

Document 2021 3551

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Date 8/24/2021 Time 11:41:56AM

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INDX

ANNO

SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Return to

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

AFFIDAVIT

STATE OF IOWA)
) ss:
COUNTY OF POLK)

Re: Lot 6 Block 12- Lowghridge & Cassidy's Addition to town of Winterset, an official plat, now included in and forming part of the City of Winterset, 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 Amber Dawn Mathes for services in her 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 February 28, 2012, case number 12-00514 in which debtor received her Discharge Order on May 30, 2012 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.

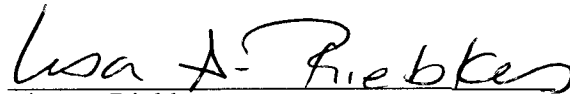
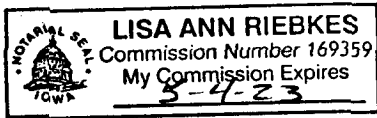
I further state that a Motion to Avoid Judicial Lien entitled Gemini Capital Group, LLC vs. Amber D. Mathes (SCSC014846) was filed with the United States Bankruptcy Court on February 29, 2012 and that the Court entered its Order Avoiding Judicial Lien on March 21, 2012, a true and correct copy of said 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 29th day of July, 2021.



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

**UNITED STATES BANKRUPTCY COURT
SOUTHERN 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 2/28/12.

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):

Amber Dawn Mathes
813 E Jeffersen St
Winterset, IA 50273

Case Number:
12-00514-als7

Social Security/Taxpayer ID/Employer ID/Other Nos.:
xxx-xx-1867

Attorney for Debtor(s) (name and address):

John M Miller
974 73rd Street
Ste 15
Windsor Heights, IA 50324
Telephone number: (515) 225-3333

Bankruptcy Trustee (name and address):

Dallas J Janssen
701 East Court Ave
Suite A
Des Moines, IA 50309-4941
Telephone number: (515) 274-9161

Meeting of Creditors

Date: **March 28, 2012**

Time: **11:00 AM**

Location: **Room 783, Federal Building, 210 Walnut, Des Moines, IA 50309**

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:

Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts: 5/27/12

Deadline to Object to Exemptions:

If applicable, thirty (30) days after the *conclusion* of the meeting of creditors.

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.

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:

U.S. Courthouse Annex
110 E. Court Avenue, Suite 300
Des Moines, IA 50309
Telephone number: 515-284-6230

For the Court:

Clerk of the Bankruptcy Court:
Mary M. Weibel

Hours Open: Monday – Friday 8:00 AM – 5:00 PM

Date: 2/28/12

EXPLANATIONS

B9A (Official Form 9A) (12/11)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. 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.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2),(4), or (6), you must file a complaint — or a motion if you assert the discharge should be denied under § 727(a)(8) or (a)(9) — in the bankruptcy clerk's office by the "Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts" listed on the front of this form. The bankruptcy clerk's office must receive the complaint or motion and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side. See Fed. R. Bankr. P. 1019(2)(B)(i).
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
Appointment of Trustee	The trustee named on the front side is the interim trustee appointed by the U.S. Trustee to serve under general blanket bond.

Refer to Other Side for Important Deadlines and Notices

Only attorneys and their employees may carry cell phones and other portable communication devices into the location(s) identified above. Devices that cause audible sound must be turned off when a party is in the applicable location.

In re **Amber Dawn Mathes**

Case No. **12-00514**

Debtor

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
Homestead located at 813 E Jeffersen St. in Winterset, Iowa and legally described as: Lot 6 Block 12- Lowghridge & Cassidy's Addition to town of Winterset, an official plat, now included in and forming part of the City of Winterset, Madison County, Iowa.	Fee Simple Subject to Mortgage	-	60,000.00	51,816.00

Sub-Total > **60,000.00** (Total of this page)

Total > **60,000.00**

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

In re Amber Dawn Mathes

Case No. 12-00514

Debtor

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

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

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.)

- 11 U.S.C. §522(b)(2)
- 11 U.S.C. §522(b)(3)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Real Property			
Homestead located at 813 E Jeffersen St. in Winterset, Iowa and legally described as: Lot 6 Block 12- Lowghridge & Cassidy's Addition to town of Winterset, an official plat, now included in and forming part of the City of Winterset, Madison County, Iowa.	Iowa Code §§ 561.2, 561.16, 499A.18	8,184.00	60,000.00
Checking, Savings, or Other Financial Accounts, Certificates of Deposit			
Farmers & Merchants - Checking/Savings	Iowa Code § 627.6(14)	700.00	700.00
Household Goods and Furnishings			
Household Goods	Iowa Code § 627.6(5)	1,540.00	1,540.00
Wearing Apparel			
Clothing	Iowa Code § 627.6(5)	1,000.00	1,000.00
Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans			
Blue Cross/Blue Shield - 401K	Iowa Code § 627.6(8)(e) & (f)	146.00	146.00
Other Liquidated Debts Owning Debtor Including Tax Refund			
Accrued wages and tax refunds including any wages previously garnished or currently being held by any entity.	Iowa Code § 627.6(10)	1,000.00	1,000.00
Automobiles, Trucks, Trailers, and Other Vehicles			
2002 Ford Taurus (122,798 miles)	Iowa Code § 627.6(9)	1,500.00	1,500.00
Other Exemptions			
*	Amounts shown are debtors best estimates of the value of property shown and the value of the exemption. It is debtors intention to claim as exempt ALL equity or value in every exemption listed to the fullest extent possible.	0.00	0.00

Total: **14,070.00** **65,886.00**

0 continuation sheets attached to Schedule of Property Claimed as Exempt

United States Bankruptcy Court

Southern District of Iowa
110 E. Court Ave., Suite 300
Des Moines, IA 50309
www.iasb.uscourts.gov

Case No. 12-00514-als7

Chapter 7

In re: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Amber Dawn Mathes
813 E Jeffersen St
Winterset, IA 50273

Social Security No.:

xxx-xx-1867

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: 5/30/12

Judge Anita L. Shodeen
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

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 incurred to pay nondischargeable taxes;
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. 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; and
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

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.

MIME-Version:1.0
From:CM_ECF@iasb.uscourts.gov
To:CM_ECF@iasb.uscourts.gov
Bcc: USTPRegion12.DM.ECF@usdoj.gov, lisar@dsmialaw.com, trusteeasst@dwx.com, dj@trustesolutions.com, dj@trustesolutions.net, trusteejanssen

Message-Id:<4423049@iasb.uscourts.gov>
Subject:12-00514-als7 Order on Motion to Avoid Lien

Content-Type: text/html

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U.S. Bankruptcy Court

Southern District of Iowa - Database

Notice of Electronic Filing

The following transaction was received from bkwn entered on 3/27/2012 at 2:32 PM CDT and filed on 3/27/2012

Case Name: Amber Dawn Mathes

Case Number: 12-00514-als7

Document Number: 16

Docket Text:

Docket Text Order Regarding Motion to Avoid Lien Held by Capital One Bank. There being no timely objection to the motion, it is hereby Ordered that: 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 # [12]). (bkwn)

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

12-00514-als7 Notice will be electronically mailed to:

Dallas J Janssen
trusteejanssen@dwx.com, trusteeasst@dwx.com,dj@trustesolutions.com,dj@trustesolutions.net

John M Miller on behalf of Debtor Amber Mathes
lisar@dsmialaw.com

United States Trustee
USTPRegion12.DM.ECF@usdoj.gov

12-00514-als7 Notice will not be electronically mailed to:

Capital One Bank
c/o Charlie Litow
PO BOX 2165
Cedar Rapids, IA 52406-2165

Gemini Capital Group, Inc.
c/o Curtis McCormick
7405 University Ave., Ste. 10
Clive, IA 50325

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

RE:	:	
Amber Dawn Mathes	:	CASE NO. 12-00514
Debtor.	:	CHAPTER 7
vs.	:	
Captial One Bank	:	
Creditor.	:	

MOTION TO AVOID JUDICIAL LIEN

The Debtor complain as follows:

1. That the Creditor named above has a judicial lien (SCSC014805) in the following described homestead property of the Debtor or the Debtors dependents:

Lot 6 Block 12- Lowghridge & Cassidy's Addition to town of Winterset, an official plat, now included in and forming part of the City of Winterset, Madison County, Iowa.

L/k/a 813 E Jeffersen St. in Winterset, Iowa

2. That the lien impairs an exemption to which the Debtor would have been entitled under § 561.16, Code of Iowa (2003).

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

WHEREFORE, the Debtor 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@dsmialaw.com

ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE: By signing above, the attorney certifies that on this 7th day of March, 2012, 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

Dallas J. Janssen, Trustee

Trusteejanssen@dwx.com

CERTIFICATE OF SERVICE: By signing above, the attorney certifies that on this 7th day of March, 2012, 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

c/o Charles Litow

PO Box 2165

Cedar Rapids, IA 52406

Attorney for Creditor

MIME-Version:1.0
From:CM_ECF@iasb.uscourts.gov
To:CM_ECF@iasb.uscourts.gov
Bcc: USTPRegion12.DM.ECF@usdoj.gov, lisar@dsmialaw.com, trusteeasst@dwx.com, dj@trustesolutions.com, dj@trustesolutions.net, trusteejanssen

Message-Id:<4415950@iasb.uscourts.gov>
Subject:12-00514-als7 Order on Motion to Avoid Lien

Content-Type: text/html

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U.S. Bankruptcy Court

Southern District of Iowa - Database

Notice of Electronic Filing

The following transaction was received from acw entered on 3/21/2012 at 10:03 AM CDT and filed on 3/21/2012

Case Name: Amber Dawn Mathes
Case Number: 12-00514-als7
Document Number: 15

Docket Text:

Docket Text Order Regarding Motion to Avoid Lien Held by Gemini Capital Group, Inc. There being no timely objection to the motion, it is hereby Ordered that: 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:

12-00514-als7 Notice will be electronically mailed to:

Dallas J Janssen
trusteejanssen@dwx.com, trusteeasst@dwx.com;dj@trustesolutions.com;dj@trustesolutions.net

John M Miller on behalf of Debtor Amber Mathes
lisar@dsmialaw.com

United States Trustee
USTPRegion12.DM.ECF@usdoj.gov

12-00514-als7 Notice will not be electronically mailed to:

Capital One Bank
c/o Charlie Litow
PO BOX 2165
Cedar Rapids, IA 52406-2165

Gemini Capital Group, Inc.
c/o Curtis McCormick
7405 University Ave., Ste. 10
Clive, IA 50325

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

RE:	:	
Amber D. Mathes	:	CASE NO. 12-00514
Debtor.	:	CHAPTER 7
vs.	:	
Gemini Capital Group, LLC	:	
Creditor.	:	

MOTION TO AVOID JUDICIAL LIEN

The Debtor complain as follows:

1. That the Creditor named above has a judicial lien (SCSC014846) in the following described homestead property of the Debtor or the Debtors dependents:

Lot 6 Block 12- Lowghridge & Cassidy's Addition to town of Winterset, an official plat, now included in and forming part of the City of Winterset, Madison County, Iowa.

L/k/a 813 E Jefferson St. in Winterset, Iowa

2. That the lien impairs an exemption to which the Debtor would have been entitled under § 561.16, Code of Iowa (2003).

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

WHEREFORE, the Debtor 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@dsmialaw.com

ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE: By signing above, the attorney certifies that on this 29th day of February, 2012, 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

Dallas J Janssen, Trustee

Trusteejanssen@dwx.com

CERTIFICATE OF SERVICE: By signing above, the attorney certifies that on this 29th day of February, 2012, 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.

Gemini Capital Group, Inc.

c/o Curtis McCormick

7405 University Ave., Ste. 10

Clive IA 50325

Attorney for Plaintiff