

IN THE DISTRICT COURT OF IOWA IN AND FOR POTTAWATTAMIE COUNTY
AT COUNCIL BLUFFS

C3822

In the Matter of the
Estate of
WILLARD RICHARD FIELD,
Deceased.

PROBATE NO. 26244
FINAL REPORT AND APPLICATION
FOR DISCHARGE IN INTESTATE
ESTATE PURSUANT TO IOWA CODE
SECTION 633.477

FILED
O'clock
OCT 20 '82
District Court
Pottawattamie County, Iowa

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

The undersigned, Marcella B. Field, presently residing at Council Bluffs, Pottawattamie County, Iowa, personal representative of the estate of Willard Richard Field, deceased, being first duly sworn on oath, deposes and states that:

1. Decedent died siezed of real property more particularly described as follows, to wit:

East 133' of Lot 1 of Depot Addition to Winterset, Madison County, Iowa,

and that said property has been sold pursuant to a Decree Authorizing Sale of Real Property and Approving Report of Sale entered by this Court on the 31st day of August, 1981, the only property not held in joint tenancy. Due to the fact that said property was worth \$35,000.00 on the date of death, there are no other heirs.

3. That Nellie Field, 803 East Filmore, Winterset, Iowa, could claim an interest in this estate if the value of said property was in excess of \$50,000.00.

4. That notice of this report and hearing should be sent to Nellie Field, and she should be required to respond if not in agreement with the undersigned's appraisal of said property, or be forever barred from making a claim against this estate.

5. Decedent died intestate on June 7, 1981, a domiciliary of Council Bluffs, Pottawattamie County, Iowa.

6. The names, addresses and relationship of the heirs of the deceased intestate are as follows:

MARCELLA B. FIELD, 2812 9th Avenue, Council Bluffs, Iowa - surviving spouse

7. Decedent and Marcella B. Field, as joint tenants with rights of survivorship and not as tenants in common held the following described real property at the time of decedent's death, to wit:

Block 1, Lots 7, 8, 9, 10, 11, 12, Oak Field Addition to Council Bluffs, Iowa,

and by virtue of the right of survivorship said real estate is now wholly owned by Marcella B. Field, and a change of title should issue from the Clerk of the Court accordingly.

8. No legacy or devise remains a charge or lien on any real estate.

9. No distributee is under any legal disability.

56-483

552-262

FINAL REPORT AND APPLICATION FOR DISCHARGE
In the Estate of Willard Richard Field
page two

10. The undersigned was appointed personal representative of the estate by order of the clerk of this Court dated July 22, 1981, and the undersigned qualified as personal representative and is presently acting as such.

11. No conservator or trustee has been appointed for any distributee.

12. The probate inventory has been duly filed with this Court on February 22, 1982.

13. Notice in intestate estates has been duly published as shown by the affidavit of the publisher filed herein, and more than six months have elapsed since August 20, 1981, the date of the second publication of said notice.

14. Final accounting has been waived as the personal representative is the sole heir of the deceased.

15. Attached hereto and made a part hereof, as Exhibit "A", is an itemization of the services performed by David E. Richter, P. C., as attorney for the personal representative.

16. There are no income, estate, inheritance or personal property taxes due from decedent's estate or from the personal representative and all statutory requirements relating to taxes have been fully complied with. The payment of federal estate taxes on decedent's estate has not been deferred and no special use valuation was elected for decedent's real property.

17. The expenses of decedent's last illness and funeral and all other debts and charges of the estate have been paid or otherwise disposed of.

18. The undersigned has administered the affairs of the estate to the best of her abilities, and in accordance with the provisions of law and all orders of this Court.

19. The undersigned knows the statements herein made are true as she verily believes.

WHEREFORE, the undersigned prays that an Order be entered herein (i) approving this final report and attached accounting, (ii) confirming her acts as personal representative of the estate, (iii) that a change of title should issue from the clerk of the Court reflecting that the property described in paragraph 7 above is now wholly owned by Marcella B. Field, (iv) discharging the undersigned, as personal representative of the estate, from all further duties and responsibilities as such, (v) fixing the fees of David E. Richter, P. C., attorney for the personal representative, in the amount of \$1,996.35, and (vi) granting such other and further relief as this Court deems just and proper.

Marcella B. Field
MARCELLA B. FIELD, Administratrix

Subscribed and sworn to before me this 20th day of September, 1982.

SEAL

Christi R. Jacob
NOTARY PUBLIC in and for
the State of Iowa

FILED

1991 OCT -7 PM 2:38

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

JEFFERY A. DOLTON, DORIS M. DOLTON,
AND MARCELLA B. FIELD
Plaintiffs,

NO. 23310

vs

CITY OF WINTERSET, MADISON COUNTY,
THEIR HEIRS, DEVISEES, LEGATEES AND
ASSIGNS AND THE UNKNOWN CLAIMANTS OF
LOT NUMBER 11, DEPOT ADDITION TO
WINTERSET, MADISON COUNTY, IOWA
Defendants,

JUDGEMENT ENTRY

NOW on this 7th day of October, 1991 the matter of the
Plaintiff's Motion For Entry and Default Judgement comes before
the Court. The Court having reviewed the files and records
herein finds:

This Petition was duly filed on May 29, 1991 with timely and
legal service of notice of this cause of action served on all
Defendants. The Defendants are not in the military service of
the United States Of America nor are these Defendants entitled to
privileges under the Soldiers and Sailors Relief Act of 1940 as
amended. The Defendants are not prisoners in any penitentiary or
reformatory nor are they under any legal disability. Time for
filing motions and pleadings in the cause of action has expired
and the Defendants are in default of this cause of action. The
Court concludes that judgement as prayed in the Petition should
now be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED the default of
the Defendants is entered of record.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that fee simple

title in the real estate legally described as:

Lot 11 Depot Addition, Winterset, Madison County, Iowa

Be and hereby is quieted and is hereby established in the Plaintiffs and against any and all of the adverse claims of the Defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all persons claiming by, through or under the Defendants be and are hereby forever barred and estopped from having or claiming to have any right, title or interest in and to said real estate adverse to Plaintiffs and the Plaintiffs be are hereby decreed to be the absolute owner in fee simple of the above described real estate entitled to the quiet and peaceful possession and enjoyment thereof as against all claims of the Defendants.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Plaintiffs have actual, open, notorious, continuous, exclusive, hostile and adverse possession of the real estate described above under claim of right and color of title for more than ten (10) years last past.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the costs of this action be assessed to the Plaintiffs.

W/ Darrell Boehme

JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

FILED

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

1991 MAY 29 PM 3:57

JEFFERY A. DOLTON, DORIS M. DOLTON,
AND MARCELLA B. FIELD,
Plaintiffs,

* EQUITY NO. 23310

JANE ETEKS
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

vs.

* PETITION TO QUIET TITLE

CITY OF WINTERSET, MADISON COUNTY,
THEIR HEIRS, DEVISEES, LEGATEES AND
ASSIGNS AND THE UNKNOWN CLAIMANTS OF
LOT NUMBER 11, DEPOT ADDITION TO
WINTERSET, MADISON COUNTY, IOWA
Defendants,

COMES NOW the Plaintiffs and states:

1. The Plaintiffs Jeffery A. Dolton, Doris M. Dolton are residents of Winterset, Madison County, Iowa.

2. The Plaintiff Marcella B. Field is a resident of Council Bluffs, Pottawattamie County, Iowa.

3. The Plaintiffs Jeffery A. Dolton and Doris M. Dolton own Lot One (1) of the Depot Addition which has been subdivided into separate lots. Marcella Field was the former owner of said property, having sold the same to Jeffery A. Dolton and Doris M. Dolton pursuant to a contract filed August 31, 1981 which was merged into a Warranty Deed dated February 13, 1991 and filed February 22, 1991 in Book 56 on Page 483.

4. Adjacent to former Lot One (1) now known as the East One hundred and thirty-three feet of Lot One (1) of the Depot Addition to Winterset, Iowa is Lot Eleven (11).

5. The Plaintiffs believe that the Defendants, or some of them, may make some claim to the real estate legally described as Lot Eleven (11) Depot Addition, Winterset, Madison County, Iowa or some portion therefor, adverse to the title and interest of

the Plaintiffs, but the Plaintiffs believe and allege that any right, title or interest that the said Defendants, or any of them, may ever have had or now have in or to said real estate is junior and inferior to the title and interest of these Plaintiffs.

6. Plaintiffs believe and allege that any right, title or interest that the Defendants, or any of them, may ever have had or now have in or to the real estate described in paragraph of the Petition or any part thereof, is now barred by the statute of limitations.

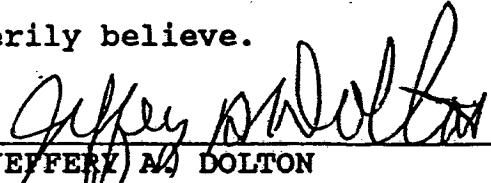
7. The Plaintiffs have had actual, open, notorious continuous, exclusive, hostile and adverse possession of the real estate described in paragraph 5 of this Petition under claim of right and color of title for more than ten (10) years last past.

8. The Plaintiffs believe and allege that various and numerous unknown person may claim to have some interest in the real estate described in paragraph 2 of this Petition, or some part thereof, adverse to the Plaintiff and that said unknown persons are made parties Defendants under the designation of UNKNOWN CLAIMANTS. The Plaintiffs have used all available means to ascertain what claims are made and by whom, but the Plaintiffs are unable to more definitely state the interest or interest the said unknown claimants may have other than as set forth in this Petition.

9. The Plaintiff alleges that the names and residences of the said unknown claimants, and each and all of them are unknown to these Plaintiffs and the Plaintiffs have sought diligently to

STATE OF IOWA :
 : SS
MADISON COUNTY :

We, Jeffery A. Dolton and Doris M. Dolton, being first duly sworn on oath, do hereby depose and state: That we have read the above and foregoing Petition To Quiet Title and know the contents thereof, and that the statements and allegations therein contained are true and correct as we verily believe.



JEFFERY A. DOLTON



DORIS M. DOLTON

Subscribed and sworn to before me this 16th day of May, 1991.



NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

STATE OF IOWA :
 : SS
POTTAWATTAMIE COUNTY:

I, Marcella B. Field, being first duly sworn on oath, do hereby depose and state: That I have read the above and foregoing Petition To Quiet Title and know the contents thereof, and that the statements and allegations therein contained are true and correct as I verily believe.

Marcella B Field
MARCELLA B. FIELD

Subscribed and sworn to before me this 29th day of April, 1991.

Dee Davis

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA



ACT OF CHANGE OF TITLE, Made by Decree of Court or by Will

Iowa Official Form No. 132

FORM 132 Z6
SPECIAL N-1760

IN THE IOWA DISTRICT COURT
POTTAWATTAMIE COUNTY, IOWA

STATE OF IOWA,

In the Matter of Estate of

Pottawattamie County } ss.

WILLARD RICHARD FIELD, DECEASED

TO THE COUNTY AUDITOR OF Pottawattamie COUNTY, IOWA:

I hereby certify that the title to the real estate hereinafter described, has been changed and established in (1)

Marcella B. Field

and in accordance with the provisions of Section 558.66, of the Code, of the State of Iowa, you are therefore required on payment of a transfer fee of _____, to enter the same upon the transfer books as provided for in the transfer of deeds.

The description of the real estate hereinabove referred to, is as follows: (2)

Block 1, Lots 7, 8, 9, 10, 11, 12, Oak Field Addition

Council Bluffs, Iowa

in Pottawattamie County, Iowa.

The change of title to the above described real estate was made as follows: (3)

Under the Order of Court filed

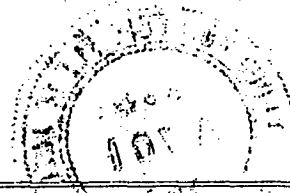
October 25th, 1982

IN TESTIMONY WHEREOF, I have hereunto attached my official signature and affixed my official seal, on this 26th day of October, 19 82

DONALD J. DIWOKY

Clerk District Court.

By Marjorie M. Lunden Deputy.



- (1) Give full name of person in whose name the title is established.
- (2) Give full description of real estate.
- (3) Show how the change of title was made; if by will, give name of testator and action of court thereon (with dates), and if by decree of Court, state the title of the action, giving dates and a brief synopsis of the decree.

C3822

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Willard Field
to 7-7-92
Marcella Field