Ec
Yana El-Farkas Halbrook
1930 St. Andrew Dr NE
Cedar Rapids IA 52402

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

| | | |
|---|---|---|
| In re: | ) | Chapter 7 |
| | ) | |
| RANDY W. BROOKS | ) | Bankruptcy No. 05-01018C |
| and | ) | |
| LORI L. BROOKS | ) | |
| Debtors | ) | |

## CERTIFICATION OF DOCUMENTS

The undersigned, a Deputy Clerk in the United States Bankruptcy Court for the Northern District of Iowa does hereby certify that the documents attached hereto are true and correct copies of the pleadings therein. The undersigned further certifies that no objections to the exemptions listed in Schedule C were filed, no objections to the Trustee's abandonment of property were filed, and that the time-periods for filing such objections have expired. The undersigned further certifies that no notices of appeal were filed with respect to any matter involving the exempt status or abandonment of the real estate located at 213 4th Street, Greeley, Iowa, and that the appeal period for filing such appeals has expired.

Dated this 20th day of December, 2012.

UNITED STATES BANKRUPTCY COURT SEAL

Deputy Clerk, US Bankruptcy Court
Northern District of Iowa

Book 2013 Page 22

Document 2013 22 Type 06 018 Pages 16
Date 1/02/2013 Time 1:08:40PM
Rec Amt $82.00

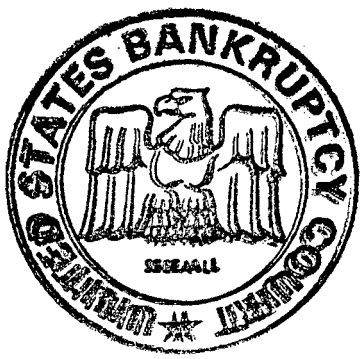
DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

# UNITED STATES BANKRUPTCY COURT
# NORTHERN DISTRICT OF IOWA

## CERTIFICATE OF TRUE COPY

I do hereby certify that the attached copy of 14 page(s) of documents in Case No. 05-01018 of Randy W. Brooks and Lori L. Brooks debtor(s), have been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in the office of the Clerk of this Court.

In testimony whereof I have hereunto set my hand.




JEAN L. HEKEL
Acting Clerk, Bankruptcy Court
by:

Deputy Clerk
U.S. Courthouse
111 Seventh Avenue SE Box 15
Cedar Rapids, IA 52401-2101

Date of Issuance: December 20, 2012

(Official Form 1)(12/03)

| FORM B1 United States Bankruptcy Court Northern District of Iowa | Voluntary Petition |
|---|---|

| Name of Debtor (if individual, enter Last, First, Middle): | Name of Joint Debtor (Spouse) (Last, First, Middle): |
|---|---|
| Randy W. Brooks | Lori L. Brooks |
| **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): |
| N/A | N/A |
| **Soc. Sec./Tax I.D. No.** (if more than one, state all): [redacted] | **Soc. Sec./Tax I.D. No.** (if more than one, state all): [redacted] |
| **Street Address of Debtor** (No. & Street, City, State & Zip Code): 213 4th St. Greeley,Iowa 52050 | **Street Address of Joint Debtor** (No. & Street, City, State & Zip Code): 213 4th St. Greeley,Iowa 52050 |
| **County of Residence or of the Principal Place of Business:** Delaware | **County of Residence or of the Principal Place of Business:** Delaware |
| **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
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
12:58 pm
MAR 16 2005
SEAN F. McAVOY, CLERK
By: Rhonda Hansen
Deputy

| 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 |
|---|---|---|---|---|---|---|---|---|
| | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |

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

Name of Debtor(s): Randy & Lori Brooks

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

| Location Where Filed: | Case Number: | Date Filed: |
|---|---|---|
| N/A | N/A | N/A |

**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: |
|---|---|---|
| N/A | N/A | N/A |
| **District:** | **Relationship:** | **Judge:** |
| N/A | N/A | N/A |

## 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 Randall W. Brooks
Signature of Debtor

X Lori J. Brooks
Signature of Joint Debtor

563-925-2099
Telephone Number (If not represented by attorney)

March 15, 2005
Date

**Signature of Attorney**

X _____
Signature of Attorney for Debtor(s)

_____
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.

_____
Printed Name of Bankruptcy Petition Preparer

_____
Social Security Number

_____
Address

_____

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 _____
Signature of Bankruptcy Petition Preparer

_____
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.

FORM B6A
(6/90)

In re Randall + Lori Brooks, Debtor

Case No. _____ (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 co-tenant, 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 |
|---|---|---|---|---|
| single Family dwelling<br>213 4th ST.<br>Greeley, IA. 52050 | owner | J | 59,000 | 47,000<br>8,000 |
| | | Total➤ | 59,000 | |

(Report also on Summary of Schedules.)

FORM B6C
(6/90)

In re Randall + Lori Brooks
Debtor

Case No. _____
(If known)

# SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemptions to which debtor is entitled under:
(Check one box)

☐ 11 U.S.C. § 522(b)(1): Exemptions provided in 11 U.S.C. § 522(d). **Note: These exemptions are available only in certain states.**

☐ 11 U.S.C. § 522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

| DESCRIPTION OF PROPERTY | SPECIFY LAW PROVIDING EACH EXEMPTION | VALUE OF CLAIMED EXEMPTION | CURRENT MARKET VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION |
|---|---|---|---|
| Residency<br>713 4th St.<br>Greeley, IA.<br>52050 | | 59,000 | 59,000 |
| Vehicles | | 500 | 500 |
| | | 500 | 500 |
| | | 50 | 50 |
| | | 200 | 200 |
| | | 200 | 200 |

FORM B6D
(6/90)

In re Randall + Lori Brooks, Debtor

Case No. _____ (If known)

# SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE | CODEBTOR | HUSBAND, WIFE, JOINT, OR COMMUNITY | DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL | UNSECURED PORTION, IF ANY |
|---|---|---|---|---|---|---|---|---|
| ACCOUNT NO. [redacted]<br>ABN AMRO<br>7139 Corklan Dr.<br>Jacksonville, FA.<br>32258-4455 | | J | Sept. 14, 2004<br>mortgage<br>real estate<br>VALUE $ 59,000 | | | | 46,000 | |
| ACCOUNT NO. [redacted]<br>Bank Iowa<br>230 First St. East<br>Independence, Iowa<br>50644 | | | Feb 11, 2000<br>open-end mortgage<br>VALUE $ 8,000 | | | | 8,000 | |
| ACCOUNT NO.<br><br><br> | | | VALUE $ | | | | | |
| ACCOUNT NO.<br><br><br> | | | VALUE $ | | | | | |

_____ continuation sheets attached

Subtotal ➤ (Total of this page) $ 54,000

Total ➤ (Use only on last page) $ 54,000

(Report total also on Summary of Schedules)

FORM B6C
(6/90)

In re Randall + Lori Brooks, Debtor

Case No. _____ (If known)

# SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemptions to which debtor is entitled under:
(Check one box)

☐ 11 U.S.C. § 522(b)(1): Exemptions provided in 11 U.S.C. § 522(d). **Note: These exemptions are available only in certain states.**

☐ 11 U.S.C. § 522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

| DESCRIPTION OF PROPERTY | SPECIFY LAW PROVIDING EACH EXEMPTION | VALUE OF CLAIMED EXEMPTION | CURRENT MARKET VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION |
|---|---|---|---|
| Residency - Home 213 4th St. Greeley, Iowa 52050 | 561.2, 561.16, 499A.18 | unKnown | unKnown |
| social security check | 627.6(8)(A) | $645.00 mo. | |
| 1993 Baretta | 522(d)(2) | unKnown | unKnown |
| 1990 Bonneville | 522(d)(2) | unKnown | unKnown |
| 1988 Tracer | 522(d)(2) | unKnown | unKnown |
| musical instruments | 627.6(9) | unKnown | unKnown |
| wages | 642.21 | $263.00 weekly | |
| Jewelry | 627.6(1) | $125.00 | unKnown |
| Appliances, furnishings household goods | 627.6(5) | $538.00 | unKnown |
| clothing | 627.6(1) | $75.00 | unKnown |
| books | 627.6(3) | $25.00 | unKnown |

FORM B6D
(6/90)

In re Randy + Lori Brooks, Debtor

Case No. _____ (If known)

# SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE | CODEBTOR | HUSBAND, WIFE, JOINT, OR COMMUNITY | DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL | UNSECURED PORTION, IF ANY |
|---|---|---|---|---|---|---|---|---|
| ACCOUNT NO. [redacted]<br>ABN AMRO<br>7139 Corklan Dr.<br>Jacksonville, Fla.<br>32258-4455 | | J | Sept. 14, 2004<br>real estate<br>mortgage<br>VALUE $ unKnown | | | | unKnown | |
| ACCOUNT NO. [redacted]<br>Bank Iowa<br>230 First St.<br>Independence, IA<br>50644 | | J | Feb. 11, 2000<br>equity loan<br>VALUE $ unKnown | | | | unKnown | |
| ACCOUNT NO. [redacted]<br>Recovery Partners II LLC<br>c/o Litow Law Office<br>Box 2165<br>Cedar Rapids, IA. 52406 | | H | Judgement<br>Aug. 9, 04<br>VALUE $ 4,504.02 | | | | $ 4,504.02 | |
| ACCOUNT NO. [redacted]<br>Wetsch + Abbott P.L.C.<br>c/o Sherman Acquisition<br>974 73rd St. Ste. 20<br>Des Moines, IA. 50312 | | H | Judgement<br>VALUE $ 876.88 | | | | $ 876.88 | |

✓ continuation sheets attached

Subtotal ▶ (Total of this page) $ 5,380.09

Total ▶ (Use only on last page) $

(Report total also on Summary of Schedules)

FORM B6D - Cont.
(6/90)

In re Randy + Lori Brooks, Debtor

Case No. _____ (If known)

# SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS
(Continuation Sheet)

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE | CODEBTOR | HUSBAND, WIFE, JOINT, OR COMMUNITY | DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL | UNSECURED PORTION, IF ANY |
|---|---|---|---|---|---|---|---|---|
| ACCOUNT NO. [redacted]<br>Household Bank<br>c/o Bertroche Law Office<br>4044 SE 14th St.<br>Des Moines, IA 50320 | | H | Judgement<br>Jan. 26, 04<br>court costs 74.75<br>VALUE $ 1,688.47 | | | | #74 75<br>$1,688 47 | |
| ACCOUNT NO.<br><br>VALUE $ | | | | | | | | |
| ACCOUNT NO.<br><br>VALUE $ | | | | | | | | |
| ACCOUNT NO.<br><br>VALUE $ | | | | | | | | |
| ACCOUNT NO.<br><br>VALUE $ | | | | | | | | |

Sheet no. 2 of 2 continuation sheets attached to Schedule of Creditors Holding Secured Claims

Subtotal ▶ (Total of this page) $

Total ▶ (Use only on last page) $ 7,144.12

(Report total also on Summary of Schedules)

**Form B18** (Official Form 18)(12/03)

# United States Bankruptcy Court

Northern District of Iowa

**Case No. 05-01018**

**Chapter 7**

In re: (Name of Debtor)
Randy W. Brooks
213 4th St.
Greeley, IA 52050

Social Security No.:
[redacted]

Lori L. Brooks
213 4th St.
Greeley, IA 52050

[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: 6/22/05

Paul J. Kilburg
United States Bankruptcy Judge

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

FORM B18 continued (7/97)

## 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 that are in the nature of alimony, maintenance, or support;

c. Debts for most student loans;

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

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

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

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

h. 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.

**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: | ) | Chapter 7 |
| | ) | |
| RANDY W. BROOKS | ) | Bankruptcy No. 05-01018C |
| and | ) | |
| LORI L.BROOKS | ) | MOTION TO AVOID |
| Debtors | ) | JUDICIAL LIEN |

COME NOW the Debtors, Randy W. Brooks and Lori L. Brooks, by and through their undersigned counsel, and hereby move this Bankruptcy Court to avoid the judicial lien claimed by HSBC Bank Nevada, NA stating to the Court the following:

1. On March 16, 2005 the Debtors filed a pro se Voluntary Petition for Chapter 7 Bankruptcy relief.

2. On March 31, 2005, Debtors filed an Amendment to their Schedules adding HSBC Bank Nevada, NA on Schedule F. HSBC Bank Nevada, NA filed a lawsuit against Debtor Randall W. Brooks in 2004, Delaware County Case Number SCSC008095. This action was duly included by Amendment to Debtors' Statement of Affairs filed on March 31, 2005.

3. Debtors received a Discharge on or around June 22, 2005 and their bankruptcy case was duly closed. An Order reopening Debtors' Chapter 7 bankruptcy case was entered by this Court on November 13, 2012.

4. Judgment was entered in SCSC008095 in favor of HSBC Bank Nevada, NA on or around June 28, 2004. The Judgment amount was for $1,688.47 with interest, plus court costs of $74.75.

5. The debt is secured by a judicial lien on Debtors' homestead located at 213 4th Street, Greeley, IA 52050, and legally described as:

"Lot Seven (7) of the Subdivision of the Southwest Quarter (SW ¼) of the

Northeast Quarter (NE ¼) of Section Twenty-nine (29), Township Ninety (90) North, Range Four (4), West of the Fifth Principal Meridian, according to Plat recorded in Book 1 of Plats, Page 126 Situated in Delaware County and the State of Iowa."

6. Debtors claimed their homestead as exempt property in Schedule C attached to their Petition, pursuant to Iowa Code §§ 561.2 and 561.16.

7. Pursuant to 11 U.S.C. §522(f)(1)(A), a judicial lien can be avoided.

WHEREFORE, in light of the foregoing, the Debtors respectfully request that this Court enter an Order determining that the judicial lien of HSBC Bank Nevada, NA on the Debtors' homestead is avoided, pursuant to 11 U.S.C. §522(f)(1)(A), and grant such other and further relief as the Court deems just and equitable, given the circumstances.

DATED this 13th day of November, 2012.

/s/ Yara El-Farhan Halloush
Yara El-Farhan Halloush AT0003141
Halloush Law Office, P.C.
1930 Saint Andrews Court NE
Cedar Rapids, IA 52402
Telephone: (319) 560-9430
E-mail: yelfarhan1@hotmail.com
Attorney for Debtors

**Copy to:**

Office of US Trustee
United States Federal Courthouse
111 7th Avenue SE, Box 17
Cedar Rapids, IA 52401-2101

Randy and Lori Brooks
213 4th Street
Greeley, IA 52050

HSBC Bank NA
Main Office
Tysons II
1800 Tysons Blvd, Ste 50
McLean, VA 22102

Chapter 7 Trustee
Sheryl Schnittjer
PO Box 375
Delhi, IA 52223

HSBC Bank Nevada
c/o Blake Lubinus
4044 SE 14th Street, Ste B
Des Moines, IA 50320

HSBC Bank NA
Principal Office
Corner of Centre Street
235 Canal Street
New York, NY 10013

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury, that on the date listed below that a true copy of the document on which this appears and all enclosures, was either delivered by the Court's CM/ECF System OR hand delivered to all parties of interest as listed herein OR mailed to all parties of interest as listed herein by depositing same in a United States Post Office depository in Cedar Rapids, Iowa on the 13th day of November, 2012.

/s/ Yara E. Halloush

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

| | | |
|---|---|---|
| In re: | ) | Chapter 7 |
| | ) | |
| RANDY W. BROOKS | ) | Bankruptcy No. 05-01018C |
| and | ) | |
| LORI L.BROOKS | ) | |
| Debtors | ) | |

**ORDER AVOIDING LIEN OF HSBC BANK NEVADA, NA**

The Court having been presented with a Motion to Avoid Judgment Lien filed on November 13, 2012, finds that the motion was properly served upon HSBC Bank Nevada, NA.

The Court further finds that the bar-date for objections was set for December 4, 2012. The Court further finds that no objections to the Motion to Avoid Lien were filed by HSBC Bank Nevada, NA.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the judicial lien of HSBC Bank Nevada, NA on the real estate located at 213 4th Street, Greeley, Iowa 52050, and legally described as:

> "Lot Seven (7) of the Subdivision of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section Twenty-nine (29), Township Ninety (90) North, Range Four (4), West of the Fifth Principal Meridian, according to Plat recorded in Book 1 of Plats, Page 126 Situated in Delaware County and the State of Iowa".

Is hereby avoided pursuant to 11 U.S.C. §522(f)(1)(A).

Dated and entered this December 5, 2012.

Bankruptcy Judge
Northern District of Iowa

*ORDER PREPARED BY:*
Yara El-Farhan Halloush AT0003141
Attorney for Debtors

# UNITED STATES BANKRUPTCY COURT
# NORTHERN DISTRICT OF IOWA

| | |
|---|---|
| | CHAPTER 7 |
| In Re: | Bankruptcy No. |
| Randy W. Brooks<br>Lori L. Brooks<br>Debtor(s) | 05–01018 |

## JUDGMENT

The issues of this proceeding having been duly considered by the Honorable Paul J. Kilburg, United States Bankruptcy Judge, and a decision having been reached without trial or hearing

IT IS ORDERED AND ADJUDGED:

that the judgment lien of HSBC Bank Nevada, NA, arising in the Iowa District Court for Delaware County, Case No. SCSC008095, in property locally known as 213 4th Street, Greeley, IA 52050, and legally described as Lot Seven (7) of the Subdivision of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty–nine (29), Township Ninety (90) North, Range Four (4), West of the Fifth Principal Meridian, according to Plat recorded in Book 1 of Plats, Page 126 Situated in Delaware County and the State of Iowa, is avoided.

SEAN F. McAVOY
Clerk, Bankruptcy Court
by:

Deputy Clerk

Date of Issuance: December 5, 2012