

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

JUSTIN R. BERG,

Plaintiff,

vs.

JOHN FREDERICK BORTELL and  
VICTORIA LYNN BORTELL,

Defendants.

EQUITY NO. CNO30362

REC \$ 90<sup>00</sup>  
AUD \$ \_\_\_\_\_  
R.M.F. \$ 1<sup>00</sup>

006666

FILED NO. \_\_\_\_\_

BOOK 46 PAGE 561

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PETITION IN EQUITY



COMPUTER   
RECORDED   
COMPALED

NICKI UTSLER  
RECORDER  
MADISON COUNTY, IOWA

COMES NOW the Plaintiff, Justin R. Berg, and for his Petition, states:

1. Plaintiff, Justin R. Berg, is a resident of South Lake Tahoe, California.
2. The Defendant, John F. Bortell, at all times material hereto was a resident of Madison County, Iowa.
3. The Defendant, Victoria L. Bortell, at all times material hereto was a resident of Madison County, Iowa.
4. Between the years 1991 and 1994, the Plaintiff was repeatedly sexually abused by the Defendant, John F. Bortell, while the Plaintiff was a camper at Bortell's Ranch, Inc., in Madison County, Iowa.
5. On June 23, 1997, the Plaintiff filed his Petition at Law against the Defendant, John F. Bortell, and Bortell's Ranch, Inc., in the Iowa District Court for Madison County, Case No. LA-CV030037, which Petition sought compensatory and punitive damages for the conduct of the Defendant, John F. Bortell, described herein above.

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**CERTIFICATE**  
I, Janice [unclear], Clerk of District Court of the State of Iowa, in and for Madison County, do hereby certify that this is a true and complete copy of the Original Instrument filed in this office. IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Seal of said Court at my office in Winterset, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

*[Signature]*  
Clerk of the District Court  
Deputy

6. On March 11, 1999, a judgment was entered upon a jury verdict in Madison County Case No. LA-CV030037, in favor of the Plaintiff and against the Defendant, John F. Bortell, in the amount of \$617,220, plus interest and court costs.

7. Execution has issued on said judgment and has been returned unsatisfied.

8. On August 13, 1998, while the above-referenced action in Madison County Case No. LA-CV030037 was pending, the Defendant, John F. Bortell, and the Defendant, Victoria L. Bortell, entered into a stipulated Decree of Dissolution of Marriage in the Iowa District Court for Madison County, Case No. CDDM005075. A copy of the Decree of Dissolution of Marriage is attached hereto as Exhibit "A" and is incorporated herein by this reference.

9. The aforementioned Decree of Dissolution of Marriage purported to transfer title and ownership of real and personal property owned by the Defendants to the Defendant, Victoria L. Bortell. The property so transferred is set forth in Exhibit "B" which is attached hereto and incorporated herein by this reference.

10. The stipulated Decree of Dissolution of Marriage was entered into by the Defendants with full knowledge of the Plaintiff's pending claim against the Defendant, John F. Bortell, in Madison County Case No. LA-CV030037.

11. The Defendant also transferred his interest in the Defendants' home located at 637 Hughes Avenue, Frazier, Colorado, to the Defendant, Victoria L. Bortell, for an unreasonably inadequate amount of consideration while the above-referenced action in Marion County Case No. LA-CV030037 was pending.

12. After the transfer of property set forth above, the Defendant, John F. Bortell, did not have property subject to execution sufficient to pay the then existing claims against him, and the claim of the Plaintiff herein in particular.

13. The real and personal property set forth in paragraphs 9 and 11 above was transferred from the Defendant, John F. Bortell, to the Defendant, Victoria L. Bortell, for the purpose of hindering, delaying and defrauding his creditors, and especially this Plaintiff who had filed his Petition for damages against Defendant, John F. Bortell.

14. The property division set forth in the aforementioned stipulated Decree of Dissolution of Marriage was not fair or equitable as between the parties thereto.

15. The Defendants did not disclose to the Court in their dissolution action, the extent of the claims against the Defendant, John F. Bortell.

16. The Defendant, Victoria L. Bortell, accepted the transfer of the real and personal property set forth in paragraphs 9 and 11 above for the purpose of hindering, delaying and defrauding the Defendant, John F. Bortell's, creditors, especially for the purpose of precluding this Plaintiff from collecting any judgment he would receive as a result of the Petition filed against Defendant, John F. Bortell, and therefore, the Defendant, Victoria L. Bortell, was unjustly enriched thereby.

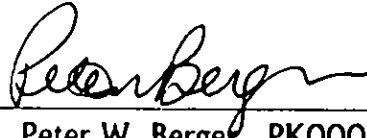
17. The judgment in favor of the Plaintiff in Madison County Case No. LA-CV030037 is and should be confirmed to be a lien upon the real and personal property set forth in paragraphs 9 and 11 above, senior and superior to the rights of the Defendant, Victoria L. Bortell.

18. The Defendant, Victoria L. Bortell, may have conveyed one or more of the items or parcels of property set forth in paragraphs 9 and 11 above to one or more third parties, and received consideration and proceeds therefor.

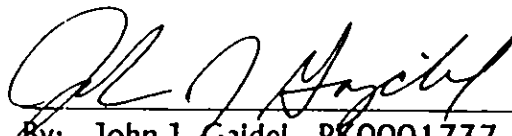
WHEREFORE, the Plaintiff prays that the transfer of the real and personal property set forth in paragraphs 9 and 11 above from the Defendant, John F. Bortell, to the Defendant, Victoria L. Bortell, be set aside as to him; that Plaintiff's judgment be confirmed as a lien on said real and personal property, senior to the rights of all Defendants; that such property be sold on execution to satisfy Plaintiff's judgment free and clear of the claims of all Defendants; that the costs of this action be adjudged against both Defendants; and that the Court grant such other relief as is appropriate under the circumstances.

PLAINTIFF FURTHER PRAYS that the Court require the Defendant, Victoria L. Bortell, to account for the proceeds for all items or parcels of such property received by her, and to pay the amount thus received, or so much thereof as may be necessary, to satisfy Plaintiff's judgment as set forth above, and for all other appropriate relief.

BERGER & CULP, P.C.



By: Peter W. Berger PK0000379



By: John J. Gajdel PK0001737  
 801 Grand Avenue, Suite 3250  
 Des Moines, IA 50309  
 Telephone: (515) 288-8888  
 ATTORNEYS FOR PLAINTIFF

EXHIBIT "A"

A-4  
112

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

FILED

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IN RE THE MARRIAGE OF VICTORIA LYNN BORTELL and JOHN FREDERICK BORTELL

Upon the Petition of

VICTORIA LYNN BORTELL  
([REDACTED])  
Petitioner,

: CDDM 005075

And Concerning

JOHN FREDERICK BORTELL  
([REDACTED])  
Respondent.

: DECREE OF DISSOLUTION  
OF MARRIAGE

NOW, on this 13th day of August, 1998, the above-entitled cause coming before the Court and the Petitioner appearing in person and by her attorney, Thomas P. Schlapkohl, and the Respondent represented by his attorney, Timothy McCarthy II. Thereupon the cause proceeded upon the issues thus joined and the same was in open court and the cause was fully submitted and the Court finds:

1. That this Court has jurisdiction over the subject matter of this cause of action and the parties hereto.

2. That the parties hereto have waived the conciliation procedures.

3. That the material allegations of the Petitioner's Petition are supported by competent evidence which is uncontroverted, and the Court is satisfied from the evidence presented that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable

likelihood that the marriage can be preserved.

4. That no minor children are affected by this action.

5. That the parties hereto have stipulated to their rights, responsibilities, and obligations upon dissolution of marriage as hereinafter set forth, which the Court accepts.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that a Decree of Dissolution of Marriage be and the same is hereby granted to the parties in this matter and that the parties are hereby restored to the rights, status and privileges of single and unmarried persons.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that conciliation be and the same is hereby waived.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner be and she is hereby awarded the real estate listed in the attached Exhibit A free from any claim on the part of the Respondent. Petitioner shall assume and pay any mortgage payments, taxes, insurance, and maintenance expenses thereon and hold the Respondent harmless from any liability therefor and title is hereby quieted in said Petitioner. The Respondent is hereby ordered to execute a Quit Claim Deed unto the Petitioner for said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent be and he is hereby awarded the real estate listed in the attached Exhibit B free from any claim on the part of the Petitioner. Respondent shall assume and pay any mortgage payments, taxes, insurance, and maintenance expenses thereon and

hold the Petitioner harmless from any liability therefor and title is hereby quieted in said Respondent. The Petitioner is hereby ordered to execute a Quit Claim Deed unto the Respondent for said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner be and she is hereby awarded the real estate listed in the attached Exhibit C free from any claim on the part of the Respondent. Petitioner shall assume and pay any mortgage payments, taxes, insurance, and maintenance expenses thereon and hold the Respondent harmless from any liability therefor and title is hereby quieted in said Petitioner. The Respondent is hereby ordered to execute a Quit Claim Deed unto the Petitioner for said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties are hereby awarded sole title to the personal property and household goods as heretofore divided by agreement between the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner be and she is hereby awarded all right, title, and interest in the following assets:

- Petitioner's 1997 Ford Taurus
- Petitioner's securities
- Petitioner's bank accounts
- Petitioner's Farmers and Merchants IRA
- Petitioner's Ruan Money Market
- Petitioner's Ruan IRA

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner is hereby awarded the parties' Winter Park Condo and the Petitioner is to assume and pay any mortgage payments, taxes,

insurance, and maintenance expenses thereon and hold the Respondent harmless from any liability therefor and title is hereby quieted in said Petitioner. The Respondent shall execute a Quit Claim Deed unto the Petitioner for said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner be and she is hereby awarded sole right, title, and interest in Bortell's Ranch, Inc., and V. Bortell, Inc. free from any claim on the part of the Respondent and the Respondent shall execute any and all documents necessary to effectuate the transfer of the stock in said corporations to the Petitioner.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall assume and pay their own respective debts and obligations incurred since the parties' separation and hold the other party harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent shall hold harmless and indemnify the Petitioner on any civil or criminal fines, penalties, judgments, or liabilities in any way relating to the Respondent's sexual abuse charges and/or any civil litigation arising therefrom.

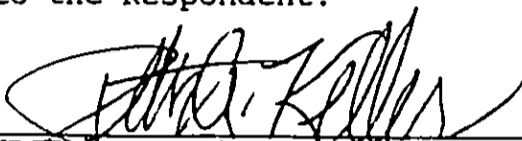
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party shall pay alimony to the other.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall pay their own attorney fees in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the requirement of filing financial statements in this case shall be waived.



IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the court costs of this action are taxed to the Respondent.

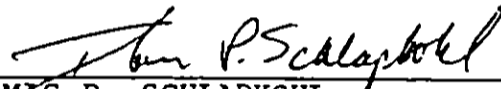
  
\_\_\_\_\_  
JUDGE, FIFTH JUDICIAL DISTRICT  
OF IOWA

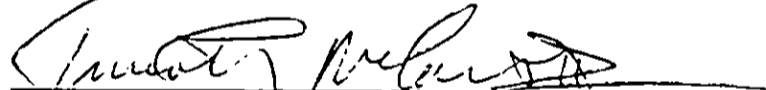
APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
VICTORIA LYNN BORTELL, Petitioner

  
\_\_\_\_\_  
JOHN FREDERICK BORTELL, Respondent

APPROVED AS TO FORM:

  
\_\_\_\_\_  
THOMAS P. SCHLAPKOHL,  
Attorney for Petitioner

  
\_\_\_\_\_  
TIMOTHY MCCARTHY, II  
Attorney for Respondent

**ORIGINALLY IN VICKIE  
TO BE AWARDED TO VICKIE**

The West 38 Acres of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) and all that part of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) lying North of the center of the public highway known as G50, in Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPTING THEREFROM** the West 228 feet of the East 294 feet of the Northwest Quarter (1/4) of the Northwest Quarter (1/4); **and EXCEPT** also beginning at the Northeast Corner of the Southwest Quarter (1/4) of the Northwest Quarter (1/4), thence South 388.50 feet, thence South 89°20' West along the tangent and centerline of the public highway 294 feet, thence North 376 feet to the North line of the said Southwest Quarter (1/4) of the Northwest Quarter (1/4), thence Easterly along the said North line to the point of beginning, all in Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **AND EXCEPTING THEREFROM** a parcel of land in part of the West Half (1/2) of the Northwest Quarter (1/4), Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, commencing at the Northeast Corner of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section Twenty-one (21), thence South 85°53'49" West (assumed for this description) 282.40 feet to the point of beginning; thence North 0° East 312.23 feet; thence North 90° West, 442.25 feet; thence South 1°55'50" West, 709.96 feet to the centerline of the public road; thence North 85°43'44" East along said centerline, 466.55 feet; thence North 0° East 378.84 feet to the point of beginning, containing 7.30 acres, more or less, including 0.57 acres of road right-of-way easement along the South side thereof.

(Contains parcels 12, 13 and parts of x and 14)

A parcel of land in part of the West Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, commencing at the Northeast corner of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section Twenty-one (21), thence South 85°53'49" West (assumed for this description) 282.40 feet to the point of beginning; thence North 0° East 312.23 feet; thence North 90° West, 442.25 feet; thence South 1°55'50" West, 709.96 feet to the centerline of the public road; thence North 85°43'44" East along said centerline, 466.55 feet; thence North 0° East 378.84 feet to the point of beginning, containing 7.30 acres, more or less, including 0.57 acres of road right-of-way easement along the South side thereof, **AND** all that part of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) and the North 5 Acres of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) lying North and East of the center of Jones Creek and South of the center of the public highway known as G-50, **EXCEPT** all that part of the West 410 feet of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-one (21) lying between the center of Jones Creek and the center of County Highway No. G-50 as the same now proceeds through said Southwest Quarter (1/4) of the Northwest Quarter (1/4), all in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison

E\* A

County, Iowa.  
(Contains parcels 10, 11, 12, parts of x and 14)

Parcel "E" located in the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Seventeen (17), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Beginning at the Southeast Corner of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Seventeen (17), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence, along the South line of said Northwest Quarter (1/4) of the Southwest Quarter (1/4). South  $85^{\circ}44'52''$  West 515.51 feet; thence North  $00^{\circ}30'03''$  East 614.66 feet; thence North  $88^{\circ}33'03''$  East 507.96 feet to the East line of said Northwest Quarter (1/4) of the Southwest Quarter (1/4); thence, along said East line South  $00^{\circ}05'21''$  East 589.25 feet to the Point of Beginning. Said Parcel "E" contains 7.059 Acres, including 0.817 Acres of County Right of Way.

(Parcel 19)

**ORIGINALLY IN JOINT TENANCY  
TO BE AWARDED TO JOHN**

The West Half (W1/2) of the Southwest Quarter (SW1/4) of Section 16, Township 75 North, Range 26, West of the 5th P.M. except the following:

- a). Parcel A of the NW1/4 SW1/4 of §16-75-26;
- b). Parcel C in NW1/4 SW1/4 §16-75-26;
- c). A parcel of land described as beginning at the West Quarter Corner of Section 16, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence N85°38'02"E 209.01 feet along the North line of the Southwest Quarter of said Section 16; thence S1°33'02" W 195.97 feet; thence S47°18'41"E 361.06 feet; thence S37°33'47"E 338.01 feet; thence S62°59'58"E 185.61 feet; thence S13°37'35"E 488.03 feet; thence S42°36'38"E 514.64 feet; thence S2°46'57"E 54.92 feet; thence S54°31'27" W 483.81 feet; thence N29°16'28"W 731.80 feet; thence N83°15'17"W 402.34 feet; thence N0°08'02"E 269.43 feet; thence N77°56'53"W 170.50 feet to the West line of the Southwest Quarter of said Section 16; thence N0°00'00" 990.25 feet to the Point of Beginning containing 24.3399 acres including 0.1454 acres of county road right-of-way.

The East One-half (E1/2) of the Southwest Quarter (SW1/4) of Section Sixteen (16), Township Seventy-five (75), North of Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, except beginning at the center of Section Sixteen (16), Township Seventy-five (75), North of Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence S00°00'00" 726.00 feet along the East line of the Southwest Quarter (SW1/4) of said Section Sixteen (16); thence N55°55'38"W 288.76 feet; thence N00°00'00" 544.50 feet to the North line of the Southwest Quarter (SW1/4) of said Section Sixteen (16); thence N35°17'10"E 240 feet to the point of beginning. Said exception contains 3.488 acres including 0.182 acres of county road right-of-way.

(Contains Parcels 1, 2, 3, 4, 7)

E B

**ORIGINALLY IN JOINT TENANCY  
TO BE AWARDED TO VICKIE**

The South Half (S1/2) of the Southeast Quarter (SE1/4) and the South Six (6) acres of the North Half (N1/2) of the Southeast Quarter (SE1/4) and the South Half (S1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4), all in Section Twenty (20); the North Half (N1/2) of the Northeast Quarter (NE1/4) except a tract beginning at the Southeast corner thereof, thence North 8 ½ rods, thence West 9 35/85 rods, thence South 8 ½ rods, thence East 9 35/85 rods to the place of beginning, and also except 7.71 acres in the Southwest corner thereof being 47.75 rods East and West and 25.7 rods North and South; also in tract beginning 46 rods East of the Northwest corner of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), thence East 44 rods, thence South 4 rods, thence West 44 rods, thence North 4 rods to the place of beginning, all in Section Twenty-nine (29) Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.

(Contains parcels 20, 21, 23, 25, 26, 16, 17, 18)

The South Half (½) of the Southeast Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty (20), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, and the Southwest Quarter (1/4) of the Northeast Quarter (1/4) except a tract commencing at the Northwest corner thereof and running thence East 27 feet, thence in a Southwesterly direction in a straight line to a point 30 feet South of the point of beginning, thence North to the point of beginning; and all that part of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) which lies South of Jones Creek and containing 25 1/2 acres, more or less; and the North Half (½) of the Southeast Quarter (1/4) except the South 6 acres thereof and except the South 49 rods of the North 69 rods of the West 16 rods thereof; all in Section Twenty (20), in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; except in so far as this description overlaps description contained in Declaration of Homestead and Platting thereof in Book 44, Page 506, Madison County Records.

(Contains parcels 28, 29, 31, 34, 35, 32, 36, 24)

All that part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) and the North 5 acres of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Twenty-one (21) Township Seventy-five (75) North, Range Twenty-six (26), Madison County, Iowa, lying south and west of the Center of Jones Creek, containing approximately 10 acres, together with all easements and servient estates appurtenant thereto except in so far as this description overlaps description contained in Declaration of Homestead and Platting thereof in Book 44, Page 506, Madison County Records.

(Contains parcels 8 and 9)

*E. C.*

Parcel "A" located in Section 20 and 21 of Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Commencing at the Southeast Corner of Section 20, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa thence North  $00^{\circ}08'20''$  East 1561.49 feet along the East line of the Southeast Quarter of said Section 20 to the Point of Beginning; thence continuing North  $00^{\circ}08'20''$  East 1561.49 feet along the East line of the Southeast Quarter of said Section 20 to the Point of Beginning; thence continuing North  $00^{\circ}08'30''$  East 894.87 feet along the East line of the Southeast Quarter of said Section 20 to a property line fence which is on the South line of the North 5 Acres of the Northwest Quarter of the Southwest Quarter of Section 21, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence North  $87^{\circ}08'03''$  East 220.13 feet along said property line fence; thence North  $00^{\circ}03'32''$  West 605.15 feet; thence South  $88^{\circ}23'50''$  West 220.00 feet to a point on the West line of the Southwest Quarter of the Northwest Quarter of said Section 21; thence South  $87^{\circ}20'34''$  West 210.00 feet; thence South  $00^{\circ}06'53''$  East 560.27 feet; thence South  $85^{\circ}54'10''$  West 1365.00 feet; thence South  $00^{\circ}08'20''$  West 949.87 feet; thence North  $85^{\circ}54'10''$  East to the Point of Beginning containing 40.000 Acres including 0.951 Acres of County Road Right-of-Way.

The North Half (N1/2) of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section Twenty (20), in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.

(Parcel 27)

4.90 acres West of the Middle part of the West Half (W1/2) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty (20), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa

(Parcel 22)

That part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Twenty (20), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, lying South of County Road G 60.

(Parcel 33)

All that part of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section Twenty (20) lying North of Jones Creek; and all that part of the West 410 feet of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-one (21) lying between the center of Jones Creek and the center of County Highway No. G-50 as the same now proceeds through said Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), all in Township Seventy-five (75) North, Range Twenty-six (26).  
(Contains parcels 30 and 15)

EXHIBIT "B"

I. PERSONAL PROPERTY

All of the Defendant, John F. Bortell's right, title and interest in Bortell's Ranch, Inc., and V. Bortell, Inc.

II. IOWA REAL ESTATE

The South Half (S1/2) of the Southeast Quarter (SE1/4) and the South Six (6) acres of the North Half (N1/2) of the Southeast Quarter (SE1/4) and the South Half (S1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4), all in Section Twenty (20); the North Half (N1/2) of the Northeast Quarter (NE1/4) except a tract beginning at the Southeast corner thereof, thence North 8½ rods, thence West 9 35/85 rods, thence South 8½ rods, thence East 9 35/85 rods to the place of beginning, and also except 7.71 acres in the Southwest corner thereof being 47.75 rods East and West and 25.7 rods North and South; also in tract beginning 46 rods East of the Northwest corner of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), thence East 44 rods, thence South 4 rods, thence West 44 rods, thence North 4 rods to the place of beginning, all in Section Twenty-nine (29) Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

(Contains parcels 20, 21, 23, 25, 26, 16, 17, 18)

The South Half (1/2) of the Southeast Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty (20), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, and the Southwest Quarter (1/4) of the Northeast Quarter (1/4) except a tract commencing at the Northwest corner thereof and running thence East 27 feet, thence in a Southwesterly direction in a straight line to a point 30 feet South of the point of beginning, thence North to the point of beginning; and all that part of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) which lies South of Jones Creek and containing 25½ acres, more or less; and the North Half (1/2) of the Southeast Quarter (1/4) except the South 6 acres thereof and except the South 49 rods of the North 69 rods of the West 16 rods thereof; all in Section Twenty (20), in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa; except in so far as this description overlaps description contained in Declaration of Homestead and Platting thereof in Book 44, Page 506, Madison County Records.

(Contains parcels 28, 29, 31, 34, 35, 32, 36, 24)

All that part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) and the North 5 acres of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Twenty-one (21) Township Seventy-five (75) North, Range Twenty-six (26), Madison County, Iowa, lying south and west of the Center of Jones Creek, containing approximately 10 acres, together with all easements and servient estates appurtenant thereto except in so far as this description overlaps description contained in Declaration of Homestead and Platting thereof in Book 44, Page 506, Madison County Records.

(Contains parcels 8 and 9)

Parcel "A" located in Section 20 and 21 of Township 75 North, Range 26 West of the 5<sup>th</sup> P.M., Madison County, Iowa more particularly described as follows:

Commencing at the Southeast corner of Section 20, Township 75 North, Range 26 West of the 5<sup>th</sup> P.M., Madison County, Iowa thence North 00°08'20" East 1561.49 feet along the East line of the Southeast Quarter of said Section 20 to the Point of Beginning; thence continuing North 00°08'20" East 1561.49 feet along the East line of the Southeast Quarter of said Section 20 to the Point of Beginning; thence continuing North 00°08'30" East 894.87 feet along the East line of the Southeast Quarter of said Section 20 to a property line fence which is on the South line of the North 5 Acres of the Northwest Quarter of the Southwest Quarter of Section 21, Township 75 North, Range 26 West of the 5<sup>th</sup> P.M., Madison County, Iowa: thence North 87°08'03" East 220.13 feet along said property line fence; thence North 00°03'32" West 605.15 feet; thence South 88°23'50" West 220.00 feet to a point on the West line of the Southwest Quarter of the Northwest Quarter of said Section 21; thence South 87°20'34" West 210.00 feet; thence South 00°06'53" East 560.27 feet; thence South 85°54'10" West 1365.00 feet; thence South 00°08'20" West 949.87 feet; thence North 85°54'10" East to the Point of Beginning containing 40.000 Acres including 0.951 Acres of County Road Right-of-Way.

The North Half (N1/2) of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section Twenty (20), in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

(Parcel 27)

4.90 acres West of the Middle part of the West Half (W1/2) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty (20), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa

(Parcel 22)



That part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Twenty (20), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, lying South of County Road G 60.

(Parcel 33)

All that part of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section Twenty (20) lying North of Jones Creek; and all that part of the West 410 feet of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-one (21) lying between the center of Jones Creek and the center of County Highway No. G-50 as the same now proceeds through said Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), all in Township Seventy-five (75) North, Range Twenty-six (26).

(Contains parcels 30 and 15)

The West 38 Acres of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) and all that part of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) lying North of the center of the public highway known as G50, in Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, **EXCEPTING THEREFROM** the West 228 feet of the East 294 feet of the Northwest Quarter (1/4) of the Northwest Quarter (1/4); **and EXCEPT** also beginning at the Northeast Corner of the Southwest Quarter (1/4) of the Northwest Quarter (1/4), thence South 388.50 feet, thence South 89°20' West along the tangent and centerline of the public highway 294 feet, thence North 376 feet to the North line of the said Southwest Quarter (1/4) of the Northwest Quarter (1/4), thence Easterly along the said North line to the point of beginning, all in Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, **AND EXCEPTING THEREFROM** a parcel of land in part of the West Half (1/2) of the Northwest Quarter (1/4), Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, commencing at the Northeast Corner of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section Twenty-one (21), thence South 85°53'49" West (assumed for this description) 282.40 feet to the point of beginning; thence North 0° East 312.23 feet; thence North 90° West, 442.25 feet; thence South 1°55'50" West, 709.96 feet to the centerline of the public road; thence North 85°43'44" East along said centerline, 466.55 feet; thence North 0° East 378.84 feet to the point of beginning, containing 7.30 acres, more or less, including 0.57 acres of road right-of-way easement along the South side thereof.

(Contains parcels 12, 13 and parts of x and 14)

A parcel of land in part of the West Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, commencing at the Northeast corner of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section Twenty-one (21), thence South 85°53'49" West (assumed for this description) 282.40 feet to the point of beginning; thence North 0° East 312.23 feet; thence North 90° West, 442.25 feet; thence South 1°55'50" West, 709.96 feet to the centerline of the public road; thence North 85°43'44" East along said centerline, 466.55 feet; thence North 0° East 378.84 feet to the point of beginning, containing 7.30 acres, more or less, including 0.57 acres of road right-of-way easement along the South side thereof, AND all that part of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) and the North 5 Acres of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Twenty-one (21), Township Seventy-five (75) North, Range Twenty-six (26) lying North and East of the center of Jones Creek and South of the center of the public highway known as G-50, EXCEPT all that part of the West 410 feet of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-one (21) lying between the center of Jones Creek and the center of County Highway No. G-50 as the same now proceeds through said Southwest Quarter (1/4) of the Northwest Quarter (1/4), all in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

(Contains parcels 10, 11, 12, parts of x and 14)

Parcel "E" located in the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Seventeen (17), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows:

Beginning at the Southeast Corner of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Seventeen (17), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence, along the South line of said Northwest Quarter (1/4) of the Southwest Quarter (1/4). South 85°44'52" West 515.51 feet; thence North 00°30'03" East 614.66 feet; thence North 88°33'03" East 507.96 feet to the East line of said Northwest Quarter (1/4) of the Southwest Quarter (1/4); thence, along said East line South 00°05'21" East 589.25 feet to the Point of Beginning. Said Parcel "E" contains 7.059 Acres, including 0.817 Acres of County Right of Way.

(Parcel 19)

### III. COLORADO REAL ESTATE

Winter Park Condominium