IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

IND. ✓
REC. ✓
PAGE ✓

IN THE MATTER OF	*	
PAUL J. FLANERY,	*	BANKRUPTCY NO. 78-282-C
Bankrupt.	*	
	*	
ROBERT D. TAHA, Trustee in Bankruptcy for PAUL J. FLANERY,	*	
Plaintiff,	*	
vs.	*	
WINTERSET CEMETARY IMPROVEMENT ASSOCIATION OF WINTERSET, IOWA,	*	
Defendant.	*	

FILED
DEC 26 1978
RICHARD STAGEMAN
BANKRUPTCY JUDGE

FILED NO. 2363
BOOK 32 PAGE 466
1979 JUN -4 AM 10:26
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 24.00

COMPLAINT

COMES NOW Robert D. Taha, the duly qualified and acting Trustee in the above-named estate and respectfully represents:

1. That as Trustee of said Bankruptcy he has come into the possession of a parcel of property legally described as:

"The West one-third of Lot 8, Block 11, Original Town of Winterset, Madison County, Iowa"

2. That said parcel has been appraised by a qualified appraiser.

3. That said parcel is subject to a contract vendor's interest in the Defendant herein.

4. That your Trustee proposes to sell said property at public sale on such terms and oconditions as the Court may fix, free and clear of the Defendant-vendor's interest in said property but subject to all other claims, recorded liens or any other liens with the Defendant-contract vendor's lien to attach to the proceeds of said sale.

5. That your Trustee can see with relative certainty that there will be an equity remaining for the benefit of the estate upon the sale of such property; it further appears that this method of liquidation is the most expiditious available.

copy to atty
& Tr
1-5-79

6. That said sale should be upon notice to all creditors at a public sale conducted in the Bankruptcy Courtroom, Third Floor, U.S. Courthouse, East First and Walnut Streets, Des Moines, Iowa.

7. That the proceeds of this sale should be assessed the cost of said sale together with the costs of administration, all as to be determined by the Bankruptcy Court.

8. That retained possession of said real property of the bankrupt by your Trustee for any further length of time will seriously affect the sale price thereof and do nothing but increase the costs and expenses to the estate for said retention and result in a lesser return for the general, unsecured creditors of this estate.

WHEREFORE, your Trustee prays for an Order authorizing him to sell the within described real estate of the bankrupt, free and clear of the lien of the Defendant herein with said lien to attach to the proceeds of the said sale; that the proceeds of this sale should be assessed the costs of said sale, together with the costs of administration as to be determined by the Court, and for such other and further relief as the Court may deem just in the premises.

ROBERT D. TAHA, Trustee

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

IN THE MATTER OF	*	
BETTY J. FLANERY,	*	BANKRUPTCY NO. 78-283-C
Bankrupt.	*	
	*	
ROBERT D. TAHA, Trustee in Bankruptcy for BETTY J. FLANERY,	*	
Plaintiff,	*	
vs.	*	
WINTERSET CEMETARY IMPROVEMENT ASSOCIATION OF WINTERSET, IOWA,	*	
Defendant.	*	

FILED
DEC 26 1978
RICHARD STAGEMAN
BANKRUPTCY JUDGE

COMPLAINT

COMES NOW Robert D. Taha, the duly qualified and acting Trustee in the above-named estate and respectfully represents:

1. That as Trustee of said Bankruptcy he has come into the possession of a parcel of property legally described as:

"The West one-third of Lot 8, Block 11, Original Town of Winterset, Madison County, Iowa."

2. That said parcel has been appraised by a qualified appraiser.

3. That said parcel is subject to a contract vendor's interest in the Defendant herein.

4. That your Trustee proposes to sell said property at public sale on such terms and conditions as the Court may fix, free and clear of the Defendant-vendor's interest in said property but subject to all other claims, recorded liens or any other liens with the Defendant-contract vendor's lien to attach to the proceeds of said sale.

5. That your Trustee can see with relative certainty that there will be an equity remaining for the benefit of the estate upon the sale of such property; it further appears that this method of liquidation is the most expiditious available.

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6. That said sale should be upon notice to all creditors at a public sale conducted in the Bankruptcy Courtroom, Third Floor, U.S. Courthouse, East First and Walnut Streets, Des Moines, Iowa.

7. That the proceeds of this sale should be assessed the cost of said sale together with the costs of administration, all as to be determined by the Bankruptcy Court.

8. That retained possession of said real property of the bankrupt by your Trustee for any further length of time will seriously affect the sale price thereof and do nothing but increase the costs and expenses to the estate for said retention and result in a lesser return for the general, unsecured creditors of this estate.

WHEREFORE, your Trustee prays for an Order authorizing him to sell the within described real estate of the bankrupt, free and clear of the lien of the Defendant herein with said lien to attach to the proceeds of the said sale; that the proceeds of this sale should be assessed the costs of said sale, together with the costs of administration as to be determined by the Court, and for such other and further relief as the Court may deem just in the premises.

ROBERT D. TAHA, Trustee

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

- - -

In the Matter of :

PAUL J. FLANERY & BETTY J. FLANERY, Bankrupts. : Bankruptcy Nos. 78-282-C & 78-283-C

ROBERT D. TAHA, Trustee in bankruptcy for PAUL J. FLANERY & BETTY J. FLANERY, Plaintiffs, :

vs. :

WINTERSET CEMETARY IMPROVEMENT ASSOCIATION OF WINTERSET, IOWA, Defendant. :

- - -

FILED
JAN 5 - 1979
RICHARD STAGEMAN
BANKRUPTCY JUDGE

ORDER SETTING HEARING DATE

TO: WINTERSET CEMETARY IMPROVEMENT ASSOCIATION OF WINTERSET, IOWA, CREDITORS OF THE ABOVE-NAMED BANKRUPT and TO WHOM IT MAY CONCERN:

Robert D. Taha, Trustee, has filed a Complaint to sell property free and clear of the lien of the Defendant herein wherein he stated:

1. That as Trustee of said Bankruptcy he has come into the possession of a parcel of property located in Madison County, legally described as:

"The West one-third of Lot 8, Block 11, Original Town of Winterset, Madison County, Iowa."

2. That said parcel has been appraised by qualified appraiser.

3. That your Trustee is informed that the parcel of property is subject to a contract vendor's interest in the Winterset Cemetary Improvement Association of Winterset, Iowa.

4. That your Trustee proposes to sell said property free and clear of the lien of the Defendant, Winterset Cemetary Improvement Association of Winterset, Iowa, but subject to all other liens and encumbrances at public sale in the Bankruptcy Courtroom, at the Federal Courthouse, East First and Walnut, Des Moines, Iowa, on the 16th day of January, 1979, at 2:00 o'clock P.M.

5. That said sale will be with no warranties, implied or expressed, to be deemed to be given by the Trustee.

6. The Court further directs that the Trustee must file application with the Bankruptcy Court for approval of the sale and the sale will be upon notice to all creditors and that the Court must confirm and approve the sale and any and all provisions thereof before the purchase and sale can be formally consumated.

7. That the payment of the total purchase price in cash upon final approval of the Bankruptcy Court will be required and the

purchaser will receive a Trustee's Quit Claim Deed.

8. The Court understands that the Trustee believes that there will be an equity remaining for the benefit of the estate upon the sale of such property and it further appears that this method of liquidation is the most expiditious available.

9. That the proceeds of this sale will be assessed the costs of said sale together with the costs of administration all as to be determined by the Bankruptcy Court.

10. That continued possession of said real property by the Trustee for any further length of time will seriously affect the sale price and do nothing but increase the costs and expenses to the estate for said retention and result in a lesser return for the general, unsecured creditors and the estate.

The Court having considered said Complaint and finding the above-named Defendant-lien holder has filed its acceptance of service, waiver of notice and consent to sale in this matter and no adverse interest being represented;

IT IS ORDERED, ADJUDGED AND DECREED that all creditors of the bankrupt show cause before the undersigned Bankruptcy Judge on the Third Floor of the United States Courthouse, Des Moines, Iowa, on the 16th day of January, 1979, at 2:00 o'clock P.M. why the Trustee should not be authorized to sell the aforementioned property of the bankrupts to the highest and best bidder and that the lien of the Defendant-contract vendor, Winterset Cemetary Improvement Association of Winterset, Iowa, attach to the proceeds therefrom and why this Court should not grant said Trustee such other and further relief as is just.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Order be sent by regular mail to all creditors herein as their names and addresses appear in the files and records of this Bankruptcy Court's proceedings at least ten (10) days prior to the date fixed for hearing and sale and that the same shall constitute notice of the time and place of said meeting-hearing and sale.

Done and Ordered at Des Moines, Iowa, this 5th day of January, 1979, by the Court:

s/ RICHARD STAGEMAN
BANKRUPTCY JUDGE
318 United States Courthouse
Des Moines, Iowa, 50309

CERTIFICATE OF MAILING

The undersigned clerk in the office of the bankruptcy judge for this district hereby certifies that a copy of the document to which this stamp appears was mailed today to the ~~the~~ debtor, ~~the debtor~~ Bevels, attorney for bankrupt (~~or debtor~~), all creditors named in schedules or other lists of creditors filed herein or as may otherwise appearing in the files of this case and the parties listed below at their respective addresses as shown in documents filed herein or as otherwise indicated in the court's records.

1. District Director of Internal Revenue ☐
2. U. S. Attorney ☐
3. Robt. Sabo, Tr. ☑
4. Leonard Flanders, Atty for Defendant ☑

1/5/79

Frances Mardenson

CERTIFIED COPY (Rev. April 1953) D. C. Form No. 30.

United States of America

SOUTHERN DISTRICT OF IOWA } ss:

I, James R. Rosenbaum, Clerk of the United States District Court for the Southern District of Iowa, do hereby certify that the annexed and foregoing is a true and full copy of the original Complaint filed December 26, 1978, by Trustee Robert D. Taha; and Order Setting Hearing with Certificate of Mailing; all as contained in the matter of Paul J. Flanery, Bankruptcy No. 78-282-C and Betty J. Flanery, Bankruptcy No. 78-283-C

now remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Des Moines, Iowa this 14th day of May, A. D. 1979.

JAMES R. ROSENBAUM
Clerk.

By Nancy L. Olson
Deputy Clerk.