IN THE IOWA DISTRICT COURT FOR POLK COUNTY

In Re the Marriage of CHRISTINEA ANN NEELY and ALAN ANTHONY NEELY		
Upon the Petition of	:	CD No. 43-25223
CHRISTINEA ANN NEELY,	:	
Petitioner,	:	DECREE OF DISSOLUTION OF MARRIAGE
and Concerning,	:	
ALAN ANTHONY NEELY,	:	
Respondent.	:	

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NOW, on the 13th day of September, 1984, the above-entitled cause came before the Court for trial in its regular order, the Petitioner appearing in person and by her attorney, JOE MARKS, and the Respondent appearing in person and by his attorney, LUIS HERRERA. The Court having examined the record and file, having heard the evidence and arguments of counsel and being fully advised in the premises, FINDS:

1. That the Court has jurisdiction of the parties hereto and the subject matter hereof and that service of the Original Notice has been duly accepted by the Respondent.

2. That the Petitioner is a resident of Iowa and that such residence has been for more than one (1) year and has been in good faith and not for the sole purpose of obtaining a dissolution of marriage.

3. That there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and that there remains no reasonable likelihood that the marriage can be preserved.

4. That more than ninety (90) days have elapsed since the completed service on the Respondent.

5. That further conciliation procedures in this cause of action should be waived.

Compared

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee $25.00

IND. ✓
REC. ✓
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6. That there is one minor child affected by this dissolution of marriage, namely: SHANNON CHRISTINEA NEELY, born April 6, 1971.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore existing between the parties should be and they are hereby dissolved, set aside and held for naught and that each party shall be and is hereby restored to all the rights and privileges of a single and unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that further conciliation proceedings between the parties be and are hereby waived.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner and Respondent shall have joint legal custody of the parties' minor child, namely: SHANNON CHRISTINEA, born April 6, 1971. However, this joint legal custody is specifically subject to the following terms and conditions:

A. The Petitioner shall have the physical care, custody and control of the parties' minor child. The Respondent shall have a voice in the plans for the attending physical, educational, religious, emotional and cultural needs of the parties' minor child;

B. It is expected that the parties shall cooperate with respect to the visitation and that the Respondent be given reasonable visitation rights.

C. Both Petitioner and Respondent shall be responsible for the decisions generally made by parents which affect the health, education and welfare of said child and the parties are encouraged to consult and confer with one another to reach mutually agreeable decisions in this regard;

D. The Court retains jurisdiction to review any such decisions and these custody provisions upon

application of either parent and may either affirm or modify upon a showing that such order is in the best interest of said child.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent shall pay to the Petitioner as and for child support for said minor child of the parties, the sum of Two Hundred Fifty Dollars ($250.00) per month, being payable in two equal installments on the 15th and 30th of the month through the Friend of the Court's Office, Polk County Courthouse, Des Moines, Iowa. Said payments to commence on the 15th day of September, 1984, and shall continue on the 15th and 30th day of each and every month thereafter until said child reaches the age of 18 years, or graduates from high school, whichever event shall last occur, marries, or becomes self-supporting, whichever event shall first occur.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the real estate and contract of sale to the property locally known as 315 Franklin, Des Moines, Polk County, Iowa, and legally described as:

> The West 65 feet of Lot 9 and the West 35 feet of Lot 10 in ARLINGTON PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa;

is hereby awarded to the Respondent with the Respondent receiving all further contract payments thereunder and the Respondent being responsible for all indebtednesses thereon and hold the Petitioner harmless therefrom and title to the real estate is hereby quieted in the Respondent, free and clear from any claim or interest on the part of the Petitioner.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent shall be awarded the sole title to the property being a five (5) acres lot in Cumming, Iowa, and legally described as:

> Lot 11 in EVANS RURAL ESTATES, Plat 2, a subdivision of the South half of the S.E.

Quarter of Section 24, Township 77 N. Range 26, West of the 5th P.M., Madison County, Iowa;

the same being subject to a real estate sale by contract, is hereby awarded to the Respondent. The Respondent shall receive all proceeds for the sale of said property and the Respondent being responsible for all indebtedness thereon and hold the Petitioner harmless therefrom and title to the real estate is hereby quieted in the Respondent, free and clear from any claim or interest on the part of the Petitioner.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that title to and possession of the residential real estate is hereby quieted in the Petitioner, subject to a lien in favor of the Respondent in the amount of $9,000.00 with no interest. Said lien shall become due and payable upon the sale of property, at such time as the Respondent no longer has a child support obligation or the Petitioner remarries, which ever event shall first occur. Said property of the parties is locally known as 400 S.E. Miller, Des Moines, Polk County, Iowa, and legally described as:

Lot 26 in FLEETWOOD ACRES, Plat No. 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Further, the Petitioner shall assume and hold the Respondent harmless thereon for all indebtedness, liens and any and all bills associated with said property. In the event the Petitioner, at some future time, is in default in the payments on the mortgage owed with respect to this property to the extent that a notice to cure default is given, the Petitioner must immediately cure said default and/or give the Respondent the right to cure same prior to foreclosure or forfeiture proceedings. If Petitioner fails to cure said default and/or Respondent elects to cure the default, then the Petitioner shall immediately place said property up for sale with the Respondent having the right of first refusal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the personal property currently in possession of the parties be vested in them absolutely, except that the Respondent shall be awarded his tools that are currently located at 400 S.E. Miller and that he shall do within thirty (30) days of the entry of this Decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner shall be awarded sole title to the 1981 Ford Stationwagon automobile, shall pay any indebtedness thereon and hold the Respondent harmless for the payment of same. The Respondent shall be awarded sole title to the Dodge Van, shall pay any indebtedness thereon and hold the Petitioner harmless for the payment of same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all debts of the parties shall be the sole obligation of the party in whose name the debt now stands, except for provisions hereinbefore stated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this action be paid by the Respondent.

Dated at Des Moines, Iowa, this _____day of _____, 1984.

/s/ Theodore A. Mjelde
JUDGE -- FIFTH JUDICIAL DISTRICT OF IOWA

Approved as to form and content:

Christinea A. Neely, Petitioner

Joseph L. Marks,
Attorney for Petitioner

Alan A. Neely, Respondent

Luis Herrera,
Attorney for Respondent