

AFFIDAVIT TO CLEAR TITLE

RE: The West 116.6 Feet of Lot One (1), except the North 122 feet of the West 65 feet thereof, of Depot Addition to the Town of Winterset, Madison County, Iowa

STATE OF IOWA)
) SS:
COUNTY OF POLK)

I, Jerry Wanek, being first duly sworn and under oath state:

1. I am an attorney practicing in Des Moines, Iowa. I make the statements in this affidavit from personal knowledge.

2. I acted as local counsel for Banco Mortgage Company, its assignees and/or its successors and interests. These assignees included Bancplus Mortgage Corp.

3. Lester Orlo Purscell and Jeannie Marie Purscell filed a petition for relief under chapter 7 of the Bankruptcy Code on December 12, 1988. They filed their petition with the United States Bankruptcy Court for the Southern District Court of Iowa, In re Lester Orlo Purscell and Jeannie Marie Purscell, case no. 88-2730 C.

4. On December 15, 1988, Thomas L. Flynn was appointment interim trustee. Mr. Flynn accepted this appointed. Mr. Flynn was eventually appointed permanent trustee and he accepted that position.

5. Attached are copies from Schedule A-2 and Schedule B-1 showing the description of the real property on the appropriate bankruptcy schedules of Lester Orlo Purscell and Jeannie Marie Purscell.

6. On January 20, 1989, the trustee gave a report of abandonment of the above-described real estate.

7. On February 15, 1989, Banco Mortgage Company, its assignees and/or successors in interests filed a motion for order granting relief from the automatic stay. In its motion, the movant requested an order granting relief from the automatic stay permitting the movant to move ahead with its foreclosure proceedings.

8. On February 14, 1989, notice of the motion for order granting relief from the automatic stay, was sent pursuant to local rules to the United States trustee, the trustee, and Mr. & Mrs. Purscell's attorney.

9. On March 3, 1989, the court ordered that the automatic stay be vacated for all purposes as to Banco Mortgage Company, its assignees and/or successors in interests. The order allowed these parties to proceed with their foreclosure on the above-described property.

10. On April 24, 1989, the bankruptcy court ordered that the case be closed and that the trustee be discharged.


Jerry Wanek

Sworn and subscribed to before me, the above-named Jerry Wanek this 15th day of August, 1989.




NOTARY PUBLIC IN AND FOR THE STATE OF IOWA FILED NO. 432

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Compared

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee \$15.00

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF IOWA

In re Lester Orlo Purscell
 Jeannie Marie Purscell
 Debtor

CASE NO. 88-2730-C
 CHAPTER 7

SCHEDULE A-2 — Creditors Holding Security

Name of creditor and complete mailing address including zip code	Description of security and date when obtained by creditor	Specify when claim was incurred and the consideration therefor, when claim is subject to setoff, evidenced by a judgment, negotiable instrument, or other writing, or incurred as partner or joint contractor so indicate; specify name of any partner or joint contractor on any debt.	Indicate if claim is contingent unliquidated or disposed	Market value	Amount of claim without deduction of value of security	
Bank Plus Mortgage Co., P.O. Box 47524, San Antonio, TX 78265; mortgage on real estate at 506 E. Filmore Winterset, IA 50273 and legally described as: West 116.6 feet of Lot 1, except the North 122 feet of the West 65 feet thereof, of Depot Addition to the Town of Winterset, Madison County, Iowa; mortgage recorded September 15, 1980 at Book 133, Page 453, Madison Co., Iowa Recorder's Office; note dated September 12, 1980.				\$ 15,000	\$ 27,740 plus 7 per day	27 93
Union State Bank Winterset, IA 50273	1982 Toyota Corolla	Aug, 1988 Car loan for \$2,000		2,000	1,900	
Associates Financial 1321 E. Euclid Des Moines, IA 50316	Same security as described on Sch. of Consumer Debts.	May 20, 1987 loan in August of \$5,403; security agreement same date		700	3,694	
Total				17,700	33,334	

*If this is a joint petition indicate liability. Husband's—H, Wife's—W, or Joint—J

In re Lester Orlo Purscell
 Jeannie Marie Purscell

Debtor

CASE NO. 88-2730-C
 CHAPTER 7

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 him.

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 his own benefit)	Nature of interest (specify all deeds and written instruments relating thereto)	Market value of debtor's interest without deduction for secured claims listed in schedule A-2 or exemptions claimed in schedule B-4.	
Real estate described at Sch. A-2	Fee title subject to mortgage	\$ 15,000	00
Total		15,000	00