IN THE IOWA DISTRICT COURT IN AND FOR MADISON COUNTY

UNION STATE BANK
as Plaintiff

vs.

ROY W. FOLEY and JULIA A. FOLEY

Equity No. 22288

DECREE OF FORECLOSURE

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This is to certify that on January 17, 1983, a decree of foreclosure was filed in the Clerk of Court's office, Madison County, Iowa. Copy of the Decree of Foreclosure is attached.

SEAL OF MADISON COUNTY IOWA DISTRICT COURT

Margaret O'Keeler
Clerk of District Court
Madison County, Iowa
Jan. 21, 1983

#1046

FILED NO 1046
BOOK 34 PAGE 413
1983 JAN 21 PM 3:56
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
None

EEE-472

FILED
1983 JAN 17 PM 2:34
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE IOWA DISTRICT COURT

FOR MADISON COUNTY

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| UNION STATE BANK, Plaintiff, | : | EQUITY NO. 22288 |
| vs | : | |
| ROY W. FOLEY and JULIA A. FOLEY, Defendants. | : | DECREE OF FORECLOSURE |

BE IT REMEMBERED that on this 17 day of January, 1983, a regular judicial day of this Court, the above entitled cause came on before the Court for hearing, the Plaintiff appearing by its Attorneys, Peer, Nelson & Braland, and the Defendants, Roy W. Foley and Julia A. Foley, not appearing nor filing responsive pleadings, nor anyone for them, are hereby declared to be in default.

The Court now from an inspection of the records, files and proofs of service finds that the Defendants herein have been duly and personally served with good and sufficient notice of this action; that none of the Defendants are in the military service of the United States of America, nor are they entitled to any of the privileges under the provisions of the Soldiers' and Sailors' Relief Act of 1940, or amendments thereto; that the parties hereto and the subject matter herein involved are fully within the jurisdiction of this Court.

This cause coming on for hearing upon Plaintiff's Petition and after seeing and hearing the evidence offered and introduced and being fully advised in the premises, the Court specifically finds:

1.- That each and all of the material allegations of Plaintiff's Petition are true.

2.- That the equities are with the Plaintiff.

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3.- That the Promissory Notes, Mortgages and all claims declared on by the Plaintiff are genuine, just, due and unpaid as alleged.

4.- That the Promissory Notes, Mortgages and all claims declared on by the Plaintiff are the Plaintiff's property.

5.- That the Plaintiff is entitled to the judgments and decrees as prayed.

6.- That the Plaintiff has waived its right to a deficiency judgment and elected to have the period of redemption reduced to six (6) months in the case of the mortgage being foreclosed in Division I, and in the case of the mortgage being foreclosed in Division II of the Petition.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, Union State Bank, be and it is hereby given judgment in rem against the mortgaged property herein involved, that is to say, the real estate, lands and premises, situated, lying and being in the County of Madison, State of Iowa, known and described as follows:

> The North 82 feet of Lot One (1) in Block Fifteen (15) of the Original Town of Winterset, Madison County, Iowa,
>
> and
>
> A tract of land described as commencing 550 feet West of the Southeast corner of the Southwest Quarter (¼) of the Southeast Quarter (¼) of Section Nineteen (19), in Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, thence continuing West 402.20 feet, thence North 225 feet, thence East 402.20 feet, thence South 225 feet to the point of beginning, containing 2.0775 acres including 0.3047 acres of county road right-of-way,

in the sum of Seventy Thousand Five Hundred Sixty-two Dollars and 30/100ths ($70,562.30) the same to bear interest at the rate of thirteen (13) percent per annum from and after January 17, 1983, until fully paid and for the costs of this action, including

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abstract expense in the sum of Ninety-six Dollars and no/100ths ($96.00) and reasonable attorney fees in the sum of Five Hundred Fifty Dollars and no/100ths ($550.00).

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the mortgage declared on in this cause, recorded in Book 133, Page 706 of the Madison County, Iowa records, given to secure the sums aforesaid, be and it is hereby established as a lien upon the following property, to-wit:

> The North 82 feet of Lot One (1) in Block Fifteen (15) of the Original Town of Winterset, Madison County, Iowa,

from and after the date of said mortgage, December 4, 1980; that the said lien of said mortgage is hereby declared to be superior and paramount to the interests, claims or liens of the Defendants in, to, upon or against the Defendants, and as against every person claiming by, through or under them; that a special execution issue herein against the mortgaged premises aforesaid to make said judgment with interest and costs, including attorney fees, abstract costs and accruing costs; that said premises or so much thereof as may be necessary be sold to satisfy the amount due, together with all of said costs according to law; that on or after the date of said sale the Defendants or any person claiming by, through or under them, be forever barred and foreclosed of all interest in or equities to the mortgaged premises, excepting only such rights of redemption as are especially provided by law.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the mortgage declared on in this cause, recorded in Book 134, Page 111, of the Madison County, Iowa records, given to secure the sums aforesaid, be and it is hereby established as a lien upon the following property, to-wit:

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A tract of land described as commencing 550 feet West of the Southeast corner of the Southwest Quarter (¼) of the Southeast Quarter (¼) of Section Nineteen (19), in Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, thence continuing West 402.20 feet, thence North 225 feet, thence East 402.20 feet, thence South 225 feet to the point of beginning, containing 2.0775 acres including 0.3047 acres of county road right-of-way,

from and after the date of said mortgage, January 19, 1981, that the said lien of said mortgage is hereby declared to be superior and paramount to the interests, claims or liens of the Defendants in, to, upon or against the Defendants, and as against every person claiming by, through or under them; that a special execution issue herein against the mortgaged premises aforesaid to make said judgment with interest and costs, including attorney fees, abstract costs and accruing costs; that said premises or so much thereof as may be necessary be sold to satisfy the amount due, together with all of said costs according to law; that on or after the date of said sale the Defendants or any person claiming by, through or under them, be forever barred and foreclosed of all interest in or equities to the mortgaged premises, excepting only such rights of redemption as are especially provided by law.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the time of redemption from Sheriff's sale under each mortgage foreclosed herein is hereby reduced from one (1) year to six (6) months, the Plaintiff herein having waived any deficiency judgment and elected to have the period of redemption reduced to six (6) months as provided in each mortgage.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the real estate aforesaid or any part of it be sold under execution herein and be not redeemed, as by law provided, a Writ of Possession shall issue to the Sheriff of Madison County, Iowa, commanding him to put the grantee under Sheriff's Deed in possession of the premises deeded to him.

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IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Court retain jurisdiction in this matter until the expiration of the right of redemption and the issuance of a Sheriff's Deed.

JUDGE FIFTH JUDICIAL DISTRICT
STATE OF IOWA