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BOOK 34 PAGE 158
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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $24.00

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MONTGOMERY COUNTY

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In Re: The Marriage of PHILIP C. ARMKNECHT and PATRICIA L. ARMKNECHT

Upon the Petition of )
) D. M. No. 546
PHILIP C. ARMKNECHT, ) DM2-46
Petitioner )
) RECORD 34 PAGE 340
and Concerning )
)
PATRICIA L. ARMKNECHT, ) DECREE
Respondent )

FILED
1979 OCT 22 AM 11 31
DISTRICT COURT
MONTGOMERY COUNTY, IOWA
PHYLLIS STEGINUS, CLERK

- - - - - - - - - - - -

NOW on this 22nd day of October, 1979, the above entitled cause comes on for hearing before the Court, and the Petitioner appears in person and with one of his attorneys, Mark D. Swanson of Red Oak, Iowa, and the Respondent does not appear in person nor by her attorney, who is John D. Sens of Council Bluffs, Iowa, but the Court notes that the proposed Decree herein has been approved as to form and content by the Respondent's attorney of record, and that therefore the matter may proceed to hearing.

The Court having examined the files and records herein and being well and fully advised in the premises, finds that due, timely and legal Original Notice of the pendency of this cause was served upon the Respondent and that an appearance and answer were filed on her behalf, and that more than ninety days have passed since the service of said Original Notice.

The Court further finds that neither the Petitioner

nor the Respondent has requested conciliation, and that no conciliation should be ordered, and that any further conciliatory efforts be waived.

The Court further finds that both the Petitioner and the Respondent have been residents of Montgomery County, Iowa, for more than one year last past and that said residence has been in good faith and not for the purpose of obtaining a dissolution of marriage only, and that the Court has full and complete jurisdiction of the parties and the subject matter.

The Court having heard the evidence adduced from the Petitioner in support of his Petition, finds that there is a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

The Court further finds that the parties hereto have entered into an agreement and stipulation which has been duly executed by both the Petitioner and the Respondent, and that said stipulation presents an agreement of the parties concerning the matters of child custody, child support, property settlement, attorney's fees and court costs, and that said stipulation is fair and reasonable to both parties in all respects and that the same should be approved by this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the marriage relationship heretofore existing between the Petitioner, Philip C. Armknecht, and the Respondent, Patricia L. Armknecht, be and the same is hereby dissolved, and

the parties are restored to all rights and privileges of unmarried persons.

It is further ordered, adjudged and decreed by the Court that the permanent care, custody and control of the minor children of the parties, Anne Armknecht, born November 20, 1961, and Thomas P. Armknecht, born September 30, 1965, is now and hereby awarded to the Respondent, Patricia L. Armknecht. It is further ordered that the Petitioner, Philip C. Armknecht shall be granted the right to visit the minor children of the parties and to have them with him during such visitations at reasonable times and places and under reasonable circumstances.

It is further ordered, adjudged and decreed by the Court that the Petitioner shall pay to Respondent through the Clerk of this Court, the sum of $200.00 per month as child support for Anne Armknecht, and in addition thereto, shall pay a like sum of $200.00 per month to the Respondent, through the Clerk of this Court, for the support of Thomas P. Armknecht. That the first payments of child support shall be made on the first day of the first month following the entry of this Decree, and that said payments shall be made on the first day of each and every month thereafter until the obligation of the Petitioner to make such child support payments shall terminate as hereinafter provided.

The payments of child support shall be made by the Petitioner through the Clerk of this Court until each child for whom child support is payable attains the age of majority,

marries, dies or is otherwise emancipated. In the event that Anne Armknecht or Thomas P. Armknecht continue their education at any institution or school within the provisions of Section 598.1 of the 1979 Code of Iowa, then the Petitioner may be required to continue the payment of child support while either or both of the children is, or are, enrolled in such institutions or schools. Payments of child support for the continued education of a child after the obligation of the Petitioner to pay child support would otherwise have terminated, shall be payable only for such period of time as a child is enrolled as a full-time student, not to exceed four years.

It is further ordered, adjudged and decreed by the Court that the parties are the parents of an adult child, Rebecca L. Armknecht, born July 30, 1959, and that she is presently self-employed, fully emancipated and a resident of Iowa City, Iowa. In the event that Rebecca should return to an institution of higher learning, as defined in Section 598.1 of the 1979 Code of Iowa, that in that event the parties shall mutually agree as to what contribution the Petitioner shall be required to make for Rebecca's education at such time as she returns to such institution, and in the event the parties cannot agree, as aforesaid, that this Court specifically reserves the right to make such determination upon application of either party.

It is further ordered, adjudged and decreed by the Court that the division of the personal property of the parties, including, but not limited to, automobiles, household furnishings, savings accounts, stocks, bonds and personal items be and

the same is now and hereby approved.

It is further ordered, adjudged and decreed by the Court that the parties hereto are owners of certain residential real estate in Red Oak, Iowa, specifically described as

> Lot 15 and the South 5 feet of Lot 16 in Prospect Addition to the City of Red Oak, Montgomery County, Iowa,

and that the house is currently titled in the name of Philip C. Armknecht, the Petitioner herein. It is hereby ordered that title to said real estate shall be granted to the Petitioner and the Respondent as joint tenants with full right of survivorship and not as tenants in common, and that the Petitioner will execute, deliver and record a deed to himself and to the Respondent as joint tenants, as aforesaid.

It is further ordered, adjudged and decreed by the Court that the Respondent shall have the exclusive right to occupy the residential real estate above described for a period of five years after the entry of this Decree of dissolution of marriage, or until there shall be no child remaining in the home who has not graduated from high school. That during the term of such occupancy, the Respondent shall have the sole right to receive all rentals from the apartment unit which is included in said dwelling.

It is further ordered, adjudged and decreed that during the occupancy of said dwelling by the Respondent that she shall be responsible for the payment of insurance and real estate taxes and for the normal upkeep and maintenance of the premises and of the apartment. That the Petitioner shall be required to

pay one-half of major improvements necessary for the maintenance of the property, including the painting of the house, the repairing of the front porch and other major improvements or repairs which shall become necessary during the period of occupancy by the Respondent.

It is further ordered, adjudged and decreed by the Court that at the end of the five-year period or as such time as the Respondent no longer resides on the premises that said residential real estate shall be sold and the net proceeds from the sale, after payment of broker's commission, abstracting fee, or other associated costs shall be divided equally between the Petitioner and Respondent.

It is further ordered, adjudged and decreed by the Court that the Petitioner will provide the Respondent with a share of stock in the Red Oak Country Club, provided, however, that Respondent shall be obligated to pay her own dues.

It is further ordered, adjudged and decreed by the Court that for so long as the child support payments set forth herein are current, the Petitioner shall have the right to claim one of the minor children of the parties as an exemption for Federal and State income tax purposes. The Respondent shall be entitled to claim the other of the minor children of the parties as an exemption for Federal and State income tax purposes. At such time as only one of the minor children remains at home, or for whom child support is payable, the Respondent shall have the right to claim that child as an exemption for Federal and State income tax purposes.

It is further ordered, adjudged and decreed by the Court that Petitioner shall pay the Respondent's attorney's fee in the sum of $723.92, which payment shall be made to the Clerk of this Court, and that the Petitioner shall also be assessed the costs of this action. That the costs of the action shall be paid upon filing of the Decree, and that the attorney's fees shall be paid within thirty days after the entry of the Decree of dissolution

It is further ordered, adjudged and decreed by the Court that each party to this cause shall execute and deliver, one to the other, any necessary documents, deeds, title certificates or other papers necessary to change the title to any property of any kind and wherever situated in order to fulfill the spirit as well as the literal terms and conditions of this Decree.

It is further ordered, adjudged and decreed by the Court that all claims of one party against the other which have arisen, now exist or may hereafter arise by reason of the marriage, or otherwise, are now and hereby released, including all past, present or future claims for alimony of any kind or character of one party against the other.

It is further ordered, adjudged and decreed by the Court that the stipulation and agreement which has been admitted as evidence in this cause, be and the same be made a part of the Court file herein and that the same is now and hereby approved by the Court in all respects.

Judge of the Fourth Judicial District

APPROVED AS TO FORM AND CONTENT:

John D. Sens, Attorney for Respondent

**CERTIFICATE OF TRANSCRIPT** EXPRESS PUB. CO., RED OAK, IOWA

THE STATE OF IOWA, Montgomery County, ss.

I, Phyllis Stebbins, Clerk of the District Court in and for said County, do certify that the foregoing is a full, true and correct copy of the

DECREE in DM Case 546

UPON THE PETITION OF

PHILIP C. ARMKNECHT,

Petitioner

and Concerning

PATRICIA L. ARMKNECHT,

Respondent

as the same appears of record in my office.

WITNESS my hand and seal of said Court hereto affixed, at my office in Red Oak in said County, on this 5th day of May, 1982.

Phyllis Stebbins
Clerk.

By .....
Deputy.