



G. Stephen Walters  
G. Stephen Walters

Subscribed and sworn to before me by the said G. Stephen Walters on this 12<sup>th</sup> day  
of May, 2000.



Sheila Kirkland  
Notary in and for the state of Iowa

RETURN OF SERVICE

**FILED**

00 APR -4 PM 3:19

JANICE L. HARRIS  
CLERK OF DISTRICT COURT  
MADISON COUNTY, IOWA

The within Demand for Bringing Suit received the 30th day of March, 2000, and I certify that I served the same on the person(s) named below by delivering a copy of the same to said person(s) personally at the time and place set opposite his or her name:

I certify that I served the Demand on Bradley Kern, at 3207 Scott Ave., Des Moines, IA 50317, who is at least 18 years of age, on April 3, 2000.

FEES:

Service \$ 45.00

**MEMO AND AFFIDAVIT OF SERVICE**

STATE OF IOWA :  
 :SS  
MADISON COUNTY :

The Undersigned, first being duly sworn upon oath, deposes and states that he served the attached notice or document on each of the persons named above by delivering a copy of said notice or document to each of said persons at the time and place set above opposite their respective names.

Joseph Carney  
Joseph Carney

Subscribed and sworn to before me by Joseph Carney on this 4<sup>th</sup> day of April, 2000.

Sheila Kirkland  
Notary Public in and for the State of Iowa

EXHIBIT A

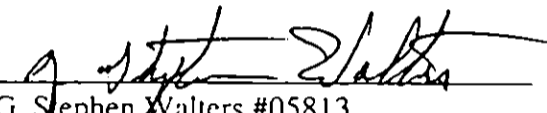
## DEMAND FOR BRINGING SUIT

TO: Bradley Kern, also known as Brad Kern, doing business as Bestway Roofing

You are hereby notified as follows:

1. You filed a Mechanic's Lien in the office of the Madison County, Iowa, Clerk of Court, on March 22, 2000, a copy of the front page of which is attached and incorporated.
2. The real property described on the attached and incorporated Mechanic's Lien is owned by Alan W. Magruder, also known as Alan Magruder, and Helene B. Magruder, and Bruce Bunning and Amanda Bunning have been acting as the agent for these two owners. These individuals, through their undersigned attorney and agent, G. Stephen Walters, are giving you this notice and Demand for Bringing Suit pursuant to Section 572.28 of the Code of Iowa.
3. You, as lienholder, are hereby notified that you are required to commence an action to enforce the attached Mechanic's Lien within 30 days after service on you of this Demand for Bringing Suit, and that unless you commence such an enforcement action within this 30 day period, your Mechanic's Lien and all benefits deriving therefrom, shall be forfeited pursuant to Iowa Code Section 572.28.

JORDAN, OLIVER, & WALTERS, P.C.

By   
G. Stephen Walters #05813  
P.O. Box 230,  
Farmers & Merchants Bank Bldg.  
Winterset, Iowa 50273  
Telephone: 515-462-3731  
Fax: 515-462-3734

ATTORNEYS AND AGENTS FOR  
ALAN W. MAGUDER, HELENE B.  
MAGUDER, BRUCE BUNNING AND  
AMANDA BUNNING

cc - Alan Magruder and Bruce Bunning 3/29/00

LN-CV030483

MECHANIC'S LIEN

STATE OF IOWA REC-22 MAR 22 11 03 AM '00 Form 115 (Revised 5-5-89)

# MECHANIC'S LIEN

(SEE NOTE BELOW)

STATE OF IOWA, Madison COUNTY

I, the undersigned (who is Allen Maguire & Bruce Bunning (of) the Claimant  
(Owner, Manager, Bookkeeper, etc.)

does affirm and say the following statement is true to the best of my knowledge and belief, and is made of my personal knowledge by reason of the relationship aforesaid:

That, on the dates set forth in Exhibit "A" hereof, Bradley Kern DBA Bestway Building  
(Name of person, firm or corporation furnishing material or labor)

Brad Kern, herein referred to as the Claimant, furnished material or labor for, or performed labor upon, the building or land for improvement, alteration, or repair thereof, situated upon, or being identical with the following described real estate in Madison County, Iowa, to-wit:

Sellers agree to sell and Buyers agree to buy the real estate in Madison County, Iowa, described as:

Parcel "D" in the Southeast Quarter of Section One (1), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P. M., Madison County, Iowa, as shown by the Plat of Survey recorded on the 29<sup>th</sup> day of October 1999, at Page 505 in Farm Plat Book 3 in the Madison County, Iowa Recorder's Office, said Parcel "D" being a part of Parcel "A" in the Southeast Quarter of Section One (1), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P. M., Madison County, Iowa, as shown by the Plat of Survey recorded on the 28<sup>th</sup> day of May, 1999, at Page 448 in Farm Plat Book 3 in the Madison County, Iowa Recorder's Office and an easement, which is more particularly described in Paragraph 17a.

That said items were furnished pursuant to a contract made by the then Owner of said premises, and were furnished by said Claimant who is (1) a contractor thereunder. / That said items were furnished beginning the

- or
- (2) a subcontractor
- or
- (3) a person furnishing only materials to a subcontractor
- (strike two)

11 day of March, 1900, and ending on the 16 day of March, 1900; all as specified in said statement or account hereto attached, marked Exhibit "A" and by this reference made part hereof, and at the respective dates, amounts and prices therein stated, which said account is a true and just statement for the same, after allowing all credits and offsets thereon.

That Bruce Bunning / Allen Maguire, whose last known mailing address is 167A Hwy 169 Wentworth Iowa is now the owner, agent, or trustee of said real estate and that there is now due and owing to the said Claimant the principal sum of \$ 2275.00 with interest thereon at the statutory rate, or the contract rate of \_\_\_\_\_% per annum interest, together with costs as provided by law, said Claimant asserts a Mechanic's Lien against said improvement and the above described real estate upon which the same is situated

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.\*

3/21/00  
Date

Bradley Kern  
Claimant  
Acting for Contractor Claimant  
3207 Scott Ave Des Moines IA  
Claimant's Address 50317