

E, Stalnaker, Becker + Buresh PC  
✓ 1111 N 102nd Ct, Ste 330  
Omaha, NE 68114

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

REGIONS BANK DBA REGIONS  
MORTGAGE SUCCESSOR  
IN INTEREST TO UNION  
PLANTERS BANK,  
N.A. DBA REGIONS MORTGAGE

EQUITY NO. EQCV033697

ORDER OF REFORMATION

vs.

DANIEL W. STRABLE AND  
REGENA STRABLE;  
DARREN HILL, EXECUTOR OF  
THE ESTATE OF LEE R. HILL,  
DECEASED;  
FARMERS & MERCHANTS  
STATE BANK;  
LANCE M. VRANA;



Document 2015 99

Book 2015 Page 99 Type 06 017 Pages 7  
Date 1/14/2015 Time 10:43 AM  
Rec Amt \$37.00

✓ INDX  
✓ ANNO  
SCAN  
CHEK

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

NOW, on this 5th day of January, 2015, this cause came on to be heard on the Stipulation of the parties hereto and it appearing to the Court from an inspection of the Original Notice, the files and record in this cause, that due, legal and timely personal service of said Original Notice, with copy of Petition attached thereto was had upon the following Defendants:

- Daniel W. Strable
- Regena Strable
- Darren Hill, Executor of the Estate of Lee R. Hill, deceased
- Farmers & Merchants State Bank
- Lance M. Vrana

Proof thereof is now on file in this proceeding.

That the Court has jurisdiction of all of the above-captioned parties and the subject matter hereof.

That the Defendant listed below (the "Defendant in Default"), has failed to plead and is now in default, and such default should be entered of record:

- Darren Hill, Executor of the Estate of Lee R. Hill, deceased

That Plaintiff has complied with the provisions of Iowa Rule of Civil Procedure 1.972, as evidenced by the Request for Default Judgment Entry filed with this Court; that the allegations of Plaintiff's Petition are material and true, and Plaintiff is entitled to judgment against the Defendant as requested in the Petition.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Defendant in Default is in default and this default is hereby entered of record against him.

NOW, on this same day, this cause coming on for final hearing and determination on the parties' Stipulation with the Plaintiff appearing by Petosa, Petosa & Boecker, L.L.P., and Stalnaker, Becker & Buresh, P.C.; Defendants Daniel W. Strable and Regena Strable and Defendant Lance M. Vrana appearing by counsel John E. Casper; and Farmers & Merchants State Bank appearing by counsel Jerrold B. Oliver. This cause is now heard on its merits, and the Court being fully advised in the premises,

FINDS:

1. That the Defendants are not in the military service of the United States of America, nor are they entitled to any of the privileges under the provisions of the Service members Civil Relief Act or amendments thereto.

2. That on or about August 5, 2004, Daniel W. Strable and Regena Strable, husband and wife, (hereafter "the Strables") executed and delivered a promissory note for the sum of \$116,000.00. In order to secure the payment of that promissory note, the

Strables executed and delivered a real estate mortgage on their real estate and homestead located at 2848 282<sup>nd</sup> Trail, St. Charles, IA 50240 (hereafter "the Real Estate"), to River Funding Corporation. At all times it was the intention of the Strables and River Funding Corporation that this real estate mortgage would encumber all of the Real Estate and would be a first lien on the Real Estate.

3. That said real estate mortgage to River Funding Corporation was filed for record August 18, 2004, in Book 2004, Page 3851 in the Recorder's Office of Madison County, Iowa and the Plaintiff is currently the holder of record of this real estate mortgage (hereafter "Plaintiff's mortgage") and the above-described promissory note.

4. That Plaintiff's mortgage is a Purchase Money Mortgage and has first lien priority over any other mortgages, liens, or encumbrances on the Real Estate and is superior to the following interests of the Defendants:

- a. The mortgage of Farmers and Merchants State Bank, which was filed for record on April 25, 2005 in Book 2005, Page 1812 in the Recorder's Office of Madison County, Iowa; and
- b. The mortgage of Farmers and Merchants State Bank, which was filed for record on May 3, 2007 in Book 2007, Page 1880 in the Recorder's Office of Madison County, Iowa.
- c. The Conflicting Deed of Lance M. Vrana, which was filed for record on October 12, 2007 in Book 2007, Page 3816 in the Recorder's Office of Madison County, Iowa.
- d. The Conflicting Deed of Darren Hill, Executor of the Estate of Lee R. Hill, deceased, which was filed of record on October 9, 2007 in Book 2007, Page 3758 in the Recorder's Office of Madison County, Iowa.
- e. The Conflicting Deed of Darren Hill, Executor of the Estate of Lee R. Hill, deceased, which was filed of record on October 11, 2007 in Book 2007, Page 3816 in the Recorder's Office of Madison County, Iowa.

5. That Defendants Vrana and Darren Hill, Executor of the Estate of Lee R. Hill, deceased, have no right, title, or interest in the Real Estate and cannot make any subsequent claims to the Real Estate.

6. That Plaintiff's mortgage, attached as Exhibit B to Plaintiff's Petition, contains a legal description that reflects a scrivener's error and mutual mistake, to wit: "Commencing at the Southeast corner of the Southeast quarter of the Northwest quarter of said Section 6."

7. That Plaintiff's mortgage should be reformed to reflect the correct legal description as follows:

That part of the Northwest Quarter of Section 6, Township 74 North, Range 26 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 6; thence on an assumed bearing of South  $00^{\circ} 37' 58''$  East along the east line of said Southeast Quarter of the Northwest Quarter 202.77 feet to the centerline of a Madison County Highway and the point of beginning; thence South  $79^{\circ} 29' 34''$  West along said centerline 235.59 feet; thence Westerly along said centerline and along a tangential curve concave to the North, radius 571.20 feet, central angle  $21^{\circ} 43' 30''$ , 216.58 feet, chord bearing North  $89^{\circ} 38' 41''$  West; thence South  $25^{\circ} 36' 06''$  East 40.61 feet to the South line of a Madison County Highway; thence South  $00^{\circ} 00' 00''$  East 961.90 feet; thence North  $90^{\circ} 00' 00''$  East 440.87 feet to the East line of said Southeast Quarter of the Northwest Quarter; thence North  $00^{\circ} 37' 58''$  West along said East line 1040.21 feet to the centerline of a Madison County Highway and the point of beginning. Said tract contains 10.00 acres and is subject to a Madison County Highway Easement over the northerly 0.37 acres thereof. Also known as Parcel A in the NW  $\frac{1}{4}$  of 6-74-26.

IT IS THEREFORE ORDERED:

That Plaintiff's mortgage is a Purchase Money Mortgage and has first lien priority over any other mortgages, liens, or encumbrances on the Real Estate and is superior to the following interests of the Defendants:

- a. The mortgage of Farmers and Merchants State Bank, which was filed for record on April 25, 2005 in Book 2005, Page 1812 in the Recorder's Office of Madison County, Iowa; and
- b. The mortgage of Farmers and Merchants State Bank, which was filed for record on May 3, 2007 in Book 2007, Page 1880 in the Recorder's Office of Madison County, Iowa.
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- e. The Conflicting Deed of Darren Hill, Executor of the Estate of Lee R. Hill, deceased, which was filed of record on October 11, 2007 in Book 2007, Page 3816 in the Recorder's Office of Madison County, Iowa.

IT IS FURTHER ORDERED:

That Defendants Vrana and Darren Hill, Executor of the Estate of Lee R. Hill, deceased, have no right, title, or interest in the Real Estate and cannot make any subsequent claims to the Real Estate.

IT IS FURTHER ORDERED:

That Plaintiff's mortgage is hereby reformed to reflect the correct legal description of the Real Estate as follows:

That part of the Northwest Quarter of Section 6, Township 74 North, Range 26 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 6; thence on an assumed bearing of South 00° 37' 58" East along the east line of said Southeast Quarter of the Northwest Quarter 202.77 feet to the centerline of a Madison County Highway and the point of beginning; thence South 79° 29' 34" West along said centerline 235.59 feet; thence Westerly along said centerline and along a tangential curve concave to the North, radius 571.20 feet, central angle 21° 43' 30", 216.58 feet, chord bearing North 89° 38' 41" West; thence South 25° 36' 06" East 40.61 feet to the South line of a Madison County Highway; thence South 00° 00' 00" East 961.90 feet; thence North 90° 00' 00" East 440.87 feet to the East line of said Southeast Quarter of the Northwest Quarter; thence North 00° 37' 58" West along said East line 1040.21 feet to the centerline of a Madison County Highway and the point of beginning. Said tract contains 10.00 acres and is subject to a Madison County Highway Easement over the northerly 0.37 acres thereof. Also known as Parcel A in the NW ¼ of 6-74-26.

IT IS THEREFORE ORDERED.

Prepared and submitted by:

STALNAKER, BECKER & BURESH, P.C.  
1111 N. 102<sup>nd</sup> Court, Suite 330  
Omaha, Nebraska 68114  
Attorneys for Plaintiff



State of Iowa Courts

Type: OTHER ORDER

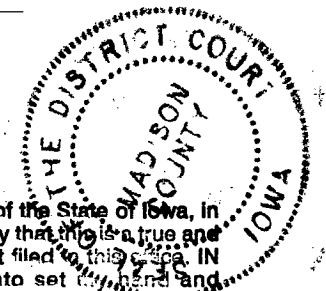
Case Number EQCV033697 Case Title REGIONS BANK, ET AL VS DANIEL W STRABLE, ET AL

So Ordered

*Terry Rickers*

Terry Rickers, District Court Judge,  
Fifth Judicial District of Iowa

Electronically signed on 2015-01-05 13:34:36 page 7 of 7



CERTIFICATE

I, Janice Bowers, Clerk of District Court of the State of Iowa, in and for Madison County, do hereby Certify that this is a true and complete copy of the Original Instrument filed to this case. IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said court at my office in Winterset, Iowa this day of January 8, 2015

By Janice Bowers Clerk of District Court Deputy