Book 2009 Page 696
Document 2009 696 Type 06 010 Pages 16
Date 2/23/2009 Time 9:00:45AM
Rec Amt $82.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by: Larry L. Anfinson, Anfinson & Luce, P.L.C., 726 W. 4th Street, Waterloo, IA 50702 (319) 235-9507
Env. ⊗ **After recording, return to: Anfinson & Luce, P.L.C., 726 W. 4th Street, Waterloo, IA 50702**

AFFIDAVIT

STATE OF IOWA)
) ss.
COUNTY OF BLACK HAWK)

I, Larry L. Anfinson, being first duly sworn, do depose and state on oath as follows:

1. That I am an attorney licensed to practice law in the state of Iowa;

2. That I have attached to this Affidavit copies of certain documents filed in the bankruptcy proceeding of James John Schumann, Bankruptcy Case No. 08-00888D, in and for the United States Bankruptcy Court for the Northern District of Iowa, consisting of the following documents:

A. Notice of Bankruptcy Case Filing/Voluntary Petition;
B. Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines;
C. Schedule A – Real Property;
D. Motion for Relief from Automatic Stay;
E. Notice Setting Telephonic Preliminary Hearing on Motion to Lift Automatic Stay;
F. Order Regarding Stay;
G. Discharge of Debtor; and
H. Final Decree.

3. That this Affidavit is being made with reference with regard to certain real estate located at 2970 W. Hwy. 3, Colesburg, Iowa, legally-described as follows:

See attached Exhibit "A".

Dated this 19th day of February, 2009.

Larry L. Anfinson

Subscribed and sworn to before me this 19th day of February, 2009.

Rachel M Niedert
Notary Public in and for the State of Iowa

RACHEL M. NIEDERT
7/9/10

EXHIBIT "A"

That part of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of Section Five (5), Township Ninety (90) North, Range Three (3), West of the Fifth P.M., described as commencing at a point eight hundred forty two (842) feet and seven (7) inches East from the Northwest corner of said Northwest Quarter (NW¼) of the Southeast Quarter (SE¼), thence ninety degrees (90°) South two hundred ten (210) feet and nine (9) inches, thence Easterly two hundred seventy one (271) feet and two (2) inches, thence Northerly two hundred seventeen (217) feet, thence Westerly two hundred ninety five (295) feet to the point of beginning.

B1 (Official Form 1) (1/08)

United States Bankruptcy Court Northern District of Iowa	Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): **Schumann, James John**	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) [redacted]	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code): **28300 Prier Road** **Dyersville, IA** ZIPCODE **52040**	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): ZIPCODE
County of Residence or of the Principal Place of Business: **Dubuque**	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address) ZIPCODE	Mailing Address of Joint Debtor (if different from street address): ZIPCODE

Location of Principal Assets of Business Debtor (if different from street address above):
ZIPCODE

Type of Debtor
(Form of Organization)
(Check **one** box.)

- ☑ Individual (includes Joint Debtors)
  See Exhibit D on page 2 of this form.
- ☐ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)

Nature of Business
(Check **one** box.)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101(51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other

Tax-Exempt Entity
(Check box, if applicable.)

- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

Chapter of Bankruptcy Code Under Which the Petition is Filed (Check **one** box.)

- ☑ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Nature of Debts
(Check one box.)

- ☑ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☐ Debts are primarily business debts.

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 3A.
- ☐ Filing Fee waiver requested (Applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Chapter 11 Debtors

Check one box:

- ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

Check if:

- ☐ Debtor's aggregate noncontingent liquidated debts owed to non-insiders or affiliates are less than $2,190,000.

Check all applicable boxes:

- ☐ A plan is being filed with this petition
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information

- ☐ 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

Estimated Number of Creditors

☑	☐	☐	☐	☐	☐	☐	☐	☐	☐
1-49	50-99	100-199	200-999	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	Over 100,000

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	$100,000,001 to $500 million	$500,000,001 to $1 billion	More than $1 billion

Estimated Liabilities

☐	☐	☑	☐	☐	☐	☐	☐	☐	☐
$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	$100,000,001 to $500 million	$500,000,001 to $1 billion	More than $1 billion

© 1993-2008 EZ-Filing, Inc. [1-800-998-2424] - Forms Software Only

Voluntary Petition *(This page must be completed and filed in every case)*	Name of Debtor(s): **Schumann, James John**	
Prior Bankruptcy Case Filed Within Last 8 Years (If more than two, attach additional sheet)		
Location Where Filed: **None**	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)		
Name of Debtor: **None**	Case Number:	Date Filed:
District:	Relationship:	Judge:

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. I further certify that I delivered to the debtor the notice required by § 342(b) of the Bankruptcy Code.

X ***/s/ David G. Baumgartner*** **4/30/08**

Signature of Attorney for Debtor(s) Date

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose 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

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☑ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached a made a part of this petition.

Information Regarding the Debtor - 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.

☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes.)

☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord or lessor that obtained judgment)

(Address of landlord or lessor)

☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

© 1993-2008 EZ-Filing, Inc. [1-800-998-2424] - Forms Software Only

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

Name of Debtor(s):
Schumann, James John

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 State Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X */s/ James J. Schumann*
Signature of Debtor **James J. Schumann**

X
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

April 30, 2008
Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.
(Check only **one** box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.

☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Attorney*

X */s/ David G. Baumgartner*
Signature of Attorney for Debtor(s)

David G. Baumgartner (AT0000754)
Printed Name of Attorney for Debtor(s)

David G. Baumgartner
Firm Name

118 W. Mission Street
Address

Strawberry Point, IA 52076

(563) 933-4810
Telephone Number

April 30, 2008
Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Non-Attorney Petition Preparer

I declare under penalty of perjury that: 1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security Number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X
Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

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

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.

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

© 1993-2008 EZ-Filing, Inc. [1-800-998-2424] - Forms Software Only

B9A (Official Form 9A) (Chapter 7 Individual or Joint Debtor No Asset Case) (12/07) Case Number 08-00888 D

UNITED STATES BANKRUPTCY COURT Northern District of Iowa

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

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 4/30/08. 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) and address):
James John Schumann
28300 Prier Road
Dyersville, IA 52040

Case Number: 08-00888 D Office Code: 2	Social Security/Taxpayer ID Nos.: [redacted]
Attorney for Debtor(s) (name and address): David G. Baumgartner 118 West Mission Street PO Box 188 Strawberry Point, IA 52076 Telephone number: 563-933-4810	Bankruptcy Trustee (name and address): Paul Fitzsimmons 850 White Street Dubuque, IA 52001 Telephone number: 563-588-1970

Meeting of Creditors

Date: **June 2, 2008** Time: **10:00 AM**

Location: **Holiday Inn Dubuque, 450 Main St., Main Floor Meeting Room, Dubuque, IA 52001**

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on reverse side.

The presumption of abuse does not arise.

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: 8/1/08

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

NOTICE IS GIVEN that during the course of administration, the Chapter 7 trustee in this case may sell, abandon, or otherwise dispose of property, including the compromise or settlement of controversies, by filing a report of such intended action with the Clerk, with a copy served upon the U.S. Trustee, debtor(s), debtor(s) counsel, and those creditors and equity security holders who have requested notice pursuant to Rule 2002 of the Bankruptcy Rules. Any party requesting a notice pursuant to Rule 2002 must file a request for notice with the Clerk of the Bankruptcy Court specifically referring to Rule 2002 and shall serve a copy of that request for notice upon debtor(s) counsel, trustee, and U.S. Trustee, at the addresses set forth in the notice of first meeting of creditors. Any party objecting to such action by the trustee shall file such objection with the Clerk of Bankruptcy Court, serving a copy on the moving party, trustee, U.S. Trustee, debtor(s) and debtor(s) counsel within 20 days after the filing of such report.

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

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office: P.O. Box 74890 425 2nd Street SE Suite 800 Cedar Rapids, IA 52407-4890 Telephone number: (319) 286-2200	**For the Court:** Clerk of the Bankruptcy Court: Sean F. McAvoy
Hours Open: Monday - Friday 8:00 AM - 4:30 PM	Date: 5/1/08

Additional court and case information available at **www.ianb.uscourts.gov**

EXPLANATIONS

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* All individual debtors must provide picture identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. *You therefore should not file a proof of claim at this time.* If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) *or* that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Appointment of Trustee	The trustee named in this notice is the interim trustee appointed by the U.S. Trustee to serve under general blanket bond.
Tax Returns to Trustee	Per Section 521(e), individual debtor(s) are required to provide to the trustee, no later than 7 days prior to the date set for the first meeting of creditors, a copy of the Federal Income Tax return for the most recent tax year ending immediately before the commencement of the case.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer to Other Side for Important Deadlines and Notices

B6A (Official Form 6A) (12/07)

IN RE Schumann, James John Case No. _____
Debtor(s) (If known)

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 the husband, wife, both, or the marital community 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 VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
Residential real estate located at 2970 Hwy 3, Colesburg, Delaware County, Iowa 52035 legally described as follows: That part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Five (5), Township Ninety (90) North, Range Three (3), West of the Fifth P.M., described as commencing at a point eight hundred forty two (842) feet and seven (7) inches East from the Northwest corner of said Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4), thence ninety degrees (90 degrees) South two hundred ten (210) feet and nine (9) inches, thence Easterly two hundred seventy one (271) feet and two (2) inches, thence Northerly two hundred seventeen (217) feet, thence Westerly two hundred ninety five (295) feet to the point of beginning.	**Fee Simple**		**100,000.00**	**120,216.00**
		TOTAL	**100,000.00**	

(Report also on Summary of Schedules)

© 1993-2008 EZ-Filing, Inc. [1-800-998-2424] - Forms Software Only

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	:	
	:	BANKRUPTCY NO. 08-00888
JAMES J. SCHUMANN;	:	
	:	MOTION FOR RELIEF
	:	FROM AUTOMATIC
	:	STAY
Debtor(s).	:	

COMES NOW, Countrywide Home Loans, Inc., ("Creditor") and moves the Court, pursuant to 11 U.S.C. 362 (d) and Bankruptcy Rules 4001 and 9014, to grant relief from Automatic Stay to permit a mortgage foreclosure action in the Iowa District Court and in support thereof states:

1. That Creditor is a creditor of James J. Schumann, and the holder of a note and mortgage executed by James J. Schumann, and delivered to Community Savings Bank, dated June 02, 2006 and filed of record concerning the following legally described property (the "Mortgaged Property"):

> That part of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section Five (5), Township Ninety (90) North, Range Three (3), West of the Fifth P.M., described as commencing at a point eight hundred forty two (842) feet and seven (7) inches East from the Northwest corner of said Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼), thence ninety degrees (90 °) South two hundred ten (210) feet and nine (9) inches, thence Easterly two hundred seventy one (271) feet and two (2) inches, thence Northerly two hundrend seventeen (217) feet, thence Westerly two hundred ninety five (295) feet to the point of beginning.

Copies of said note and mortgage are attached hereto.

2. That the Debtor(s) are indebted to Creditor in the sum of $120,216.74 unpaid principal balance with interest of 6.75% per annum from and including August 01, 2007. Debtor(s)' monthly payments are

$1,027.40. Debtor(s) have not made regular monthly payments and are due for September 01, 2007.

3. Debtor(s) have no equity in the Mortgaged Property. Movant believes the property is worth $100,000 based on Schedule A of Debtors' Petition.

4. The Mortgaged Property is not necessary to an effective reorganization.

5. Creditor does not have, and has not been offered adequate protection for its interest in the Mortgaged Property.

6. If Creditor is not permitted to foreclose said real estate mortgage on said property, it will suffer irreparable injury, loss and damage.

7. Paul Fitzsimmons has been appointed Trustee in this matter.

ANY PARTY OPPOSING THIS MOTION MUST TIMELY FILE AND SERVE AN ANSWER AT LEAST FIVE (5) DAYS PRIOR TO THE DATE SET FOR PRELIMINARY HEARING ON THE MOTION

WHEREFORE, Countrywide Home Loans, Inc. moves the Court to grant it Relief from Automatic Stay to permit the foreclosure of its mortgage and for such further and other relief as the Court deems just and equitable.

/S/Benjamin W. Hopkins
Benjamin W. Hopkins
PETOSA, PETOSA & BOECKER, L.L.P.
1350 NW 138th Street, Suite 100
Clive, Iowa 50325-8308
Telephone: (515) 222-9400
Facsimile: (515) 222-9121
IS#9999346

ATTORNEY FOR COUNTRYWIDE HOME LOANS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion for Relief from Automatic Stay was electronically mailed and/or mailed by United States mail, postage prepaid this 13th day of May, 2008, to the persons listed below.

/S/Antoinette Watson
Antoinette Watson

COPIES TO:

U.S. Bankruptcy Trustee
Northern District of Iowa
Law Building, Suite 400
225 2nd Street SE
Cedar Rapids, IA 52401

Paul Fitzsimmons, Trustee
850 White Street
Dubuque, IA 52001

David G. Baumgartner, Attorney
118 West Mission Street
P.O. Box 188
Strawberry Point, IA 52076

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

	CHAPTER 7
In Re:	Bankruptcy No.
James John Schumann	08–00888
Debtor(s)	Refers to Document No. 6

NOTICE Setting Telephonic Preliminary Hearing on Motion to Lift Automatic Stay

TO:

David G. Baumgartner, Attorney for Debtor(s)	563–933–4810
Paul Fitzsimmons, Trustee	563–588–1970
United States Trustee	
Benjamin W. Hopkins, Attorney for Countrywide Home Loans, Inc./Movant	515–222–9400

NOTICE IS HEREBY GIVEN A ***telephonic*** preliminary hearing will be held with Bankruptcy Judge Paul J. Kilburg on:

May 30, 2008 at 10:55 AM

Parties are expected to comply with the Local Rules regarding motions for relief from stay. In particular, the debtor(s) (and Trustee if one is appointed) are reminded that an ANSWER BE FILED AT LEAST FIVE (5) DAYS PRIOR to the preliminary hearing. If an answer is not filed and served upon the moving party and U.S. Trustee, this preliminary hearing will not go forward and the stay will be lifted without further notice to debtor(s) or trustee.

ATTORNEY FOR MOVANT IS TO PLACE THE CALL. The telephone number for Judge Paul J. Kilburg chambers is 319–286–2230. Only those parties who have filed and served answers are to be called for the conference call. The United States Trustee's office shall not be called, unless that office files and serves a written request to participate in the conference call. ***NOTE:*** THIS HEARING WILL BE DIGITALLY RECORDED.

SEAN F. McAVOY
Clerk, Bankruptcy Court
by:



Date: May 14, 2008

Deputy Clerk
P.O. Box 74890
425 2nd Street SE
Suite 800
Cedar Rapids, IA 52407–4890

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

	CHAPTER 7
In Re:	Bankruptcy No.
James John Schumann	08–00888 RELATES TO DOCKET NO. 6
Debtor(s)	MOVANT: Countrywide Home Loans, Inc.

ORDER Regarding Stay

No resistance to the motion for relief from stay having been filed by the debtor or any party in interest, no hearing was held;

IT IS THEREFORE ORDERED the motion for relief from stay is granted. Fed.R.Bankr.P. 4001(a)(3) shall not be applicable. Movant may immediately enforce and implement this order.

FURTHER, costs of this action are not assessed to Debtor(s).

DATED and ENTERED May 30, 2008

Paul J. Kilburg
Bankruptcy Judge

B18 (Official Form 18) (12/07)

United States Bankruptcy Court

Northern District of Iowa

Case No. 08-00888 D

Chapter 7

In re: (Name of Debtor(s)):
James John Schumann
28300 Prier Road
Dyersville, IA 52040

Social Security No.:
[redacted]

Employer's Tax I.D. No.:

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 8/13/08

Paul J. Kilburg
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts That are Not Discharged.

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

a. Debts for most taxes;

b. Debts incurred to pay nondischargeable taxes;

c. Debts that are domestic support obligations;

d. Debts for most student loans;

e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;

f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;

g. Some debts which were not properly listed by the debtor;

h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;

i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and

j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

UNITED STATES BANKRUPTCY COURT
Northern District of Iowa

In Re: James John Schumann

Debtor(s)

Case No.: 08–00888

Chapter: 7

FINAL DECREE

The estate of the above–named debtor(s) has been fully administered.

IT IS ORDERED THAT

Paul Fitzsimmons

is discharged as trustee of the estate of the above–named debtor(s);

IT IS FURTHER ORDERED THAT the Chapter 7 case of the above–named debtor(s) is closed.

Dated: 8/13/08

Sean F. McAvoy
Bankruptcy Clerk