



BK: 2023 PG: 2236
Recorded: 9/15/2023 at 9:06:14.0 AM
Pages 9
County Recording Fee: \$47.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$50.00
Revenue Tax:
BRANDY L. MACUMBER, RECORDER
Madison County, Iowa

Type of Document: Affidavit of Compliance with Iowa Code § 654.18

Preparer Information: Jeffrey W. Courter
Nyemaster Goode, P.C.
700 Walnut Street, Suite 1600
Des Moines, IA 50309
(515) 283-8048

Taxpayer Information: Lincoln Savings Bank
c/o Adam Boeding
1375 SW State Street
Ankeny, IA 50023

Return Document To: Jeffrey W. Courter
Nyemaster Goode, P.C.
700 Walnut Street, Suite 1600
Des Moines, IA 50309

Grantor: Blue Care PropCo Winterset - West, LLC

Grantee: Lincoln Savings Bank

Legal Description: See Page 2

Documents Previously Recorded: Agreement for Alternative Nonjudicial Voluntary Foreclosure Procedure pursuant to Iowa Code § 654.18, recorded August 8, 2023 in **Book 2023, Page 1837**, in the Office of the Madison County, Iowa Recorder. Warranty Deed recorded August 8, 2023 in **Book 2023, Page 1838** in the Office of the Madison County, Iowa Recorder.

AFFIDAVIT OF COMPLIANCE WITH IOWA CODE § 654.18

STATE OF IOWA)
) ss.
COUNTY OF POLK)

I, Jeffrey W. Courter, being first duly sworn on my oath, do depose and state that at all times material herein, I was an attorney authorized to practice law and practicing as a Shareholder of the law firm of Nyemaster Goode, P.C., 700 Walnut, Suite 1600, Des Moines, Iowa 50309.

As attorney for Lincoln Savings Bank (hereinafter referred to as the “**Lender**”), I caused to be prepared that certain Agreement for Alternative Nonjudicial Voluntary Foreclosure Procedure pursuant to Iowa Code § 654.18 (hereinafter referred to as the “**Agreement**”) with Blue Care PropCo Winterset - West, LLC (hereinafter referred to as the “**Mortgagor**”).

Pursuant to the terms and provisions of the Agreement, the Mortgagor has conveyed to Lender by Warranty Deed executed by Mortgagor contemporaneous to the execution of the Agreement, the following-described real estate located in Madison County, Iowa, to-wit:

Units #101, #102, #103, #104, #106, #107, #108, #201, #202, #203, #204, #205, #206, #208, #301, #302, #303, #304, #305, #306, #307, and #308 of JEFFERSON PLACE in the City of Winterset, Madison County, Iowa, and an undivided interest in the common elements and areas of Jefferson Place, as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder’s Office (and any supplements and amendments thereto).

Residential and Garage Unit #207 of JEFFERSON PLACE in the City of Winterset, Madison County, Iowa, and an undivided interest in the common elements and areas of Jefferson Place as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995, in Town Lot Deed Record 60, Page 159, in the Madison County Recorder’s Office (and any supplements and amendments thereto).

Also known as All Units in JEFFERSON PLACE as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder's Office, being located on Lots 6, 7, and 8 in Block 9 of the Original Town of Winterset.

And

Lots 6, 7, and 8 in Block 9 of the Original Town of Winterset.

(hereinafter referred to as the “**Subject Real Estate**”).

This Agreement, as hereinbefore referenced, was signed by the Mortgagor and Lender and acknowledged on July 31, 2023 and August 3, 2023, respectively, and recorded on August 8, 2023, in Book 2023 at Page 1837 in the Office of the Madison County, Iowa Recorder. The

Warranty Deed was dated on July 31, 2023 and recorded on August 8, 2023, being recorded in Book 2023, at Page 1838 in the Office of the Madison County, Iowa Recorder.

Pursuant to the terms and provisions of Iowa Code § 654.18, I caused to be served that certain Notice of Election to Proceed with Alternative Nonjudicial Voluntary Foreclosure Procedure and Running of Time Period to Exercise Rights of Redemption (“**Notice**”) dated August 9, 2023 (“**Notice Date**”) by certified mail, return receipt requested and ordinary mail, upon TrueStone Iowa Partners, LLC in New York, New York.

A true and accurate copy of the Notice, as was sent on the Notice Date, is attached hereto, marked Exhibit “A” by this reference made a part hereof.

A true and accurate copy of the certified mail receipt, showing receipt of the Notice on August 14, 2023 attached hereto, marked Exhibit “B” and by this reference made a part hereof.

More than thirty (30) days have passed since the service of the Notice upon the TrueStone Iowa Partners, LLC and TrueStone Iowa Partners, LLC has not redeemed the Subject Real Estate from the Lender pursuant to the terms and provisions of the Notice.

Pursuant to the terms and provisions of Iowa Code § 654.18, Lender, who is the record titleholder to the Subject Real Estate, now holds the same free and clear of any claims of the TrueStone Iowa Partners, LLC as described in the Notice, as a result of the failure to redeem from the Lender within the statutory thirty (30) day time period.

Dated this 15th day of September, 2023.

NYEMASTER GOODE, P.C.
700 Walnut, Suite 1600
Des Moines, IA 50309-3899
Telephone: (515) 283-8048
Fax: (515) 283-8045
Email: jwc@nyemaster.com

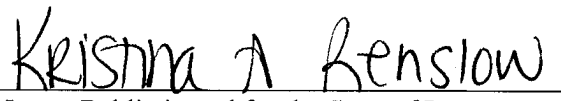
By:


Jeffrey W. Courter AT0001740

ATTORNEYS FOR LINCOLN SAVINGS BANK

Subscribed and sworn to before me by the said Jeffrey W. Courter this 15th day of September, 2023.




Notary Public in and for the State of Iowa

**NOTICE OF ELECTION TO PROCEED WITH ALTERNATIVE NONJUDICIAL
VOLUNTARY FORECLOSURE PROCEDURE AND RUNNING OF TIME PERIOD TO
EXERCISE RIGHTS OF REDEMPTION**
(“NOTICE”)

Notice Date August 9, 2023

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED
AND FIRST-CLASS MAIL**

TO: TrueStone Iowa Partners, LLC
c/o Jack Aini
10 W. 33rd Street, 3rd Floor
New York, NY 10001

Copy to: Jack Aini (via email)
Aini Law
2615 Coney Island Avenue
Brooklyn, NY 11223
Email: jackanini@ainilaw.com

Jeffrey P. Resnick (via email)
Sherman, Silverstein
Eastgate Corporate Center
308 Harper Drive, Ste. 200
Mooretown, NJ 08057
Email: jresnick@shermansilverstein.com

You and each of you are hereby notified that Lincoln Savings Bank (“**Lender**”) has entered into that certain Agreement for Alternative Nonjudicial Voluntary Foreclosure Procedure Pursuant to Iowa Code §654.18 (“**Agreement**”) with Blue Care PropCo Winterset – West, LLC, an Iowa limited liability company (“**Mortgagor**”).

Pursuant to the terms and provisions of the Agreement, Mortgagor has conveyed to Lender by Warranty Deed, executed by Mortgagor contemporaneous to the execution of the Agreement (the “**Deed**”), the following described real estate located in Webster County, Iowa, to-wit:

See legal description on Exhibit “A” attached hereto and incorporated by reference

(the “**Subject Real Estate**”).

The Agreement, was signed by the parties on July 31, 2023, and recorded on August 8, 2023, in the office of the Madison County (Iowa) Recorder, being recorded at Book 2023, Page 1837. The Deed was dated on July 31, 2023, and recorded on August 8, 2023, in the office of the Madison County (Iowa) Recorder, being recorded at Book 2023, Page 1838.

TrueStone holds a lien against the Subject Real Estate by virtue of a Declaration of Restriction, being recorded at Book 2023, Page 271 on February 14, 2023, a copy of which is attached hereto and made a part hereof.

Borrower, Blue Care Homes, LLC (“**Borrower**”) is indebted to Lender for monies owed to Lender by Borrower pursuant to a certain promissory note, plus interest, late charges, attorney’s fees and costs



EXHIBIT "A"

LEGAL DESCRIPTION

Units #101, #102, #103, #104, #106, #107, #108, #201, #202, #203, #204, #205, #206, #208, #301, #302, #303, #304, #305, #306, #307, and #308 of JEFFERSON PLACE in the City of Winterset, Madison County, Iowa, and an undivided interest in the common elements and areas of Jefferson Place, as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder's Office (and any supplements and amendments thereto).

Residential and Garage Unit #207 of JEFFERSON PLACE in the City of Winterset, Madison County, Iowa, and an undivided interest in the common elements and areas of Jefferson Place as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995, in Town Lot Deed Record 60, Page 159, in the Madison County Recorder's Office (and any supplements and amendments thereto).

Also known as All Units in JEFFERSON PLACE as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder's Office, being located on Lots 6, 7, and 8 in Block 9 of the Original Town of Winterset.

And

Lots 6, 7, and 8 in Block 9 of the Original Town of Winterset.

BK: 2023 PG: 271
Recorded: 2/14/2023 at 2:18:33.0 PM
Pages 3
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$20.00
Revenue Tax:
BRANDY L. MACUMBER, RECORDER
Madison County, Iowa

Prepared by: Jack A. Aini

WINTERSET - WEST

Record & Return
Meister Abstract Corp
11 N Airmont Rd Suite 12
Suffern NY 10901

DECLARATION OF RESTRICTION

THIS DECLARATION OF RESTRICTION, made as of the 7th day of February 2023 (this "Declaration"), by BLUE CARE PROPCO WINTERSET – WEST, LLC, an Iowa limited liability company with an address at 36 Airport Road #206, Lakewood, NJ 08701 (the "Declarant").

WITNESSETH

WHEREAS, the Declarant is the fee owner of the premises commonly known as 209 W. Jefferson Street, Winterset, IA 50273, as more particularly described on the legal description annexed here to as Schedule A (the "Premises"); and

WHEREAS, the Declarant wishes to set forth hereinafter a declaration of its intention with reference to the Premises.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Declarant hereby declares as follows:

1. The Declarant shall not sell, mortgage, assign, lease, convey, transfer, encumber, pledge, hypothecate or otherwise take any action creating a security interest in the Premises without the written consent of TrueStone Iowa Partners LLC, having an address at 10 West 33rd Street, 3rd Floor, New York, New York 10001. Any such transfer, assignment, or encumbrance without such written consent shall be null and void and of no force and effect.
2. This Declaration shall be binding on the heirs, personal representatives, successors, and assigns of the Declarant.
3. This Declaration may not be changed or modified orally and may only be terminated, changed, modified, or rescinded with such written consent.

[SIGNATURE PAGE FOLLOWS]

WINTERSET - WEST

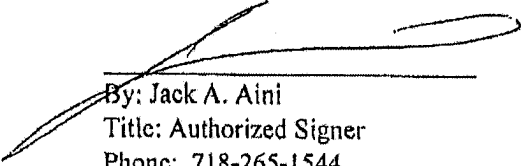
IN WITNESS WHEREOF, the undersigned has duly executed this Declaration of Restriction as of the day and year first above written.

BLUE CARE PROPCO WINTERSET - WEST, LLC

By: Blue Care PropCo Holdings, LLC

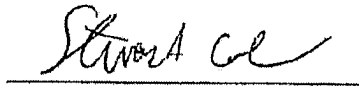
By: Blue Care Homes, LLC, sole member

By: Truestone Iowa Partners LLC, Member


By: Jack A. Aini
Title: Authorized Signer
Phone: 718-265-1544
Email: jackaini@ainilaw.com

STATE OF *New York*)
 ss.:
COUNTY OF *Kings*)

On this 7th day of February 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared JACK AINI personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

STEVEN A. COHEN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CO6420044
Qualified in Kings County
My Commission Expires 07-26-2026

SCHEDULE A

Unit #101, #102, #103, #104, #106, #107, #108, #201, #202, #203, #204, #205, #206, #208, #301, #302, #303, #304, #305, #306, #307, and #308 of Jefferson Place in the City of Winterset, Madison County, Iowa, and an undivided 22/23rd interest in the common elements and areas of Jefferson Place as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder's Office.

Residential and Garage Unit #207 of the Jefferson Place in the City of Winterset, Madison County, Iowa, and an undivided 1/23rd interest in the common elements and areas of Jefferson Place as shown in the Declaration of Condominium of Jefferson Place as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder's Office.

Also known as All Units in Jefferson Place as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder's Office, being located on Lots 6, 7, and 8 in Block 9 of the Original Town of Winterset.

And

Lots 6, 7, and 8 in Block 9 of the Original Town of Winterset.

U.S. Postal Service™

NEOPOST

08/09/2023

US POSTAGE \$000.00⁰⁰



ZIP 50309

0111111100005

7021 0350 0001 8927 6139

Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____

Postage

\$
\$
\$
\$
\$
\$

TrueStone Iowa Partners, LLC
c/o Jack Aini
10 W. 33rd Street, 3rd Floor
New York, NY 10001

WINTERSET WEST

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

WINTERSET WEST

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TrueStone Iowa Partners, LLC
c/o Jack Aini
10 W. 33rd Street, 3rd Floor
New York, NY 10001



9590 9402 7207 1284 0340 31

2. Article Number (Transfer from service label)

7021 0350 0001 8927 6139

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

Mark Debo

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- First-Class Mail®
- First-Class Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

