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LISA SMITH, COUNTY RECORDER MADISON IOWA

CHE

Prepared by: John M. Miller, 974 73rd Street, Ste. 22, Des Moines, Iowa 50312 Phone: (515) 225-3333 Address Tax Statements:

1 Return to 37

AFFIDAVIT

STATE OF IOWA) ss:

) ss: ()

RE: A TRACT OF LAND COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF (½) OF THE SOUTHWEST QUARTER (1/4) OF SECTION FIVE (5), IN TOWNSHIP SEVENTY-SEVEN (77) NORTH, RANGE TWENTY-EIGHT (28) WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, THENCE EAST ON THE NORTH LINE OF SAID 80-ACRE TRACT 653 FEET, THENCE 89°11' RIGHT AND SOUTHERLY 330 FEET; THENCE 90°08' RIGHT AND WESTERLY 653 FEET TO THE WEST LINE OF SAID EAST HALF (½) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION FIVE (5); THENCE 89°52' RIGHT AND NORTHERLY 337.8 FEET TO THE POINT OF BEGINNING.

I, John M. Miller, being first duly sworn on oath do depose and state that I am an attorney licensed to practice in the State of Iowa with offices located at 974 73rd Street, Ste. 22, Des Moines, Iowa.

I further state that this office was the attorney of record for Gary V. Crabbs and Michelle A. Crabbs in their Chapter 7 Petition filed under Title 11 United States Code on May 11, 2004. True and correct copies of the Petition for Relief, Notice of Commencement of Case, Schedules A and C, and Discharge of Debtor all filed in the United States Bankruptcy Court for the Southern District of Iowa, Case Number 04-2950-rjh7, are attached hereto.

I further state and attest that the time for filing objections to exemptions has passed and no such objections have been filed.

I further state that Concord SVC, n/k/a Summer Bay Resort and First USA Bank were listed as an unsecured creditors therein. The Court entered its Order of Discharge of Debtor August 17, 2004, discharging the Debtors from any further legal obligation for all listed creditors including Concord SVC and First USA Bank.

I further state the personal liability of Gary V. Crabbs and Michelle A. Crabbs for the above referenced debts were discharged and the judgment lien entered in the Polk County District Court does not attach to any property subsequently acquired by the debtors pursuant to Code of Iowa Section 624.23 (2001).

I further state that a Motion to Avoid Judicial Lien was filed therein and that the Court entered its Order Avoiding Judicial Lien on June 8, 2004, as it related to Great America Leasing Corp., a true and correct copy of said Order is attached hereto.

I execute this affidavit for the purpose of clearing title to the above described property.

John M. Miller, AT0005404 974 73rd St., Ste. 22 Des Moines, Iowa 50312 Telephone: (515) 225-3333

Subscribed and sworn to before me, a Notary Public in and for the State of Iowa, on this 2nd day of May, 2007.



Notary Public in and for the State of Iowa

. Rieb Kes

\$10,000,001 to

\$50 million

\$100 million

П

\$100 million

\$1,000,001 to

П

\$10 million

\$100,001 to

\$500,000

\$50,001 to

\$100,000

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\$1 million

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Gary V Crabbs, Michelle A Crabbs

Case No	04-02950	

Debtors

SCHEDULE A. REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all-property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired

Leases.

Madison County, lowa.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. (See Schedule D.) If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
Homestead located at 1734 105th Street and legally described as: Section 5 Township 77 Range 28 North 1/2 NW NE SW, an Official Plat, now included in and forming a part of the City of Earlham,	Fee Simple Subject to Mortgage - purchased 10/1992	J	190,300.00	122,000.00

*Amounts shown are debtors best estimates of the value of the property shown and the value of the exemptions. It is debtors intention to claim ALL equity or value in every exemption listed as exempt.

> 190,300.00 (Total of this page Sub-Total > 190,300.00 Total >

continuation sheets attached to the Schedule of Real Property

(Report also on Summary of Schedules)

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF IOWA CENTRAL DIVISION

RE:

CASE NO. 04-2950-CH

GARY V. CRABBS MICHELLE A. CRABBS CHAPTER 7

Debtors.

:

AMENDED SCHEDULE A - REAL PROPERTY

COMES NOW the debtors and hereby amends Schedule A by adding thereto real estate located in Guthrie County Diamond Head Lake and legally described as follows:

Northeast Southeast (NE SE) Lot 107 HA Plat 1

Value: \$2,221.00

Northeast Southeast (NE SE) Lot 108 HA Plat 1

Value: \$832.00

VERIFICATION

THE ABOVE NAMED DEBTORS VERIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF THE DEBTORS KNOWLEDGE UNDER PENALTY OF PERJURY.

DATE: 7/12/04

/s/ Gary Crabbs

DEBTOR

DATE: 7/12/04

/s/ Michelle Crabbs

DEBTOR

/s/ John M. Miller John M. Miller, IS9999255 974 73rd St., Ste. 22 Des Moines, IA 50312 Telephone (515) 225-3333 Fax (515) 457-9999

ATTORNEY FOR DEBTORS

CERTIFICATE OF SERVICE: By signing above, the attorney certifies that on this 13th day of July, 2004, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa, with the parties to receive notice either electronically or by US Mail.

Office of U.S. Trustee Room 573, Federal Building 210 Walnut Street Des Moines, IA 50309 Charles L. Smith, Trustee 25 Main Place, Ste. 200 PO Box 248 Council Bluffs, IA 51502-0248

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Gary V Crabbs, Michelle A Crabbs

Case No	04-02950	
Case No.	04-02330	

Debtors

SCHEDULE C. PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemptions to which debtor is entitled under: [Check one box]

☐ 11 U.S.C. §522(b)(1):

■ 11 U.S.C. §522(b)(2):

Exemptions provided in 11 U.S.C. §522(d). Note: These exemptions are available only in certain states. 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 Exemption
	Real Property Homestead located at 1734 105th Street and legally described as: Section 5 Township 77 Range 28 North 1/2 NW NE SW, an Official Plat, now included in and forming a part of the City of Earlham, Madison County, Iowa.	lowa Code §§ 561.2, 561.16, 499A.18	68,300.00	190,300.00
	*Amounts shown are debtors best estimates of the value of the property shown and the value of the exemptions. It is debtors intention to claim ALL equity or value in every exemption listed as exempt.			
	Checking, Savings, or Other Financial Accounts, Co Earhlam Savings Bank - Checking / Savings	ertificates of <u>Deposit</u> lowa Code § 627.6(13)	200.00	200.00
	Household Goods and Furnishings Household Goods - Debtors attorney has an itemized list with the original petition.	lowa Code § 627.6(5)	4,000.00	4,000.00
	Wearing Apparel Clothing	lowa Code § 627.6(1)	1,000.00	1,000.00
	Furs and Jewelry Wedding Rings	lowa Code § 627.6(1)	1,000.00	1,000.00
	Other Liquidated Debts Owing Debtor Including Tax Accrued wages and tax refunds	<u>c Refund</u> lowa Code §§ 642.21, 537.5105	2,000.00	2,000.00
	Automobiles, Trucks, Trailers, and Other Vehicles 1999 Oldsmobile Intrigue	lowa Code § 627.6(9)	0.00	3,900.00
	1998 Caddalic	lowa Code § 627.6(9)	1,000.00	1,000.00

Total: 77,500.00 203,400.00

_____ continuation sheets attached to Schedule of Property Claimed as Exempt



UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF IOWA CENTRAL DIVISION

	CENTICLE DIVISION	
RE:	:	CASE NO. 04-2950-CH
GARY V. CRABBS MICHELLE A. CRABBS	:	CHAPTER 7
Debtors.	:	
AMENDED SCHEDULE	E D - CREDITORS HO	LDING SECURED CLAIMS
		ule D by adding thereto the following:
Sunrise Cove 20785 170 th St. PO Box OR Spirit Lake, IA 51360	\$5,00	0.00
Summer Bay Resort 17805 US Highway 192 Clermont, FL 34711	\$17,4	100.00
	<u>VERIFICATION</u>	1
THE ABOVE NAMED DE	BTORS VERIFY THAT	THE ABOVE INFORMATION IS TRUI
AND CORRECT TO THE BEST	OF THE DEBTORS I	KNOWLEDGE UNDER PENALTY O
PERJURY.		
DATE: 7/12/04	DEF	/s/ Gary Crabbs BTOR
DATE: 7/12/04	DEF	/s/ Michelle Crabbs BTOR
	Johr 974 Des Tele Fax	/s/ John M, Miller 1 M. Miller, IS9999255 73rd St., Ste. 22 Moines, IA 50312 ephone (515) 225-3333 (515) 457-9999 TORNEY FOR DEBTORS
CERTIFICATE OF SERVICE: By signing a electronically in the United States Bankrupt electronically or by US Mail.	above, the attorney certifies that on cy Court, for the Southern Dist	this 13th day of July, 2004, this document was first of Iowa, with the parties to receive notice ei

Office of U.S. Trustee Room 573, Federal Building 210 Walnut Street Charles L. Smith, Trustee 25 Main Place, Ste. 200 PO Box 248

(F	•		
•	13711 B6F (12703)		
	(12/03)		

In re Gary V Crabbs, Michelle A Crabbs

Case No.	 	

Debtors

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community maybe liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

				Ιc	П	<u></u>	
CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	B	H W H	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	COZH_ZGWZ	Ļ	DISPUTED	AMOUNT OF CLAIM
Account No.			Petition at law	1	E	1	
Creditor #: 1 Advance Drainage Systems Dept. 676 Columbus, OH 43265		J	·		D		12,566.62
Account No.			Daria L. McLeish		Γ		
Representing: Advance Drainage Systems			4044 SE 14th St. Des Moines, IA 50320				
Account No.	T		Business expense	T			
Creditor #: 2 Farm Bureau Insurance 115 W Court Avenue Winterset, IA 50273		J					4,500.00
Account No.	╁	┝	Business expense	T	†-	t	
Creditor #: 3 First Card Visa P.O. Box 94014 Palatine, iL 60094-4014		J	•				
							12,600.00
2 continuation sheets attached		-	(Total of	Sul			29,666.62

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT of IOWA

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 5/11/04.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):

Gary V Crabbs

fdba GSC Excavating and Grading

PO Box 121

Earlham, IA 50072

Social Security/Taxpayer ID Nos.:

Case Number: 04-02950-rjh7

Attorney for Debtor(s) (name and address):

John M. Miller

974 73rd Street, Ste 22

Des Moines, IA 50312

Telephone number: 515-225-3333

Bankruptcy Trustee (name and address):

Charles L. Smith

Michelle A Crabbs

Earlham, IA 50072

PO Box 121

25 Main Place, Suite #200

P.O. Box 248

Council Bluffs, IA 51502-0248

Telephone number: (712) 325-9000

Meeting of Creditors:

Date: June 21, 2004

Time: 11:00 AM

Location: Room 783, Federal Building, 210 Walnut, Des Moines, IA 50309

Deadlines:

Papers must be received by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts: 8/20/04

Deadline to Object to Exemptions:

Thirty (30) days after the conclusion of the meeting of creditors.

Creditors May Not Take Certain Actions:

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized

Please Do Not File a Proof of Claim Unless_You Receive a Notice To Do So.

Address of the Bankruptcy Clerk's Office: PO Box 9264

Des Moines, Iowa 50306

Telephone number: 515-284-6230

Hours Open: Monday - Friday 8:00 AM - 5:00 PM

For the Court:

Clerk of the Bankruptcy Court:

Mary M Weibel

Date: 5/18/04

Form B18 (Official Form 18)(12/03)

United States Bankruptcy Court

Southern District of Iowa PO Box 9264 Des Moines, Iowa 50306 www.iasb.uscourts.gov

Case No. 04-02950-rjh7

In re: Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):

Gary V Crabbs

fdba GSC Excavating and Grading

PO Box 121

Earlham, IA 50072

Michelle A Crabbs

PO Box 121 Earlham, IA 50072

Social Security No.:

Employer's Tax I.D. No.:

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 8/17/04

Judge Russell J. Hill United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF IOWA **CENTRAL DIVISION**

RE:

CASE NO. 04-2950-CJ

GARY V. CRABBS

CHAPTER 7

MICHELLE A. CRABBS

Debtors.

VS.

GREAT AMERICA LEASING CORPORATION

Creditor.

MOTION TO AVOID JUDICIAL LIENS

The Debtors complain as follows:

1. That the Creditor named above have a judicial lien in the following described homestead property of the Debtors or the Debtors dependents:

REAL ESTATE LEGALLY DESCRIBED AS: SECTION 5 TOWNSHIP 77 RANGE 28 NORTH 1/2 NW NE SW, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF EARLHAM, MADISON COUNTY, IOWA.

L/K/A 1734 105th St., Earlham, Iowa.

- 2. That the lien impairs an exemption to which the Debtors would have been entitled under § 561.16, Code of Iowa (2003).
- 3. That pursuant to 11 U.S.C. Sec. 522(f) the Debtors may avoid any judical liens on the property described above to the extent that the lien impairs an exemption to which the Debtors would have been entitled, and the Debtors hereby invoke said section and avoid the liens of the Creditor.

WHEREFORE, the Debtors PRAY that the Court enter an Order avoiding any and all judicial liens of the Creditors in the property described above pursuant to 11 U.S.C. Sec. 522 (f).

> /s/ John M. Miller John M. Miller, IS 9999255 974 73rd St., Ste. 22 Des Moines, IA 50312 Telephone: (515) 225-3333 ATTORNEÝ FÓR DEBTORS

CERTIFICATE OF SERVICE: By signing above, the attorney certifies that on this 17th day of May, 2004, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. The parties listed below will receive notice electronically.

US Trustee 793 Federal Building 210 Walnut Street Des Moines, IA 50309 Thomas L. Flynn, Trustee 2000 Financial Center Des Moines, IA 50309

CERTIFICATE OF SERVICE: By signing above, the attorney certifies that on this 17th day of May, 2004, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. The parties listed below will receive notice by regular mail.

Great American Leasing Corp. 8742 Innovation Way Chicago, IL 60682-0087

Randall D. Armentrout Lisa A. Stephenson MOYER & BERGMAN, PLC 2720 First Avenue NE Cedar Rapids, IA 52406 ATTORNEY FOR PLAINTIFF

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF IOWA

P.O. Box 9264 Des Moines, Iowa 50306-9264 www.iasb.uscourts.gov

In the Matter of: Gary V Crabbs Michelle A Crabbs Debtor(s) Case No. 04-02950-rjh7

ORDER AND NOTICE OF BAR DATE

The following docket text and Notice of Bar Date result from the indicated document(s) filed in the above captioned case:

Notice of Bar Date for Objections (RE: related document(s)[6] Motion to Avoid Lien with Lien Holder Great America Leasing Corporation filed by Debtor Gary V Crabbs, Joint Debtor Michelle A Crabbs) Objections Due By 6/1/2004. (ueb,)

NOTICE IS GIVEN that objections to the above referenced matter must be filed by the date referenced in the above docket text. Objections, if any, shall be filed with the Clerk, U.S. Bankruptcy Court. Said objections must include proof of service on all appropriate parties as required by the Federal Rules of Bankruptcy Procedure.

NOTICE IS FURTHER GIVEN that only timely and substantive objections will be set for hearing by separate notice. Otherwise an appropriate order will be entered without further notice and hearing.

IT IS THEREFORE ORDERED that this notice supercedes any other bar date notice the filer may have served for this matter and all parties receiving this notice shall govern themselves accordingly.

IT IS FURTHER ORDERED that a party who has not already received the document(s) indicated above may request such document(s) from the filer (if review of the content is absolutely necessary in determining whether to file an objection to the above referenced matter) and the filer shall comply promptly with such request.

Judge Russell J. Hill United States Bankruptcy Judge



MIME-Version:1.0

From: CM_ECF@iasb.uscourts.gov To: CM_ECF@iasb.uscourts.gov

Bcc: USTPRegion12.DM.ECF@usdoj.gov, ia21@ecfcbis.com, lisar@dsmialaw.com, sstucker@t

Message-Id:<690186@iasb.uscourts.gov>

Subject:04-02950-rjh7

"Order on Motion to Avoid Lien" Content-Type: text/html

NOTE TO PUBLIC ACCESS USERSYou may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

U.S. Bankruptcy Court

Southern District of Iowa - Database

Notice of Electronic Filing

The following transaction was received from eaw, entered on 6/8/2004 at 11:06 AM CDT and filed on 6/8/2004

Case Name:

Gary V Crabbs and Michelle A Crabbs

Case Number:

04-02950-rjh7

Document Number: 14

Docket Text:

Order Granting Motion To Avoid Lien (Related Doc # [6]). The motion is granted. The pleading was duly filed, served and noticed. No timely resistance/objection was filed. The lien of Great America Leasing Corp. is avoided to the extent requested in the motion. As required by applicable federal rule or statute, the filer shall serve the order on all appropriate parties (except those parties who will receive notice of electronic filing). HEREBY ORDERED by Judge Russell J. Hill. (Docket Text Only Order) (eaw,)

The following document(s) are associated with this transaction:

04-02950-rjh7 Notice will be electronically mailed to:

John M. Miller lisar@dsmialaw.com

Charles L. Smith sstucker@telpnerlaw.com, ia21@ecfcbis.com

United States Trustee USTPRegion12.DM.ECF@usdoj.gov

04-02950-rjh7 Notice will not be electronically mailed to: