

**United States Bankruptcy Court**  
For the SOUTHERN District of IOWA

I, Marquerite F. Lary, Clerk of Bankruptcy Court  
in and for said District, do hereby certify that the attached copy of Petition, Schedule-B,  
Order Appointing Interim Trustee(Trustee) and Fixing Bond, Application for  
Authority to Sell Real Estate at Public Auction, Consent to Application to  
Sell Real Estate at Private Sale, ~~Order Authorizing and Confirming Lease of~~  
~~Real Estate, Notice of Application to Sell Real Estate at Public Auction,~~  
Order Authorizing and Confirming Sale of Real Estate at Public Auction,  
in the case of Report of Sale of Real Estate at Public Auction.

Marion Alfred Perin and Shirley Ann Perin

debtor, No. 85-459-C has been compared with the original thereof and that it is a complete and  
correct copy of such original as it appears of record and on file in my office.

In testimony whereof I have hereunto set my hand at Des Moines, Iowa,  
in said District, this 23th day of December, 1986



Marguerite F. Lary  
Clerk of Bankruptcy Court

Manivell Houshgar  
Deputy Clerk

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 12-23-86

FPI-MAR-8-21-80-30M-4844

COMPTON

FILED NO. **1393**  
BOOK 37 PAGE 557

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MARY E. WELTY  
RECORDER  
MADISON COUNTY, IOWA

Fee \$145.00

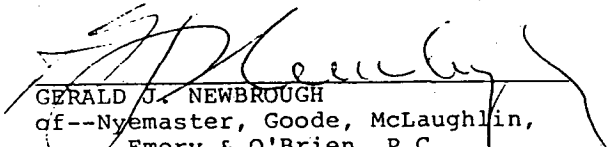
UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

**RELIEF ORDERED**  
**FILED**  
MAR 08 1985  
Clerk, U.S. Bankruptcy Court  
Des Moines, Iowa

IN RE: : 85-459-C :  
 : CASE NO. :  
MARION ALFRED PERIN : :  
(a/k/a) M. ALFRED PERIN) : :  
and SHIRLEY ANN PERIN, : :  
 : :  
Debtors, : VOLUNTARY PETITION (JOINT) :  
 : :  
SOC. SEC. NOS: 480-36-5770 : :  
and 478-32-3140, Respectively.: :

1. Petitioners' mailing address, including county, is Rural Route 5, New Virginia, Iowa 50210.
2. Petitioners have resided within this district for the preceding 180 days.
3. Petitioners are qualified to file this Petition and are entitled to the benefits of Title 11, United States Code as voluntary debtors.
4. Petitioners are individuals, but they have no consumer debts.

WHEREFORE, Petitioners pray for relief in accordance with Chapter 7 of Title 11, United States Code.

  
GERALD J. NEWBROUGH  
of--Nyemaster, Goode, McLaughlin,  
Emery & O'Brien, P.C.  
Tenth Floor Hubbell Building  
Des Moines, Iowa 50309  
Telephone: (515) 283-3141  
ATTORNEY FOR PETITIONERS

**SCHEDULE B — STATEMENT OF ALL PROPERTY OF DEBTOR**

Schedules B-1, B-2, B-3, and B-4 must include all property of the debtor as of the date of the filing of the petition by or against debtor.

**Schedule B-1 — Real Property**

Description and location of all real property in which debtor has an interest (including equitable and future interests, interests in estates by the entirety, community property, life estates, leaseholds, and rights and powers exercisable for the benefit of debtor)	Nature of interest (specify all deeds and written instruments relating thereto)	H W or J	Market value of debtor's interest without deduction for secured claims listed on schedule A-2 or exemptions claimed in schedule B-4
SEE ATTACHED SHEET FOR LEGAL DESCRIPTIONS (includes exempt homestead)	FEE SIMPLE	J	\$  Aggregate value between 100,000 and 150,000
<b>Total</b>			100,000 - 150,000

**Schedule B-2 — Personal Property**

Type of Property	Description and location	H W or J	Market value of debtor's interest without deduction for secured claims listed on schedule A-2 or exemptions claimed in schedule B-4
a. Cash on hand		J	\$ 40.00
b. Deposits of money with banking institutions, savings and loan associations, credit unions, public utility companies, landlords, and others	None		
c. Household goods, supplies, and furnishings	Misc. -- old and used	J	1,000.00
d. Books, pictures, and other art objects; stamp, coin, and other collections	None		
e. Wearing apparel, jewelry, firearms, sports equipment, and other personal possessions	Apparel and jewelry (\$500.00); shotgun (\$50.00)	J	550.00
f. Automobiles, trucks, trailers, and other vehicles	1977 Oldsmobile (195,000 Miles) - \$800; 1975 Ford Pick-up Truck (165,000 Miles) - \$800.	J	1,600.00
g. Boats, motors, and their accessories	None		
<b>Total</b>			CONTINUED

SCHEDULE B-1 -- Real Property  
(Legal Descriptions)

1. Approximately 4.54 acres in the very southwest corner of SW 1/4 of SW 1/4 of 30-74-25, Warren County, Iowa. (Described in tax statement as "West 40 Rods South 6 Rods SW SW Sec. 30-74-25 and South 414.2 feet SW SW Ex. West 40 Rods of South 6 Rods & Ex. Hiway & Ex. 3.6 Ac. SE Cor. Sec. 30-74-25.)
2. NW 1/4 of NW 1/4 of 31-74-25, Warren County, Iowa, except approximately 7.03 acres of highway right-of-way and land owned by Stuckeys.
3. SW 1/4 of NW 1/4 of 31-74-25, Warren County, Iowa, except approximately 4.19 acres of highway right-of-way.
4. NW 1/4 of SW 1/4 of 31-74-25, Warren County, Iowa, except approximately 4.76 acres of highway right-of-way.
5. SW 1/4 of NE 1/4 (or a/k/a west 40 acres of S 1/2 of NE 1/4) of 25-74-26, Madison County, Iowa, except approximately 4 acres lying East of public road.
6. NW 1/4 of NE 1/4 of 36-74-26, Madison County, Iowa.
7. SW 1/4 of NE 1/4 of 36-74-26, Madison County, Iowa.
8. SE 1/4 of NE 1/4 of 36-74-26, Madison County, Iowa.
9. NE 1/4 of SE 1/4 of 36-74-26, Madison County, Iowa.
10. NE 1/4 of NE 1/4 of 36-74-26, Madison County, Iowa.
11. Burial plot for each debtor in New Virginia Cemetery.

See drawing attached to Schedule B-4. Debtors have some abstracts but no recent title opinions. Some of properties may be subject to easements.

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

MAR 08 1985

MARGUERITE E. LAH  
Clerk, U.S. Bankruptcy Court  
Des Moines, Iowa

IN RE:

MARION ALFRED PERIN  
SHIRLEY ANN PERIN  
engaged in farming

CASE NO. 85-459-C

Debtors.

ORDER APPOINTING INTERIM  
TRUSTEE (TRUSTEE) AND FIXING BOND

At Des Moines, in the Southern District of Iowa, on the  
8th day of March, 1985.

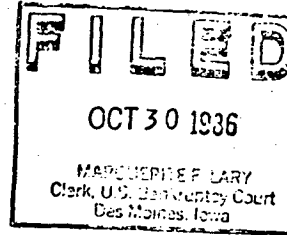
It is ORDERED that David A. Erickson, of  
2700 Westown Pkwy., 300 Century Bldg. W. Des Moines, Ia. is  
hereby appointed Interim Trustee in the above entitled estate  
with the amount of his bond fixed in accordance with his  
blanket bond filed with this Court.

It is further ORDERED that in the event no other person is  
elected trustee at a meeting of creditors held pursuant to  
11 U.S.C. Section 341, the Interim Trustee be, and he is hereby,  
appointed trustee of the above entitled estate.

It is further ORDERED that the Interim Trustee appointed is  
directed to file an acceptance or rejection within five (5) days  
hereof, and if the Interim Trustee is continued as trustee to  
file a like acceptance or rejection within five (5) days of  
the date of the meeting of creditors held pursuant to 11 U.S.C.  
Section 341.

U. S. BANKRUPTCY JUDGE

CC: Atty., Trustee & Debtor  
(03-11-85 db)



UNITED STATES BANKRUPTCY COURT  
 FOR THE SOUTHERN DISTRICT OF IOWA

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IN RE: : Case No. 85-459-C  
 MARION ALFRED PERIN and :  
 SHIRLEY ANN PERIN :  
 Engaged in Farming :  
 Debtor :

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APPLICATION FOR AUTHORITY TO SELL REAL ESTATE  
 AT PUBLIC AUCTION

TO THE HONORABLE RICHARD STAGEMAN, Bankruptcy Judge

COMES NOW David A. Erickson, the duly qualified and acting Trustee in the above entitled estate, and for his Application to Sell Real Estate of the Debtors at public auction states:

1. That there has come into his possession as Trustee certain assets being comprised of real estate located in Warren and Madison Counties, Iowa, and legally described as follows:

The Northeast Quarter (¼) and the Northeast Quarter (¼) of the Southeast Quarter (¼) of Section 36 in Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P. M., Madison County, Iowa (LESS THE BELOW-DESCRIBED EXCEPTION)

*cc atty: 10 31 36 JH  
 cc Trustee Erickson 10 30 36 dm*

and

Northwest Quarter (NW $\frac{1}{4}$ ) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ), EXCEPT all that property lying East of Iowa State Highway #I-35 and South of Iowa State Highway #207 in the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 31, Township 74, Range 25 West of the 5th P.M. Iowa, EXCEPT land sold to State of Iowa in Deed Book 130, pages 27 and 28, and EXCEPT a strip of land 25 feet in width and 240 rods in length in Northwest Quarter and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 31, Township 74 North, Range 25 West of the 5th P.M., Iowa, AND EXCEPT Commencing at the NW Corner of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence North 90° - 00' East 773.0' along the North line of the NW $\frac{1}{4}$  of said Section; thence South 0° - 00' East 33' to the point of beginning; thence continuing South 0° - 00' East 380.0'; thence South 90° - 00' East and parallel to the North line of said NW $\frac{1}{4}$  395.05' to the Westerly R.O.W. line of Interstate 35; thence North 17° - 25' west 367.25' along the present Westerly R.O.W. line of said Interstate 35, to a point which is 60.0' South and at Right angles to Sta. 96 + 05 on Iowa Highway No. 207, as now established, thence South 89° - 53' West and parallel to the Centerline of said Iowa Highway No. 207, 205.0'; thence North 0° - 07' West 29.8' to a point which is 33.0' South of the North line of said NW $\frac{1}{4}$ ; thence North 90° - 00' West, parallel to and 33.0' South of the North line of said NW $\frac{1}{4}$ , 80.0', to the point of beginning, EXCEPT a 25.0' wide strip of land lying adjacent to and parallel to the East line of the above described tract of land, said 25.0' wide strip of land lies West of said East line, and said East line being the West line of said Interstate Highway 35 (LESS THE BELOW DESCRIBED EXCEPTION)

EXCEPTION FROM ABOVE PARCELS

An irregular shaped tract of land located in the NE 1/4 of the NE 1/4 of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa and in the N.W. Fractional 1/4 of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa is described as follows:

-2-

Beginning at the N.W. corner of the N.W. fractional 1/4 of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa, said point also being the N.E. corner of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence, N90°00'00"E along the North line of the N.W. Fractional 1/4 of said Section 31, 773.00 feet; thence, S00°00'00"E, 413.00 feet; thence, N90°00'00"E, along a line parallel with and 413.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 368.85 feet; thence, S17°25'00"E along a line parallel with the 25.00 feet West of the Westerly right-of-way line of Interstate No. 35 as it is presently established, 231.16 feet; thence, S02°37'18"E along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 314.02 feet; thence, S00°10'00"W along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 656.00 feet; thence, N90°00'00"W along a line parallel with and 1603.26 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 400.81 feet; thence, N00°42'33"W, 903.32 feet; thence, S90°00'00" W along a line parallel with and 700.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 811.50 feet more or less to the East line of Madison County, Iowa; thence continuing S90°00'00"W, 780.00 feet; thence, N00°00'00"E, 633.93 feet to the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36; thence N85°09'30"E along the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36, 782.80 feet to the point of beginning. Said tract of land being subject to and together with any and all easements of record. Said tract of land being subject to a 33.00 feet wide public roadway easement on the North side thereof. Said tract of land contains 35.50 acres more or less.

2. This sale to be subject to all existing easements.



3. That by virtue of a mortgage, Nyemaster, Goode, McLaughlin, Emery & O'Brien, P.C., claim a security interest in a portion of the real estate in Madison County, Iowa and have consented to the sale, which written consent will be filed with this Court.

4. That by virtue of a mortgage, Juanita C. Petrikin claims a security interest in a portion of the real estate in Madison County, Iowa and has consented to the sale, which written consent will be filed with this Court.

5. That the Trustee is credibly informed that real estate taxes are due to Warren County and Madison County.

6. That the Trustee proposes to sell the real estate listed above on the following terms and conditions:

10% down on November 24, 1986. The principal balance shall be paid in full on February 27, 1987, plus 10% interest on unpaid balance from November 24, 1986.

Possession - March 1, 1987

Real estate taxes to be prorated to date of possession on the basis of the last available tax statement.

7. That the Trustee proposes to sell such real estate, at public auction to be conducted at Route 5, New Virginia, Iowa (Interstate 35 South at Exit 43) at 10:30 o'clock a.m. on the 24th day of November, 1986.

8. That said Trustee proposes to retain the services of Greenfield's Professional Auction Co. of Des Moines, Iowa for the purposes of conducting said auction, and shall pay a commission of 4% of the gross sales price of real estate,

10


plus \$300.00 for advertising, to said auctioneer for services to be rendered, which services shall include clerking, auctioneers and check collection.

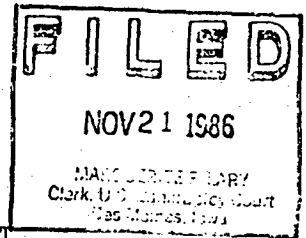
9. That the continued possession of such real estate by the trustee for any further length of time will not enhance the sales price thereof and do nothing but increase the costs and expense to the estate for retention of such property, and result in a lesser return to the creditors of the estate.

10. That the proceeds of this sale should be assessed the costs of the sale, together with the costs of administration, all as to be determined by further order of the Bankruptcy Court.

11. That the liens of the creditors holding valid security interests in such property should be transferred to the proceeds of such sale, and that Consents to the sale and the transfer of any and all liens to the proceeds thereof will be filed.

WHEREFORE your Applicant prays for authority to sell the real estate of the Debtors, at public auction, upon notice to all creditors and interested parties of the Debtors.

  
\_\_\_\_\_  
David A. Erickson, Trustee  
300 Century Building  
2700 Westown Parkway  
West Des Moines, IA 50265  
(515) 225-1100



IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

-----

In re: :  
MARION ALFRED PERIN and : Case No. 85-459-C  
SHIRLEY ANN PERIN :  
engaged in farming :  
Debtor :  
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CONSENT TO APPLICATION TO SELL REAL ESTATE AT  
PRIVATE SALE

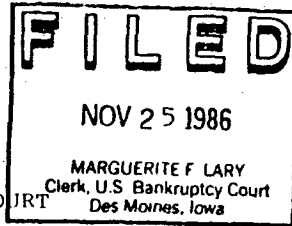
COMES NOW the undersigned lien creditor of Marion Alfred Perin and Shirley Ann Perin, and acknowledges receipt of a copy of the Application to Sell Real Estate at Public Auction filed by the Trustee herein.

The undersigned further waives the requirement of the filing of a Complaint by the Trustee to sell such property, and waives time to answer or plead to such Complaint.

The undersigned further agrees and consents to the sale of the real estate upon the terms and conditions as set out in said Application.

NYEMASTER, GOODE, McLAUGHLIN,  
EMERY & O'BRIEN, P.C.

By: *Ernie Perin*



IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

-----

In re: :  
MARION ALFRED PERIN and : Case No. 85-459-C  
SHIRLEY ANN PERIN :  
engaged in farming :  
Debtor :

-----

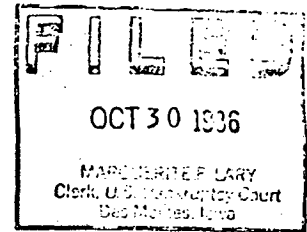
CONSENT TO APPLICATION TO SELL REAL ESTATE AT  
PRIVATE SALE

COMES NOW the undersigned lien creditor of Marion Alfred Perin and Shirley Ann Perin, and acknowledges receipt of a copy of the Application to Sell Real Estate at Public Auction filed by the Trustee herein.

The undersigned further waives the requirement of the filing of a Complaint by the Trustee to sell such property, and waives time to answer or plead to such Complaint.

The undersigned further agrees and consents to the sale of the real estate upon the terms and conditions as set out in said Application.

By: Juanita C. Petrikin  
Juanita C. Petrikin



UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

IN RE: : Case No. 85-459-C  
MARION ALFRED PERIN and :  
SHIRLEY ANN PERIN :  
Engaged in Farming :  
Debtor :

NOTICE OF APPLICATION TO SELL REAL ESTATE  
AT PUBLIC AUCTION

TO THE CREDITORS OF MARION ALFRED PERIN AND SHIRLEY ANN PERIN, DEBTORS

BE ADVISED that the Trustee has filed an Application to Sell Real Estate of the Debtors, located in Warren and Madison Counties, Iowa, and legally described as follows:

The Northeast Quarter (NE $\frac{1}{4}$ ) and the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 36 in Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P. M., Madison County, Iowa (LESS THE BELOW-DESCRIBED EXCEPTION)

and

Northwest Quarter (NW $\frac{1}{4}$ ) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ), EXCEPT all that property lying East of Iowa State Highway #I-35 and South of Iowa State Highway #207 in the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 31, Township 74, Range 25 West of the 5th P.M. Iowa, EXCEPT land sold to State of Iowa in Deed Book 130, pages 27 and 28, and EXCEPT a strip of land 25 feet in width and 240 rods in length in Northwest Quarter and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 31, Township 74 North, Range 25 West of the 5th P.M., Iowa, AND EXCEPT Commencing at the NW Corner of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence North 90° - 00' East 773.0' along the North line of

*cc. adv: 10-31-36 JEL  
of Middle Division 10-30-36 Lm*

the NW $\frac{1}{4}$  of said Section; thence South 0° - 00' East 33' to the point of beginning; thence continuing South 0° - 00' East 380.0'; thence South 90° - 00' East and parallel to the North line of said NW $\frac{1}{4}$  395.05' to the Westerly R.O.W. line of Interstate 35; thence North 17° - 25' West 367.25' along the present Westerly R.O.W. line of said Interstate 35, to a point which is 60.0' South and at Right angles to Sta. 96 + 05 on Iowa Highway No. 207, as now established, thence South 89° - 53' West and parallel to the Centerline of said Iowa Highway No. 207, 205.0'; thence North 0° - 07' West 29.8' to a point which is 33.0' South of the North line of said NW $\frac{1}{4}$ ; thence North 90° - 00' West, parallel to and 33.0' South of the North line of said NW $\frac{1}{4}$ , 80.0', to the point of beginning, EXCEPT a 25.0' wide strip of land lying adjacent to and parallel to the East line of the above described tract of land, said 25.0' wide strip of land lies West of said East line, and said East line being the West line of said Interstate Highway 35 (LESS THE BELOW DESCRIBED EXCEPTION)

EXCEPTION FROM ABOVE PARCELS

An irregular shaped tract of land located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa and in the N.W. Fractional  $\frac{1}{4}$  of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa is described as follows:

Beginning at the N.W. corner of the N.W. fractional  $\frac{1}{4}$  of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa, said point also being the N.E. corner of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence, N90°00'00"E along the North line of the N.W. Fractional  $\frac{1}{4}$  of said Section 31, 773.00 feet; thence, S00°00'00"E, 413.00 feet; thence, N90°00'00"E, along a line parallel with and 413.00 feet South of the North line of the N.W. fractional  $\frac{1}{4}$  of said Section 31, 368.85 feet; thence, S17°25'00"E along a line parallel with the 25.00 feet West of the Westerly right-of-way line of Interstate No. 35 as it is presently established, 231.16 feet; thence, S02°37'18"E along a line parallel with and 25.00 feet

West of the Westerly right-of-way line of said Interstate No. 35, 314.02 feet; thence, S00°10'00"W along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 656.00 feet; thence, N90°00'00"W along a line parallel with and 1603.26 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 400.81 feet; thence, N00°42'33"W, 903.32 feet; thence, S90°00'00" W along a line parallel with and 700.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 811.50 feet more or less to the East line of Madison County, Iowa; thence continuing S90°00'00"W, 780.00 feet; thence, N00°00'00"E, 633.93 feet to the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36; thence N85°09'30"E along the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36, 782.80 feet to the point of beginning. Said tract of land being subject to and together with any and all easements of record. Said tract of land being subject to a 33.00 feet wide public roadway easement on the North side thereof. Said tract of land contains 35.50 acres more or less.

1. This sale to be subject to all existing easements.
2. That a mortgage in favor of Nyemaster, Goode, McLaughlin, Emery & O'Brien, P.C., shall be paid from the proceeds of the sale.
3. That a mortgage in favor of Juanita C. Petrikin shall be paid from the porceeds of the sale.
4. That real estate taxes are due to Warren County and Madison County and shall be paid from the proceeds of the sale.
5. That the Trustee proposes to sell the real estate listed above on the following terms and conditions:

10% down on November 24, 1986. The principal balance shall be paid in full on February 27, 1987, plus 10% interest on unpaid balance from November 24, 1986.

Possession - March 1, 1987

Real estate taxes to be prorated to date of possession on the basis of the last available tax statement.

6. That the Trustee shall sell such real estate at public auction to be conducted at Route 5, New Virginia, Iowa (Interstate 35 South at Exit 43) at 10:30 o'clock a.m. on the 24th day of November, 1986.

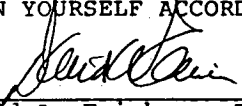
7. That the Trustee has retained the services of Greenfield's Professional Auction Co. of Des Moines, Iowa for the purposes of conducting said auction, and shall pay a commission of 4% of the gross sales price of real estate, plus \$300.00 for advertising, to said auctioneer for services to be rendered, which services shall include clerking, auctioneers and check collection.

8. That the continued possession of such real estate by the trustee for any further length of time will not enhance the sales price thereof and do nothing but increase the costs and expense to the estate for retention of such property, and result in a lesser return to the creditors of the estate.

9. That the proceeds of the sale shall be assessed the costs of the sale, together with the costs of administration, all as to be determined by further order of the Bankruptcy Court.

YOU ARE HEREBY NOTIFIED THAT THE SALE OF SUCH REAL ESTATE AND PERSONAL PROPERTY AT PUBLIC AUCTION UPON THE TERMS AND CONDITIONS NOTED ABOVE WILL BE AUTHORIZED AND APPROVED WITHIN 20 DAYS OF THE DATE OF MAILING THIS NOTICE UNLESS ANY INTERESTED PARTY FILES AN OBJECTION OR REQUESTS A HEARING THERETO WITH THE U.S. BANKRUPTCY COURT, 318 U.S. Courthouse, Des Moines, Iowa 50309.

PLEASE TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY.

  
\_\_\_\_\_  
David A. Erickson, Trustee  
300 Century Building  
2700 Westown Parkway  
West Des Moines, IA 50265  
(515) 225-1100



**FILED**  
DEC 23 1986  
MARGUERITE F LARY  
Clerk, U.S. Bankruptcy Court  
Des Moines, Iowa

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

In re: :  
MARION ALFRED PERIN and : Case No. 85-459-C  
SHIRLEY ANN PERIN :  
engaged in farming :  
Debtor :

ORDER AUTHORIZING AND CONFIRMING SALE OF  
REAL ESTATE AT PUBLIC AUCTION

At Des Moines, Iowa, in said District, on the 22nd day  
of December, 1986.

Upon the Application of David A. Erickson, the duly  
qualified and acting Trustee of the Estate of the  
above-named Debtor, filed on October 30, 1986 for authority  
to sell at public auction certain real estate owned by the  
Debtor located in Madison County and Warren County, Iowa,  
all as on the terms and conditions set out in said  
Application, and notice of said Application and proposed  
sale having been sent to all creditors, and no objections  
having been filed, and Consents to said sale, and the  
transfer of liens, if any, to the proceeds thereof, having  
been filed, by the parties claiming a security interest in  
the property, and the Court having examined the file and  
pleadings herein, and being fully advised in the premises  
finds that the proposed sale of real estate at public

auction, free and clear of all liens, to Dean Fitzgarrald is in the best interests of this Bankruptcy Estate and should be approved and confirmed.

IT IS, THEREFORE, ORDERED that the Application of the Trustee for authority to sell the real estate of the Debtor, legally described as:

The Northeast Quarter (NE $\frac{1}{4}$ ) and the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 36 in Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P. M., Madison County, Iowa (LESS THE BELOW-DESCRIBED EXCEPTION)

and

Northwest Quarter (NW $\frac{1}{4}$ ) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ), EXCEPT all that property lying East of Iowa State Highway #I-35 and South of Iowa State Highway #207 in the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 31, Township 74, Range 25 West of the 5th P.M. Iowa, EXCEPT land sold to State of Iowa in Deed Book 130, pages 27 and 28, and EXCEPT a strip of land 25 feet in width and 240 rods in length in Northwest Quarter and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 31, Township 74 North, Range 25 West of the 5th P.M., Iowa, AND EXCEPT Commencing at the NW Corner of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence North 90° - 00' East 773.0' along the North line of the NW $\frac{1}{4}$  of said Section; thence South 0° - 00' East 33' to the point of beginning; thence continuing South 0° - 00' East 380.0'; thence South 90° - 00' East and parallel to the North line of said NW $\frac{1}{4}$  395.05' to the Westerly R.O.W. line of Interstate 35; thence North 17° - 25' west 367.25' along the present Westerly R.O.W. line of said Interstate 35, to a point which is 60.0' South and at Right angles to Sta. 96 + 05 on Iowa Highway No. 207, as now established, thence South 89° - 53' West and parallel to the Centerline of said Iowa Highway No. 207, 205.0'; thence North 0° - 07' West 29.8' to a point which is 33.0' South of the North line

of said NW¼; thence North 90° - 00' West, parallel to and 33.0' South of the North line of said NW¼, 80.0', to the point of beginning, EXCEPT a 25.0' wide strip of land lying adjacent to and parallel to the East line of the above described tract of land, said 25.0' wide strip of land lies West of said East line, and said East line being the West line of said Interstate Highway 35 (LESS THE BELOW DESCRIBED EXCEPTION)

EXCEPTION FROM ABOVE PARCELS

An irregular shaped tract of land located in the NE 1/4 of the NE 1/4 of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa and in the N.W. Fractional 1/4 of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa is described as follows:

Beginning at the N.W. corner of the N.W. fractional 1/4 of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa, said point also being the N.E. corner of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence, N90°00'00"E along the North line of the N.W. Fractional 1/4 of said Section 31, 773.00 feet; thence, S00°00'00"E, 413.00 feet; thence, N90°00'00"E, along a line parallel with and 413.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 368.85 feet; thence, S17°25'00"E along a line parallel with the 25.00 feet West of the Westerly right-of-way line of Interstate No. 35 as it is presently established, 231.16 feet; thence, S02°37'18"E along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 314.02 feet; thence, S00°10'00"W along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 656.00 feet; thence, N90°00'00"W along a line parallel with and 1603.26 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 400.81 feet; thence, N00°42'33"W, 903.32 feet; thence, S90°00'00" W along a line parallel with and 700.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 811.50 feet more or less to the East line of Madison County, Iowa; thence continuing S90°00'00"W, 780.00 feet; thence,

N00°00'00"E, 633.93 feet to the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36; thence N85°09'30"E along the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36, 782.80 feet to the point of beginning. Said tract of land being subject to and together with any and all easements of record. Said tract of land being subject to a 33.00 feet wide public roadway easement on the North side thereof. Said tract of land contains 35.50 acres more or less.

be, and the same is hereby, approved and confirmed.

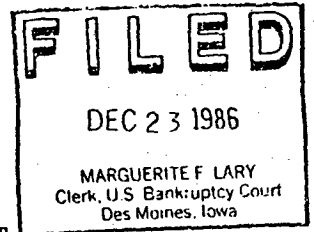
IT IS FURTHER ORDERED that the Trustee be, and he is hereby, authorized to pay such costs necessary to complete this transaction, including auctioneer expenses and real estate taxes, from the proceeds of said sale.

IT IS FURTHER ORDERED that the Trustee be, and he is hereby authorized to pay the sum of \$4,150.86 to Juanita C. Petrikin, and the sum of \$5,692.38 to Nyemaster, Goode, McLaughlin, Emery & O'Brien, P.C. at the closing of the real estate sale, in full and complete satisfaction of their mortgages.

IT IS FURTHER ORDERED that the Trustee be, and he is hereby authorized to issue a Trustee's Deed to transfer his interest to the purchaser set out above.

IT IS FURTHER ORDERED that the Trustee report said receipts and disbursements to the Court.

Lee M. Jackson  
U. S. BANKRUPTCY JUDGE



IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA

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In re: :

MARION ALFRED PERIN and : Case No. 85-459-C

SHIRLEY ANN PERIN :  
engaged in farming :

Debtor :

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REPORT OF SALE OF REAL ESTATE  
AT PUBLIC AUCTION

COMES NOW David A. Erickson, Trustee of the Debtor herein, and for his Report of Sale of Real Estate at Public Auction states:

1. That pursuant to the Application for Authority to Sell Real Estate at Public Auction, filed October 30, 1986 by the Trustee herein, and Notice thereof having been given to all creditors of the Debtor, such sale to be free and clear of all liens with liens to follow the proceeds thereof, and Consents to said sale having been filed by all parties claiming a mortgage interest in the property of the Debtor, your Trustee, with the assistance of the auction company of Greenfield's Professional Auction Service, conducted a public auction on November 24, 1986, a part of the real estate and improvements thereon of the Debtor located in Madison County and Warren County, Iowa, and legally described as follows:

The Northeast Quarter (NE $\frac{1}{4}$ ) and the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 36 in Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P. M., Madison County, Iowa (LESS THE BELOW-DESCRIBED EXCEPTION)

and

Northwest Quarter (NW $\frac{1}{4}$ ) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ), EXCEPT all that property lying East of Iowa State Highway #I-35 and South of Iowa State Highway #207 in the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 31, Township 74, Range 25 West of the 5th P.M. Iowa, EXCEPT land sold to State of Iowa in Deed Book 130, pages 27 and 28, and EXCEPT a strip of land 25 feet in width and 240 rods in length in Northwest Quarter and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 31, Township 74 North, Range 25 West of the 5th P.M., Iowa, AND EXCEPT Commencing at the NW Corner of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence North 90° - 00' East 773.0' along the North line of the NW $\frac{1}{4}$  of said Section; thence South 0° - 00' East 33' to the point of beginning; thence continuing South 0° - 00' East 380.0'; thence South 90° - 00' East and parallel to the North line of said NW $\frac{1}{4}$  395.05' to the Westerly R.O.W. line of Interstate 35; thence North 17° - 25' west 367.25' along the present Westerly R.O.W. line of said Interstate 35, to a point which is 60.0' South and at Right angles to Sta. 96 + 05 on Iowa Highway No. 207, as now established, thence South 89° - 53' West and parallel to the Centerline of said Iowa Highway No. 207, 205.0'; thence North 0° - 07' West 29.8' to a point which is 33.0' South of the North line of said NW $\frac{1}{4}$ ; thence North 90° - 00' West, parallel to and 33.0' South of the North line of said NW $\frac{1}{4}$ , 80.0', to the point of beginning, EXCEPT a 25.0' wide strip of land lying adjacent to and parallel to the East line of the above described tract of land, said 25.0' wide strip of land lies West of said East line, and said East line being the West line of said Interstate Highway 35 (LESS THE BELOW DESCRIBED EXCEPTION)

EXCEPTION FROM ABOVE PARCELS

An irregular shaped tract of land located in the NE 1/4 of the NE 1/4 of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa and in the N.W. Fractional 1/4 of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa is described as follows:

Beginning at the N.W. corner of the N.W. fractional 1/4 of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa, said point also being the N.E. corner of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence, N90°00'00"E along the North line of the N.W. Fractional 1/4 of said Section 31, 773.00 feet; thence, S00°00'00"E, 413.00 feet; thence, N90°00'00"E, along a line parallel with and 413.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 368.85 feet; thence, S17°25'00"E along a line parallel with the 25.00 feet West of the Westerly right-of-way line of Interstate No. 35 as it is presently established, 231.16 feet; thence, S02°37'18"E along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 314.02 feet; thence, S00°10'00"W along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 656.00 feet; thence, N90°00'00"W along a line parallel with and 1603.26 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 400.81 feet; thence, N00°42'33"W, 903.32 feet; thence, S90°00'00" W along a line parallel with and 700.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 811.50 feet more or less to the East line of Madison County, Iowa; thence continuing S90°00'00"W, 780.00 feet; thence, N00°00'00"E, 633.93 feet to the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36; thence N85°09'30"E along the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36, 782.80 feet to the point of beginning. Said tract of land being subject to and together with any and all easements of record. Said tract of land being subject to a 33.00 feet wide public roadway easement on the North side thereof. Said tract of land contains 35.50 acres more or less.

2. That no objections to said sale were filed.
3. That the property sold at said public auction consisted of real estate.
4. That said sale was well publicized and attended by more than 20 persons, and that the property was sold upon active bidding.
5. That the property described above was sold to Dean Fitzgarrald for the total price of \$51,120.00 upon the following terms and conditions:
  - 10% down on November 24, 1986 (which sum has been received), the balance to be paid in full on or before February 27, 1987, plus 10% interest on the unpaid balance from November 24, 1986, with real estate taxes to be prorated to March 1, 1987, on the basis of the last available tax statement, and possession to be given on March 1, 1987, all subject to Court approval.
6. That the Contract for Sale entered into by and between the Trustee and the proposed purchaser for said property upon the terms set out herein is attached hereto, marked Exhibit A, and incorporated by reference.
7. That the auctioneer is entitled to receive a 4% commission on the gross sale price in the amount of \$2,044.80, which commission includes the expenses of auctioneers, a clerk and a cashier, and the guarantee of all checks received, plus \$427.85 for advertising.



8. That in accordance with the Application filed, and the Consents thereto, liens against the property sold, if any, are transferred to the proceeds of said sale, all to be determined by further Order of this Court.

Dated at Des Moines, Iowa, this 22<sup>nd</sup> day of December, 1986.



David A. Erickson, Trustee  
300 Century Building  
2700 Westown Parkway  
West Des Moines, IA 50265  
(515) 225-1100

## REAL ESTATE CONTRACT

IT IS AGREED between David A. Erickson, Trustee in Bankruptcy for Marion Alfred Perin and Shirley Ann Perin, Debtors, of Polk County, Iowa, Seller, and, Dean Fitzgarrald of Johnson County, Iowa, Buyers:

That Seller hereby agrees to sell and Buyers hereby agree to buy the real estate situated in Madison and Warren Counties, Iowa, described as:

SEE EXHIBIT "A" ATTACHED

together with all easements and servient estates appurtenant thereto, and all improvements thereon, upon the following terms:

1. TOTAL PURCHASE PRICE for said property is the sum of Fifty-one Thousand One Hundred Twenty Dollars (\$51,120.00) of which Five Thousand One Hundred Twelve Dollars (\$5,112.00) has been paid herewith, receipt of which is hereby acknowledged by Seller; and Buyers agree to pay the balance to Seller at the office of Seller, or as directed by Seller, as follows:

The remaining balance of the total purchase price in full and in all events on or before February 27, 1987, together with interest at the rate of 10% per annum on the unpaid principal balance from November 24, 1986.

2. INTEREST. Buyers agree to pay interest from November 24, 1986 upon the unpaid balances, at the rate of 10 per cent per annum, payable as set out before.

3. TAXES. Seller agrees to pay the 1986-1987 real estate taxes due and payable in 1987-1988 on a pro-rated basis to the date of possession, and any unpaid taxes thereon payable in prior years and any and all special assessments for improvements which have been installed at the date of this contract; and Buyers agree to pay, before they become delinquent, all other current and subsequent taxes and assessments against said premises. ANY PRORATION OF TAXES SHALL BE BASED UPON THE TAXES FOR THE YEAR CURRENTLY PAYABLE.

4. POSSESSION. Seller agrees to give Buyers possession of said premises on March 1, 1987.

5. ABSTRACT. Seller agrees to forthwith deliver to Buyers for their examination abstract of title to said premises continued to the date of this contract showing merchantable title in accordance with Iowa Title Standards. After examination by Buyers the abstract shall be held by Seller until delivery of deed. Seller agrees to pay for any additional abstracting which may be required by acts, omissions, death or incompetency of Seller, occurring before delivery of deed.

6. CARE OF PROPERTY. Buyers shall not injure, destroy or remove the improvements or fixtures or make any material alterations thereof without the written consent of Seller, until final payment is made.

7. DEED. Upon payment of all sums owing by Buyers to Seller by virtue of this contract, Seller agrees to contemporaneously execute and deliver to Buyers a Trustee's Deed which shall be subject to:

(a) Liens and encumbrances suffered or permitted by Buyers, and taxes and assessments payable by Buyers, and

(b) Applicable zoning regulations and easements of record for public utilities and established roads and highways and all other easements of record.

8. FORFEITURE AND FORECLOSURE. If Buyers fail to perform this agreement in any respect, time being made the essence of this agreement, then Seller may forfeit this contract as provided by Chapter 656 of the Iowa Code and all payments made and improvements made on said premises shall be forfeited; or Seller may declare the full balance owing due and payable and proceed by suit at law or in equity to foreclose this contract, in which event Buyers agree to pay costs and attorney fees and any other expense incurred by Seller.

9. ADDITIONAL PROVISIONS. This sale shall be subject to confirmation by the Bankruptcy Court upon application and notice.

Words and phrases herein shall be construed as singular or plural and as masculine, feminine or neuter gender according to the context.

Dated this 5 day of December, 1986.

*Dean A. Fitzgarrald*  
Dean Fitzgarrald

BUYER

*David A. Erickson*  
David A. Erickson,  
Trustee in Bankruptcy  
Shirley Ann Perin, Debtors  
for Marion Alfred Perin and  
300 Century Building  
2700 Westown Parkway  
West Des Moines, Iowa 50265  
SELLER

STATE OF IOWA: COUNTY OF Polk : SS

On this 5 day of December, 1986, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David A. Erickson, Trustee in Bankruptcy for Marion Alfred Perin and Shirley Ann Perin, Debtors, to me personally known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

*Jane Pitts*  
Notary Public in and for the State of Iowa

STATE OF IOWA: COUNTY OF Polk : SS

On this 5 day of December, 1986, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dean Fitzgarrald, to me personally known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

*Jane Pitts*  
Notary Public in and for the State of Iowa

Exhibit A

The Northeast Quarter (ii) and the Northeast Quarter (i) of the Southeast Quarter (i) of Section 36 in Township Seventy-four (74) North, Range Twenty-six (26) West of the 5th P. M., Madison County, Iowa (LESS THE BELOW-DESCRIBED EXCEPTION)

and

Northwest Quarter (NW $\frac{1}{4}$ ) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ), EXCEPT all that property lying East of Iowa State Highway #I-35 and South of Iowa State Highway #207 in the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 31, Township 74, Range 25 West of the 5th P.M. Iowa, EXCEPT land sold to State of Iowa in Deed Book 130, pages 27 and 28, and EXCEPT a strip of land 25 feet in width and 240 rods in length in Northwest Quarter and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 31, Township 74 North, Range 25 West of the 5th P.M., Iowa, AND EXCEPT Commencing at the NW Corner of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence North 90° - 00' East 773.0' along the North line of the NW $\frac{1}{4}$  of said Section; thence South 0° - 00' East 33' to the point of beginning; thence continuing South 0° - 00' East 380.0'; thence South 90° - 00' East and parallel to the North line of said NW $\frac{1}{4}$  395.05' to the Westerly R.O.W. line of Interstate 35; thence North 17° - 25' west 367.25' along the present Westerly R.O.W. line of said Interstate 35, to a point which is 60.0' South and at Right angles to Sta. 96 + 05 on Iowa Highway No. 207, as now established, thence South 89° - 53' West and parallel to the Centerline of said Iowa Highway No. 207, 205.0'; thence North 0° - 07' West 29.8' to a point which is 33.0' South of the North line of said NW $\frac{1}{4}$ ; thence North 90° - 00' West, parallel to and 33.0' South of the North line of said NW $\frac{1}{4}$ , 80.0', to the point of beginning, EXCEPT a 25.0' wide strip of land lying adjacent to and parallel to the East line of the above described tract of land, said 25.0' wide strip of land lies West of said East line, and said East line being the West line of said Interstate Highway 35 (LESS THE BELOW DESCRIBED EXCEPTION)

EXCEPTION FROM ABOVE PARCELS

An irregular shaped tract of land located in the NE 1/4 of the NE 1/4 of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa and in the N.W. Fractional 1/4 of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa is described as follows:

Beginning at the N.W. corner of the N.W. fractional 1/4 of Section 31, Township 74 North, Range 25 West of the 5th P.M., Warren County, Iowa, said point also being the N.E. corner of Section 36, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence, N90°00'00"E along the North line of the N.W. Fractional 1/4 of said Section 31, 773.00 feet; thence, S00°00'00"E, 413.00 feet; thence, N90°00'00"E, along a line parallel with and 413.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 368.85 feet; thence, S17°25'00"E along a line parallel with the 25.00 feet West of the Westerly right-of-way line of Interstate No. 35 as it is presently established, 231.16 feet; thence, S02°37'18"E along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 314.02 feet; thence, S00°10'00"W along a line parallel with and 25.00 feet West of the Westerly right-of-way line of said Interstate No. 35, 656.00 feet; thence, N90°00'00"W along a line parallel with and 1603.26 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 400.81 feet; thence, N00°42'33"W, 903.32 feet; thence, S90°00'00" W along a line parallel with and 700.00 feet South of the North line of the N.W. fractional 1/4 of said Section 31, 811.50 feet more or less to the East line of Madison County, Iowa; thence continuing S90°00'00"W, 780.00 feet; thence, N00°00'00"E, 633.93 feet to the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36; thence N85°09'30"E along the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 36, 782.80 feet to the point of beginning. Said tract of land being subject to and together with any and all easements of record. Said tract of land being subject to a 33.00 feet wide public roadway easement on the North side thereof. Said tract of land contains 35.50 acres more or less.