Document 2009 3772

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LISA SMITH, COUNTY RECORDER MADISON COUNTY IOWA

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AFFIDAVIT Recorder's Cover Sheet

Preparer Information:

Anthony A. Longnecker, Esq.

Nyemaster, Goode, West, Hansell & O'Brien, P.C.

700 Walnut, Suite 1600 Des Moines, IA 50309-3899 Telephone: (515) 283-3196

F/

Return Document To:

Anthony A. Longnecker, Esq.

Nyemaster, Goode, West, Hansell & O'Brien, P.C.

700 Walnut, Suite 1600 Des Moines, IA 50309-3899 Telephone: (515) 283-3196

Legal Description:

See Page 1

Document or instrument number of previously recorded documents: Book 2009, Page 3217; Book 2009, Page 3218

AFFIDAVIT OF COMPLIANCE WITH IOWA CODE §654.18 – ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE PROCEDURE AND NOTICE OF EXPIRATION OF RIGHTS OF REDEMPTION

STATE OF IOWA)
) ss.
COUNTY OF POLK)

I, Anthony A. Longnecker, being first duly sworn on my oath, depose and state as follows:

- 1. I am an attorney for Farmers & Merchants State Bank ("Lender").
- 2. On October 16, 2009, Lender and Shawn P. Corkrean and Shannon G. Corkrean (collectively "Borrowers") and Country Life Homes, LLC f/k/a the New Home Store, L.L.C., ("Borrower") and Shawn P. Corkrean executed an Election to Follow Alternative Nonjudicial Voluntary Foreclosure Procedure under Iowa Code §654.18 (the "Election") in connection with the following real estate ("Real Estate"):

The South Half (½) of Lot Six (6) of C & C Allen's Addition to Winterset, Madison County, Iowa.

- 3. On October 16, 2009, Borrowers executed a Warranty Deed transferring the Real Estate to Lender ("Warranty Deed").
- 4. On October 26, 2009, Lender recorded the following documents with the Madison County, Iowa Recorder in the noted books and pages: (a) Election Book 2009, Page 3217; and (b) Warranty Deed Book 2009, Page 3218. At the time of the execution of the Agreement, Lender furnished Borrowers two (2) copies each of the completed form captioned "Disclosure and Notice of Cancellation" ("Cancellation Notice") a copy of which was attached to the Election. Borrowers did not cancel the transaction within five (5) business days of October 16, 2009.

5. Pursuant to my direction and under my supervision, I caused to be served a Notice to Potential Junior Lienholders of Election to Utilize Alternative Nonjudicial Foreclosure Procedure ("Notice of Election") for the Election upon each of the following lien claimants:

Blue Tarp Financial, Inc. 443 Congress Street Portland, ME 04101

Blue Tarp Financial, Inc. Attn: David J. Champoux, Registered Agent One Monument Square Portland, ME 04101

Bierl Carpet One Cleaning, LLC d/b/a Bierl Carpet One Attn: Randy Bierl, Registered Agent 811 Plaza Drive Carroll, IA 51401 Gannon Roofing Supply, Inc. Attn: Daniel A. Gannon, Registered Agent 4825 NW 6th Drive Des Moines, IA 50313

Smooth Surfaces, Inc. Attn: Levi Hancock, President 12060 Meredith Drive Urbandale, IA 50322

Copies of the Notice of Elections were also sent to the following attorneys:

Christopher L. Low, Esq. – <u>Via Certified Mail</u> Abendroth and Russell, P.C. 2536 – 73rd Street Urbandale, IA 50322

Attorney for Blue Tarp Financial, Inc. and Bierl Carpet One Cleaning, LLC d/b/a Bierl Carpet One

David L. Wetsch, Esq. – <u>Via Certified Mail</u> Wetsch & Abbott, P.L.C. 974 – 73rd Street; Suite 20 Des Moines, IA 50312 Attorney for Gannon Roofing Supply, Inc.

Each Notice of Election was served on November 10, 2009, by Certified Mail, pursuant to Iowa Code §654.18(1)(e). A true and accurate copy of the Notice of Election is attached hereto, marked as Exhibit A, respectively, and incorporated herein by reference.

- 6. All required parties have been served with a Notice of Election, pursuant to Iowa Code §654.18(1)(e), and no cure was made by any of the junior lienholders, within thirty (30) days from November 10, 2009, the date of mailing of each Notice of Election.
- 7. As a result of the above steps, Lender has complied with all the requirements under Iowa Code §654.18 in order to complete this foreclosure under the Election.

Dated t	his 1	6 th	dav	of D	ecem [°]	her	2009
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Anthony A. Longnecker AT0004874 NYEMASTER, GOODE, WEST, HANSELL & O'BRIEN, P.C.

700 Walnut, Suite 1600 Des Moines, IA 50309-3899 Telephone: (515) 283-3196

Fax: (515) 283-3108

Email: aal@nyemaster.com

ATTORNEYS FOR LENDER FARMERS & MERCHANTS STATE BANK

STATE OF IOWA) ss.
COUNTY OF POLK)

Subscribed and sworn to before me by Anthony A. Longnecker this 16th day of December, 2009.

DARCI RANKIN
COMMISSION NO. 143683
MY COMMISSION EXPIRES
OU IS 2011

Printed Name: Darci Rankm Notary Public for the State of Iowa

NOTICE TO POTENTIAL JUNIOR LIENHOLDERS OF ELECTION TO UTILIZE ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE PROCEDURE

Certified Mail Return Receipt Requested

Date of Mailing: November 10, 2009

Blue Tarp Financial, Inc. 443 Congress Street Portland, ME 04101

Blue Tarp Financial, Inc.
Attn: David J. Champoux, Registered
Agent
One Monument Square
Portland, ME 04101

Bierl Carpet One Cleaning, LLC d/b/a Bierl Carpet One Attn: Randy Bierl, Registered Agent 811 Plaza Drive Carroll, IA 51401 Smooth Surfaces, Inc. Attn: Levi Hancock, President 12060 Meredith Drive Urbandale, IA 50322

Gannon Roofing Supply, Inc.
Attn: Daniel A. Gannon, Registered
Agent
4825 NW 6th Drive
Des Moines, IA 50313

RE: Country Life Homes, LLC, an Iowa limited liability company f/k/a The New Home Store, L.L.C.

Blue Tarp Financial, Inc.
Bierl Carpet One Cleaning, LLC d/b/a Bierl Carpet One
Smooth Surfaces, Inc.
Gannon Roofing Supply, Inc.
November 10, 2009
Page 2

You are hereby notified that The New Home Store, L.L.C. n/k/a Country Life Homes, LLC, an Iowa limited liability company (the "Mortgagor") executed an Open-End Mortgage in favor of Farmers & Merchants State Bank ("Mortgagee") dated February 14, 2005 and filed February 14, 2005 in Book 2005 at page 657 of the records of the Madison county, Iowa Recorder encumbering the following described real estate ("Real Estate"):

The South Half (½) of Lot Six (6) of C & C Allen's Addition to Winterset, Madison County, Iowa.

Mortgagor is now in default under the terms of the Mortgage and the obligations it secures.

You are hereby notified that the Mortgagee and the Mortgagor have elected to follow the Alternative Nonjudicial Voluntary Foreclosure procedure set forth in Iowa Code § 654.18, and Mortgagor has conveyed the Real Estate to the Mortgagee.

You are further notified that, as a possible holder of an alleged junior lien against the Real Estate, you have thirty (30) days from the date of the mailing of this notice to you in which to exercise any right of redemption you may have with respect to the Real Estate.

There is currently due and owing to Mortgagee under the Mortgage the sum of \$27,921.52 plus \$4.78 per day after November 5, 2009. You may exercise any such right of redemption by contacting Anthony A. Longnecker, Esq., Nyemaster Goode Law Firm, 700 Walnut, Suite 1600, Des Moines, IA 50309-3899, (515) 283-3196 to ascertain the amount necessary to redeem ("Redemption Amount") and by paying such Redemption Amount to

Blue Tarp Financial, Inc.
Bierl Carpet One Cleaning, LLC d/b/a Bierl Carpet One
Smooth Surfaces, Inc.
Gannon Roofing Supply, Inc.
November 10, 2009
Page 3

Anthony A. Longnecker at the address described above within thirty (30) days from the date of this letter.

Sincerely,

Anthony A. Longnecker, Esq.

Attorney for Farmers & Merchants State

Bank

Nyemaster Goode Law Firm

700 Walnut, Suite 1600

Des Moines, IA 50309-3899

Telephone: (515) 283-3196 Facsimile: (515) 283-3108

E-mail: <u>aal@nyemaster.com</u>

Enclosures

cc: Farmers & Merchants State Bank,

Attn: Tim Rethmeier

Christopher L. Low, Esq. - Via Certified Mail

Abendroth and Russell, P.C.

2536 – 73rd Street

Urbandale, IA 50322

Attorney for Blue Tarp Financial, Inc. and Bierl Carpet One Cleaning, LLC d/b/a Bierl Carpet One

David L. Wetsch, Esq. - Via Certified Mail

Wetsch & Abbott, P.l.C.

974 – 73rd Street; Suite 20

Des Moines, IA 50312

Attorney for Gannon Roofing Supply, Inc. and Smooth Surfaces, Inc.

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Des Moines, IA 50312	
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