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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

& RETURN TO
Prepared by Timothy T. Schloss, Attorney at Law, p.o. box 560, Strawberry Point, IA 52076
(563) 933-2029

AFFIDAVIT IN SUPPORT OF
ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE PROCEDURE
Iowa Code Section 654.18

STATE OF IOWA, CLAYTON COUNTY, ss:

I, Mark White, first being duly sworn (or affirmed), upon oath depose and state:

1. Carl Steven Kriesler is the Mortgagor and Farmers Savings Bank is Mortgagee under a real estate mortgage dated October 24, 2002, and recorded in the office of the County Recorder of Delaware County, Iowa, on October 28, 2002, in Book 2002, Page 3960. Farmers Savings Bank is the holder of the real estate mortgage. The real estate mortgage is a lien on the following described real estate situated in Delaware County, Iowa:

> Lot Nine (9), Block Two (2), Colesburg, Iowa, according to the Corrected and Amended Plat of the Incorporated Town of Colesburg, Iowa, recorded in Book 1 Plats, Pages 73-86.

2. Mortgagor is now in default under the terms of the real estate mortgage and the obligations it secures.

3. Mortgagor and Mortgagee have agreed to use the alternative nonjudicial voluntary foreclosure procedure in Iowa Code Section 654.18 with respect to the real estate mortgage.

4. My relationship to this transaction appears from the AGREEMENT TO USE ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE PROCEDURE (with the DISCLOSURE AND NOTICE OF CANCELLATION which was attached thereto and a part thereof) and the NOTICE TO POSSIBLE LIENHOLDERS OF ELECTION TO USE ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE PROCEDURE, which are attached hereto and made a part hereof. By reason of this relationship the facts stated herein are within my personal knowledge.

5. The Notice was served on all possible junior lienholders of liens against the real estate as follows:

Person Served	Status	Manner of Service	Time (Date) When Served	Place Where Served
Fred Phelps	Judgment Creditor	Certified Mail	February 21, 2007	221 Main Colesburg, IA 52035
FIA Card Services NA S/I/I MBNA America Bank NA %Brent Papendick	Judgment Creditor	Certified Mail	February 21, 2007	425 2nd Ave. SE, Suite 610 Cedar Rapids, IA 52402

6. Where the manner of service was by mail, the Notice was mailed by certified mail, addressed to the persons at their respective last known addresses which are shown above under "Place Where Served", and the Notice was mailed from the City of Strawberry Point, Iowa.

7. There is no other person (a) who is a junior lienholder of record, or (b) who is entitled to notice.

8. More than thirty days have passed since the service of the Notice. None of the junior lienholders of liens against the real estate have redeemed the real estate from Farmers Savings Bank, which is the holder of the real estate mortgage.

9. None of said persons were at the time the Notice was served upon them, or at the time of making this affidavit, in the military services or armed forces of the United States Government. None of said persons are in any way entitled to any rights under the Servicemembers Civil Relief Act or similar act or acts amendatory thereof or supplementary thereto. None of said persons are under any legal disability or prisoner in any reformatory or penitentiary.

10. This affidavit is made as supporting proof, record and notice that the real estate mortgage has now been duly foreclosed; that Mortgagee, Farmers Savings Bank, has succeeded to all interests of Mortgagor in the real estate; and that title to the real estate has now vested in Mortgagee, Farmers Savings Bank.

Mark G. White
Mark White

Subscribed in my presence and sworn to (or affirmed) by said Mark White on this 26th day of March, 2007.

Linda Lou Clemen
Notary Public in and for the
State of Iowa.



Prepared by: Timothy T. Schloss, 118 W Mission, Strawberry Point, IA 52076 (319) 933-2029

STATEMENT OF ELECTION TO USE
ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE PROCEDURE
Iowa Code Section 654.18

TO WHOM IT JUNE CONCERN:

1. Carl Steven Kriesler is the mortgagor and Farmers Savings Bank is the mortgagee under a real estate mortgage dated October 24, 2002, and recorded in the office of the County Recorder of Delaware County, Iowa, on October 28, 2002, in Book 2002, Page 3960. Farmers Savings Bank is the holder of the real estate mortgage. The real estate mortgage is a lien on the following described real estate situated in Delaware County, Iowa:

> Lot Nine (9), Block Two (2), Colesburg, Iowa, according to the Corrected and Amended Plat of the Incorporated Town of Colesburg, Iowa, recorded in Book 1 Plats, Pages 73-86.

2. The undersigned Carl Steven Kriesler and the undersigned Farmers Savings Bank hereby elect to follow the alternative nonjudicial voluntary foreclosure procedures in Iowa Code Section 654.18 with respect to the real estate mortgage.

3. Words and phrases herein, including acknowledgments hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Carl Steven Kriesler

FARMERS SAVINGS BANK, Mortgagee

BY: Mark E. White, Pres.
Mark White, President

BY: Jolene Niehaus, Cashier
Jolene Nieuhaus, Cashier

STATE OF IOWA, DELAWARE COUNTY, ss:

On this 31st of January, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Carl Steven Kriesler, single, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

NOTARIAL SEAL IOWA — MARK E. WHITE COMMISSION NUMBER 740211 My Comm. Exp. 4-14-07

Mark E. White
Notary Public in and for the
State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

On this 31st day of January, 2007, before me the undersigned, a Notary Public in and for said State, personally appeared Mark White and Jolene Niehaus, to me personally known, who, being by me duly sworn, did say that they are the President and Cashier of Farmers Savings Bank, a corporation; That the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that said Mark White and Jolene Niehaus, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

NOTARIAL SEAL IOWA — JEANETTE K. THEIN COMMISSION NUMBER 139384 My Comm. Exp. 5-1-07

Jeanette K. Thein
Notary Public in and for the
State of Iowa.

Prepared by: Timothy T. Schloss, 118 W Mission, Strawberry Point, IA 52076 (319) 933-2029

AGREEMENT TO USE
ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE PROCEDURE
Iowa Code Section 654.18

IT IS AGREED on this 31st of January, 2007, by and between Farmers Savings Bank, Mortgagee, and Carl Steven Kriesler, Mortgagor:

1. Carl Steven Kriesler is the mortgagor and Farmers Savinvgs Bank is the mortgagee under a real estate mortgage dated October 24, 2002, and recorded in the office of the County Recorder of Delaware County, Iowa, on October 28, 2002, in Book 2002, Page 3960. Farmers Savings Bank is the holder of the real estate mortgage. The real estate mortgage is a lien on the following described real estate situated in Delaware County County, Iowa:

> Lot Nine (9), Block Two (2), Colesburg, Iowa, according to the Corrected and Amended Plat of the Incorporated Town of Colesburg, Iowa, recorded in Book 1 Plats, Pages 73-86.

2. Carl Steven Kriesler, Mortgagor, is now in default under the terms of the real estate mortgage and the obligations it secures. The default consists of nonpayment.

3. Carl Steven Kriesler, Mortgagor and the Mortgagee want to use the alternative nonjudicial voluntary sale procedure pursuant to Iowa Code Section 654.18 for the real estate mortgage.

4. IT IS THEREFORE AGREED, in consideration of the mutual covenants herein, that the real estate mortgage dated October 24, 2002, shall be foreclosed by performance of the procedures in Iowa Code Section 654.18; and that Mortgagor shall execute and deliver the documents necessary to accomplish the procedures and foreclosure. Provided, however, Mortgagee does not waive its right to judicially foreclose the real estate mortgage as to any party other than Mortgagor if Mortgagee deems it necessary in order to render Mortgagee's title in the real estate marketable in the light of alleged or possible interests of any such other party in the real estate.

5. Words and phrases herein, including acknowledgments hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

FARMERS SAVINGS BANK, Mortgagee

Carl Steven Kriesler

By Mark E. White Pres.
Mark White, President

BY Jolene Niehaus, Cashier
Jolene Niehaus, Cashier

STATE OF IOWA)
) SS
DELAWARE COUNTY)

On this 31st day of January, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Carl Steven Kriesler, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

NOTARIAL SEAL IOWA
MARK E. WHITE
COMMISSION NUMBER 740211
My Comm. Exp. 4-14-09

Mark E. White
Notary Public in and for the
State of Iowa.

STATE OF IOWA)
) SS
DELAWARE COUNTY)

On this 31st day of January, 2007, before me the undersigned, a Notary Public in and for said State, personally appeared Mark White and Jolene Niehaus, to me personally known, who, being by me duly sworn, did say that they are President and Cashier of Farmers Savings Bank, a corporation; the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that said President and Cashier, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

NOTARIAL SEAL IOWA
JEANETTE K. THEIN
COMMISSION NUMBER 139384
My Comm. Exp. 5-1-07

Jeanette K. Thein
Notary Public in and for the
State of Iowa.

Attach DISCLOSURE AND NOTICE OF CANCELLATION hereto.

Timothy T. Schloss ISBA #0004861

AFFIDAVIT OF MAILING NOTICE*

STATE OF IOWA,
COUNTY OF CLAYTON, ss.

The undersigned first being duly sworn (or affirmed), states that on the 20th day of February, 2007, she personally mailed to each of the following named person a Notice (a true copy of which Notice is attached hereto and made a part thereof)* Notice by certified mail, each such notice together with other enclosures is so indicated above, being mailed in a sealed envelope with proper postage thereon, addressed to the said persons respectively, at their last know Post Office addresses, by depositing the same on said date in the United States Post Office mail receptacle in said County, to-wit:

Fred Phelps
221 Main
Colesburg, Iowa 52035

FIA Card Services NA S/I/I
MBNA America Bank NA
c/o Brnet Papendick
425 2nd Street SE, Suite 610
Cedar Rapids, Iowa 52401

(If return receipts are required so state and attach).

Valerie N. Paris (Affiant)

Subscribed and sworn to (or affirmed) before me this 28th day of March, 2007.

Timothy T. Schloss, Notary Public in and for said State.

NOTARIAL SEAL IOWA
TIMOTHY T. SCHLOSS
COMMISSION # 112102
MY COMMISSION EXPIRES
11/9/2008

7002 3150 0005 5468 8824

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

Postage	$
Certified Fee	
Return Reciept Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	1.64
Total Postage & Fees	$ 4.64

Postmark Here

Sent To: FIA C/o Brent Papendick
Street, Apt. No.; or PO Box No. 425 2nd Ave. Suite 610
City, State, ZIP+4 Cedar Rapids, Ia 52401

PS Form 3800, June 2002 — See Reverse for Instructions.

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FIA CARD SERVICES NA S/I/I
MBNA AMERICA BANK NA
C/O BRENT PAPENDICK
425 2ND ~~AVENUE~~ SE, SUITE 610
CEDAR RAPIDS, IA ~~52402~~
STREET 52401

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Justine Whitaker ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* JWhitaker — C. Date of Delivery 7-7-10

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7002 3150 0005 5468 8824

PS Form 3811, August 2001 — Domestic Return Receipt — 102595-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.64

Postmark Here

Sent To: Fred Phelps
Street, Apt. No.; or PO Box No.: 221 Main
City, State, ZIP+4: Coleburg, Ia 52035

PS Form 3800, June 2002 — See Reverse for Instructions

7005 1820 0005 1551 4644

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Fred Phelps
221 Main
Coleburg, Ia 52035

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Fred Phelps ☐ Agent ☐ Addressee

B. Received by (Printed Name): Fred Phelps
C. Date of Delivery: 2-24-07

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

X PO box 266

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. A
(T

PS F

102595-02-M-1540

February 14, 2007

To: Fred Phelps
221 Main
Colesburg, Iowa 52035

COPY

You are hereby notified that the Mortgagor under a certain real estate mortgage dated October 24, 2002, filed October 28, 2002 in the Office of the Recorder of Delaware County, Iowa, in Book 2002, Page 3960 of the following described real estate situated in Clayton County, Iowa, to-wit:

Lot Nine (9), Block Two (2), Colesburg, Iowa, according to the Corrected and Amended Plat of the Incorporated Town of Colesburg, Iowa, recorded in Book 1 Plats, pages 73-86

Is now in default under the terms of the Mortgage and the obligation it secures, and that said Mortgagor has agreed with the undersigned, which is the holder of said Mortgage, to utilize alternative nonjudicial voluntary foreclosure procedure pursuant to Iowa Code Section 654.16.

You are further notified that, as a possible holder of a junior lien against the above described real estate, which you may hold by virtue of a Judgment, you have thirty (30) days from the date of mailing of this notice to you in which to exercise any right of redemption you may have with respect to the real estate. You may exercise any such right of redemption by payment to the undersigned, at Farmers Savings Bank, 205 Main Street, Colesburg, Iowa 52035. Of the amount of the debt secured by the above described Mortgage at the time of your redemption, which debt as of January 18, 2007 totals $64,439.70 plus per diem of $16.28, plus any future advancements by the undersigned made and secured in accordance with the terms of the Mortgage, and any protective advancements made by the undersigned pursuant to the Iowa Code Chapter 629.

Farmers Savings Bank

By:_____
Mark White
Title: President

February 14, 2007

To: FIA Card Services NA S/I/I
MBNA America Bank NA
c/o Brent Papendick
425 2nd Avenue SE, Suite 610
Cedar Rapids, Iowa 52402

You are hereby notified that the Mortgagor under a certain real estate mortgage dated October 24, 2002, filed October 28, 2002 in the Office of the Recorder of Delaware County, Iowa, in Book 2002, Page 3960 of the following described real estate situated in Clayton County, Iowa, to-wit:

Lot Nine (9), Block Two (2), Colesburg, Iowa, according to the Corrected and Amended Plat of the Incorporated Town of Colesburg, Iowa, recorded in Book 1 Plats, pages 73-86

Is now in default under the terms of the Mortgage and the obligation it secures, and that said Mortgagor has agreed with the undersigned, which is the holder of said Mortgage, to utilize alternative nonjudicial voluntary foreclosure procedure pursuant to Iowa Code Section 654.16.

You are further notified that, as a possible holder of a junior lien against the above described real estate, which you may hold by virtue of a Judgment, you have thirty (30) days from the date of mailing of this notice to you in which to exercise any right of redemption you may have with respect to the real estate. You may exercise any such right of redemption by payment to the undersigned, at Farmers Savings Bank, 205 Main Street, Colesburg, Iowa 52035. Of the amount of the debt secured by the above described Mortgage at the time of your redemption, which debt as of January 18, 2007 totals $64,439.70 plus per diem of $16.28, plus any future advancements by the undersigned made and secured in accordance with the terms of the Mortgage, and any protective advancements made by the undersigned pursuant to the Iowa Code Chapter 629.

Farmers Savings Bank

By:_____
Mark White
Title: President

Prepared by: Timothy T. Schloss, 118 W Mission, Strawberry Point, IA 52076 (563) 933-2029

DISCLOSURE AND NOTICE
OF CANCELLATION
January 31st, 2007

Under a forced foreclosure Iowa law requires that you have the right to reclaim your property within one year of the date of the foreclosure and that you may continue to occupy your property during that time. If you agree to a voluntary foreclosure under this procedure you will be giving up your right to reclaim or occupy your property.

Under a forced foreclosure, if your mortgage lender does not receive enough money to cover what you owe when the property is sold, you will still be required to pay the difference. If your mortgage lender receives more money than you owe, the difference must be paid to you. If you agree to a voluntary foreclosure under this procedure you will not have to pay the amount of your debt not covered by the sale of your property but you also will not be paid any extra money, if any, over the amount you owe.

NOTE: There may be other advantages and disadvantages, including an effect on your income tax liability, to you depending on whether you agree or do not agree to a voluntary foreclosure. If you have any questions or doubts, you are advised to discuss them with your mortgage lender or an attorney.

You may cancel this transaction, without penalty or obligation, within five business days from the above date.

This transaction is entirely voluntary. You cannot be required to sign the attached foreclosure agreement.

This voluntary foreclosure agreement will become final unless you sign and deliver or mail this notice of cancellation to FARMERS SAVINGS BANK before midnight of January 31st, 2007.

I HEREBY CANCEL THIS TRANSACTION.

_____ _____
DATE **SIGNATURE**

_____ _____
DATE **SIGNATURE**

Must be ten point boldface type.

ACKNOWLEDGE RECEIPT

I/We hereby acknowledge(s) receipt of two copies of this Disclosure and Notice of Cancellation on this 31st day of January, 2007.

Carl Steven Kriesler