Contract

11-6-78 K

IND. REC. PAGE

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR POLK COUNTY

CLARK R. RASMUSSEN
CLERK DISTRICT COURT

IN RE: The Marriage of Teresa A. Storey and Douglas A. Storey

UPON THE PETITION OF TERESA A. STOREY, PETITIONER	:	D.M. EQUITY NO. CD24-13903
AND CONCERNING DOUGLAS A. STOREY, RESPONDENT	:	DECREE OF DISSOLUTION OF MARRIAGE

NOW on this 1 day of November, 1979, the above-entitled matter comes on for hearing before the undersigned Judge of the District Court of the State of Iowa in and for Polk County, the Petitioner appearing in person and by her attorney, Peter A. Keller, and the Respondent appearing not and having previously been found in default.

The Court having examined the pleadings filed herein by the Petitioner finds that due, proper and timely Original Notice was served upon the Respondent; that no appearance or answer has ever been filed by the Respondent and that Respondent has previously been declared in default and the Court has previously waived any conciliation procedures herein; that the Original Notice in this cause was duly served upon the Respondent and accordingly more than ninety (90) days has lapsed since the filing of the Petition and the service of the Original Notice herein; further that both parties have been residents of Polk County, Iowa, for more than one year last past and that such residence has been in good faith and not for the purposes of obtaining a dissolution of marriage only; and that the Court, therefore, has jurisdiction of the parties hereto and of the subject matter herein.

Thereupon, the cause proceeded to trial and the Court

ENTERED FOR TAXATION
THIS 14 DAY OF February 1980
AUDITORS FEE $ 1.00
George L. Abrahamson
AUDITOR

DEPUTY AUDITOR

Compared

FILED NO. 1374
BOOK 32 PAGE 737
1980 FEB 14 AM 10:06
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
U698-0647 Fee $12.00

having heard the evidence presented in support of the Petition finds that there has been 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 more than ninety (90) days has elapsed since the filing of the Petition and the service of the Original Notice herein.

It is, therefore, accordingly hereby ORDERED, ADJUDGED AND DECREED that the marriage relationship heretofore existing between the Petitioner and the Respondent, 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 that Petitioner be awarded the full care, custody and control of the minor child of the parties, to-wit: Japheth Ray Storey, and that Respondent shall have reasonable rights of visitation with said child which will not interfere with the health, education and welfare of said child.

Further, Respondent shall pay to the Petitioner through the Clerk of this Court the sum of $40.00 per week commencing on October 23, 1979, for the support of said minor child and continuing till such child attains the age of eighteen or becomes self-supporting, marries or dies; and judgment is hereby rendered against Respondent and in favor of the Petitioner for each of said payments which becomes due.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner, Teresa A. Storey, shall receive the following real estate owned by the Parties as her own and title to same is hereby quieted in said Petitioner, Teresa A. Storey, to-wit:

> The West 60 acres of the North half of the Southwest Quarter and 1.18 acres being all that part of the South Half of the Northwest Quarter lying South of Highway and described as follows:

0698-0648

Commencing at the Southwest corner of the Southeast Quarter of the Northwest Quarter running thence East along the South line of said 40 acre tract 38 rods, thence North 10 rods thence Southwest in a straight line to the point of beginning all in Section 32, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the homestead of the parties, which is legally described as follows, to-wit:

Lot 9 in Block 3 in Channon's Second North Addition to Town of Grimes, Polk County, Iowa,

shall be sold as soon as possible if the contract seller consents to sale. At the time of sale, the proceeds will be divided as follows. Petitioner is hereby awarded the first $5,000.00 of the proceeds from the sale of said property after the payment of all debts and charges against same and any remaining balances shall be split equally between the Petitioner and the Respondent. It is the further order of the Court that during the time that either party resides in said premises until sale, he or she shall be responsible for the contract payment on the said real estate as well as the real estate taxes and repair and maintenance. If neither party resides in said real estate pending sale, both shall be responsible equally to keep payments current. Any fixing up expense for sale shall be reimbursed to the party paying same.

IT IS THE FURTHER ORDER of the Court that the household goods, furniture and personal effects of the parties are hereby awarded to the Petitioner with the exception of the personal effects and clothing of the Respondent which are awarded to him. In addition, Respondent shall receive any items of furniture or personal property which he has received from his side of the family.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent shall receive the motorcycle presently in his possession and he shall be responsible for the debt outstanding on said motorcycle.

IT IS FURTHER ORDERED by this Court that the indebtness of the parties in favor of Earlham Savings Bank, Montgomery Wards, Richard & Sons, and the guitar loan shall be the responsibility of the Petitioner.

IT IS THE FURTHER ORDER of this Court that there shall be no award of alimony to the Petitioner from the Respondent in these proceedings.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner shall have judgment against the Respondent for a portion of her attorney fees in the sum of $300.00 and further that the Petitioner shall be responsible for the costs of this action as taxed by the Clerk of Court and judgment is hereby rendered herefor.

SO ORDERED, ADJUDGED AND DECREED this 1 day of November, 1979.

Copies mailed 11-1-79 CH

Joel D. Novak
Judge of the Fifth Judicial
District of Iowa.

COPIES MAILED TO:

Peter A. Keller
502-15th Street
Dallas Center, Iowa 50063

Douglas A. Storey
513 N. Main
Grimes, Iowa 50111

CERTIFICATE

I, Clark R. Rasmussen, Clerk of the District Court of the State of Iowa in and for Polk County, do hereby certify that this is a true and complete copy of the Original Instrument filed in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court in my office in Des Moines, Iowa this ... day of ... 80 ...

CLARK R. RASMUSSEN
Clerk of the District Court

By ... Deputy

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