



Document 2009 2304

Book 2009 Page 2304 Type 06 009 Pages 9  
Date 7/20/2009 Time 9:22 AM  
Rec Amt \$49.00 Aud Amt \$5.00

INDX ✓  
ANNO ✓  
SCAN  
CHEK

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

## AFFIDAVIT

### Recorder's Cover Sheet

**Preparer Information:**

Nathan J. Barber, 666 Walnut Street, Suite 2000, Des Moines, IA 50309-3989, Phone 515-243-7100

**Taxpayer Information:**

Exchange State Bank, Attn: Kendall Kerns, 113 S. John Wayne Drive, Winterset, IA 50273

**Return Document To:**

Nathan J. Barber, 666 Walnut Street, Suite 2000, Des Moines, IA 50309-3989

**Grantor:**

Evergreen Woodworks, Inc.

**Grantee:**

Exchange State Bank

**Legal Description:** See Page 2

**Document or instrument number of previously recorded documents:** Book 2009, Page 1905

**NOTE: this cover page is prepared in compliance with Iowa Code Section 331.606b (2009). This cover page is provided for information purposes only.**

**AFFIDAVIT**

**RE:** Lot 1 of Replat of Lot 2 C&C Allen's Addition to the City of Winterset, Madison County, Iowa (the "Property").

STATE OF IOWA     )  
  )ss  
COUNTY OF POLK    )

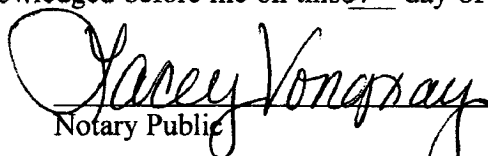
I, Nathan J. Barber, Attorney for Exchange State Bank, being first duly sworn on oath, depose and state that on the following dates I caused a Notice To All Junior Lienholders Of Election To Foreclose (true and correct copies of which are attached hereto as **Exhibit A**) to be sent to each of the following parties by the methods indicated, return receipt requested which are attached hereto collectively as **Exhibit B**:

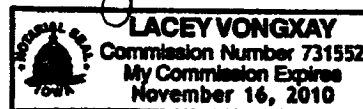
<p><b><u>Via certified U.S. Mail, Postage Prepaid on June 18, 2009</u></b></p> <p>McGowen, Hurst, Clark &amp; Smith, PC 106 E. Jefferson Street PO Box 312 Winterset, Iowa 50273</p>	<p><b><u>Corresponding Judgment Lien</u></b></p> <p>McGowen, Hurst, Clark &amp; Smith, PC v. Evergreen Woodworks, Inc., SCSC013717</p>
<p><b><u>Via certified U.S. Mail, Postage Prepaid on June 11, 2009</u></b></p> <p>Terry and Terri Kuhns 2065 State Highway 92 Winterset, Iowa 50273</p>	<p><b><u>Corresponding Mortgage Lien</u></b></p> <p>Mortgage recorded February 15, 2007 in Book 2007, Page 637.</p>

None of the foregoing lienholders have redeemed the Property from Exchange State Bank as required by Iowa Code §§654.18 and 628.29. Therefore, the Property is now owned by Exchange State Bank free and clear of the above-referenced liens.

By   
Nathan J. Barber

This document was acknowledged before me on this 20<sup>th</sup> day of July, 2009 by Nathan J. Barber.

  
Notary Public



**EXHIBIT A**

**(Attached Hereto)**

**COPY**

TO: Terry L. Kuhns and Terri L. Kuhns  
2065 State Highway 92  
Winterset, Iowa 50273

**NOTICE TO ALL JUNIOR LIENHOLDERS OF ELECTION TO FORECLOSE**

You have filed a mortgage lien against property owned by Evergreen Woodworks, Inc. ("Evergreen") and legally described as

Lot 1 of Replat of Lot 2 of C&C Allen's Addition to the City of Winterset, Madison County, Iowa (the "Property")

Your mortgage lien is filed as the following:

**Mortgage executed by Evergreen to Terry L. Kuhns and Terri L. Kuhns, recorded February 15, 2007 at 9:39 A.M. in Book 2007, Page 637 of the Madison County, Iowa Recorder's office.**

Exchange State Bank ("Bank") has a first and prior lien and claim to the Property by virtue of a Mortgage executed by Evergreen in favor of Bank recorded February 15, 2007 at 9:37 A.M. in Book 2007, Page 636 of the Madison County, Iowa Recorder's office.

On June 8, 2009, Bank, Evergreen and persons who guaranteed Evergreen's indebtedness to Bank, entered into an Alternative Nonjudicial Voluntary Foreclosure Agreement in accordance with Iowa Code §654.18 and in connection therewith, Evergreen has conveyed the Property to Bank. Pursuant to Iowa Code §654.18, you have thirty (30) days from the date of the mailing of this Notice to you to exercise your rights of redemption. Pursuant to Iowa Code §628.29, any junior lienholder may redeem the Property by paying Bank the amount of the debt secured by the Mortgage and upon receipt of same, the Bank will convey the Property to such lienholder. The unpaid principal amount owing to Bank which is secured by the Mortgage is \$344,404.67 which, together with all accrued interest, protective advancements, attorneys' fees and costs must be paid to Bank to effectuate the redemption. You may contact Kendall Kerns at the Bank (515-462-5090) to get a payoff amount. If you fail to redeem, your lien against the Property will be voided.

**GOVERN YOURSELF ACCORDINGLY.**

Dated this 11th day of June, 2009

BELIN LAMSON McCORMICK  
ZUMBACH FLYNN, A Professional  
Corporation

By:   
Nathan J. Barber

The Financial Center  
666 Walnut Street Suite 2000  
Des Moines, IA 50309-3989  
Telephone: (515) 243-7100  
Telecopier: (515) 558-0646  
E-Mail: [tlflynn@belinlaw.com](mailto:tlflynn@belinlaw.com)

ATTORNEYS FOR EXCHANGE STATE  
BANK

TO: McGowen, Hurst, Clark & Smith, PC  
106 E. Jefferson Street  
P.O. Box 312  
Winterset, Iowa 50273

**COPY**

**NOTICE TO ALL JUNIOR LIENHOLDERS OF ELECTION TO FORECLOSE**

You have obtained a judgment lien against property owned by Evergreen Woodworks, Inc. ("Evergreen") and legally described as

Lot 1 of Replat of Lot 2 of C&C Allen's Addition to the City of Winterset, Madison County, Iowa (the "Property")

Your judgment lien is filed as the following:

**McGowen Hurst, Clark & Smith, PC v. Evergreen Woodworks, Inc., SCSC013717, in the amount of \$5,000 plus interest and costs.**

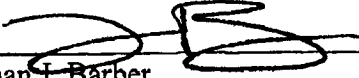
Exchange State Bank ("Bank") has a first and prior lien and claim to the Property by virtue of a Mortgage executed by Evergreen in favor of Bank recorded February 15, 2007 at 9:37 A.M. in Book 2007, Page 636 of the Madison County, Iowa Recorder's office.

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**GOVERN YOURSELF ACCORDINGLY.**

Dated this 18th day of June, 2009

BELIN LAMSON McCORMICK  
ZUMBACH FLYNN, A Professional  
Corporation

By:   
Nathan J. Barber

The Financial Center  
666 Walnut Street Suite 2000  
Des Moines, IA 50309-3989  
Telephone: (515) 243-7100  
Telecopier: (515) 558-0646  
E-Mail: njbarber@belinlaw.com

ATTORNEYS FOR EXCHANGE STATE  
BANK

**EXHIBIT B**

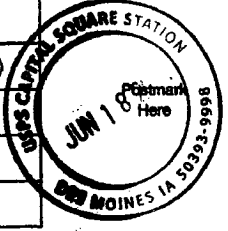
**(Attached Hereto)**



0962 8929 E000 064T 2002

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com

Postage	\$ 0.44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.54</b>



Sent to: McGowen, Hurst, Clark & Smith  
 Street, Apt. No., or PO Box No. 106 E Jefferson St.  
 City, State, ZIP+4 Winterset, IA 50273

PS Form 3800, August 2005 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

Article Number: 7007 1490 0003 6783 2960  
 (Transfer from service label)  
 Form 3811, February 2004 Domestic Return Receipt

Article Addressed to:  
McGowen, Hurst, Clark & Smith  
106 E Jefferson St.  
Winterset, IA 50273

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Betty Kirkland  Agent  
 B. Received by (Printed Name) Betty Kirkland  Address:  
6/19/07  Date of Delivery  
 C. Date of Delivery  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

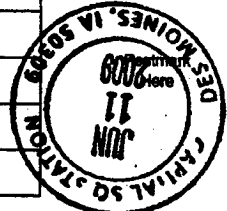
3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

0924 8929 E000 064T 2002

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com

Postage	\$ 0.44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.54</b>



Sent to: Terry & Teri Kuhns  
 Street, Apt. No., or PO Box No. 2005 State Highway 92  
 City, State, ZIP+4 Winterset, IA 50273

PS Form 3800, August 2005 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

Article Number: 7007 1490 0003 6783 4780  
 (Transfer from service label)  
 Form 3811, February 2004 Domestic Return Receipt

Article Addressed to:  
Terry and Teri Kuhns  
2005 State Highway 92  
Winterset, IA 50273

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Teri Kuhns  Agent  
 B. Received by (Printed Name) Teri Kuhns  Address:  
6/12/07  Date of Delivery  
 C. Date of Delivery  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No