

REC \$ 15⁰⁰
AUD \$
R.M.F. \$ 1⁰⁰

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

JUSTIN R. BERG
MICHAEL G. BEECHER,
JOHN K. BEECHER,
and MARY KAY BEECHER,

Plaintiffs,

vs.

JOHN F. BORTELL and
VICTORIA L. BORTELL,

Defendants.

EQUITY NO. CV030362

ORDER GRANTING PARTIAL
SUMMARY JUDGMENT IN
FAVOR OF DEFENDANT,
VICKI LYNN BORTELL

COMPUTER
RECORDED
COMPARED

FILED NO. **006667**
300K 46 PAGE 579
OCT 23 PH 3:45

HIGHT UTSLER
RECORDER
MADISON COUNTY, IOWA

FILED
OCT 17 11:05
★

At Winterset on the 10th day of July, 2000.

On July 10, 2000, there came before the Court, hearing on Defendant, Vicki Lynn Bortell's Motion for Partial Summary Judgment. The Defendant, Victoria Lynn Bortell, asserted in her Motion for Partial Summary Judgment that real estate awarded to her in the dissolution of marriage in the Iowa District Court for Madison County, CDDM 005075 was her exempt homestead and legally could not be the subject matter of the Plaintiffs' claims.

NOW, having reviewed the Motion and finding, this portion of the Motion for Partial Summary Judgment is unresisted and otherwise being fully advised in the matter, the Court enters the following order.

IT IS HEREBY ORDERED that the Defendant, Victoria Lynn Bortell's Motion for Partial Summary Judgment is granted insofar as it seeks to dismiss the Plaintiffs' Petitions and claims against her homestead property as more specifically set forth in Exhibit "A" which is attached hereto and made a part hereof by reference.

J:\8906\1\consolidation\pld\motion partial summjudg

CERTIFICATE
I, Arice Weeks, 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
Winterset, Iowa this 10 day of July, 2000.
By [Signature]
Clerk of the District Court
Deputy

IT IS FURTHER ORDERED that the attached described homestead real estate shall be removed by the Clerk of the District Court from the index book as provided for in Section 617.10 of the Iowa Code.

David L. Christensen
DAVID L. CHRISTENSEN, Judge

Prepared and Submitted By:

Michael P. Mallaney, Esq.
HUDSON, MALLANEY & SHINDLER, P.C.
604 Locust, Suite 1116
Des Moines, IA 50309
(515) 223-4567
(515) 223-8887

7-17
Mallaney
Bergert
Gallagher
Hulsinga
Borden

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.

