

REC \$ 45<sup>00</sup>  
AUD \$  
R.M.F. \$ 1<sup>00</sup>

FILED NO. 003674  
BOOK 2002 PAGE 3674

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COMPUTER	✓
RECORDED	✓
COMPARED	✓

MICKI UTSLER  
RECORDER  
MADISON COUNTY, IOWA

✓  
Prepared by: Beverly Wild, Attorney, 105 South 4<sup>th</sup> Street, Guthrie Center, IA 50115, Phone 641-332-2900

### AFFIDAVIT

Re: Lot Nine (9) of Helen McCall Huntoon Addition Plat No. 3 to the City of Winterset, Madison County, Iowa. (locally known as 804 East Madison, Winterset, IA 50273)

STATE OF IOWA, COUNTY OF GUTHRIE: ss.

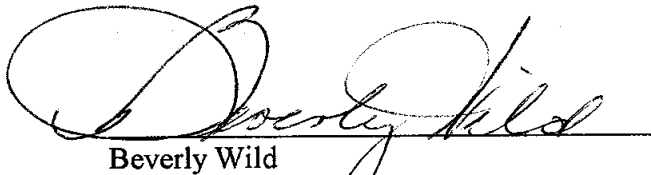
The undersigned, being duly sworn, does upon her oath state as follows:

1. That she is an attorney at law, and as said attorney states that she prepared and filed a Chapter 7 Bankruptcy Petition, Case #02-03463 CH Chapter 7 bankruptcy proceedings for Eric D. Poore and Darcy M. Poore, the owners of the above described property and a copy of the face sheet of the Voluntary Petition is attached which shows that Donald F. Neiman was appointed Trustee, and that Schedule C - Property Claimed as Exempt lists 804 East Madison, Winterset, IA 50273 is also attached hereto.

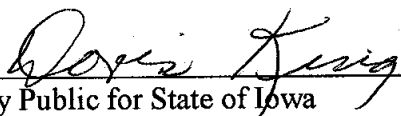
2. That attached hereto are also the certified copies of the Notice of Bar Date for Objections to Motion to Avoid Liens, Motion to Avoid Lien Upon Real Property, and Order Avoiding Liens Upon Real Property signed by the Bankruptcy Judge for the above described real estate.

3. That this affidavit is given for the purposes of clearing title to the above described property.

Further the affiant sayeth not.

  
Beverly Wild

Subscribed and sworn to before me this 26 day of July, 2002.

  
Notary Public for State of Iowa



<b>FORM B1</b>		<b>United States Bankruptcy Court Southern District of Iowa</b>	<b>Voluntary Petition</b>
Name of Debtor (if individual, enter Last, First, Middle): <b>Poore, Eric D.</b>		Name of Joint Debtor (Spouse)(Last, First, Middle): <b>Poore, Darcy M.</b>	
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): <b>Eric Dean Poore</b>		All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names): <b>Darcy Marie Poore</b>	
Soc. Sec./Tax I.D. No. (if more than one, state all): [REDACTED]		Soc. Sec./Tax I.D. No. (if more than one, state all): [REDACTED]	
Street Address of Debtor (No. & Street, City, State & Zip Code): <b>804 East Madison Winterset, IA 50273</b>		Street Address of Joint Debtor (No. & Street, City, State & Zip Code): <b>804 East Madison Winterset, IA 50273</b>	
County of Residence or of the Principal Place of Business: <b>Madison</b>		County of Residence or of the Principal Place of Business: <b>Madison</b>	
Mailing Address of Debtor (if different from street address):		Mailing Address of Joint Debtor (if different from street address):	

Location of Principal Assets of Business Debtor  
(if different from street address above):

**Information Regarding the Debtor (Check the Applicable Boxes)**

Venue (Check any applicable box)

Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

<b>Type of Debtor (Check all boxes that apply)</b> <input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other _____	<b>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)</b> <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding
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<b>Nature of Debts (Check one box)</b> <input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business	<b>Filing Fee (Check one box)</b> <input checked="" type="checkbox"/> Full Filing Fee Attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.
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**Chapter 11 Small Business (Check all boxes that apply)**

Debtor is a small business as defined in 11 U.S.C. § 101

Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

**Statistical/Administrative Information (Estimates only)**

Debtor estimates that funds will be available for distribution to unsecured creditors.

Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Assets	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Debts	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THIS SPACE IS FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

<b>Case # 02-03463 CH</b> Chapter 7 Filed: 11:36 AM, 06/25/02 Des Moines  Judge: Russell J. Hill Trustee: Neiman, Donald F. Debtor(s): Eric D Poore Darcy M Poore	<b># 000086652 - KB</b> 11:47 AM, June 25, 2002  <table border="1"> <tr> <th>Code</th> <th>Qty</th> <th>Amount</th> </tr> <tr> <td align="center">7</td> <td align="center">1</td> <td align="right">\$200.00</td> </tr> </table> <p align="center"><b>ATTORNEY</b></p> <p align="center"><b>TOTAL PAID: \$200.00</b></p> From: Beverly Ellen Wild 105 S. 4th Street Guthrie Center, IA 50115-0000	Code	Qty	Amount	7	1	\$200.00
Code	Qty	Amount					
7	1	\$200.00					

**First Meeting of Creditors**  
 11:00 AM, July 24, 2002  
 Des Moines Room 783  
 Room 783 Federal Building  
 210 Walnut Street  
 Des Moines, IA 50309

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In re **Eric D. Poore**

**Darcy M. Poore**

Case No. \_\_\_\_\_

Debtor.

(if known)

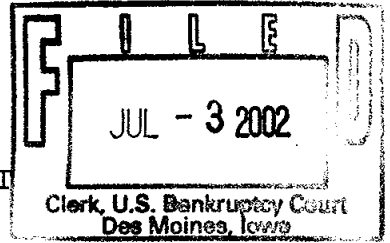
## SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemption to which debtor is entitled under:

(Check one box)

- 11 U.S.C. § 522(b)(1) Exemptions provided in 11 U.S.C. § 522(d). **Note: These exemptions are available only in certain states.**
- 11 U.S.C. § 522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
1997 Isuzu Pickup	CI § 627.6(9)	2,500.00	2,500.00
804 East Madison Winterset, IA 50273	CI §§ 499A.18, 561.16, 561.19, 561.20	90,235.92	90,000.00
Cash	CI § 627.6(13)	200.00	200.00
clothing	CI § 627.6(1)	500.00	500.00
entertainment center \$20; TV \$20; 2 rocker/recliners \$15; couch \$15; wood end tables \$20; oak kitchen table with 6 chairs \$30; \$13" color TV \$15; Dresser \$5; Twin bed (no head board) \$20; kid's 4 drawer dresser \$15; VCR (player only) \$15; 2 night stands \$20; queen size bed \$20; washer \$20; dryer \$20; computer desk \$10; computer chair \$5; small wooden 2 drawer desk \$5; recliner \$5; metal desk \$5; two computers \$100; china hutch \$50; refrigerator \$75	CI § 627.6(5)	515.00	515.00
International Painters and Allied Trades Industry Pension Fund United Unions Building, Suite 501 1750 New York Avenue, N.W. Washington, DC 20006-5301	CI § 97A.12	Unknown	Unknown



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
Central Division, Chapter 7

\*\*\*\*\*

IN RE: Eric D. Poore : CASE NO. 02-03463 CH  
And :  
Darcy M. Poore : NOTICE OF BAR DATE FOR  
Debtor(s). : OBJECTIONS TO MOTION TO  
: AVOID LIENS  
:

\*\*\*\*\*

TO THE DEBTORS, THEIR CREDITORS, AND OTHER PARTIES IN INTEREST:

The attached Motion to Avoid Liens Upon Real Estate was served on July 2, 2002.

Notice is given that objections to that Motion to Avoid Liens Upon Real Estate must be filed within fifteen (15) days of the date of notice, on July 17, 2002, or such objections shall be forever barred. Objections, if any, shall be filed with the Clerk, U. S. Bankruptcy Court, P. O. Box 9264, Des Moines, IA 50306-9264, and served on the movant, the trustee, and the United States Trustee.

Notice is further given that timely and substantive objections will be set for hearing by separate notice. Otherwise an appropriate order will be entered without further notice and hearing.

DATE: July 2, 2002

Beverly Wild 478-50-3095  
105 South 4th Street  
Guthrie Center, IA 50155  
Telephone: 641-332-2900  
FAX: 641-332-2903  
Attorney for Debtor(s)

I hereby certify that the foregoing document is a true copy of the original which is on file with the U.S. Bankruptcy Court, Southern District of Iowa.  
Signed this 3<sup>rd</sup> day of July, 2002

MARY M. WEIBEL, CLERK U.S. BANKRUPTCY COURT

BY:

MARY M. WEIBEL, CLERK U.S. BANKRUPTCY COURT

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon the Office of the U.S. Trustee, the Interim Trustee, the Debtors, the Creditors and the attorneys for the Creditors at the following addresses:

Donald F. Neiman, Trustee  
Bradshaw, Fowler, Proctor & Fairgrave, P.C.  
801 Grand Avenue, Suite 3700  
Des Moines, IA 50309

Office of the U.S. Trustee  
Room 517, Federal Building  
210 Walnut  
Des Moines, IA 50309

Madison County Memorial Hospital  
300 Hutchins  
Winterset, IA 50273

H & R Accounts, Inc.  
c/o Thomas C. Hill, Attorney  
1987 Spruce Hills Drive  
Bettendorf, IA 52722

Capital One Bank 54-1780389  
c/o Litow Law Office  
P.O.Box 2165  
Cedar Rapids, IA 52406

Eric D. & Darcy M. Poore  
804 East Madison  
Winterset, IA 50273

by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the Trustees listed herein at their respective addresses, disclosed above, on July 2, 2002.

  
Beverly Wild

FILED  
JUL - 3 2002  
Clerk, U.S. Bankruptcy Court  
Des Moines, Iowa

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
Central Division, Chapter 7

IN RE: Eric D. Poore : CASE NO. 02-03463 CH  
And :  
Darcy M. Poore :  
Debtor(s) : MOTION TO AVOID LIENS  
UPON REAL PROPERTY

\*\*\*\*\*

COME NOW the debtor(s) by his attorney, Beverly Wild, and in support of his motion to avoid liens states the following:

1. That bankruptcy creditors Madison County Memorial Hospital, H & R Accounts, Inc., and Capital One Bank have liens against real property of the debtor, described as follows:

Lot Nine (9) of Helen McCall Huntoon Addition Plat No. 3 to the City of Winterset, Madison County, Iowa. (locally known as 804 East Madison, Winterset, IA 50273)

2, That said property was declared exempt as it is the homestead of the debtor.

3. That the judicial liens herein, namely Madison County Memorial Hospital, H & R Accounts, Inc., and Capital One Bank, impair the exemption to which the debtor is entitled unless the lien is avoided pursuant to 11 U.S.C. §522 (f) (1).

WHEREFORE, the debtor prays that the liens of Madison County Memorial Hospital, H & R Accounts, Inc., and Capital One Bank against the above-listed real property be avoided, so that the title to said property will be clear.

*Beverly Wild*

Beverly Wild 478/50-3095  
105 South 4th Street  
Guthrie Center, IA 50155  
Telephone: 641-332-2900  
FAX: 641-332-2903  
Attorney for Debtor(s)

I hereby certify that the foregoing document is a true copy of the original which is on file with the U.S. Bankruptcy Court, Southern District of Iowa.  
Signed this 3rd day of July, 2002  
MARY WEBB, CLERK U.S. BANKRUPTCY COURT  
BY: *Mary Webb*  
Deputy Clerk  
SOUTHERN DISTRICT OF IOWA

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon the Office of the U.S. Trustee, and upon the Interim Trustee at the following addresses:

Donald F. Neiman, Trustee  
Bradshaw, Fowler, Proctor & Fairgrave, P.C.  
801 Grand Avenue, Suite 3700  
Des Moines, IA 50309

Office of the U.S. Trustee  
Room 517, Federal Building  
210 Walnut  
Des Moines, IA 50309

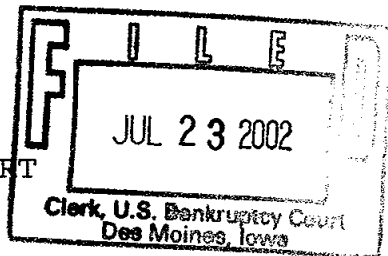
by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the Trustees listed herein at their respective addresses, disclosed above, on July 2, 2002.



Beverly Wild

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
Central Division, Chapter 7

\*\*\*\*\*



IN RE: Eric D. Poore : CASE NO. 02-03463 CH  
And :  
Darcy M. Poore :  
Debtor(s) : ORDER AVOIDING LIENS  
UPON REAL PROPERTY

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NOW on \_\_\_\_\_, 2002, the above-named debtor's Motion To Avoid Liens upon real property came on for ruling. A perusal of the court file discloses:

1. That the following property has been declared exempt as it was the homestead of the debtor(s):

Lot Nine (9) of Helen McCall Huntoon Addition Plat No. 3 to the City of Winterset, Madison County, Iowa. (locally known as 804 East Madison, Winterset, IA 50273)

2. That the judicial liens herein, namely Madison County Memorial Hospital, H & R Accounts, Inc., and Capital One Bank impair the exemption to which the debtor is entitled unless the liens are avoided pursuant to 11 U.S.C. §522 (f) (1).

3. That said motion to avoid liens upon real property was noticed properly as contemplated by Local Bankruptcy Rule 14, and that no objections to said rule were filed timely.

Prepared and submitted by:

Beverly Wild  
Attorney at Law  
105 South 4th Street  
Guthrie Center, IA 50115

I hereby certify that the foregoing document is a true copy of the original which is on file with the U.S. Bankruptcy Court, Southern District of Iowa.  
Signed this 23 day of SEPT 2002  
BY: Mary N. Weibel  
Deputy Clerk  
DISTRICT

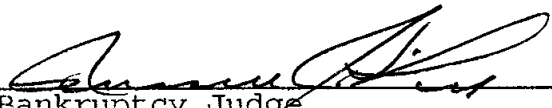
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Poore  
02-03463 CH

IT IS THEREFORE ORDERED that the motion to avoid liens upon real property, as filed by the debtor(s), Eric D. Poore and Darcy M. Poore, is granted in its entirety.

  
\_\_\_\_\_  
Bankruptcy Judge

RUSSELL J. HILL, JUDGE/RECALLED  
U.S. BANKRUPTCY COURT  
SOUTHERN DIST. OF IOWA

Copies mailed to:

Donald F. Neiman, Trustee  
Bradshaw, Fowler, Proctor & Fairgrave, P.C.  
801 Grand Avenue, Suite 3700  
Des Moines, IA 50309

United State Trustee's Office  
210 Walnut Street  
Room 517, Federal Building  
Des Moines, IA 50309

Beverly Wild Law Office  
105 South 4th Street  
Guthrie Center, IA 50155

I hereby certify that the foregoing document is a true copy of the original which is on file with the U.S. Bankruptcy Court, Southern District of Iowa.  
Signed this 23<sup>rd</sup> day of February 2002

MARY M. WEIBEL, CLERK U.S. BANKRUPTCY COURT

BY

  
\_\_\_\_\_  
Deputy Clerk