Book 2013 Page 812

Document 2013 812 Type 06 010 Pages 13
Date 3/01/2013 Time 3:08:31PM
Rec Amt $67.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Ev. Title Services
603 Commercial St
Waterloo, IA 50701

AFFIDAVIT

Prepared by and return to: Charles P. Augustine, 531 Commercial, Ste 250, Waterloo, IA 50701 (319) 232-3304 126252

STATE OF IOWA, COUNTY OF BLACK HAWK, ss.

I, Charles P. Augustine, a licensed and practicing attorney in Waterloo, Black Hawk County, Iowa, first being duly sworn on oath do depose and state as follows:

1. I am familiar with one certain bankruptcy case, United States Bankruptcy Court, Northern District of Iowa, Case No. 12-00813, Donald C. Fisher, debtor.

2. Attached hereto are copies of the following documents filed in said bankruptcy proceeding:

   a. Voluntary Petition, together with the Summary of Schedules, Schedule A and Schedule C, filed April 26, 2012; and

   b. Notice of Chapter 7 Bankruptcy Case, filed April 27, 2012, indicating that Sheryl Schnittjer, was appointed as Bankruptcy Trustee; and

   c. Motion for Relief from Automatic Stay, filed May 25, 2012; and

   d. Discharge of Debtor, filed August 9, 2012.

3. The attached copies are true and correct copies of the original documents filed in said bankruptcy case as made available electronically.

4. The undersigned has determined by virtue of an examination of the docket text that an Order approving the Motion for Relief from Automatic Stay was filed June 19, 2012. This document is not available electronically.

6. This affidavit is being executed and filed for purposes of clarifying title matters to real estate legally described as follows, to-wit: **Lot 615 of the City of Manchester, Iowa, according to the Plat recorded in Book I L.D., Page 284.**

Charles P. Augustine

Subscribed and sworn to before me on this 8th day of January, 2013.

TRUDI SCHIMMELS
COMMISSION NO. 710667
MY COMMISSION EXPIRES
6/13/2013

Trudi Schimmels
Notary Public in and for the State of Iowa

B1 (Official Form 1)(12/11)

United States Bankruptcy Court
Northern District of Iowa

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): **Fisher, Donald C.**	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. and Street, City, and State): **913 West Marion Street** **Manchester, IA** ZIP Code **52057**	Street Address of Joint Debtor (No. and Street, City, and State): ZIP Code
County of Residence or of the Principal Place of Business: **Delaware**	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): ZIP Code	Mailing Address of Joint Debtor (if different from street address): ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):	

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

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

Chapter 15 Debtors

Country of debtor's center of main interests:

Each country in which a foreign proceeding by, regarding, or against debtor is pending:

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).

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 (excluding debts owed to insiders or affiliates) are less than $2,343,300 *(amount subject to adjustment on 4/01/13 and every three years thereafter).*

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 *** Kevin D. Ahrenholz AT0000438 ***

- ☐ 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

Voluntary Petition *(This page must be completed and filed in every case)*	Name of Debtor(s): **Fisher, Donald C.**

All Prior Bankruptcy Cases 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. If urther certify that Id elivered to the debtor the notice required by 11 U.S.C. §342(b)

X **/s/ Kevin D. Ahrenholz** **April 26, 2012**
Signature of Attorney for Debtor(s) (Date)
Kevin D. Ahrenholz AT0000438

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 and 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 that obtained judgment)

_____
(Address of landlord)

☐ 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)).

Voluntary Petition

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

Name of Debtor(s):
Fisher, Donald C.

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.
[If no attorney represents me and no bankruptcy petition preparer signs the petition] Ih ave 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/ Donald C. Fisher**
Signature of Debtor **Donald C. Fisher**

X _____
Signature of Joint Debtor

_____
Telephone Number (If not represented by attorney)

April 26, 2012
Date

Signature of Attorney*

X **/s/ Kevin D. Ahrenholz**
Signature of Attorney for Debtor(s)

Kevin D. Ahrenholz AT0000438
Printed Name of Attorney for Debtor(s)

Beecher, Field, Walker, Morris, Hoffman & Johnson
Firm Name

620 Lafayette St., Suite 300
PO Box 178
Waterloo, IA 50704-0178
Address

Email: ahrenholz@beecherlaw.com
319-234-1766 Fax: 319-234-1225
Telephone Number

April 26, 2012
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 Debtor (Corporation/Partnership)

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

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 Iam 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 Non-Attorney Bankruptcy Petition Preparer

Id eclare under penalty of perjury that: (1) Iam a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) Ip repared 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); and, (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, Ih ave 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 bankrutpcy 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 _____

_____
Date

Signature of bankruptcy petition preparer or officer, principal, responsible person,or partner whose Social Security number is provided above.

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.

B6 Summary (Official Form 6 - Summary) (12/07)

United States Bankruptcy Court
Northern District of Iowa

In re **Donald C. Fisher**, Debtor

Case No. _____

Chapter **7**

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	70,800.00		
B - Personal Property	Yes	4	14,068.00		
C - Property Claimed as Exempt	Yes	1			
D - Creditors Holding Secured Claims	Yes	1		84,764.41	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	3		52,726.31	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	2			
I - Current Income of Individual Debtor(s)	Yes	1			2,509.58
J - Current Expenditures of Individual Debtor(s)	Yes	2			2,827.00
Total Number of Sheets of ALL Schedules		17			
		Total Assets	84,868.00		
			Total Liabilities	137,490.72	

Software Copyright (c) 1996-2012 - CCH INCORPORATED - www.bestcase.com

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

In re **Donald C. Fisher**, 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, 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
Residence located at 913 W. Marion St., Manchester, Delaware County, Iowa **Legally described as Manch Lot 615, all situated in the City of Manchecster, County of Delaware and State of Iowa.** **(Purch. 2003)**	**Fee Simple**	**J**	**70,800.00**	**77,025.41**

Sub-Total >	**70,800.00**	(Total of this page)
Total >	**70,800.00**	

0 continuation sheets attached to the Schedule of Real Property

(Report also on Summary of Schedules)

Software Copyright (c) 1996-2012 - CCH INCORPORATED - www.bestcase.com

B6C (Official Form 6C) (4/10)

In re **Donald C. Fisher**, Debtor

Case No. _____

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:
(Check one box)
☐ 11 U.S.C. §522(b)(2)
☐ 11 U.S.C. §522(b)(3)

☐ Check if debtor claims a homestead exemption that exceeds $146,450. *(Amount subject to adjustment on 4/1/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.)*

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Real Property			
Residence located at 913 W. Marion St., Manchester, Delaware County, Iowa **Legally described as Manch Lot 615, all situated in the City of Manchecster, County of Delaware and State of Iowa.** **(Purch. 2003)**	**Iowa Code §§ 561.2, 561.16, 499A.18**	**0.00**	**70,800.00**
Cash on Hand			
Cash	**Iowa Code § 627.6(14)**	**50.00**	**50.00**
Checking, Savings, or Other Financial Accounts, Certificates of Deposit			
DuPaco checking and savings accounts	**Iowa Code § 627.6(14)**	**200.00**	**200.00**
Household Goods and Furnishings			
Misc household goods and furnishings, collectables and various assundries, including but not limited to lawnmower, flatware, silverware, cutlery, cooking utensils, lamps, collectibles, hand tools, washer, dryer, stove and oven, dishwasher, beds, living room set, dining room set, 2 t.v., CD player, DVD player, 2 VCR, stereo, computer, refrigerator, microwave	**Iowa Code § 627.6(5)**	**1,500.00**	**1,500.00**
Wearing Apparel			
General wearing apparel and 2 receptacles.	**Iowa Code § 627.6(5)**	**500.00**	**500.00**
Interests in Insurance Policies			
2 Life insurance policies through State Farm with spouse as beneficiary.	**Iowa Code §§ 627.6(6), 508.32**	**0.00**	**0.00**
Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans			
Excide Technologies 401k plan	**Iowa Code § 627.6(8)(e) & (f)**	**2,500.00**	**2,500.00**
Other Liquidated Debts Owing Debtor Including Tax Refund			
Accrued wages / tax refunds (including, but not limited to, public assistance benefits and tax credits).	**Iowa Code § 627.6(9)(b)** **Iowa Code § 627.6(8)(a)**	**Unknown** **Unknown**	**Unknown**
Automobiles, Trucks, Trailers, and Other Vehicles			
2003 Chevrolet pickup with 100,000 miles (jointly titled with wife)	**Iowa Code § 627.6(9)(a)**	**5,000.00**	**5,000.00**
2006 Ford Escape with 144,000 miles (jointly titled with wife, in wife's possession)	**Iowa Code § 627.6(9)**	**0.00**	**4,318.00**
	Total:	**9,750.00**	**84,868.00**

0 continuation sheets attached to Schedule of Property Claimed as Exempt

Software Copyright (c) 1996-2012 - CCH INCORPORATED - www.bestcase.com

B9A (Official Form 9A) (Chapter 7 Individual or Joint Debtor No Asset Case) (12/11) Case Number 12-00813 C

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 4/26/12. 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 8 years, including married, maiden, trade, and address):
Donald C. Fisher
913 West Marion Street
Manchester, IA 52057

Case Number: 12-00813 C Office Code: 1	SSN / Individual Taxpayer ID / Employer Tax ID / Other nos: [redacted]
Attorney for Debtor(s) (name and address): Kevin D. Ahrenholz 620 Lafayette Street PO Box 178 Waterloo, IA 50704-0178 Telephone number: 319-234-1766	Bankruptcy Trustee (name and address): Sheryl Schnittjer PO Box 375 Delhi, IA 52223 Telephone number: 563-922-9702

Meeting of Creditors

Date: **May 29, 2012** Time: **09:30 AM**

Location: **Bankruptcy Hearing Room, Ste 410, The Higley/Law Bldg Complex, 118 3rd Ave S.E., Cedar Rapids, IA 52401**

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:

Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts: 7/30/12
File Debtor's Certification of Completion of Instructional Course Concerning Financial Management: 7/30/12
File Reaffirmation Agreement: 7/30/12

Deadline to Object to Exemptions: Thirty (30) days after the *conclusion* of the meeting of creditors, unless as otherwise provided under Bankruptcy Rule 1019(2)(B) for converted cases.

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 21 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: 4/27/12

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

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

In re:	)	
	)	CASE NO. 12-00813
Donald C. Fisher	)	
Debtor.	)	MOTION FOR RELIEF FROM
	)	AUTOMATIC STAY
	)	
	)	
	)	

NOTICE: Any party opposing this motion must timely file and serve an answer at least five (5) days prior to the date set for the preliminary hearing on the motion.

COMES NOW Nationwide Advantage Mortgage Company, and pursuant to 11 U.S.C. Section 362, moves the Court for Relief from Automatic Stay and states as follows:

1. On or about August 5, 2003, Debtor Donald C. Fisher executed in writing and delivered to Countrywide Home Loans, Inc. one certain promissory note in the sum of 62,900.00.

2. To secure payment of said promissory note, Debtor Donald C. Fisher executed and delivered to Countrywide Home Loans, Inc. one certain real estate mortgage covering the following described real estate and premises in Delaware County, Iowa, to-wit:

Lot Six Hundred Fifteen (615), Manchester, Iowa, according to the Plat recorded in Book I L.D., Page 284

and locally known as 913 W. Marion Street, Manchester, Iowa 52057. Said mortgage was filed for record in the office of the Recorder of Delaware County, Iowa on August 8, 2003 in Book 2003, Page 3814 of the mortgage records in said office.

3. On or about August 5, 2003, Countrywide Home Loans, Inc. assigned the Note and Mortgage to Nationwide Advantage Mortgage Company. The assignment was filed September 10, 2003 in Book 2003, Page 4404 of said office.

4. Movant is now the owner of said note and mortgage.

5. Copies of said Note, Mortgage and relevant Assignments are too voluminous to be included with the motion but are available for inspection at the office of the undersigned attorney for movant and have been provided by mail to all persons identified below as receiving service of a copy of this motion.

6. Prior to the filing of this bankruptcy the Debtor became delinquent in required payments on the mortgage indebtedness.

7. According to Debtor's Schedule A, the property has a market value of $70,800.00.

8. The mortgage is in arrears for the August 1, 2011 payment, and there is now due and owing a principal balance of $54,378.41, together with interest at the rate of 5.125 percent per annum from and after the 1st day of July, 2011, plus escrow advance of $900.40, accrued late charges of $222.56, foreclosure fees and costs of $1,573.33, and property inspection fees of $107.00.

9. According to Debtor's Schedule A, the property is further encumbered by a second mortgage with GMAC in the amount of $22,647.00.

10. The Secured claims against the property exceed the value of the property and Debtor therefore does not have any real equity in this property. The mortgaged property is

not necessary to an effective reorganization.

11. Additional cause exists for relief from stay for the reason that Debtor intends to surrender the property to the Movant pursuant to his Statement of Intentions.

12. If the automatic stay is not terminated in order to permit the Movant, Nationwide Advantage Mortgage Company, to proceed with a judicial foreclosure proceeding against Debtor and/or to contact Debtor for the purpose of exploring loss mitigation options to foreclosure, Movant will suffer irreparable injury, loss and damage.

13. The Order sustaining this motion should provide that it is effective immediately upon entry and that the fourteen-day stay provided for in Bankruptcy Rule 4001(a)(3) shall not apply.

WHEREFORE, Movant moves the Court to lift the automatic stay referred to in 11 U.S.C. Section 362 and F.R.B.P. 4001(a)(3) against Movant as to both the trust estate and the bankruptcy Debtor, and as to the above-described real property, to allow Movant to proceed with judicial foreclosure against the subject property and/or to contact Debtor for the purpose of exploring loss mitigation options to foreclosure.

/s/ David R. Elkin
David R. Elkin, ID No. 8930
315 East Fifth Street, Suite Five
Des Moines, Iowa 50309
Telephone (515) 244-3188
Facsimile (515) 244-3189
dave@elkin-law.com
ATTORNEY FOR MOVANT

Notice will be mailed via U.S. Postal Service and/or electronically mailed to:

Kevin Ahrenholz
PO Box 178
Waterloo, IA 50704-0178
ATTORNEY FOR DEBTOR

Sheryl Schnittjer
PO Box 375
Delhi, IA 52223
BANKRUPTCY TRUSTEE

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause on May 25, 2012 by depositing separate copies thereof, together with all supporting documents or exhibits referenced therein, in a United States Post Office depository in Des Moines, Iowa enclosed in sealed envelopes with property postage affixed thereto and addressed to each of the attorneys of record at his or her respective address as disclosed by the pleadings, or where no attorney so appears, to the party at his or her last known address unless in default for failure to appear; and where applicable, by electronic mailing to such parties or their attorneys, as the case may be, via CM/ECF, without copies of supporting documents or exhibits.

/s/ David R. Elkin
David R. Elkin

B18 (Official Form 18) (12/07)

United States Bankruptcy Court

Northern District of Iowa

Case No. 12-00813 C

Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):
Donald C. Fisher
913 West Marion Street
Manchester, IA 52057

Social Security / Individual Taxpayer ID No.:
[redacted]

Employer Tax ID / Other nos.:

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: 8/9/12

Thad J. Collins
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.