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LISA SMITH, COUNTY RECORDER MADISON COUNTY IOWA

Affidavit

PREPARED BY: SAMUEL Z. MARKS, STATE OF IOWA UNIVERSITY AVE, DES MOINES, JA 50311 SS: RETURN TO: SAMUEL Z- MARKS, 4225 COUNTY OF POLK LIMIVERSTY AVE., DES MOUNES, IA 50311

- I, Samuel Z. Marks, being first duly sworn on oath, do state and depose that:
 - The undersigned is a regularly practicing attorney in Des Moines, Polk County, Iowa.
 - 2. This affidavit is given for the purpose of clearing title to real estate legally described as:

The Northeast Quarter (1/4) of the Northwest Quarter (1/4)and the West Half (1/2) of the Southeast Ouarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-three (23). Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.



Except for PARCEL "B" being a tract of land located in part of the Northeast 1/4 of the Northwest 1/4 of Section 23, Township 76 North, Range 29 West of the 5th P.M., Madison County, Iowa, recorded in the Madison County Recorders' Book 2008, page 3594 and described as follows:

Commencing at an iron pin set at the N 1/4 corner of said Section 23; thence S 89°32'30" W, along the North line of the Northwest ¼ thereof, a distance of 608.87' to the Point of Beginning; thence S 17°51'50" W, through a 1/2" iron pin, a distance 343.25' to a 1/2" iron pin; thence S 89°32'30" W a distance of 406.27' to a ½" iron pin; thence N 00°00'00" E, through a 1/2" iron pin, a distance of 325.86'; thence N 89°32'30" E a distance of 511.57' to the point of beginning. Containing 3.43 acres including 0.55 acres of county road right of way easement.

Except for Parcel "C" being a tract of land located in part of the Northeast ¼ of the Northwest ¼ (NE ¼ NW ¼) of Section 23, Township 76 North, Range 29 West of the 5th P.M., Madison County, Iowa, recorded in the Madison County Recorders' Book 2009, Page 2427



- 3. On April 23, 2007 Dennis and Sandra Bautch filed a Bankruptcy Petition in the United States Bankruptcy Court for the Southern District of Iowa. Said filing has been assigned case number 07-01287-lmj7.
- 4. Robert G. Schlegel has been duly appointed as Trustee for said case.
- 5. On April 30, 2004 in the case Citicorp Vendor Finance, Inc., f/k/a Copelco Capital, Inc. vs. EPS International, Inc. and Dennis Bautch, Madison County Case No. LACV031109, a judgment was entered in favor of Citicorp Vendor Finance, Inc., f/k/a Copelco Capital, Inc.
- 6. On March 29, 2010 the undersigned filed a Motion to Avoid Lien with the Bankruptcy Court asking the Court to avoid the judicial lien created by the judgment in favor of Citicorp Vendor Finance, Inc., f/k/a Copelco Capital, Inc. in Madison County Case No. LACV031109.
- 7. No party resisted the Motion to Avoid Lien as described in paragraph (6) herein. On April 16, 2010 the Court granted the Motion to Avoid Lien described in paragraph (6) and avoided the lien as described in the Motion to Avoid Lien pursuant to 11 U.S.C. § 522(f). An Order Nunc Pro Tunc was entered on April 27, 2010 clarifying the order of April 16, 2010.
- 8. On January 30, 2006 in the case Citicorp Vendor Finance, Inc., f/k/a Capelco Capital, Inc., Madison County Case No. EQCV031554, a judgment was entered in favor of Citicorp Vendor Finance, Inc., f/k/a Capelco Capital, Inc.
- 9. On March 29, 2010 the undersigned filed a Motion to Avoid Lien with the Bankruptcy Court asking the Court to avoid the judicial lien created by the judgment in favor of Citicorp Vendor Finance, Inc., f/k/a Capelco Capital, Inc. in Madison County Case No. EQCV031554.
- 10. No party resisted the Motion to Avoid Lien as described in paragraph (9) herein. On April 16, 2010 the Court granted the Motion to Avoid Lien described in paragraph (9) and avoided the lien as described in the Motion

- to Avoid Lien pursuant to 11 U.S.C. § 522(f). An Order Nunc Pro Tunc was entered on April 27, 2010 clarifying the order of April 16, 2010.
- 11. On October 27, 2004 in the case Datatronics Inc. vs. Sandy Bautch, d/b/a Electronic Production Specialists, Madison County Case No. SCSC11476, a judgment was entered in favor of Datatronics Inc.
- 12. On March 29, 2010 the undersigned filed a Motion to Avoid Lien with the Bankruptcy Court asking the Court to avoid the judicial lien created by the judgment in favor of Datatronics Inc. in Madison County Case No. SCSC11476.
- 13. No party resisted the Motion to Avoid Lien as described in paragraph (12) herein. On April 16, 2010 the Court granted the Motion to Avoid Lien described in paragraph (12) and avoided the lien as described in the Motion to Avoid Lien pursuant to 11 U.S.C. § 522(f). An Order Nunc Pro Tunc was entered on April 27, 2010 clarifying the order of April 16, 2010.
- 14. On September 1, 2000 in the case Floral Touch vs. Sandy Bautch. Madison County Case No. TJCV030569, a judgment was entered in favor of Floral Touch.
- 15. On March 29, 2010 the undersigned filed a Motion to Avoid Lien with the Bankruptcy Court asking the Court to avoid the judicial lien created by the judgment in favor of Floral Touch in Madison County Case No. TJCV030569.
- 16. No party resisted the Motion to Avoid Lien as described in paragraph (15) herein. On April 16, 2010 the Court granted the Motion to Avoid Lien described in paragraph (15) and avoided the lien as described in the Motion to Avoid Lien pursuant to 11 U.S.C. § 522(f). An Order Nunc Pro Tunc was entered on April 27, 2010 clarifying the order of April 16, 2010.

Samuel Z. Marks

Subscribed and sworn to before me this 2 day of June, 2010.

NOTARY PUBLIC[§]S

