

FILED NO. 001375  
BOOK 2001 PAGE 1375  
2001 APR -6 PM 3: 11

REC \$ 45<sup>00</sup>  
AUD \$ \_\_\_\_\_  
R.M.F. \$ 100

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COMPARED

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:

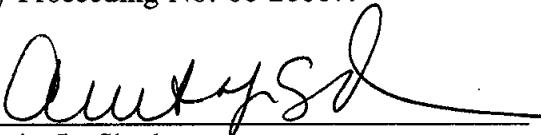
The Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-seven (27), in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M.

STATE OF IOWA, COUNTY OF POLK, ss:

I, ANITA L. SHODEEN being first duly sworn upon oath, depose and state that I am an attorney practicing in Polk County, Iowa, and am the duly appointed Trustee in Bankruptcy for Chapter 7 Case No. 98-05503 CH, filed in the United States Bankruptcy Court, Southern District of Iowa, Tami Jo Ramey Debtor.

Attached is a true and accurate copy of the documents filed on said case to wit:

1. Motion to Dismiss Advasery Proceeding No. 00-20067 by Tami Jo Ramey.
2. Motion to Dismiss Advasery Proceeding No. 00-20067 by Trustee and Bankruptcy, Anita Shodeen.
3. Motion to Dismiss Advasery Proceeding No. 00-20067 by Marean Construction, LC.
4. Order on Motions to Dismiss Advisory Proceeding No. 00-20067.

  
Anita L. Shodeen

Subscribed and sworn to before me on this 4<sup>th</sup> day of April, 2001.



  
Notary Public in the State of Iowa

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

FILED  
29  
U.S. Bankruptcy Court  
Des Moines, Iowa

<p>IN RE</p> <p>TAMI JO RAMEY, Debtor Chapter 7 Case No. 98-05503-C H</p> <p>Anita L. Shodeen, Trustee and Bankruptcy for Tami Jo Ramey, Plaintiff</p> <p>v.</p> <p>Excavators, Inc.; Gingrich Well &amp; Pump Services, L.L.C.; Kaldenberg Bros. Well Co., Inc; Marean Construction, LC; Jackie Ramey; and Union State Bank, Defendants.</p>	<p><b>Adversary Proceeding No. 00-20067</b></p> <p><b>MOTION TO DISMISS ADVERSARY PROCEEDING</b></p> <p>Date Filed:</p>
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STATE OF IOWA            )  
  ) s.  
COUNTY OF POLK        )

COMES NOW, Debtor, Tami Jo Ramey, by and through her attorney, Terry Gibson, who has made counterclaims in this Adversary Proceeding No. 00-20067, and in support of her Motion to Dismiss Adversary Proceeding states to the court as follows:

1. The above individual filed a voluntary Chapter 7 Proceeding on December 23, 1998.
2. Adversary Proceeding No. 00-20067 was instituted by the Trustee against the above named Defendants in relation to real estate and the validity, priority and extent of liens against the property. The Debtor made claims in that proceeding.
3. The parties have conducted mediation related to the various claims related to the real estate, which has resulted in a separate Motion to Sell Property pursuant to 11 USC Section 363.
4. The mediation also included a global resolution of all claims related to the real estate.
5. A complete listing of the terms agreed to between the parties at mediation was attached to

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 CLERK

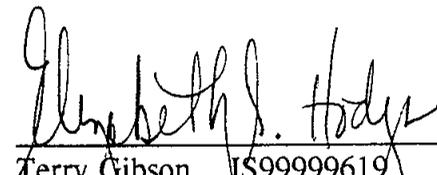
the Motion to Sell Real Estate, previously filed herein.

6. The terms of the mediation, the Motion to Sell and the Order Approving Sale have been met. The real estate sale transaction has been closed and the appropriate title transfer documents have been recorded with the Madison County Recorder's Office. The Trustee has received the funds to which it was entitled from the closing proceeds.

It is appropriate at this time that the Adversary Proceeding No. 00-20067 be dismissed.

WHEREFORE, the undersigned respectfully requests that the court grant the Motion to Dismiss the Adversary Proceeding No. 00-20067 with prejudice; and for any further relief deemed equitable in the premises respectively submitted.

Date: March 21, 2001

  
Terry Gibson, (S99999619)  
Wandro, Lyons, Wagner & Baer, PC  
2501 Grand Ave., Ste. B  
Des Moines, IA 50312  
515-281-1475 Telephone  
515-281-1474 Fax  
COUNSEL TO DEBTOR.

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

FILED  
29  
Bankruptcy Court  
Des Moines, Iowa

<p>IN RE</p> <p>TAMI JO RAMEY, Debtor Chapter 7 Case No. 98-05503-C H</p> <p>Anita L. Shodeen, Trustee and Bankruptcy for Tami Jo Ramey, Plaintiff</p> <p>v.</p> <p>Excavators, Inc.; Gingrich Well &amp; Pump Services, L.L.C.; Kaldenberg Bros. Well Co., Inc; Marean Construction, LC; Jackie Ramey; and Union State Bank, Defendants.</p>	<p>Adversary Proceeding No. 00-20067</p> <p>MOTION TO DISMISS ADVERSARY PROCEEDING</p> <p>Date Filed:</p>
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STATE OF IOWA            )  
  ) s.  
COUNTY OF POLK        )

COMES NOW, Anita L. Shodeen, Trustee, pursuant to Bankruptcy Rule No. 7041 and Local Rule No. 19(e) and in support of the Motion to Dismiss Adversary Proceeding states to the court as follows:

1. The above individual filed a voluntary Chapter 7 Proceeding on December 23, 1998. The undersigned was appointed Trustee and continues to serve in that capacity.
2. Adversary Proceeding No. 00-20067 was instituted by the Trustee against the above named Defendants in relation to real estate and the validity, priority and extent of liens against the property.
3. The parties have conducted mediation related to the various claims related to the real estate, which has resulted in a separate Motion to Sell Property pursuant to 11 USC Section 363.
4. The mediation also included a global resolution of all claims related to the real estate.

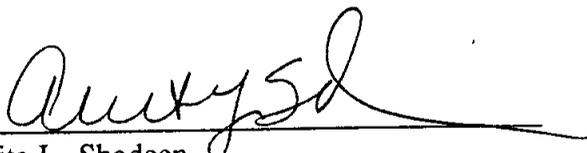
U.S. BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA  
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5. A complete listing of the terms agreed to between the parties at mediation was attached to the Motion to Sell Real Estate, previously filed herein.
6. The terms of the mediation, the Motion to Sell and the Order Approving Sale have been met. The real estate sale transaction has been closed and the appropriate title transfer documents have been recorded with the Madison County Recorder's Office. The Trustee has received the funds to which it was entitled from the closing proceeds.

It is appropriate at this time that the Adversary Proceeding No. 00-20067 be dismissed.

WHEREFORE, the undersigned respectfully requests that the court grant the Motion to Dismiss the Adversary Proceeding No. 00-20067 with prejudice; and for any further relief deemed equitable in the premises respectively submitted.

Date: March 26, 2001

  
Anita L. Shodeen  
Beving, Swanson & Forrest, P.C.  
321 E. Walnut, Ste. 200  
Des Moines, IA 50309-2048  
515-237-1186 Telephone  
515-288-9409 Fax  
IS9999922

Shodeen

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

FILED  
29  
Clerk, U.S. Bankruptcy Court  
Southern District of Iowa

<p>IN RE</p> <p>TAMI JO RAMEY, Debtor Chapter 7 Case No. 98-05503-C H</p> <p>Anita L. Shodeen, Trustee and Bankruptcy for Tami Jo Ramey, Plaintiff</p> <p>v.</p> <p>Excavators, Inc.; Gingrich Well &amp; Pump Services, L.L.C.; Kaldenberg Bros. Well Co., Inc; Marean Construction, LC; Jackie Ramey; and Union State Bank, Defendants.</p>	<p><b>Adversary Proceeding No. 00-20067</b></p> <p><b>MOTION TO DISMISS ADVERSARY PROCEEDING</b></p> <p>Date Filed:</p>
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STATE OF IOWA            )  
  ) s.  
COUNTY OF POLK        )

COMES NOW, Defendant, Marean Construction, LC, by an through its attorney, Steven Reed, which has made counterclaims in this Adversary Proceeding No. 00-20067, and in support of its Motion to Dismiss Adversary Proceeding states to the court as follows:

1. The above debtor filed a voluntary Chapter 7 Proceeding on December 23, 1998. The undersigned is a creditor of the Debtor.
2. Adversary Proceeding No. 00-20067 was instituted by the Trustee against the above named Defendants in relation to real estate and the validity, priority and extent of liens against the property. Marean Construction, L.C. made claims in that proceeding.
3. The parties have conducted mediation related to the various claims related to the real estate, which has resulted in a separate Motion to Sell Property pursuant to USC Section 363.
4. The mediation also included a global resolution of all claims related to the real estate.

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U.S. BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

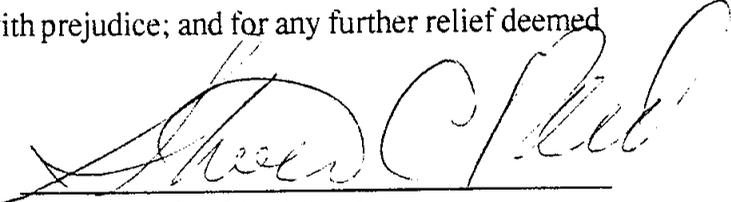
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5. A complete listing of the terms agreed to between the parties at mediation was attached to the Motion to Sell Real Estate, previously filed herein.
6. The terms of the mediation, the Motion to Sell and the Order Approving Sale have been met. The real estate sale transaction has been closed and the ~~appropriate~~ <sup>appropriate</sup> title transfer documents have been recorded with the Madison County Recorder's Office. The Trustee has received the funds to which it was entitled from the closing proceeds.

It is appropriate at this time that the Adversary Proceeding No. 00-20067 be dismissed.

WHEREFORE, the undersigned respectfully requests that the court grant the Motion to Dismiss the Adversary Proceeding No. 00-20067 with prejudice; and for any further relief deemed equitable in the premises respectfully submitted.

Date: March 22, 2001



Steven Reed, IS9999924  
1741 Grand Ave.  
West Des Moines, IA 50265  
515-224-1776 Telephone  
515-224-1891 Fax  
ATTORNEY FOR MAREAN  
CONSTRUCTION, LC

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

**FILED**  
APR - 2 2001  
Clerk, U.S. Bankruptcy Court  
Des Moines, Iowa

<p>IN RE:  Tamey Jo Ramey  Debtors.</p>	<p>Case No. 98-05503 CH  Chapter 7</p>
<p>Anita L. Shodeen, Trustee Tamey Jo Ramey  Plaintiff,  vs.  Excavators, Inc.; Gingrich Well &amp; Pump Services, L.L.C.; Kaldenberg Bros. Well Co., Inc.; Marean Construction, LC; Jackie Ramey; and Union State Bank,  Defendant(s).</p>	<p>Adversary No.00-20067  ORDER ON MOTION TO DISMISS</p>

The Motions to Dismiss Adversary Proceeding No. 00-20067 filed by the Trustee in Bankruptcy, Anita L. Shodeen, by Defendant Counterclaimant, Marean Construction, LC, by Steven Reed, by Debtor, Tami Jo Ramey by her attorneys, Wandro, Lyons, Wagner & Baer, have come before the Court. Said Motions to Dismiss Adversary Proceeding No. 00-20067 resolve all outstanding claims in said matter and the Court hereby finds that the Motions be granted.

IT IS THEREFORE ORDERED that the Motion filed by the Trustee, by Marean Construction, LC, Defendant, and Counterclaimant, and by Tami Jo Ramey, Debtor and Counterclaimant to dismiss Adversary Proceeding No. 00-20067 is granted.

IT IS FURTHER ORDERED that Adversary Proceeding No. 00-20067 is dismissed with prejudice.

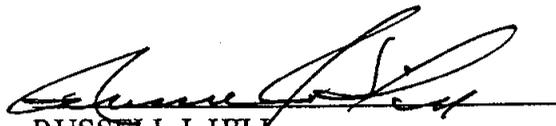
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SOUTHERN DISTRICT OF IOWA  
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IT IS FURTHER ORDERED that the parties will bear their own cost related to this

Adversary Proceeding No. 00-20067.

  
RUSSELL J. HILL  
CHIEF BANKRUPTCY JUDGE

Prepared and submitted by:

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