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DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

EWV

PREPARED BY AND RETURN TO: David R. Elkin, 315 East 5th Street, Suite 5, Des Moines, Iowa 50309 515-244-3188

Space above this line for Recorder

AFFIDAVIT

STATE OF IOWA)
) ss.
COUNTY OF POLK)

I, David R. Elkin, being first duly sworn, hereby depose and state that I am an attorney licensed to practice and practicing in the State of Iowa; that I have examined the docket and records in the case of In re Roxanna Marie Drees, Case No. 21010 now on file in the United States Bankruptcy Court for the Middle District of Florida; that based thereon, I can state that the said Debtor filed her Chapter 7 Petition on October 28, 2004; that Stephen L. Meininger was appointed as Trustee therein on or about November 1, 2004; that the real property described hereinbelow was listed by the Debtor as an asset on the appropriate schedule; that a Motion for Relief from Stay was filed on behalf of Select Portfolio Servicing, Inc. (f/k/a Fairbanks Capital Corp.) on November 12, 2004; that proper notice thereof was given; that an Order Granting Motion for Relief from Stay was entered on behalf of Select Portfolio Servicing, Inc. (f/k/a Fairbanks Capital Corp.) on December 13, 2004; that no notice of appeal, application to extend time for appeal, or motion to stay was filed therein; and that copies of supporting documents from said bankruptcy proceedings are attached hereto in support of the statements contained herein.

This Affidavit is given to clear any apparent cloud upon the title to the following described real property, to wit:

Lot three (3) of Lynch's subdivision of part of the NW ¼ of the SW ¼ of Section 16, T89N, R5W of the fifth P.M., Delaware County, Iowa according to plat recorded in book 4 plats, page 9

Dated this 8th day of April, 2005.

David R. Elkin

STATE OF IOWA, COUNTY OF POLK, ss:

On this 8th day of April, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared David R. Elkin to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Notary Public in and for said State

NOTARIAL SEAL IOWA
KAREN A. MARTENS
COMMISSION NO. 717439
MY COMMISSION EXPIRES
JULY 12, 2005

(Official Form 1) (12/03)

FORM B1

United States Bankruptcy Court
Middle District of Florida

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle)	Name of Joint Debtor (Spouse) (Last, First, Middle)
Drees, Roxanna Marie	
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names)	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names)
Last four digits of Soc Sec No / Complete EIN or other Tax I D No (if more than one, state all) [redacted]	Last four digits of Soc Sec No / Complete EIN or other Tax I D No (if more than one, state all)
Street Address of Debtor (No & Street, City, State & Zip Code) **2944 Oxford Avenue Lakeland, FL 33803**	Street Address of Joint Debtor (No & Street, City, State & Zip Code)
County of Residence or of the Principal Place of Business **Polk**	County of Residence or of the Principal Place of Business
Mailing Address of Debtor (if different from street address)	Mailing Address of Joint Debtor (if different from street address)
Location of Principal Assets of Business Debtor (if different from street address above)	

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ■ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District

Type of Debtor (Check all boxes that apply)

- ■ Individual(s)
- ☐ Corporation
- ☐ Partnership
- ☐ Other_____
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ■ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Sec 304 - Case ancillary to foreign proceeding

Nature of Debts (Check one box)

- ■ Consumer/Non-Business
- ☐ Business

Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U S C § 101
- ☐ Debtor is and elects to be considered a small business under 11 U S C § 1121(e) (Optional)

Filing Fee (Check one box)

- ■ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments Rule 1006(b) See Official Form No 3

Statistical/Administrative Information (Estimates only)

- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors
- ■ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors

THIS SPACE IS FOR COURT USE ONLY

FILED VIA MAIL
OCT 28 2004
Clerk, United States Bankruptcy Court

Estimated Number of Creditors

1-15	16-49	50-99	100-199	200-999	1000-over
■	☐	☐	☐	☐	☐

Estimated Assets

$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
☐	☐	■	☐	☐	☐	☐	☐

Estimated Debts

$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
☐	☐	■	☐	☐	☐	☐	☐

(Official Form 1) (12/03)

Voluntary Petition
(This page must be completed and filed in every case)

Name of Debtor(s): **Drees, Roxanna Marie**

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location Where Filed	Case Number	Date Filed
- None -		

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor	Case Number	Date Filed
- None -		
District	**Relationship**	**Judge**

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition

X Roxanna Marie Drees
Signature of Debtor **Roxanna Marie Drees**

X _____
Signature of Joint Debtor

(863) 683-2165
Telephone Number (If not represented by attorney)

X 10 ID 04
Date

Signature of Attorney

X _____
Signature of Attorney for Debtor(s)

Debtor not represented by attorney
Printed Name of Attorney for Debtor(s)

Firm Name

Address

Telephone Number

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition

X _____
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Exhibit A

(To be completed if debtor is required to file periodic reports (e g , forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter

X _____
Signature of Attorney for Debtor(s) Date

Exhibit C

Does the debtor own or have possession of any property that poses a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition

■ No

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U S C § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document

Ron Sjoblom
Printed Name of Bankruptcy Petition Preparer

[redacted]
Social Security Number (Required by 11 U S C § 110(c))

2401 South Florida Avenue
Lakeland, FL 33803
Address

(863) 686-5888 Fax: (863) 687-0677

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person

X Ron Sjoblom
Signature of Bankruptcy Petition Preparer

8/6/04
Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U S C § 110, 18 U S C § 156

UNITED STATES BANKRUPTCY COURT
Middle District of Florida

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on October 28, 2004 .

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):
Roxanna Marie Drees
2944 Oxford Avenue
Lakeland, FL 33803

Case Number:	Social Security/Taxpayer ID Nos.:
8:04-bk-21010-MGW	[redacted]
Attorney for Debtor(s) (name and address): Roxanna Marie Drees 2944 Oxford Avenue Lakeland, FL 33803 Telephone number:	Bankruptcy Trustee (name and address): Stephen L Meininger 711 North Florida Avenue, Ste. 260 Tampa, FL 33602 Telephone number: 813-301-1025

Meeting of Creditors:

Debtor(s) must present Photo ID and acceptable proof of Social Security Number at § 341 meeting.
You are reminded that Local Rule 5073-1 restricts the entry of cellular telephones into the Courthouse.

Date: **December 2, 2004** Time: **8:30 AM**
Location: **501 East Polk St., (Timberlake Annex), ROOM 100-C, Tampa, FL 33602**

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Complaint Objecting to Discharge of the Debtor *or* to Determine Dischargeability of Certain Debts: January 31, 2005

Deadline to Object to Exemptions:
Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Address of the Bankruptcy Clerk's Office:	**For the Court:**
Sam M. Gibbons United States Courthouse 801 North Florida Avenue Suite 727 Tampa, FL 33602 Telephone number: 813-301-5162	Clerk of the Bankruptcy Court: David K Oliveria
Hours Open: Monday - Friday 8:30 AM - 4:00 PM	Date: November 1, 2004

Notice is further given that effective on the date of the Petition, the United States Trustee appointed the above named individual as interim trustee pursuant to 11 USC § 701.

In re **Roxanna Marie Drees**, Debtor

Case No _____

SCHEDULE A. REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community " If the debtor holds no interest in real property, write "None" under "Description and Location of Property '

Do not include interests in executory contracts and unexpired leases on this schedule List them in Schedule G - Executory Contracts and Unexpired Leases

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim (See Schedule D) If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim "

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
Property located at 1876 Honey Creek Road, Manchester, Iowa 52057, Deleware County (Lawsuit/Foreclosure)	**Fee simple**	-	**133,292.00**	**133,691 00**

Sub-Total >	**133,292.00**	(Total of this page
Total >	**133,292.00**	

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

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UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO. 04-21010 MGW
CHAPTER 7 CASE

IN RE:

ROXANNA MARIE DREES

MOTION FOR RELIEF FROM STAY

Debtor(s)
_____/

Pusuant to Local Rule 2002-4, the Court will consider this motion without further notice or hearing unless a party in interest files an objection within 20 days from the date of service of this paper. If you object to the relief requested in this paper, you must file your Objection with the clerk of the court at 801 N. Florida Avenue, Tampa, Florida 33602, and serve a copy on the movant's attorney: Scott R. Weiss, Esquire, 1800 North West 49th Street – Suite 120, Ft. Lauderdale, Florida 33309.

If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief request in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief request.

Movant, **SELECT PORTFOLIO SERVICING, INC.**, by and through its undersigned attorney shows the Court:

1. Movant is a secured creditor of the above styled Debtor(s) and brings this Motion pursuant to the provisions of Section 362(d) of the Bankruptcy Code.

2. The Debtor(s) own(s) certain real property in Delaware County, Florida described as:

LOT THREE (3) OF LYNCH'S SUBDIVISION OF PART OF THE NW1/4 OF THE SW1/4 OF SECTION 16, T89N, R5W OF THE FIFTH P.M. DELAWARE COUNTY, IOWA ACCORDING TO THE PLAT RECORDED IN BOOK 4 PLATS, PAGE 9 WHICH HAS THE APPARENT ADDRESS OF 1876 HONEY CREEK ROAD, MANCHESTER, IOWA 52057

Street Address: 1876 HONEY CREEK RD., MANCHESTER, IOWA 52057

3. Debtor(s) own(s) the above real property subject to a promissory note and mortgage securing same dated January 16, 2002, which note and mortgage are held by Movant. Copies of the note and mortgage and assignment to Movant are attached hereto. (See Exhibit "A" attached).

4. Debtor(s) have not made payment on the subject mortgage since the installment due November 1, 2003 and therefore, the interest of Movant is not being adequately protected.

5. **SELECT PORTFOLIO SERVICING, INC.**, requests, that the ten (10) day stay of the Order Granting Relief pursuant to Bankruptcy Rule 4001 (a)(3) be waived so that it can pursue its in rem remedies without further delay.

6. Award bankruptcy fees and costs of $800.00 for the prosecution of said motion.

WHEREFORE, Movant, **SELECT PORTFOLIO SERVICING, INC,** moves this Court to enter its order granting relief from stay or requiring Debtor(s) to provide adequate protection to Movant, and granting such other relief as to the Court may deem just and proper.

I HEREBY CERTIFY that a true and correct copy of the Motion for Relief From Stay and attachments and Affidavit In Support of Motion For Relief From Stay was delivered to the addressees on the attached mailing list by First Class U. S. Mail postage pre-paid this 11 day of November, 2004.

LAW OFFIC OF MARSHALL C. WATSON, P.A.
1800 NORTH WEST 49th STREET
SUITE #120
FORT LAUDERDALE, FLORIDA 33309
Telephone: (954) 331-6306
Fax: (954) 689-3517

BY:_____
SCOTT R. WEISS, ESQ.
Florida Bar No.710910

04-07733

MAILING LIST:

ROSANNA MARIE DREES – PRO-SE
2944 OXFORD AVENUE
LAKELAND, FL 33803

DALE DREES
1876 HONEY CREEK RD.
MANCHESTER, IOWA 52057

STEPHEN L. MEININGER, TRUSTEE
711 NORTH FLORIDA AVENUE, STE 260
TAMPA, FL 33602

UNITED STATES TRUSTEE – TPA 7
TIMERLAKE ANNEX, SUITE 1200
501 E. POLK STREET
TAMPA, FL 33602

04-07733

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NUMBER: 04-07733 - MGW
CHAPTER 7 CASE

IN RE:

ROXANNA MARIE DREES

Debtor(s)
_____/

STATE OF **MINNESOTA**

COUNTY OF **DAKOTA**

AFFIDAVIT IN SUPPORT OF MOTION FOR RELIEF FROM STAY

BEFORE ME, the undersigned authority, on this day personally appeared **DAN ARNTESON**, who is over the age of eighteen years, is fully qualified and authorized to give this Affidavit and has personal knowledge of the matters addressed herein. After being by me duly sworn on her/his oath deposed and stated:

1. "My name is **DAN ARNTESON**. I am a **Bankruptcy Manager for Fidelity National Foreclosure and Bankruptcy Solutions**, which services the loan for **SELECT PORTFOLIO SERVICING, INC.,** . I am the custodian of the bankruptcy books and records for **SELECT PORTFOLIO SERVICING, INC.,** with regard to **ROXANNA MARIE DREES** loan with **SELECT PORTFLIO SERVICING., INC.** In the course of my employment, I have become familiar with the manner and method in which **SELECT PORTFLIO SERVICING, INC.** maintains its books and records in its regular course of business. Those books and records are managed by employees and agents whose duty is to keep the books and records accurately and completely and to record each event or item at or near the time of the event or item so noted.

2. I have reviewed the books and records which reveal that which **SELECT PORTFLIO SERVICING, INC.,** is the owner and holder of a real estate Note ("Note") which is

secured by a Deed of Trust of even date executed by **ROXANNA MARIE DREES,** on or about **January 16, 2002.**

True and correct copy of Mortgage and Note are attached hereto as Exhibit "A" and incorporated herein for all purposes. Debtor is in default on **Thirteen(13)** monthly mortgage payments of **$1,050.02 each**, plus **$80.00** in accumulated late charges. As of the date Movant's Motion was filed, the approximate payoff amount owed by Debtors to **SELECT PORTFLIO SERVICING, INC.,** was **$133,292.14**. This sum includes principal balance only.

3. **SELECT PORTFLIO SERVICING, INC** has had to retain Counsel to represent it before this Court and is incurring legal expenses and attorneys' fees of at least **$800.00** for handling the Motion for Relief from Stay for which it is entitled to reimbursement under the terms of the Note.

4. The foregoing facts are of my own personal knowledge and belief, and if called upon to appear as a witness, I could, and would, testify competently thereto. "I declare under penalty of perjury that to the best of my knowledge, the foregoing facts are true and correct."

FURTHER AFFIANT SAYETH NAUGHT.

Dan Arntsen

Affiant

Sworn to and subscribed before me this

9 day of November, 2004.

NOTARY PUBLIC, State of MINNESOTA

Commissioned Name of Notary Public

Personally known X or produced identification

Type of Identification Produced

KAREN L. FROGGATTE
NOTARY PUBLIC MINNESOTA
MY COMMISSION
EXPIRES JAN. 31, 2007

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO. 04-21010 MGW
CHAPTER 7 CASE

IN RE:

ROXANNA MARIE DREES

AMENDED MOTION FOR RELIEF FROM STAY
(To correct Address – County)

Debtor(s)
_____/

Pusuant to Local Rule 2002-4, the Court will consider this motion without further notice or hearing unless a party in interest files an objection within 20 days from the date of service of this paper. If you object to the relief requested in this paper, you must file your Objection with the clerk of the court at 801 N. Florida Avenue, Tampa, Florida 33602, and serve a copy on the movant's attorney: Scott R. Weiss, Esquire, 1800 North West 49th Street – Suite 120, Ft. Lauderdale, Florida 33309.

If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief request in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief request.

Movant, **SELECT PORTFOLIO SERVICING, INC.,** by and through its undersigned attorney shows the Court:

1. Movant is a secured creditor of the above styled Debtor(s) and brings this Motion pursuant to the provisions of Section 362(d) of the Bankruptcy Code.

2. The Debtor(s) own(s) certain real property in Delaware County, Iowa described as:

LOT THREE (3) OF LYNCH'S SUBDIVISION OF PART OF THE NW1/4 OF THE SW1/4 OF SECTION 16, T89N, R5W OF THE FIFTH P.M. DELAWARE COUNTY, IOWA ACCORDING TO THE PLAT RECORDED IN BOOK 4 PLATS, PAGE 9 WHICH HAS THE APPARENT ADDRESS OF 1876 HONEY CREEK ROAD, MANCHESTER, IOWA 52057

Street Address: 1876 HONEY CREEK RD., MANCHESTER, IOWA 52057

3. Debtor(s) own(s) the above real property subject to a promissory note and mortgage securing same dated January 16, 2002, which note and mortgage are held by Movant. Copies of the note and mortgage and assignment to Movant are attached hereto. (See Exhibit "A" attached).

4. Debtor(s) have not made payment on the subject mortgage since the installment due November 1, 2003 and therefore, the interest of Movant is not being adequately protected.

5. **SELECT PORTFOLIO SERVICING, INC.**, requests, that the ten (10) day stay of the Order Granting Relief pursuant to Bankruptcy Rule 4001 (a)(3) be waived so that it can pursue its in rem remedies without further delay.

6. Award bankruptcy fees and costs of $800.00 for the prosecution of said motion.

WHEREFORE, Movant, **SELECT PORTFOLIO SERVICING, INC,** moves this Court to enter its order granting relief from stay or requiring Debtor(s) to provide adequate protection to Movant, and granting such other relief as to the Court may deem just and proper.

I HEREBY CERTIFY that a true and correct copy of the Motion for Relief From Stay and attachments and Affidavit In Support of Motion For Relief From Stay was delivered to the addressees on the attached mailing list by First Class U. S. Mail postage pre-paid this 15 day of November, 2004.

LAW OFFIC OF MARSHALL C. WATSON, P.A.
1800 NORTH WEST 49th STREET
SUITE #120
FORT LAUDERDALE, FLORIDA 33309
Telephone: (954) 331-6306
Fax: (954) 689-3517

BY: _____
SCOTT R. WEISS, ESQ.
for Florida Bar No.710910 0082568

04-07733

MAILING LIST:

ROSANNA MARIE DREES – PRO-SE
2944 OXFORD AVENUE
LAKELAND, FL 33803

DALE DREES
1876 HONEY CREEK RD.
MANCHESTER, IOWA 52057

STEPHEN L. MEININGER, TRUSTEE
711 NORTH FLORIDA AVENUE, STE 260
TAMPA, FL 33602

UNITED STATES TRUSTEE – TPA 7
TIMERLAKE ANNEX, SUITE 1200
501 E. POLK STREET
TAMPA, FL 33602

04-07733

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NUMBER: 04-07733 - MGW
CHAPTER 7 CASE

IN RE:

ROXANNA MARIE DREES

Debtor(s)
_____/

STATE OF **MINNESOTA**

COUNTY OF **DAKOTA**

AFFIDAVIT IN SUPPORT OF MOTION FOR RELIEF FROM STAY

BEFORE ME, the undersigned authority, on this day personally appeared **DAN ARNTESON**, who is over the age of eighteen years, is fully qualified and authorized to give this Affidavit and has personal knowledge of the matters addressed herein. After being by me duly sworn on her/his oath deposed and stated:

1. "My name is **DAN ARNTESON**. I am a **Bankruptcy Manager for Fidelity National Foreclosure and Bankruptcy Solutions**, which services the loan for **SELECT PORTFOLIO SERVICING, INC.,** . I am the custodian of the bankruptcy books and records for **SELECT PORTFOLIO SERVICING, INC.,** with regard to **ROXANNA MARIE DREES** loan with **SELECT PORTFLIO SERVICING., INC.** In the course of my employment, I have become familiar with the manner and method in which **SELECT PORTFLIO SERVICING, INC.** maintains its books and records in its regular course of business. Those books and records are managed by employees and agents whose duty is to keep the books and records accurately and completely and to record each event or item at or near the time of the event or item so noted.

2. I have reviewed the books and records which reveal that which **SELECT PORTFLIO SERVICING, INC.,** is the owner and holder of a real estate Note ("Note") which is

secured by a Deed of Trust of even date executed by **ROXANNA MARIE DREES,** on or about **January 16, 2002.**

True and correct copy of Mortgage and Note are attached hereto as Exhibit "A" and incorporated herein for all purposes. Debtor is in default on **Thirteen(13)** monthly mortgage payments of **$1,050.02 each**, plus **$80.00** in accumulated late charges. As of the date Movant's Motion was filed, the approximate payoff amount owed by Debtors to **SELECT PORTFLIO SERVICING, INC.**, was **$133,292.14**. This sum includes principal balance only.

3. **SELECT PORTFLIO SERVICING, INC** has had to retain Counsel to represent it before this Court and is incurring legal expenses and attorneys' fees of at least **$800.00** for handling the Motion for Relief from Stay for which it is entitled to reimbursement under the terms of the Note.

4. The foregoing facts are of my own personal knowledge and belief, and if called upon to appear as a witness, I could, and would, testify competently thereto. "I declare under penalty of perjury that to the best of my knowledge, the foregoing facts are true and correct."

FURTHER AFFIANT SAYETH NAUGHT.

Dan Arntsen

Affiant

Sworn to and subscribed before me this

9 day of November, 2004.

NOTARY PUBLIC, State of MINNESOTA

Commissioned Name of Notary Public

Personally known X or produced identification

Type of Identification Produced

KAREN L. FROGGATTE
NOTARY PUBLIC MINNESOTA
MY COMMISSION
EXPIRES JAN. 31, 2007

UNITED STATES BA NKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO. 04-21010 MGW
CHAPTER 7 CASE

IN RE:

ROXANNA MARIE DREES

ORDER GRANTING MODIFICATION OF STAY

Debtor(s)
_____/

THIS CASE was considered by the Bankruptcy Court upon Motion for Relief from Stay filed by **SELECT PORTFOLIO SERVICING, INC.**, on November 15, 2004 under local rule 2002-4. The Court finding that no responses have been filed and otherwise considered said Motion and being more fully advised in the premises, it is

1. ORDERED AND ADJUDGED that the Motion for Relief from Stay be, and it is hereby, granted so that **SELECT PORTFOLIO SERVICING, INC.**, may file and complete an action in State Court for foreclosure of its mortgage encumbering the property described as:

LOT THREE (3) OF LYNCH'S SUBDIVISION OF PART OF THE NW1/4 OF THE SW1/4 OF SECTION 16, T89N, R5W OF THE FIFTH P.M. DELAWARE COUNTY, IOWA ACCORDING TO THE PLAT RECORDED IN BOOK 4 PLATS, PAGE 9 WHICH HAS THE APPARENT ADDRESS OF 1876 HONEY CREEK ROAD, MANCHESTER, IOWA 52057
Street Address: 1876 HONEY CREEK RD., MANCHESTER, IOWA 52057

2. It is further ORDERED, ADJUDGED AND DECREED that the Order Granting Relief from Automatic Stay be and is hereby entered for the sole purpose of allowing movant to obtain an in rem judgment against the property and any other remedies the movant may have under applicable non-bankruptcy law; provided, that the movant shall not seek or obtain an in personam judgment against the debtor.

DONE AND ORDERED at TAMPA, Florida, this 13 day of Dec., 2004

MICHAEL G. WILLIAMSON
United States Bankruptcy Judge

04-07733

Copies furnished to:

LAW OFFICES OF MARSHALL C. WATSON, P.A.
1800 NORTH WEST 49TH STREET, STE #120
FORT LAUDERDALE, FLORIDA 33309
ATTN: SCOTT R. WEISS, ESQ.

ROSANNA MARIE DREES – PRO-SE
2944 OXFORD AVENUE
LAKELAND, FL 33803

DALE DREES
1876 HONEY CREEK RD.
MANCHESTER, IOWA 52057

STEPHEN L. MEININGER, TRUSTEE
711 NORTH FLORIDA AVENUE, STE 260
TAMPA, FL 33602

UNITED STATES TRUSTEE – TPA 7
TIMERLAKE ANNEX, SUITE 1200
501 E. POLK STREET
TAMPA, FL 33602

U.S. Bankruptcy Court
Middle District of Florida (Tampa)
Bankruptcy Petition #: 8:04-bk-21010-MGW

Assigned to: Michael G. Williamson
Chapter 7
Voluntary
Asset

Date Filed: 10/28/2004
Date Discharged: 02/01/2005

Roxanna Marie Drees
2944 Oxford Avenue
Lakeland, FL 33803
SSN: [redacted]
Debtor

represented by **Roxanna Marie Drees**
PRO SE

Stephen L. Meininger
711 North Florida Avenue, Ste. 260
Tampa, FL 33602
813-301-1025
Trustee

represented by **Stephen L Meininger - Trustee's Attorney**
711 North Florida Avenue
Suite 260
Tampa, FL 33602
813-301-1025
Email: SLMeininger@earthlink.net

United States Trustee - TPA7
Timberlake Annex, Suite 1200
501 E. Polk Street
Tampa, FL 33602
813-228-2000
U.S. Trustee

Filing Date	#	Docket Text
10/28/2004	1	Voluntary Petition under Chapter 7. Filing Fee Paid. Disclosure of Compensation, Statement of Intentions. Schedules A - J, Summary of Schedules, Statement of Financial Affairs. Filed by Roxanna Marie Drees . (Luce, Paula) (Entered: 11/01/2004)
10/28/2004	2	Statement of Debtors Social Security Numbers Filed by Debtor Roxanna Marie Drees. (Luce, Paula) (Entered: 11/01/2004)
11/01/2004	3	Notice of Commencement of Case, Section 341 Meeting of Creditors, and Fixing Deadlines. Section 341(a) meeting to be held on 12/2/2004 at 8:30 AM at Tampa, FL (8-62) - Room 100-C, Timberlake Annex, 501 E. Polk Street. Last day to oppose discharge or dischargeability is 1/31/2005. (Luce, Paula) (Entered: 11/01/2004)
11/03/2004	4	BNC Certificate of Mailing - Notice of Meeting of Creditors. (related document(s) (Related Doc # 3)). Service Date 11/03/2004. (Admin.)

		(Entered: 11/04/2004)
11/12/2004	5	Notice of Appearance and Request for Notice Filed by Creditor Select Portfolio Servicing Inc.. (Office of Scott R Weiss,) (Entered: 11/12/2004)
11/12/2004	6	Motion for Relief from Stay. (Fee Paid) Last date to object to the motion is 12/6/04. *20 Days Negative Notice* Filed by Creditor Select Portfolio Servicing Inc. (Office of Scott R Weiss,) Real Property, Delaware County FL Modified on 11/16/2004 (Fisher , Deborah). (Entered: 11/12/2004)
11/12/2004		Receipt of Filing Fee for Motion for Relief From Stay(8:04-bk-21010-MGW) [motion,mrlfsty] (150.00). Receipt Number 3929924, Amount Paid $ 150.00 (U.S. Treasury) (Entered: 11/12/2004)
11/15/2004	7	Amended Motion for Relief from Stay. Filing Fee Not Paid or Not Required. Last date to object to the motion is 12/8/04. *(to correct -Address-County)* Filed by Creditor Select Portfolio Servicing Inc. (related document(s)6). (Office of Scott R Weiss,) (Entered: 11/15/2004)
12/03/2004		341 Meeting of Creditors Held and Concluded (Meininger, Stephen) (Entered: 12/03/2004)
12/13/2004	8	Order Granting Motion For Relief From Stay *to Select Portfolio Servicing* (Related Doc # 7) Signed on 12/13/2004. (Fisher, Deborah) (Entered: 12/13/2004)
12/15/2004	9	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # 8)). Service Date 12/15/2004. (Admin.) (Entered: 12/16/2004)
12/16/2004	10	Application to Employ Stephen L. Meininger, P.A. as Attorney For The Trustee Filed by Stephen L Meininger. (Meininger, Stephen) (Entered: 12/16/2004)
12/21/2004	11	Order Approving Application to Employ *attorney for trustee* (Related Doc # 10). Signed on 12/21/2004. (Fisher, Deborah) (Entered: 12/21/2004)
12/23/2004	12	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # 11)). Service Date 12/23/2004. (Admin.) (Entered: 12/24/2004)
12/28/2004	13	Objection to Debtor's Claim of Exemptions. Filed by Stephen L Meininger. (Meininger, Stephen) (Entered: 12/28/2004)
12/29/2004	14	Order Directing Response Re: *Obj. to Exemptions* (related document(s)13). Signed on 12/29/2004 (Fisher, Deborah) (Entered: 12/29/2004)
12/31/2004	15	BNC Certificate of Mailing - Order Directing Response. (related document(s)

		(Related Doc # 14)). Service Date 12/31/2004. (Admin.) (Entered: 01/01/2005)
02/01/2005	16	Order Sustaining Objection to Debtor's Claim of Exemptions (Related Doc # 13). Signed on 2/1/2005. (Fisher, Deborah) (Entered: 02/01/2005)
02/01/2005	17	Discharge of Debtor. Signed on 2/1/2005 (Fisher, Deborah) (Entered: 02/01/2005)
02/03/2005	18	BNC Certificate of Mailing - Order of Discharge. (related document(s) (Related Doc # 17)). Service Date 02/03/2005. (Admin.) (Entered: 02/04/2005)
02/03/2005	19	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # 16)). Service Date 02/03/2005. (Admin.) (Entered: 02/04/2005)
03/28/2005		The Trustee hereby gives notice of recovery of assets in the instant bankruptcy case. The Trustee respectfully requests that the Clerk of the Bankruptcy Court set a claims bar date and give notice of need to file proofs of claims to all creditors and parties in interest. Filed by Stephen L. Meininger. (Meininger, Stephen) (Entered: 03/28/2005)
03/28/2005	20	Notice of the Deadline to file Proofs of Claim, served upon all creditors and parties in interest. Proofs of Claims due by 6/30/2005. (Trester, Susan) (Entered: 03/28/2005)
03/30/2005	21	BNC Certificate of Mailing - Notice to Creditors and Parties in Interest (related document(s) (Related Doc # 20)). Service Date 03/30/2005. (Admin.) (Entered: 03/31/2005)
04/01/2005	22	Report and Notice of Intention to *Sell Property Of The Estate "As Is, In Its Present Condition"* Filed by Stephen L. Meininger. (Meininger, Stephen) (Entered: 04/01/2005)
04/04/2005	23	Certificate of Mailing via Bankruptcy Noticing Center *re: Notice of Intention to Sell Property* (related document(s)22). (Fisher, Deborah) (Entered: 04/04/2005)

PACER Service Center		
Transaction Receipt		
04/05/2005 21:16:10		
PACER		**Client**

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