Book 2019 Page 2998
2019 2998 Type 06 010 Pages 6
Date 10/25/2019 Time 10:07:39AM
Rec Amt $32.00 Aud Amt $5.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Preparer Information: Dan McClean, 401 First Avenue East, Dyersville, Iowa 52040, Phone: (563) 875-6002

AFFIDAVIT OF OWNERSHIP

COMES NOW the undersigned, Dan McClean, and hereby states:

1. On June 14th, 2004 a Quit Claim Deed, filed in Book 2004 Page 2158 with the Delaware County Recorder's Office, transferring ownership of the following real estate, from Carl R. Bockenstedt and Leslie L. Bockenstedt to D. Scott Heineman and Kurt F. Johnson, Trustees of the Bockenstedt Family Trust;

   The S ½ of the SE ¼, of the NW ¼, Section 24, T89N R3W of the 5th P.M., Delaware County, Iowa, according to the plat recorded in Book 2019, Page 1869.

2. On August 22, 2019 a Court Order #CVCV008544 was filed by the Delaware County District Court stating Carl Ronald Bockenstedt and Leslie Louise Bockenstedt are the absolute owners in fee simple, free and clear of all liens and claims of the above described real estate.
3. On August 22, 2019 the Court #CVCV008544 also ordered that D. Scott Heineman and Kurt F. Johnson, previous Trustees of the Bockenstedt Family Trust, are forever barred and stopped from having or claiming right, title or interest in and to the said real estate mentioned above.
4. D. Scott Heineman and Kurt F. Johnson are currently incarcerated for being part of a criminal enterprise where they fraudulently induced property owners, to deed their property to trusts naming them as Trustees.
5. On September 6, 2019 the undersigned filed a Warranty Deed in Book 2019 Page 2437 transferring the property from Carl R. Bockenstedt and Leslie L. Bockenstedt, husband and wife to Joshua D. Hagerty and April S. Hagerty, husband and wife, as joint tenants.
6. The undersigned will file this Affidavit with the Recorder's Office of Delaware County, Iowa, to correct the discrepancy in ownership.
7. I hereby request that the auditor enter this information on the transfer books pursuant to Iowa Code Chapter 558.

SIGNED AND DATED THIS 22nd DAY OF OCTOBER, 2019.

Dan McClean

SUBSCRIBED AND SWORN before me, Dan McClean, a notary public in and for the State of Iowa.

Notary Public for the State of Iowa

KARI LUECK
Commission Number 808691
My Commission Expires
January 30, 2021

E-FILED 2019 AUG 22 10:09 AM DELAWARE - CLERK OF DISTRICT COURT

IN THE IOWA DISTRICT COURT, IN AND FOR DELAWARE COUNTY

CARL RONALD BOCKENSTEDT and LESLIE LOUISE BOCKENSTEDT,	)	
	)	CVCV008544
Plaintiffs,	)	
	)	
	)	AMENDED JUDGMENT AND DECREE
D. SCOTT HEINEMNAN and KURT F. JOHNSON,	)	
	)	
	)	
Defendants.	)	

This matter came before the Court for hearing on August 20, 2019. The Plaintiff appeared by their attorney, Dan McClean. The Defendants, did not personally appear, however, their Guardian Ad Litem, Joey Hoover, filed an Affidavit with the Court. The Court hereby makes the following Findings of Fact, Conclusions of Law and Judgment and Decree:

FINDINGS OF FACT

1. On January 18th, 2019 the Plaintiffs filed the Petition to Quiet Title in property owned by them and placed into a trust on May 1st, 2004.
2. The Plaintiffs created the Bockenstedt Family Trust on October 21, 2004 (hereinafter "the Trust").
3. At the time of the creation of the Trust, the Plaintiffs owned the following described real estate as joint tenants with full rights of survivorship and not as tenants in common:

   The South one-half (S ½) of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Twenty Four (24), Township Eighty Nine (89) North, Range Three (3), West of the 5th Principal Meridian, Delaware County, Iowa.

4. A plat of survey was filed by the Plaintiffs on July 16, 2019 in Book 2019, Page 1869 of the records of Delaware County which subdivided the real estate described in paragraph 3 above into two parcels legally described as follows:

   Parcel 2019-49 and 2019-50 in the S1/2 of the SE1/4, of the NW 1/4, Section 24 T.89 N.R.3W of the 5th P.M., Delaware County, Iowa, according to the plat recorded in Book 2019, Page 1869.

   The above described real estate is locally known as 1946 332nd Street, Dyersville, Iowa and is hereinafter referred to as the Real Estate.

5. The Defendants were served with Plaintiffs' Petition to Quiet Title in February 2019, however, the service was incomplete.
6. The Plaintiffs were granted authority to publish for purposed of notice on June 24, 2019.
7. Proper service was not successfully completed and the return of service indicated the Defendants were in prison in Indiana and California, respectfully.

8. The Plaintiffs applied for a guardian ad-litem to be appointed for the Defendants on August 13, 2019.
9. The Court appointed Joey Hoover as guardian ad-litem for the Defendants on August 14, 2019.
10. Joey Hoover filed an affidavit on August 20, 2019 indicating he has contacted the prison facilities in an attempt to communicate with the defendants.
11. Joey Hoover's affidavit indicated that the Defendants have "no colorable claim" to the Real Estate.
12. The Defendants were part of a criminal enterprise where they fraudulently induced property owners, including Plaintiffs, to deed their property to trusts naming the Defendants as trustees. The Defendants participated in this type of trust with Plaintiffs and other individuals, which led to their criminal convictions and incarceration. *In United States v. Heineman and Johnson, et al*, No. C 05-2730 WHA (N.D. Cal August 18, 2008) the Court ruled that, "any conveyances that a homeowner made upon direction from [Johnson and Heineman] to a so-called, "family-trust" which named defendants as trustees are null and void, and any interest in the homeowner property that was transferred to such a family trust is hereby transferred back to the homeowner."

CONCLUSIONS OF LAW

"Quiet Title actions are remedial in nature and should be liberally construed." Hosteng Concrete and Gravel, Inc. v. Tullar 524 N.W. 2nd 445 (1994)

The Court, having read the pleadings herein and being fully advised in the premises, finds that the allegations of Plaintiffs' Petition to Quiet Title are true and the equities of said cause are with the Plaintiffs and that the Plaintiffs are entitled for the relief demanded.

The Court specifically finds that the Plaintiffs are the absolute owners in fee simple of all of the following described real estate:

Parcel 2019-49 and 2019-50 in the S1/2 of the SE1/4, of the NW 1/4, Section 24 T.89 N.R.3W of the 5th P.M., Delaware County, Iowa, according to the plat recorded in Book 2019, Page 1869.

Further, the Court declares that said Defendants, each and all of them, have no right, title or interest in or lien upon said real estate, or any part thereof;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiffs are the absolute and unqualified owners in fee simple, free and clear of all liens and claims of the Defendants and each and all of them of the following described real estate:

Parcel 2019-49 and 2019-50 in the S1/2 of the SE1/4, of the NW 1/4, Section 24 T.89 N.R.3W of the 5th P.M., Delaware County, Iowa, according to the plat recorded in Book 2019, Page 1869.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said Defendants and each

and all of them are forever barred and estopped from having or claiming and right, title or interest in and to the said real estate, or any part thereof, or any lien thereon adverse to the title of the Plaintiffs herein, and that the title of the Plaintiffs is hereby forever quieted as against all adverse claims of said Defendants, or any of them, and the said Defendants are forever enjoined and restrained from and any manner interfering with Plaintiffs and their quiet and peaceable possession thereof. Further, Joey Hoover shall submit a bill for the services to the Court. His fee will be taxed as costs. Costs are assessed to the Plaintiffs.

And all of the above and foregoing is accordingly ordered, adjudged and decreed by the Court.

State of Iowa Courts

Type: OTHER ORDER

Case Number	**Case Title**
CVCV008544	BOCKENSTEDT V TRUSTEES

So Ordered

Thomas A. Bitter, District Court Judge,
First Judicial District of Iowa