



Document 2021 3172

Book 2021 Page 3172 Type 06 009 Pages 14  
Date 7/29/2021 Time 1:03:22PM  
Rec Amt \$72.00

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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

Prepared by: John M. Miller, 974 73rd Street, Ste. 15, West Des Moines, Iowa 50265 Phone: (515) 225-3333

Address / Tax Statements:

1 Return to: Same

4

STATE OF IOWA )  
                          )ss:  
COUNTY OF POLK)

**AFFIDAVIT**

**Re: The part of Parcel "B" located in the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section One (1), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 29.18 acres, as shown in Plat of Survey filed in Book 2, Page 671 on April 17, 1996 in the Office of the Recorder of Madison County, Iowa, including Parcel "D", as shown in Plat of Survey filed in Book 2, Page 673 on April 26, 1996, in the Office of the Recorder of Madison County, Iowa.**



I, **John M. Miller**, being first duly sworn on oath do depose and state that I am an attorney licensed to practice in the State of Iowa with offices located at 974 73rd St., Ste. 15, West Des Moines, Iowa.

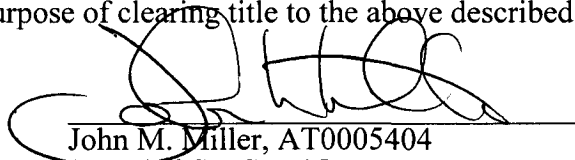
I further state that this office was the attorney of record for Francis N. Sadler for services in his Chapter 7 Petition and Plan filed under Title 11 United States Code. True and correct copies of the Notice of Commencement of Case, Schedules A and C and Discharge of Debtor all filed in the United States Bankruptcy Court for the Southern District of Iowa on March 14, 2016, case number 16-00464 in which debtor received his Discharge Order on June 7, 2016 all attached hereto.

I further state and attest that the above described property was claimed exempt as the debtors homestead and the time for filing objections to the claimed exemptions has passed and no such objections have been filed.

I further state that a Motion to Avoid Judicial Lien entitled Capital One Bank N.A. vs. Francis N. Sadler (SCSC015328) was filed with the United States Bankruptcy Court on March 14, 2016 and that the Court entered its Order Avoiding Judicial Lien on April 1, 2016, a true and correct copy of said Motion to Avoid Lien and Order is attached hereto.

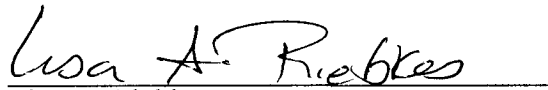
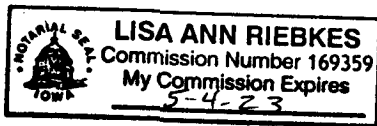
I further state that a Motion to Avoid Judicial Lien entitled Midland Funding, LLC vs. Francis N. Sadler (LACV034011) was filed with the United States Bankruptcy Court on March 14, 2016 and that the Court entered its Order Avoiding Judicial Lien on April 1, 2016, a true and correct copy of said Motion to Avoid Lien and Order is attached hereto.

I execute this affidavit for the purpose of clearing title to the above described property.



John M. Miller, AT0005404  
974 73rd St., Ste. 15  
West Des Moines, Iowa 50265  
Telephone: (515) 225-3333

Subscribed and sworn to before me, a Notary Public in and for the State of Iowa, on this 15<sup>th</sup> day of July, 2021.



Lisa A. Riebkes  
Notary Public in and for the State of Iowa

**Information to identify the case:**

Debtor 1	<b>Francis Neil Sadler</b>	Social Security number or ITIN	<b>xxx-xx-3307</b>
	First Name Middle Name Last Name	EIN	__-_____-
Debtor 2		Social Security number or ITIN	_____
(Spouse, if filing)	First Name Middle Name Last Name	EIN	__-_____-
United States Bankruptcy Court Southern District of Iowa		Date case filed for chapter 7 3/14/16	
Case number: 16-00464-als7			

**Official Form 309A (For Individuals or Joint Debtors)**

**AMENDED**

**Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline**

12/15

Reason for Amendment: Resignation of Trustee

**For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.**

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.**

**Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.**

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Francis Neil Sadler	
2. All other names used in the last 8 years		
3. Address	2280 Rustic Ave. Winterset, IA 50273	
4. Debtor's attorney Name and address	John M Miller 974 73rd Street Ste 15 Windsor Heights, IA 50324	Contact phone (515) 225-3333 Email: <a href="mailto:lisar@johnmillerlaw.com">lisar@johnmillerlaw.com</a>
5. Bankruptcy trustee Name and address	Charles L Smith 25 Main Place, Ste 200 PO Box 248 Council Bluffs, IA 51502-0248	Contact phone (712) 325-9000 Email: <a href="mailto:trustee@telpnerlaw.com">trustee@telpnerlaw.com</a>

For more information, see page 2 >

Debtor **Francis Neil Sadler**

Case number **16-00464-als7**

<b>6. Bankruptcy clerk's office</b>	110 E. Court Ave. Suite 300 Des Moines, IA 50309	Office Hours: <u>08:00 AM – 05:00 PM Monday – Friday</u>  Contact phone (515) 284-6230  Date: 3/23/16
Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .		
<b>7. Meeting of creditors</b>	<b>April 20, 2016 at 11:00 AM</b>	Location:  <b>Room 783, Federal Building, 210 Walnut, Des Moines, IA 50309</b>
Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.	The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	
<b>8. Presumption of abuse</b>	The presumption of abuse does not arise.	
If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.		
<b>9. Deadlines</b>	<b>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:</b>	<b>Filing deadline: 6/5/16</b>
The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	<b>You must file a complaint:</b> <ul style="list-style-type: none"><li>• if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or</li><li>• if you want to have a debt excepted from discharge under 11 U.S.C § 523(a)(2), (4), or (6).</li></ul> <b>You must file a motion:</b> <ul style="list-style-type: none"><li>• if you assert that the discharge should be denied under § 727(a)(8) or (9).</li></ul>	
	<b>Deadline to object to exemptions:</b> The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.	<b>Filing deadline:</b> If applicable, 30 days after the <i>conclusion</i> of the meeting of creditors
<b>10. Proof of claim</b>	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.	
Please do not file a proof of claim unless you receive a notice to do so.		
<b>11. Creditors with a foreign address</b>	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
<b>12. Exempt property</b>	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> . If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.	
<b>13. Cellular phones</b>	Only attorneys and their employees may carry cell phones and other portable communication devices into hearing locations.	

Fill in this information to identify your case and this filing:

Debtor 1 Francis Neil Sadler  
 First Name Middle Name Last Name

Debtor 2  
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF IOWA

Case number 16-00464

Check if this is an amended filing

# Official Form 106A/B Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

## Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- No. Go to Part 2.
- Yes. Where is the property?

1.1

2280 Rustic Ave  
Street address, if available, or other description

Winterset IA 50273-0000  
City State ZIP Code

Madison  
County

What is the property? Check all that apply

- Single-family home
- Duplex or multi-unit building
- Condominium or cooperative
- Manufactured or mobile home
- Land
- Investment property
- Timeshare
- Other \_\_\_\_\_

Who has an interest in the property? Check one

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?	Current value of the portion you own?
<u>\$164,000.00</u>	<u>\$164,000.00</u>

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

**Fee Simple Subject to Mortgage. Purchased 2010**

Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number:

legally described as: The part of Parcel "B" located in the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section One (1), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 29.18 acres.

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.....=>

\$164,000.00

## Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

Fill in this information to identify your case:

Debtor 1	<b>Francis Neil Sadler</b>		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	SOUTHERN DISTRICT OF IOWA		
Case number (if known)	16-00464		

Check if this is an amended filing

Official Form 106C

**Schedule C: The Property You Claim as Exempt**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

**Part 1: Identify the Property You Claim as Exempt**

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
- You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own <small>Copy the value from <i>Schedule A/B</i></small>	Amount of the exemption you claim <small>Check only one box for each exemption.</small>	Specific laws that allow exemption
2280 Rustic Ave Winterset, IA 50273 Madison County legally described as: The part of Parcel "B" located in the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section One (1), Township Seventy-five (75) North, Range Twenty-seven (27) West of th Line from <i>Schedule A/B</i> : 1.1	\$164,000.00	<input checked="" type="checkbox"/> \$21,593.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Iowa Code §§ 561.2, 561.16, 499A.18
2009 Chevy Silverado 1500 ext cab LS 6 1/2' bed 130,000 (KBB) miles (needs \$5,000 body work) Line from <i>Schedule A/B</i> : 3.1	\$6,591.00	<input checked="" type="checkbox"/> \$6,591.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Iowa Code § 627.6(9)
2007 Kawasaki 4 wheeler Line from <i>Schedule A/B</i> : 3.2	\$1,000.00	<input checked="" type="checkbox"/> \$1,000.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Iowa Code § 627.6(11)
Household furnishings Line from <i>Schedule A/B</i> : 6.1	\$3,500.00	<input checked="" type="checkbox"/> \$3,500.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Iowa Code § 627.6(5)

**IOWA DISTRICT COURT IN AND FOR POLK COUNTY**

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<b>Capital One Bank (USA), N.A.</b>	:	
<b>Plaintiff,</b>	:	<b>Case No.: 16-00464</b>
<b>vs.</b>	:	<b>Chapter 7</b>
<b>Francis N. Sadler</b>	:	
<b>Defendant</b>	:	

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**MOTION TO AVOID JUDICIAL LIEN**

---

The Debtors complains as follows:

1. That the Creditor named above has a judicial lien (SCSC015328) in the following described homestead property of the Debtor or the Debtors dependents:

**The part of Parcel "B" located in the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section One (1), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 29.18 acres.**

**l/k/a 2280 Rustic Ave Winterset, IA 50273**

2. That the lien impairs an exemption to which the Debtors would have been entitled under § 561.16, Code of Iowa (2011).

3. That pursuant to 11 U.S.C. Sec. 522(f) the Debtors may avoid any judicial liens on the property described above to the extent that the lien impairs an exemption to which the Debtors would have been entitled, and the Debtors hereby invoke said section and avoid the liens of the Creditor.

**WHEREFORE**, the Debtors **PRAYS** that the Court enter an Order avoiding any and all judicial liens of the Creditor in the property described above pursuant to 11 U.S.C. Sec. 522 (f).

/s/ John M. Miller

John M. Miller, IS 9999255  
974 73rd St., Ste. 15  
Windsor Heights, IA 50324  
Telephone: (515) 225-3333  
Lisar@johnmillerlaw.com  
ATTORNEY FOR DEBTOR

**CERTIFICATE OF SERVICE:** By signing above, the attorney certifies that on this 14<sup>th</sup> day of March, 2016, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. The parties listed below will receive notice electronically.

US Trustee  
USTPRegion12.DM.ECF@usdoj.gov

Donald F. Neiman, Trustee  
Trusteeneiman@bradshawlaw.com

**CERTIFICATE OF SERVICE:** By signing above, the attorney certifies that on this 14<sup>th</sup> day of March, 2016, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. The parties listed below will receive notice by regular mail.

Capital One Bank (USA) N.A.  
C/o Christopher E. Pech  
PO Box 2165  
Cedar Rapids, IA 52406



**Lisa Riebkes**

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**From:** CM\_ECF@iasb.uscourts.gov  
**Sent:** Friday, April 01, 2016 11:12 AM  
**To:** CM\_ECF@iasb.uscourts.gov  
**Subject:** 16-00464-als7 Order on Motion to Avoid Lien

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.**

**U.S. Bankruptcy Court**

**Southern District of Iowa**

Notice of Electronic Filing

The following transaction was received from acw entered on 4/1/2016 at 11:12 AM CDT and filed on 4/1/2016

**Case Name:** Francis Neil Sadler

**Case Number:** 16-00464-als7

**Document Number:** 23

**Docket Text:**

Docket Text Order Regarding Motion to Avoid Lien Held by Capital One Bank (USA), N.A. There being no timely objection to the motion, it is hereby Ordered that: the motion is granted as to the property described therein and the fixing of the lien described in the motion is avoided pursuant to 11 U.S.C. section 522(f). As required by any applicable federal rule or statute, the filer shall serve this order on all appropriate parties (except those parties who will receive notice of electronic filing). This order has been entered on the docket as directed by the Judge assigned to the case. (Related Doc # [8]). (acw)

The following document(s) are associated with this transaction:

**16-00464-als7 Notice will be electronically mailed to:**

Chet A Mellema on behalf of Creditor Earlham Savings Bank  
mellema.chet@bradshawlaw.com, warner.barbara@bradshawlaw.com;gilbert.luann@bradshawlaw.com

John M Miller on behalf of Debtor Francis Neil Sadler  
lisar@johnmillerlaw.com

Charles L Smith  
trustee@telpnerlaw.com, ia21@ecfbis.com

**IOWA DISTRICT COURT IN AND FOR POLK COUNTY**

---

<b>Midland Funding LLC</b>	:	
	:	<b>Case No.: 16-00464</b>
<b>Plaintiff,</b>	:	<b>Chapter 7</b>
<b>vs.</b>	:	
<b>Francis N. Sadler</b>	:	
	:	
<b>Defendant</b>	:	

---

**MOTION TO AVOID JUDICIAL LIEN**

---

The Debtors complains as follows:

1. That the Creditor named above has a judicial lien (LACV034011) in the following described homestead property of the Debtor or the Debtors dependents:

**The part of Parcel "B" located in the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section One (1), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 29.18 acres.**

**l/k/a 2280 Rustic Ave Winterset, IA 50273**

2. That the lien impairs an exemption to which the Debtors would have been entitled under § 561.16, Code of Iowa (2011).

3. That pursuant to 11 U.S.C. Sec. 522(f) the Debtors may avoid any judicial liens on the property described above to the extent that the lien impairs an exemption to which the Debtors would have been entitled, and the Debtors hereby invoke said section and avoid the liens of the Creditor.

**WHEREFORE**, the Debtors PRAYS that the Court enter an Order avoiding any and all judicial liens of the Creditor in the property described above pursuant to 11 U.S.C. Sec. 522 (f).

/s/ John M. Miller

John M. Miller, IS 9999255  
974 73rd St., Ste. 15  
Windsor Heights, IA 50324  
Telephone: (515) 225-3333  
Lisar@johnmillerlaw.com  
ATTORNEY FOR DEBTOR

**CERTIFICATE OF SERVICE:** By signing above, the attorney certifies that on this 14<sup>th</sup> day of March, 2016, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. The parties listed below will receive notice electronically.

US Trustee  
USTPRegion12.DM.ECF@usdoj.gov

Donald F. Neiman, Trustee  
Trusteeneiman@bradshawlaw.com

**CERTIFICATE OF SERVICE:** By signing above, the attorney certifies that on this 14<sup>th</sup> day of March, 2016, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. The parties listed below will receive notice by regular mail.

Midland Funding LLC  
c/o Kevin Abbott  
974 73<sup>rd</sup> St., Ste. 20  
Des Moines, IA 50324

**Lisa Riebkes**

---

**From:** CM\_ECF@iasb.uscourts.gov  
**Sent:** Friday, April 01, 2016 11:11 AM  
**To:** CM\_ECF@iasb.uscourts.gov  
**Subject:** 16-00464-als7 Order on Motion to Avoid Lien

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**U.S. Bankruptcy Court**

**Southern District of Iowa**

Notice of Electronic Filing

The following transaction was received from acw entered on 4/1/2016 at 11:11 AM CDT and filed on 4/1/2016

**Case Name:** Francis Neil Sadler

**Case Number:** 16-00464-als7

**Document Number:** 22

**Docket Text:**

Docket Text Order Regarding Motion to Avoid Lien Held by Midland Funding LLC. There being no timely objection to the motion, it is hereby Ordered that: the motion is granted as to the property described therein and the fixing of the lien described in the motion is avoided pursuant to 11 U.S.C. section 522(f). As required by any applicable federal rule or statute, the filer shall serve this order on all appropriate parties (except those parties who will receive notice of electronic filing). This order has been entered on the docket as directed by the Judge assigned to the case. (Related Doc # [7]). (acw)

The following document(s) are associated with this transaction:

**16-00464-als7 Notice will be electronically mailed to:**

Chet A Mellema on behalf of Creditor Earlham Savings Bank  
mellema.chet@bradshawlaw.com, warner.barbara@bradshawlaw.com;gilbert.luann@bradshawlaw.com

John M Miller on behalf of Debtor Francis Neil Sadler  
lisar@johnmillerlaw.com

Charles L Smith  
trustee@telpnerlaw.com, ia21@ecfbis.com

**Information to identify the case:**

Debtor 1	<b>Francis Neil Sadler</b>	Social Security number or ITIN	<b>xxx-xx-3307</b>
	_____ First Name Middle Name Last Name	EIN	__-____
Debtor 2	_____ First Name Middle Name Last Name	Social Security number or ITIN	_____
(Spouse, if filing)		EIN	__-____

United States Bankruptcy Court **Southern District of Iowa**  
Case number: **16-00464-als7**

**Order of Discharge**

12/15

**IT IS ORDERED:** A discharge under 11 U.S.C. § 727 is granted to:

Francis Neil Sadler

6/7/16

**By the court:** Judge Anita L. Shodeen  
United States Bankruptcy Judge

**Explanation of Bankruptcy Discharge in a Chapter 7 Case**

This order does not close or dismiss the case, and it does not determine how much money, if any, the trustee will pay creditors.

**Creditors cannot collect discharged debts**

This order means that no one may make any attempt to collect a discharged debt from the debtors personally. For example, creditors cannot sue, garnish wages, assert a deficiency, or otherwise try to collect from the debtors personally on discharged debts. Creditors cannot contact the debtors by mail, phone, or otherwise in any attempt to collect the debt personally. Creditors who violate this order can be required to pay debtors damages and attorney's fees.

However, a creditor with a lien may enforce a claim against the debtors' property subject to that lien unless the lien was avoided or eliminated. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

This order does not prevent debtors from paying any debt voluntarily or from paying reaffirmed debts according to the reaffirmation agreement. 11 U.S.C. § 524(c), (f).

**Most debts are discharged**

Most debts are covered by the discharge, but not all. Generally, a discharge removes the debtors' personal liability for debts owed before the debtors' bankruptcy case was filed.

Also, if this case began under a different chapter of the Bankruptcy Code and was later converted to chapter 7, debts owed before the conversion are discharged.

In a case involving community property: Special rules protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.

**For more information, see page 2**

**Some debts are not discharged**

Examples of debts that are not discharged are:

- ◆ debts that are domestic support obligations;
- ◆ debts for most student loans;
- ◆ debts for most taxes;
- ◆ debts that the bankruptcy court has decided or will decide are not discharged in this bankruptcy case;
- ◆ debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- ◆ some debts which the debtors did not properly list;
- ◆ debts for certain types of loans owed to pension, profit sharing, stock bonus, or retirement plans; and
- ◆ debts for death or personal injury caused by operating a vehicle while intoxicated.

Also, debts covered by a valid reaffirmation agreement are not discharged.

In addition, this discharge does not stop creditors from collecting from anyone else who is also liable on the debt, such as an insurance company or a person who cosigned or guaranteed a loan.

**This information is only a general summary of the bankruptcy discharge; some exceptions exist. Because the law is complicated, you should consult an attorney to determine the exact effect of the discharge in this case.**