

REC \$ 70<sup>00</sup>  
 AUD \$         
 R.M.F. \$ 1<sup>00</sup>

COMPUTER   
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MICKI UTSLER  
 RECORDER  
 MADISON COUNTY, IOWA

Return To: Mark V. Hanson 317 Sixth Ave., Ste. 1200 Des Moines, Iowa 50309-4110  
 Prepared by Mark V. Hanson, Attorney at Law, 317 Sixth Ave. Ste. 1200, Des Moines, Iowa 50309-4110 (515) 288-6041

**AFFIDAVIT OF EXPLANATORY OF TITLE**

This affidavit is made for the purpose of explaining title to the following described real estate, to wit:



The Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-seven (27), in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M.

STATE OF IOWA, COUNTY OF POLK, ss:

I, Steven C. Reed being first duly sworn upon oath, depose and state that I am an attorney practicing in Polk County, Iowa, and represent creditor Marean Construction, L.C. in relation to its claim in Bankruptcy Chapter 7 Case No. 98-05503 CH, filed in the United States Bankruptcy Court, Southern District of Iowa, Tami Jo Ramey Debtor.

Attached are true and accurate copies of documents filed in said case, to wit:

- In Adversary No. 99-99195,
1. Motion to Dismiss Complaint Objecting to Discharge Pursuant to 11 USC §727.
  2. Affidavit of Steven C. Reed.
  3. Notice of Bar Date for Objection to Motion to Dismiss Complaint Objecting to Discharge. with attached mailing matrix and certificate of service.
  4. Withdrawal of Motion of Marean Construction, L.C. to Withdraw Motion to Dismiss Complaint Objecting to Discharge Pursuant to 11 USC Section 727 and Request for Pretrial Conference. (unfiled copy)

Item No. 4, was necessary due Marean Construction's having filed a Motion to Withdraw its Motion to Dismiss, and consequent no Order being entered granting the Motion to Dismiss. With the filing of Item No. 4, the Bankruptcy Court will again address the original Motion to Dismiss.

I further state that Item No. 4. will be filed with the Bankruptcy Court, along with a proposed Order on Motion of Marean Construction, L.C. to Dismiss Complaint Objecting to Discharge Pursuant to 11 USC Section 727.

I will file a follow up Affidavit with the Madison County Recorder with a copy of the executed Order Dismissing the Complaint, upon the Court's executing it.



*Steven C. Reed*  
 Steven C. Reed

Subscribed and sworn to before me on this 22<sup>nd</sup> day of March, 2001.

*Mark V. Hanson*  
 Notary Public in the State of Iowa

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

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IN RE: : CASE NO. 98-05503 CH  
Chapter 7  
TAMI JO RAMEY, :  
Debtor. :  
MAREAN CONSTRUCTION, L.C., : ADVERSARY NO. 99-00191-5  
Plaintiff, :  
vs. : MOTION OF  
TAMI JO RAMEY, : MAREAN CONSTRUCTION, L.C.  
Defendant. : TO DISMISS COMPLAINT  
OBJECTING TO DISCHARGE  
PURSUANT TO 11 U.S.C. §727

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2000 NOV -25 P 3:56  
CLERK, U.S. BANKRUPTCY COURT  
DES MOINES, IOWA

COMES NOW Marean Construction, L.C. pursuant to Bankruptcy Rule 7041 and Local Rule 19(e) and in support of its Motion to Dismiss Complaint Objecting to Discharge Pursuant to 11 U.S.C. §727 states to the Court as follows:

1. Tami Jo Ramey filed a Voluntary Chapter 7 proceeding on December 23, 1998, and Anita Shodeen was appointed Trustee.
2. A Complaint Objecting to Discharge Pursuant to 11 U.S.C. §727 was filed on September 30, 1999, by Marean Construction, L.C.
3. Marean Construction, L.C., a creditor of the Debtor, has also filed a Complaint for exception to the Debtor's discharge pursuant to 11 U.S.C. §523. The Trustee also filed a Complaint objecting to discharge under 11 U.S.C. §727.
4. The parties have conducted mediation related to the various claims in Adversary No. 00-20067 related to the real estate

which has resulted in a separate Motion to Sell Property Pursuant to 11 U.S.C. §363.

5. The mediation also included a global resolution of all claims related to the objections to discharge pursuant to 11 U.S.C. §727 filed by the Trustee and Marean Construction, L.C. and the action filed on behalf of Marean Construction, L.C. against the Debtor related to exception from discharge. Notice of the dismissal of the action filed on behalf of the Trustee has been filed and served pursuant to the Code requirements by the Trustee.

6. A complete listing of the terms agreed to between the parties at mediation is attached hereto as Exhibit "A" and incorporated by reference herein.

7. The undersigned alleges that the global resolution of all claims is in the best interests of the estate due to the payment of funds to the estate that will be available to be distributed to pay claims pursuant to 11 U.S.C. §507.

8. Attached hereto is an affidavit by the undersigned that sets forth the consideration and terms related to this Motion to Dismiss as required by Local Rule.

9. That any party wishing to intervene as party plaintiff must do so within 10 days of the date of service of this Motion.

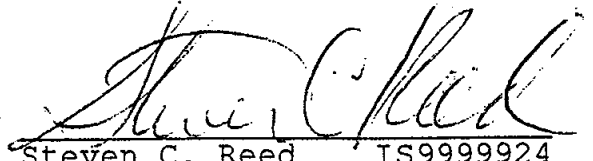
10. The parties to this Complaint will each bear their own costs related to the action.

WHEREFORE, the undersigned respectfully requests that the Court grant the Motion to Dismiss Complaint Objecting to Discharge; dismiss the above captioned adversary proceeding with prejudice; and for any further relief deemed equitable in the premises.

LAW OFFICES OF STEVEN C. REED

Dated: November 2, 2000

By



Steven C. Reed IS9999924  
1741 Grand Avenue  
West Des Moines, Iowa 50265  
Telephone: (515) 224-1776  
Facsimile: (515) 224-1891

ATTORNEY FOR  
MAREAN CONSTRUCTION, L.C.

## MEDIATION TERMS

- ✓ Marean Construction LC ("Marean") will pay \$35,000 to Jackie Ramey
- ✓ Jackie Ramey will assign her mortgage to Marean
- ✓ Marean will dismiss its action under 11 USC 523 and notice a dismissal of its action under 11 USC 727 pursuant to Local Rule 19(e)
- ✓ Marean will pay \$15,000.00 to the bankruptcy estate
- ✓ Trustee will notice a dismissal of her action under 11 USC 727 pursuant to Local Rule 19(e)
- Tami Ramey will withdraw her objection to the employment of Mark C. Feldmann by the bankruptcy estate
- Marean has the right to inspect the real estate to verify its condition remains the same as it was in September 2000, such inspection to occur within the 20 day notice period of the Motion to Sell Property
- Tami Ramey will vacate the premises by November 30, 2000 and before any payments are made to any parties
- Tami Ramey may remove four appliances (stove, refrigerator, washer and dryer) and window treatments from the house
- No mortgage holder, mechanic lien holder, real estate taxes or claims by parties to the mediation will be allowed as unsecured claims in the bankruptcy proceeding
- ✓ The trustee has the discretion to determine the best method for transferring the real estate and preparing the appropriate motion regarding this issue
- ✓ All terms are subject to appropriate court approval
- \* ✓ As part of the Motion to Sell Property, the Petition of Intervention of Tami Ramey and the Counterclaim of Marean Construction, L.C. in Adversary No. 00-20067 shall be dismissed with prejudice.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

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IN RE: : CASE NO. 98-05503 CH  
Chapter 7

TAMI JO RAMEY, :  
Debtor. :

---

MAREAN CONSTRUCTION, L.C., : ADVERSARY NO. 99-99195

Plaintiff, :

vs. :

AFFIDAVIT OF  
STEVEN C. REED

TAMI JO RAMEY, :

Defendant. :

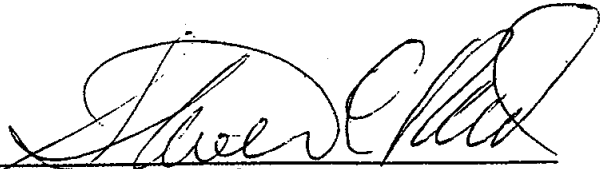
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STATE OF IOWA )  
                  ) ss:  
COUNTY OF POLK )

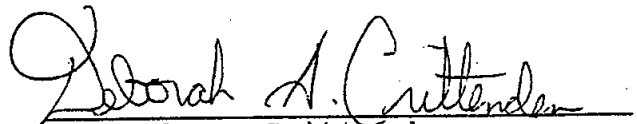
I, Steven C. Reed, Attorney of record for Marean Construction, L.C., hereby states as follows:

1. Tami Jo Ramey with the United States Bankruptcy Court for the Southern District of Iowa filed a Voluntary Bankruptcy Petition under Chapter 7 of the Code on December 23, 1998, Bankruptcy Case No. 98-05503CH. Anita Shodeen was appointed Trustee and continues to serve in that capacity.
  2. In such bankruptcy proceeding, a Complaint Objecting to Discharge Pursuant to 11 U.S.C. §727 was filed by Marean Construction, L.C. on September 30, 1999.
  3. I participated in the mediation related to Adversary Proceeding Nos. 00-20067, 99-99193, 99-99195, and 99-99042 in such bankruptcy proceeding.
  4. All terms agreed to between the parties are fully set forth in Exhibit A to the Motion to Dismiss Complaint Objection to Discharge. No further consideration or settlements have been made related to this Motion.
-

5. Payment of \$15,000.00 will be made to the estate upon approval of the Motion to Sell Property. This payment is part of the global settlement of Adversary Proceeding Nos. 00-20067, 99-99193, 99-99195, and 99-99042.
6. The basis for the dismissal is set forth in the Motion and Exhibit A.

  
Steven C. Reed

Subscribed and sworn to before me, a Notary Public in and for the State of Iowa, by the said Steven C. Reed, this 2nd day of November, 2000.

  
Deborah A. Crittenden  
Notary Public

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

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IN RE: : CASE NO. 98-05503 CH  
Chapter 7  
TAMI JO RAMEY, :  
Debtor. :  
MAREAN CONSTRUCTION, L.C., : ADVERSARY NO. 98-05503-2  
Plaintiff, :  
vs. : NOTICE OF BAR DATE  
TAMI JO RAMEY, : FOR OBJECTION TO MOTION  
Defendant. : TO DISMISS COMPLAINT  
OBJECTING TO DISCHARGE AND  
TIME PERIOD FOR INTERVENTION

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2000 NOV 16 2 P 31 52  
CLERK, U.S. BANKRUPTCY COURT  
DES MOINES, IOWA

The attached Motion to Dismiss Complaint Objecting to Discharge was served on November 2, 2000.

Notice is given that objections to that Motion to Dismiss Complaint Objecting to Discharge must be filed within twenty (20) days of the date of this notice on November 22, 2000. Objections, if any, shall be filed with the Clerk, U.S. Bankruptcy Court, 3<sup>rd</sup> Floor, U.S. Courthouse Annex, P.O. Box 9264, Des Moines, Iowa 50306-9264 and served on the movant, the Debtor, the Debtor's attorney, the Trustee, and the U.S. Trustee.

Notice is further given that any creditor provided notice may intervene as party plaintiff within ten (10) days of the date of service on this notice on November 13, 2000.

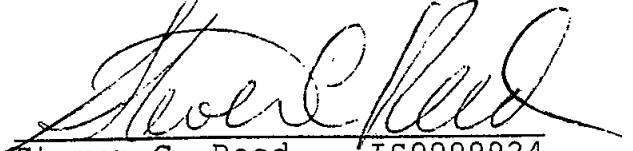
Notice is further given that timely and substantive objections will be set for hearing by separate notice. Otherwise an



appropriate order may be entered without further notice and hearing.

Respectfully Submitted,

LAW OFFICES OF STEVEN C. REED

By 

Steven C. Reed IS9999924  
1741 Grand Avenue  
West Des Moines, Iowa 50265  
Telephone: (515) 224-1776  
Facsimile: (515) 224-1891

ATTORNEY FOR  
MAREAN CONSTRUCTION, L.C.

Copy to: Tami Jo Ramey  
1402 Juniper Trail  
Earlham, IA 50072

Thomas L. Flynn  
2000 Financial Center  
Des Moines, IA 50309

Steven P. Wandro  
Kimberley K. Baer  
2501 Grand Avenue, Suite B  
Des Moines, IA 50312

Anita L. Shodeen, Trustee  
Mark C. Feldmann  
321 E. Walnut, Suite 200  
Des Moines, IA 50309

Donald F. Neiman  
801 Grand Avenue, Suite 3700  
Des Moines, IA 50309-2727

Office of the U.S. Trustee  
Room 793, Federal Building  
210 Walnut Street  
Des Moines, IA 50309

Michael R. Mullins  
211 West Washington  
P.O. Box 867  
Washington, IA 52353

American Express  
Suite 0001  
Chicago, IL 60679-0001

Bank One (VISA)  
Box 530804  
Atlanta, GA 30353-0804

Brenton Bank  
S.W. 9<sup>th</sup> and McKinley  
Des Moines, IA 50315

Central Iowa Multi Flo  
1250 S. Pleasant Hill Blvd.  
Des Moines, IA 50317

Dana Credit  
201 W. Big Beaver Road  
Box 7011  
Troy, MI 48007-7011

Greenwood Trust Company  
Discover Financial Services  
P.O. Box 8003  
Hilliard, OH 43026

Excavators, Inc.  
Box 196  
Johnston, IA 50131

First Bankcard Center (VISA)  
P.O. Box 3773  
Omaha, NE 68103-0773

Fitzpatrick Auto Center  
Storm Lake, IA 50588

Gingerich Well  
1321 Locust Avenue  
Kalona, IA 52247-9516

Grefe & Sidney  
2222 Grand  
Des Moines, IA 50312

J&R Drilling  
7922 N.W. 114<sup>th</sup> Street  
Grimes, IA 50111

Jackie Ramey  
1025 S.W. 80<sup>th</sup>  
Des Moines, IA 50320

Justin Doud  
Sandquist Doud Agency  
7200 Hickman  
Des Moines, IA 50322

Kaldenberg Bros. Well  
Box 236  
Slater, IA 50244

Norwest Mortgage, Inc.  
P.O. Box 5137  
Des Moines, IA 50306

Reed Lucas, d/b/a Lucas Heat Cool  
c/o Greg Ervanian  
1600 Hub Tower  
699 Walnut Street  
Des Moines, IA 50309

Sears  
Box 555  
Columbus, OH 43216

Snap On Credit  
c/o Bruce L. Cook  
8554 Alice Avenue, Suite A  
Clive, IA 50325

The First National Bank of Atl.  
c/o Wachovia Bank Card Serv.  
P.O. Box 14009  
Atlanta, GA 30324

Union State Bank  
c/o Jon P. Sullivan  
1600 Hub Tower  
699 Walnut Street  
Des Moines, IA 50309-3986

Am. Express Trvl Rel. Serv.  
c/o Becket & Lee  
P.O. Box 3001, Dept. AC  
Malvern, PA 19355-0701

Snap On Credit Corporation  
c/o Bruce L. Cook  
8554 Alice Avenue, Suite A  
Clive, IA 50325-7112

American Express Bus. Fin.  
c/o Becket & Lee LLP  
P.O. Box 3001 Dept.  
Malvern, PA 19355-0701

First USA Bank  
c/o B-Line, L.L.C.  
2101 Fourth Avenue, Suite 900  
Seattle, WA 98121

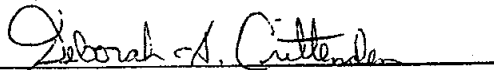
Heller Financial Leasing, Inc.  
201 West Big Beaver Road  
P.O. Box 7011  
Troy, MI 48007-7011

Excavators, Inc.  
Patrick Payton & Assoc., P.C.  
414 E. Grand Avenue  
Des Moines, IA 50309

Kaldenberg Bros. Well Co., Inc.  
David L. Wetsch  
974 - 73<sup>rd</sup> Street, Suite 20  
Des Moines, IA 50312

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon the parties to the above-entitled action by enclosing the same in an envelope addressed to each such party at his/her respective address as disclosed by the pleadings of record herein, with postage fully paid, and by depositing said envelope in a United States Post Office depository in Polk County, Iowa, on the 2nd day of November, 2000.



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

IN RE:	:	CASE NO. 98-05503 CH
TAMI JO RAMEY,	:	Chapter 7
Debtor.	:	
MAREAN CONSTRUCTION, L.C.,	:	ADVERSARY NO. 99-99195
Plaintiff,	:	WITHDRAWAL OF MOTION OF
vs.	:	MAREAN CONSTRUCTION, L.C.
TAMI JO RAMEY,	:	TO WITHDRAW MOTION TO
Defendant.	:	DISMISS COMPLAINT OBJECTING
	:	TO DISCHARGE PURSUANT TO
	:	11 U.S.C. §727 AND REQUEST
	:	FOR PRETRIAL CONFERENCE

COMES NOW Marean Construction, L.C. and does hereby withdraw its December 1, 2000 Motion of Marean Construction, L.C. to Withdraw Motion to Dismiss Complaint Objecting to Discharge Pursuant to 11 U.S.C. §727 and Request for Pretrial Conference and does hereby submit a redrafted, proposed Order on the Motion of Marean Construction, L.C. to Dismiss Complaint herein Objecting to Discharge Pursuant to 11 U.S.C. §727.

LAW OFFICES OF STEVEN C. REED

By 

Steven C. Reed IS9999924  
1741 Grand Avenue  
West Des Moines, Iowa 50265  
Telephone: (515) 224-1776  
Facsimile: (515) 224-1891

ATTORNEY FOR  
MAREAN CONSTRUCTION, L.C.

Copy to: Tami Jo Ramey  
c/o Sid Ramey  
3707 S.W. 35th  
Des Moines, IA 50321

Thomas L. Flynn  
2000 Financial Center  
Des Moines, IA 50309  
ATTORNEY FOR DEBTOR

Terry Gibson  
2501 Grand Avenue, Suite B  
Des Moines, IA 50312  
ATTORNEY FOR DEBTOR

Anita L. Shodeen, Trustee  
321 E. Walnut, Suite 200  
Des Moines, IA 50309

Office of the U.S. Trustee  
Room 793, Federal Building  
210 Walnut Street  
Des Moines, IA 50309

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon the parties to the above-entitled action by enclosing the same in an envelope addressed to each such party at his/her respective address as disclosed by the pleadings of record herein, with postage fully paid, and by depositing said envelope in a United States Post Office depository in Polk County, Iowa, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.