Misc. Record 31 722

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BK-14

FILED NO. 1683
BOOK 31 PAGE 722

1978 FEB 28 AM 9:13 15pgs

MARY E. WELTY Fee
RECORDER 4.30 50
MADISON COUNTY, IOWA

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF IOWA

I, Richard Stageman a Bankruptcy Judge

in and for said District, DO HEREBY CERTIFY that the attached copy of Voluntary Petition (automatic adjudication at time of filing); Court Minutes & Order Appointing Trustee: Schedule B-1 listing real estate; Complaint to sell real estate; Order Setting Hearing Date on Complaint to sell property; Acceptance of Service, Waiver of Notice, and Consent to Sale by defendants; Certificate of Mailing to all creditors; Report of Sale and Application to Confirm Sale; and Order Confirming Sale,

in the case of Elizabeth Ann Medinger, d/b/a JB's TV & Appliance

bankrupt ~~debtor~~, No. 77-525-C, has been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand at Des Moines in said District, this 27th day of February, 19 78.

RICHARD STAGEMAN
Bankruptcy Judge.

By Marguerite Hay
Bankruptcy Court Clerk

FPI-MI—10-18-74-15M-3007

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TUTBLANX REGISTERED U. S. PAT. OFF.
TUTTLE LAW PRINT, PUBLISHERS, RUTLAND, VT.

Official Form No. 1. — Petition for Voluntary Bankruptcy

United States District Court for the SOUTHERN District of IOWA

In re

ELIZABETH ANN MEDINGER, d/b/a
JB's TV & Appliance

FILED
SEP - 9 1977
9:15 AM
CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Bankruptcy No. 77-525-C

Bankrupt (include here all names used by bankrupt within last 6 years)

VOLUNTARY PETITION

1. Petitioner's post-office address is 418 Chestnut, Earlham, Iowa 50072

2. Petitioner has resided (*or* has had his domicile *or* has had his principal place of business) within this district for the preceding 6 months (*or* for a longer portion of the preceding 6 months than in any other district).

3. Petitioner is qualified to file this petition and is entitled to the benefits of the Bankruptcy Act as a voluntary bankrupt.

Wherefore petitioner prays for relief as a voluntary bankrupt under the Act.

Signed: Thomas L. Flynn
Attorney for Petitioner.

Address: 222 Equitable Building
Des Moines, Iowa 50309
(Petitioner signs if not represented by attorney.)

Elizabeth Ann Medinger
Elizabeth Ann Medinger *Petitioner.*

FILED
SEP 9 1977
RICHARD STAGEMAN
BANKRUPTCY JUDGE

State of IOWA
County of POLK } *ss:*

I, Elizabeth Ann Medinger, the petitioner named in the foregoing petition, do hereby swear that the statements contained therein are true according to the best of my knowledge, information, and belief.

Elizabeth Ann Medinger
Elizabeth Ann Medinger *Petitioner.*

Subscribed and sworn to before me on 9-3-77

Dianne L. Hassett
Notary Public in and for State of Iowa
(Official character)

(Unless further time is granted by the Court pursuant to Rule 108, this petition must be accompanied by a schedule of the petitioner's debts and property, his claim for such exemptions as he may be entitled to, and a statement of his affairs. These additional statements shall be submitted on official forms, shall include the information about the petitioner's property and debts required by the Bankruptcy Rules and by the forms, and shall be verified under oath.)

Received SEP - 9 1977

Fred C. Brazda
by Nancy L. Olson Deputy Clerk

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FILED
SEP 22 1977
RICHARD STAGEMAN
BANKRUPTCY JUDGE

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

COURT MINUTES AND ORDER

TITLE ELIZABETH ANN MEDINGER dba JB's TV & Appliance

Bankruptcy No. 77-525-C

FIRST MEETING OF CREDITORS:

Trustee appointed by the Court

The bankrupt was sworn and examined Bond $750.00

The following persons appeared:

The trustee, the bankrupt and his attorney, and
Dean R. Nelson, atty. for Earlham Savings Bank and
Robert Brannan, dba Brannan Hardware.
Curtis Allen for Mobile Plaza, Inc. and Earlham Mobile Home Terrace.
Donald Shelley for Ernie's TV.
Jim Trousdle for MFA Security Service. (over)
Alan Taylor for the Stuart-Herald.

Notes: Roberto Petro, pro se.
Jim Cassidy, pro se.
Clyde Britain, pro se.

ORDER APPOINTING TRUSTEE

The creditors of the above named bankrupt having failed to appoint a trustee as provided in the Act of Congress relating to bankruptcy, I hereby appoint Robert D. Taha trustee of the estate of the above named bankrupt, under bond previously filed in accordance with an Order of this Court.

It is ORDERED that the trustee's blanket surety company bond on file with this Court be, and it is approved in this matter.

BY THE COURT

BANKRUPTCY JUDGE

NOTICE:

The trustee was notified of his appointment and of the last date for filing objections to discharge and applications to determine dischargeability of debts.

Dated

9/22/77

RICHARD STAGEMAN
BANKRUPTCY JUDGE

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Form No. 6. — Schedules — Continued

TUTBLANX REGISTERED U. S. PAT. OFFICE
TUTTLE LAW PRINT, PUBLISHERS RUTLAND VT 05701

United States District Court for the ....SOUTHERN..... District of .....IOWA.....

In re

ELIZABETH ANN MEDINGER, d/b/a
JB's TV & Appliance

Bankruptcy No. .....

Bankrupt (include here all names used by bankrupt within last 6 years)

SCHEDULE B. — STATEMENT OF ALL PROPERTY OF BANKRUPT

Schedules B-1, B-2, B-3, and B-4 must include all property of the bankrupt as of the date of the filing of the petition by or against him.

Schedule B-1. — Real Property

Description and location of all real property in which bankrupt has an interest (including equitable and future interests, interests in estates by the entirety, community property, life estates, leaseholds, and rights and powers exercisable for his own benefit)	Nature of interest (specify all deeds and written instruments relating thereto)	Market value of bankrupt's interest without deduction for secured claims listed in schedule A-2 or exemptions claimed in schedule B-4	
		$	Cts
1. Real estate locally known as 418 Chestnut Street Earlham, Iowa and legally described as: The South 26 feet of the North 30 feet of Lot 3, Block 9, Original Town of Earlham, Iowa	Fee Simple	8,000	00
2. Real estate locally known as 420 Chestnut Street Earlham, Iowa and legally described as: The South 22 feet of Lot 2 and the North 4 feet of Lot 3, Block 9, Original Town of Earlham, Iowa	Vendee of Real Estate Contract: Robert Branam Earlham, Iowa, Vendor.	12,000	00
3. Real estate locally known as 104 East Court Winterset, Iowa. (legal description unknown)	Lessee. Landlord is Berneal Swanson R.R. Winterset, Iowa	-0-	
	Total.	$20,000.	00

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

IN THE MATTER OF	)	
ELIZABETH ANN MEDINGER, dba JB's TV & Appliance,	)	Bankruptcy No. 77-525-C
Bankrupt.	)	
ROBERT D. TAHA, TRUSTEE	)	COMPLAINT
Plaintiff,	)	
vs.	)	
ROBERT A. BRANAM, ESTHER BRANAM, -and- EARLHAM SAVINGS BANK,	)	
Defendants.	)	

FILED
NOV 14 1977
RICHARD STAGEMAN
BANKRUPTCY JUDGE

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

1. That as Trustee of said bankruptcy, he has come into the possession of two (2) parcels of property located in Madison County, Iowa, legally described as:

Parcel No. 1
"The South 22 feet of Lot 2 and the North 4 feet of Lot 3, Block 9, Original Town of Earlham, Madison County, Iowa"

Parcel No. 2
"The South 26 feet of the North 30 feet of Lot 3, Block 9, Original Town of Earlham, Madison County, Iowa"

2. That said parcels have been appraised as one unit by a qualified appraiser.

3. That your Trustee is credibly informed that Parcel No. 1 is subject to a contract vendors interest in Robert A. Branam and Esther Branam, husband and wife and Parcel No. 2 is subject to a real estate mortgage in favor of the Earlham Savings Bank of Earlham, Iowa.

Copy. Otw
Trustee
11/18/77 mw

4. That your Trustee has received an offer of $16,000 for said real estate from Leslie R. Goeldner of Earlham, Iowa, which offer is in excess of 75% of the appraised value of said real estate.

5. That said offer is contingent upon satisfactory evidence of good title.

6. That your Trustee can say with relative certainty that there will be 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 expeditious available.

7. That your Trustee believes that no better price could be obtained by offering the property at public auction conducted by an auctioneer and that it is in the best interest of this estate and the creditors thereof that said real property of the bankrupt be sold as set out above free and clear of all liens, all liens to attach to proceeds of said sale.

8. That your trustee proposes to sell such property free and clear of liens.

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

10. That continued possession of said real property of the bankrupt by your Trustee for any further length of time will seriously effect 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 liens, liens to attach to the proceeds of 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

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

FILED
NOV 18 1977
RICHARD STAGEMAN
BANKRUPTCY JUDGE

IN THE MATTER OF ELIZABETH ANN MEDINGER, dba JB's TV & Appliance, Bankrupt.	Bankruptcy No. 77-525-C
ROBERT D. TAHA, TRUSTEE, Plaintiff, vs. ROBERT A. BRANAM, ESTHER BRANAM, -and- EARLHAM SAVINGS BANK, Defendants.	ORDER SETTING HEARING DATE

TO: ROBERT A. BRANAM, ESTHER BRANAM, EARLHAM SAVINGS BANK, 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 liens wherein he stated:

1. That as Trustee of said bankruptcy, he has come into the possession of two parcels of property located in Madison County, Iowa, legally described as:

Parcel No. 1
"The South 22 feet of Lot 2 and the North 4 feet of Lot 3, Block 9, Original Town of Earlham, Madison County, Iowa";

Parcel No. 2
"The South 26 feet of the North 30 feet of Lot 3, Block 9, Original Town of Earlham, Madison County, Iowa".

2. That said parcels have been appraised as one unit by a qualified appraiser.

3. That your Trustee is credibly informed that Parcel No. 1 is subject to a contract vendors' interest in Robert A. Branam and Esther Branam, husband and wife, and Parcel No. 2 is subject to a real estate mortgage in favor of the Earlham Savings Bank, of Earlham, Iowa.

4. That your Trustee has received an offer of $16,000 for said real estate from Leslie R. Goeldner, of Earlham, Iowa, which offer is in excess of 75% of the appraised value of said real

estate.

5. That said offer is contingent upon satisfactory evidence of good title.

6. That your Trustee can say with relative certainty that there will be 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 expeditious available.

7. That your Trustee proposes to sell such property free and clear of liens.

8. That your Trustee believes that no better price could be obtained by offering the property at public auction conducted by an auctioneer and that it is in the best interest of this estate and the creditors thereof, that said real property of the bankrupt be sold as set out above free and clear of all liens, all liens to attach to proceeds of said sale.

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

10. That continued possession of said real property of the bankrupt by your Trustee for any further length of time will seriously effect 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.

The Court having considered said Complaint and finding that the above-named lienors have filed their Acceptance of Service, Waiver of Notice, and Consent to Sale in this matter and no adverse interests being represented; it is

ORDERED, ADJUDGED AND DECREED that all creditors of the bankrupt show cause before the undersigned Judge on the Third Floor of the United States Courthouse, Des Moines, Iowa, on the 30th day of November, 1977, at 1:00 P.m. why the Trustee should not be authorized to sell the afore-described real estate of the bankrupt to Leslie R. Goeldner, of Earlham, Iowa, or such

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other person who should make an offer in excess of the bid which has been made by Mr. Goeldner, and that the liens of Robert A. Branam, Esther Branam, and the Earlham Savings Bank to 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 proceeding at least ten days prior to the date fixed for hearing and that the same shall constitute notice of the time, place and purpose of said meeting and hearing.

DONE AND ORDERED at Des Moines, Iowa, this 18th day of November, 1977.

BY THE COURT:

BANKRUPTCY JUDGE
318 U.S. Courthouse
Des Moines, Iowa 50309

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FILED
NOV 14 1977
RICHARD STAGEMAN
BANKRUPTCY JUDGE

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

IN THE MATTER OF	
ELIZABETH ANN MEDINGER, dba JB's TV & Appliance	Bankruptcy No. 77-525-C
Bankrupt	
ROBERT D. TAHA, TRUSTEE,	
Plaintiff	ACCEPTANCE OF SERVICE, WAIVER OF NOTICE, AND CONSENT TO SALE
VS.	
ROBERT A. BRANAM, ESTHER BRANAM, -and- EARLHAM SAVINGS BANK	
Defendants.	

COMES NOW the Defendants herein and state to the Court as follows:

1. That the Defendants have examined a copy of the Petition being filed hereinto.

2. That by these presents, the Defendants enter their appearance and accept service of a copy of the Petition and waive time and irregularities of service.

3. The Defendants, Robert A. Branam, Esther Branam, and the Earlham Savings Bank, do hereby consent to the sale of the property described in said Petition on condition that the liens for their respective interests upon said property attach to the proceeds of said sale and that they be paid forthwith from the proceeds of the sale as soon as practicable in full with all interest up to the time of the receipt of payment.

DEAN R. NELSON
Attorney for the Defendants

copy sent to Trustee
11/18/77 mtd

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United States District Court

FOR THE

SOUTHERN District of IOWA

IN RE

JOHN EDWARD MEDINGER and ELIZABETH ANN MEDINGER, dba JB's TV & Appliance,

FILED
NOV 18 1977
RICHARD STAGEMAN
BANKRUPTCY JUDGE

BANKRUPTCY

NO. 77-524-C
77-525-C

CERTIFICATE OF MAILING

I, Madalyn Wright, a regularly appointed and qualified clerk in the office of Richard Stageman, Bankruptcy Judge of the United States District Court for the Southern District of Iowa at Des Moines, hereby certify;

1. That I personally, pursuant to instructions from said Bankruptcy Judge and in the performance of my duties as such Clerk, mailed to each of the creditors of said {bankrupt / ~~debtor~~} named in the schedules or list of creditors filed herein or as otherwise appearing in the files in this cause, except where the address is unknown, ~~XXXXXXXXX~~ an Order Setting Hearing Date

a true copy of which is hereto attached, such Notice being enclosed in a sealed envelope bearing the lawful frank of the Bankruptcy Judge, and the name and post-office address of such creditors as such name and address appears in the schedules or list of creditors of said {bankrupt / ~~debtor~~} on file in this Court, or otherwise appearing in the files in this cause.

2. That said envelope containing such Notice, was deposited by me in a regular United States Mail Box in the City of Des Moines, Iowa, in said District, on the 18th day of November, 19 77.

3. That a copy of such Notice was also so mailed to each of the parties at their respective addresses listed below.

a. John Edward and Elizabeth Ann Medinger, 203 E. 9th, Schuyler, Nebr.

b. Thomas L. Flynn, Atty. for Bankrupts, 222 Equitable Bldg., Des Moines, Iowa 50309

c. Robert D. Taha, Trustee, 400 Plymouth Building, Des Moines, Iowa 50309

d. Robert & Esther Branam, 605 Walnut, Earlham, Iowa 50072

e. Earlham Savings Bank, Earlham, Iowa 50072

f. Treasurer of Madison County, Winterset, Iowa 50273

g. Leslie R. Goeldner, Earlham, Iowa 50072

h. Dean Nelson, Atty., Earlham, Iowa 50072

Madalyn Wright
Clerk.

* *Include all names used by bankrupt (or debtor) within last 6 years.*

FPI-MI—8-15-74-100M-2880

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

IN THE MATTER OF	:	
JOHN EDWARD MEDINGER, d/b/a JB's TV & Appliance,	:	Bankruptcy No. 77-524-C
and	:	
ELIZABETH ANN MEDINGER, d/b/a JB's TV & Appliance,	:	Bankruptcy No. 77-525-C
Bankrupts.	:	
ROBERT D. TAHA, TRUSTEE,	:	
Plaintiff,	:	
vs.	:	
ROBERT A. BRANAM, ESTHER A. BRANAM,	:	
and	:	REPORT OF SALE AND APPLICATION TO CONFIRM SALE
EARLHAM SAVINGS BANK,	:	
Defendants.	:	

FILED
FEB 22 1978
RICHARD STAGEMAN
BANKRUPTCY JUDGE

COMES NOW Robert D. Taha, Trustee in the above-captioned estates, and respectfully represents as follows:

1. Pursuant to the Court's Order of November 18th, 1977, your Trustee offered for sale real estate of the bankrupts described as:

Parcel No. 1
"The South 22 feet of Lot 2 and the North 4 feet of Lot 3, Block 9, Original Town of Earlham, Madison County, Iowa";

Parcel No. 2
"The South 26 feet of the North 30 feet of Lot 3, Block 9, Original Town of Earlham, Madison County, Iowa".

2. Said assets were duly appraised by JoAnne Loyd and according to said appraisal, the fair value of the real estate was $18,000.00.

3. No higher bids were received other than that of Leslie R. Goeldner, of Earlham, Iowa, whose bid was in the amount of $16,000.00.

4. Your Trustee believes that no higher bid could be received on a subsequent sale of the property and the expense of a second sale would not be justified under the circumstances.

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5. Your Trustee has, after a rather lengthy wait, received the continued abstract from the abstracter in the County where the real estate is, and your Trustee now proposes to conclude and consummate the sale, purchase price to be paid in cash within forty-eight hours from the entry of the Order of confirmation.

WHEREFORE, your Petitioner prays for the entry of an Order confirming the sale upon the terms and conditions outlined above, and that the bid of $16,000.00 for said property be accepted.

DATED at Des Moines, Iowa, this 22 day of February, 1978.

ROBERT D. TAHA, TRUSTEE

15 156

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

IN THE MATTER OF :	
JOHN EDWARD MEDINGER, d/b/a JB's TV & Appliance, :	Bankruptcy No. 77-524-C
and :	
ELIZABETH ANN MEDINGER, d/b/a JB's TV & APPLIANCE, :	Bankruptcy No. 77-525-C
Bankrupts. :	
ROBERT D. TAHA, TRUSTEE, :	
Plaintiff, :	
vs. :	
ROBERT A. BRANAM, ESTHER A. BRANAM, :	ORDER CONFIRMING SALE
and :	
EARLHAM SAVINGS BANK, :	
Defendants.	

FILED
FEB 22 1978
RICHARD STAGEMAN
BANKRUPTCY JUDGE

This matter came on for consideration on the Trustee's Report of Sale and Application to Confirm Sale, the Court having considered the Report, together with the entire record, and no further notice being required thereon and no adverse interests being represented, it is

ORDERED, ADJUDGED AND DECREED that the sale of the following described real estate:

Parcel No. 1
"The South 22 feet of Lot 2 and the North 4 feet of Lot 3, Block 9, Original Town of Earlham, Madison County, Iowa";

Parcel No. 2
"The South 26 feet of the North 30 feet of Lot 3, Block 9, Original Town of Earlham, Madison County, Iowa"

for the sum of $16,000.00 to Leslie R. Goeldner, of Earlham, Iowa, be and the same is hereby confirmed, and the Trustee is ordered to execute a Deed conveying said real estate to Leslie R. Goeldner upon the receipt of the sum of $16,000.00 from said purchaser. All liens against said realty are transferred to the proceeds of said sale.

DONE and ORDERED at Des Moines, Iowa, this 22nd day of February, 1978.

BANKRUPTCY JUDGE