



Document 2019 3741

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Date 11/25/2019 Time 8:28:50AM

Rec Amt \$22.00

INDX
ANNO
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

**DEMAND TO FILE SUIT
Recorder's Cover Sheet**

Preparer Information:

Jerrold B. Oliver, 101 ½ W. Jefferson, Winterset, IA 50273

Taxpayer Information:

Michael Kelly and Nancy Kelly, 1101 W. Jefferson St., Winterset, IA 50273

✓ **Return Address:**

Jerrold B. Oliver, 101 ½ W. Jefferson, Winterset, IA 50273

Grantors:

See Page 2

Grantees:

See Page 2

Legal Description:

See Page 2

DEMAND TO FILE SUIT

Pursuant to Iowa Code Section 624.23

TO: Capital One Bank (USA) N.A.
% Christopher L. Low
Blitt and Gaines, P.C.
2536 73rd Street
Des Moines, IA 50322

This demand to file suit concerns the following described real estate:

A tract of land commencing 871 feet and 8 inches West and 553 feet South of the northeast corner of the Southwest Quarter (SW ¼) of Section Thirty-six (36) in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 173 feet to the middle of the road, thence West 131 feet, thence North 173 feet, thence East 131 feet to the point of beginning.

Locally known As: 1101 West Jefferson Street, Winterset, Iowa 50273

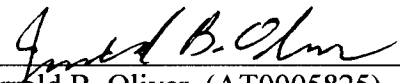
The Owner of said property are Michael Kelly and Nancy Kelly and state as follows:

1. A Judgment in favor of Capital One Bank (USA) N.A. against Michael J. Kelly was entered on March 29, 2019, in Case No. SCSC016589 in the District Court for Madison County in the amount of \$4,599.99 with interest at the rate of 4.53% from February 19, 2019 and court costs.

2. The above-described property is the homestead of Michael Kelly and Nancy Kelly. Unless the owner of said Judgment levies execution against said real estate within thirty (30) days from the date of service of this demand, pursuant to Iowa Code Section 624.23, the lien and all benefits derived from the lien as to said real estate to be forfeited.

Dated this 11 day of Oct, 2019.

JORDAN, OLIVER, WALTERS & SMITH, PC

By 
Jerrold B. Oliver, (AT0005825)
101 ½ W. Jefferson, POB 230
Winterset, IA 50273
Telephone: 515-462-3731
Fax: 515-462-3734
Attorney for Michael Kelly and
Nancy Kelly

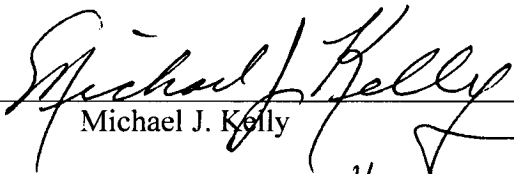
AFFIDAVIT

STATE OF IOWA :
 : SS
COUNTY OF MADISON :

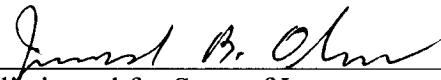
This Affidavit is concerning the following-described real estate:

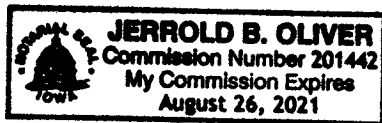
A tract of land commencing 871 feet and 8 inches West and 553 feet South of the northeast corner of the Southwest Quarter (SW ¼) of Section Thirty-six (36) in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 173 feet to the middle of the road, thence West 131 feet, thence North 173 feet, thence East 131 feet to the point of beginning.

The real estate described above is the homestead of Michael Kelly and Nancy Kelly. At the time Judgment was entered against Michael Kelly on March 29, 2019, in Case No. SCSC016589 in the District Court for Madison County in the amount of \$4,599.99 with interest at the rate of 4.53% from February 19, 2019 and court costs, said real estate was the homestead of Michael J. Kelly and Nancy Kelly. Judgment liens do not attach to real estate occupied as a homestead pursuant to Chapter 561 of the Iowa Code. Therefore, this judgment is not a lien against the real estate described herein.


Michael J. Kelly

Subscribed and sworn to before me by the said Michael J. Kelly 11 day of October 2019.


Notary Public in and for State of Iowa

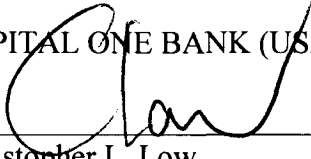


ACCEPTANCE OF SERVICE

Christopher L. Low, attorney for Capital One Bank (USA) N.A., hereby accepts service of the Demand to File Suit by Michael Kelly and Nancy Kelly, and Affidavit attached thereto.

Dated: 10/23, 2019.

CAPITAL ONE BANK (USA) N.A.

By 

Christopher L. Low