy B. Sill vs Roger L. Heiserman, et. al., Law #CLC2508.

d. Newton Manufacturing Company vs Roger Heiserman, d/b/a Heiserman Oil, Small Claims #SC4426.

e. Duane A. Sill, d/b/a Sill Insurance vs Roger L. Heiserman, Small Claim #4369.

FILE No. 104-3026
RECORDING FEE $ 50.00
TRANSFER FEE $

FILED FOR RECORD THE 18 DAY OF June, 1991 AT 10:44 O'CLOCK A M. BOOK 16 PAGE 341

STATE OF IOWA, DELAWARE COUNTY
Joan Sheppard, Recorder
Aff

All the debts represented in these judgments were contracted after the homestead was acquired. Consequently, none of the judgment liens attach to the homestead property pursuant to §561.21(1) of the Code of Iowa as cited in In Re: Keane, 7 Bankr. 844 (Iowa 1980).

4. On November 6, 1990, a discharge was entered by the United States Bankruptcy Court for the Northern District of Iowa.

Michael S. Vestle
MICHAEL S. VESTLE

Subscribed and sworn to before me by said *MICHAEL S. VESTLE* this 17th day of June, 1991.

WANDA D. FEYERABEND NOTARIAL SEAL Iowa

Wanda D. Feyerabend
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA
Wanda D. Feyerabend

Roger Louis Heiserman
ROGER LOUIS HEISERMAN

Subscribed and sworn to before me by said *ROGER L. HEISERMAN* this 18th day of June, 1991.

CLERK OF THE DIST. COURT DELAWARE CO. IOWA

Debra Meyers
~~NOTARY PUBLIC~~ IN AND FOR THE STATE OF IOWA
Debra Meyers
Deputy Clerk Dist. Court.

CHILDERS & VESTLE, P.C.
Attorney for Petitioner

Suite 350-The Center, P.O. Box 5430
Address

Cedar Rapids, IA 52406-5430
City State Zip

319/363-3322
Telephone Number

Clerk's Stamp FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
2:35 PM
MAR 09 1990
BARBARA A. EVERLY, CLERK
By: _____ Deputy

# UNITED STATES BANKRUPTCY COURT
# FOR THE NORTHERN DISTRICT OF IOWA

In re
ROGER LOUIS HEISERMAN
MARJORIE JEAN HEISERMAN
d/b/a Heiserman Shell Service

Case No. L - 90-00413C

Debtor
Set forth all trade names including trade names used by debtor within the last six years.
Social Security No. [redacted] (Roger)
(Marjorie)
Debtor's Employer's Tax Identification No. _____

## VOLUNTARY PETITION UNDER CHAPTER SEVEN

☐ Individual ☒ Husband and Wife ☐ Partnership

1. Petitioner's mailing address, including county, is 204 South Wayne Street, P.O. Box 182, Manchester, IA 52057 Delaware County

2(a.) *(Check One:)*

☒ Petitioner has resided

☐ Petitioner has been domiciled

☐ Petitioner's principal place of business has been

☐ The principal assets of the petitioner have been

(b.) *(Check One:)*

☒ Within this district for the preceding 180 days

☐ Within this district for the longer portion of the preceding 180 days than in any other district

3. Petitioner is qualified to file this petition and is entitled to the benefits of Title Eleven, United States Code, as a voluntary debtor.

# UNSWORN DECLARATION UNDER PENALTY OF PERJURY TO PETITION

## Individual

I or we ROGER LOUIS and MARJORIE JEAN HEISERMAN the Petitioner(s) named in the foregoing petition, declare under penalty of perjury that the foregoing is true and correct.

Executed on March 9, 1990

Roger Louis Heiserman
Signature
ROGER LOUIS HEISERMAN

Marjorie Jean Heiserman
Signature
MARJORIE JEAN HEISERMAN

## Corporation

I _____ the _____ or an authorized agent of the corporation named as Petitioner in the foregoing petition, declare under penalty of perjury that the foregoing is true and correct, and that the filing of this petition on behalf of the corporation has been authorized.

Executed on _____

_____
Signature

## Partnership

I _____, a member or an authorized agent of the partnership named as Petitioner named in the foregoing petition, declare under penalty of perjury that the foregoing is true and correct, and that the filing of this petition on behalf of the partnership has been authorized.

Executed on _____

_____
Signature

4. *If Petitioner is an individual whose debts are primarily consumer debts,* Petitioner is aware that they may proceed under Chapter Seven, Chapter Eleven, Chapter Twelve or Chapter Thirteen, United States Code, understands the relief available under each such Chapter, and chooses to proceed under Chapter Seven of such title.

5. *If Petitioner is an individual whose debts are primarily consumer debts and such petitioner is represented by an attorney,* a declaration or an affidavit in the form of Exhibit "B" is attached to and made a part of this petition.

WHEREFORE, Petitioner prays for relief in accordance with Chapter Seven of Title Eleven, United States Code.

CHILDERS & VESTLE, P.C.

BY: _____
Attorney for Petitioner

MICHAEL S. VESTLE
Suite 350-The Center
P.O. Box 5430
Address

Cedar Rapids, IA 52406-5430
City State Zip

Petitioner(s) signs if not represented by an attorney.

ROGER LOUIS HEISERMAN
Signature of Petitioner

MARJORIE JEAN HEISERMAN
Signature of Petitioner

# SCHEDULES B — STATEMENT OF ALL PROPERTY OF DEBTOR

Schedules B•1, B•2, B•3 and B•4 must include all property of the debtor as of the date of the filing of the petition by or against him.

## SCHEDULE B•1 — REAL PROPERTY

| Description and location of all real property in which debtor has an interest. Include equitable and future interests, interest in estates by the entirety, community property, life estates, leaseholds and rights and powers exercisable for his own benefit. | Nature of interest. Specify all deeds and written instruments relating thereto. | Market value of debtor's interest without deduction for secured claims listed in Schedule A•2 or exemptions claimed in Schedule B•4. |
|---|---|---|
| Note attached sheet | | |

**TOTAL**.....$ 99,550.00

SCHEDULE B-1 -- REAL PROPERTY
ATTACHMENT

| | MARKET VALUE |
|---|---|
| **PARCEL #1** | $ 2,000.00 |
| LOTS: legally described as follows: | |
| The North 100.0 feet of that Part of Lot Two-Hundred Twenty-three (223) of the Subdivision of a part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-two (32), Township Eighty-Nine North (89 N.), Range Five (5) West of the 5th P.M., in the City of Manchester, lying East of the East line of Wayne Street in said City of Manchester, Delaware County, Iowa, except the West 190.0 feet thereof. | |
| **PARCEL #2** | 18,000.00 |
| 413 East Fayette Street, Manchester, Iowa more legally described as follows: | |
| The N Sixty-seven feet of Lot No. 107, City of Manchester, Iowa | |
| **PARCEL #3** | 30,500.00 |
| 204 South Wayne Street, Manchester, Iowa (Homestead) more legally described as follows: | |
| The South One-half (S 1/2) of lots Two Hundred Fourteen (214) and Two Hundred Fifteen (215), Manchester, Iowa | |
| **PARCEL #4** | 24,000.00 |
| 405 East Fayette, Manchester, Iowa more legally described as follows: | |
| Lot One Hundred Five (105) Manchester, Iowa from and including the date of the filing of the plat at No. 1 within except as to any changes or entries made upon the records relating or having reference to any instruments filed, rights or relations existing or to transactions occurring previous to the 23rd day of February, 1857 at eight O'clock A.M. | |

SCHEDULE B-1 -- REAL PROPERTY
ATTACHMENT Continued

| | MARKET VALUE |
|---|---|
| **PARCEL #5**<br>106 North Wayne, Manchester, Iowa<br>more legally described as follows:<br><br>The South forty eight (48) feet of Lot One Hundred Seven (107), Manchester, Iowa, being part of the South East Quarter of the South East Quarter of Section Twenty-nine (29), Township Eighty-Nine (89) North, Range Five (5), West of the Fifth Principal Meridian | 25,000.00 |
| **PARCEL #6**<br>Peace Lutheran Church, Ryan, Iowa<br><br>Burial Plot #90 | 50.00 |
| **TOTAL SCHEDULE B-1:** | $99,550.00 |

## SCHEDULE B•4 — PROPERTY CLAIMED AS EXEMPT

Debtor selects the following property as exempt pursuant to ☐ 11 U.S.C. Section 522(d) or ☐ the laws of the state of Iowa

| Type of property | Location, description and so far as relevant to the claim of exemption, present use of the property. | Specify statute creating the exemption. | Value claimed exempt. |
|---|---|---|---|
| DEBTORS' HOMESTEAD | Located within Parcel 3 on Schedule B-1 | 561.16 Iowa Code | 30,500.00 |
| DEBTORS' MOTOR VEHICLES | 1982 Mercury Colony Park ($850.00)<br>1974 F-100 Ford pickup ($250.00) | 627.6(9)(b) Iowa Code | 1,100.00 |
| HOUSEHOLD GOODS | See attachment to Schedule B-2(c) | 627.6(5) Iowa Code | 2,260.00 |
| WEARING APPAREL and JEWELRY | See Schedule B-2(e) | 627.6(1) Iowa Code | 150.00 |
| PIANO | Debtors' Possession | 627.6(9)(a) Iowa Code | 1,000.00 |
| UNMATURED LIFE INSURANCE POLICIES | See Schedule B-2(r) | 627.6(6) Iowa Code | 32.46 |
| CEMETERY LOT | See Schedule B-1 Parcel #6 | 627.6(4) Iowa Code | 50.00 |
| TOOLS OF TRADE | See Schedule B-2(k) | 627.6(10) Iowa Code | 250.00 |
| CASH & DEPOSITS AND OTHER PROPERTY | Debtors' Possession Does not exceed $100.00 each | 627.6(13) Iowa Code | 101.63 |
| DEBTORS' INTEREST IN ANY AND ALL WAGES AND STATE AND FEDERAL TAX REFUNDS AS OF THE DATE OF FILING AND SOCIAL SECURITY BENEFITS | | 627.6(9)(c) Iowa Code 627.8(a) Iowa code | Does not exceed $1,000 per Debtor |

**TOTAL**.....$ 35,444.09

**U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF IOWA**
P O BOX 74890, CEDAR RAPIDS, IA 52407

In re a Petition for Relief under chapter 7 of Title 11, U.S. Code, filed by or against the below-named Debtor(s) on March 9, 1990:

DEBTOR : **ROGER LOUIS HEISERMAN of 204 SOUTH WAYNE STREET, P O BOX** 182, MANCHESTER, IA 52057 , SSAN: [redacted]

JT. DEBTOR: **MARJORIE JEAN HEISERMAN, DBA HEISERMAN SHELL SERVICE,** SSAN: [redacted]

CASE NO. **L-90-00413-C**

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

NOV 06 1990

BARBARA A EVERLY, CLERK

**ORDER AND NOTICE BY THE COURT**

DISCHARGE OF DEBTOR

It appearing from the record that the above-named debtor is entitled to a discharge, IT IS ORDERED:

1. The debtor is released from all personal liability for debts existing on the date of commencement of this case, or deemed to have existed on such date pursuant to §348(d) of the Bankruptcy Code (Title 11, United States Code).

2. Any existing judgment or any judgment which may be obtained in any court with respect to debts described in paragraph 1 is null and void as a determination of personal liability of the debtor, except:

   a. Debts determined nondischargeable by the Bankruptcy Court pursuant to §523(a)(2), (4), and (6) of the Bankruptcy Code; and
   b. Debts which are nondischargeable pursuant to §523(1), (3), (5), (7), (8), and (9) of the Bankruptcy Code.

3. This order does not affect any pending complaint to have a debt declared nondischargeable pursuant to §523(a)(2), (4), and (6) of the Bankruptcy Code, nor does it prohibit filing of a complaint under §523(a)(1), (3), (5), (7), (8), and (9) of the Bankruptcy Code.

4. All creditors are prohibited from attempting to collect any debt that has been discharged in this case.

5. By virtue of §525 of the Bankruptcy Code, no government unit or private employer may terminate the employment of or discriminate with respect to employment against the debtor solely because relief was sought in the Bankruptcy Court.

For The Court

DATED: NOV 06 1990 BARBARA A. EVERLY, BANKRUPTCY CLERK

Copies mailed to all creditors and parties in interest on date shown above

NOV - 7 1990