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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

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IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

<p>DEBRA RETHAMEL,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>CHARLES FRED FEURING, CHARLES WADE FEURING, and ROCKIN RIVER RANCH, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. EQCV034514</p> <p>FINAL JUDGMENT ORDER AND DECREE</p>
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This matter was tried to the Court on December 13, 2017. The Court entered its findings of fact and conclusions of law and analysis in a written ruling filed January 10, 2018. The parties were given thirty (30) days to file a request for any remedies and relief based on the Defendants' fraudulent conduct. The Court, being fully advised of the premises, now incorporates its January 10, 2018 Findings of Fact, Conclusions of Law, and Ruling herein and further enters the following additional Conclusions of Law and Ruling related to remedies and relief. This Order now constitutes the Final Judgment Order and Decree.

Iowa Code section 684.7, which sets out the remedies of creditors under the Uniform Fraudulent Transfer Act ("UFTA"), provides as follows:

1. In an action for relief against a transfer or obligation under this chapter, a creditor, subject to the limitations in section 684.8, may obtain any of the following:
 - a. Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim.
 - b. A remedy by any special action available under this subtitle, including attachment or other provisional remedy, against the asset transferred or other property of the transferee.
 - c. Subject to applicable principles of equity and in accordance with applicable rules of civil procedure, any of the following:
 - (1) An injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property.

Plaintiff is entitled to a judgment lien on the Property. Plaintiff was awarded a judgment in the amount of \$88,869.42 against Fred in a separate Madison County proceeding. As a general matter, judgments in Iowa district courts "are liens upon the real estate owned by the defendant at the time of such rendition." Iowa Code § 624.23(1). Because Fred fraudulently transferred the Property prior to judgment being entered, Plaintiff was unable to obtain an execution to carry the judgment into effect.

By this Court's voidance of the Quit Claim Deed and placing a judgment lien on the Property, Plaintiff will be free to pursue efforts to execute on the judgment pursuant to Iowa law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Quit Claim Deed dated July 30, 2015, and filed August 4, 2015, in Book 2015, Page 2212 with the Madison County Recorder, in which Charles Fred Feuring is Grantor and Rockin' River Ranch, Inc., is Grantee, is hereby void and set aside. The Clerk of Court and County recorder are hereby directed to take all necessary steps to void the Quit Claim Deed referenced herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants are enjoined from further disposition of the Property legally described herein until further order of the court. This provision also enjoins the Defendants from further encumbering the Property or taking any steps to diminish the value of the Property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that consistent with the judgment previously entered in Madison County case LACV034116, Debra Rethamel shall have a judgment lien upon the Property legally described in this Court's order filed on January 10, 2018. The Clerk of Court and County recorder are hereby directed to take all necessary steps to effectuate a judgment lien on the Property identified herein, listing Debra Rethamel as the judgment lienholder. The judgment lien shall be for the amount of \$88,869.42 plus interest at the applicable rate.

(2) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee.

(3) Any other relief the circumstances may require.

2. If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

Iowa Code § 684.7 (2015). Plaintiff is a “creditor” within the meaning of this statute, and Fred is a “debtor.” (1/10/2018 Ruling p. 8).

The UFTA codifies the common law right to recover fraudulently conveyed property. *Schaefer v. Schaefer*, 795 N.W.2d 494, 498 (Iowa 2011). Hence, section 684.7 operates to make the conveyance at issue voidable by setting aside the conveyance between grantor and grantee, here Fred Feuring and Rockin’ River Ranch, “insofar as it affects the creditor.” *Id.* at 498 (quoting 37 Am.Jur.2d *Fraudulent Conveyances and Transfers* § 95, at 602 (2001)); see Iowa Code § 684.7(1)(a). Significantly, Plaintiff’s claim against Fred had been reduced to judgment prior to the fraudulent transfer. See Iowa Code § 684.1(3) (defining “claim”). Hence, per the statute, this Court may levy execution on asset transferred, or its proceeds. *Id.* § 684.7(2).

Considering the facts and circumstances presented, the Court concludes that a decree voiding and setting aside the Quit Claim Deed between Fred Feuring and Rockin’ River Ranch, Inc. is appropriate. The evidence in this case makes abundantly clear that the Property was Fred’s only asset at the time Plaintiff initiated her lawsuit against Fred. Admittedly, Fred became insolvent after transferring the Property to Rockin’ River. Further, the evidence demonstrates that Rockin’ River, Inc. did not take the Property in good faith. See *id.* § 684.8(1). The Deed indicated the transfer was for the consideration of \$1; however, no money was ever paid. Even if it had been, the reasonable value of the Property was nowhere near \$1. Hence, considering that Plaintiff’s claim against Fred cannot be satisfied otherwise, and that Rockin’ River did not take in good faith, this Court finds ample reason to void and set aside the Quit Claim Deed.



State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
EQCV034514 DEBRA RETHAMEL VS. CHARLES F. FEURING ET AL.

So Ordered

A handwritten signature in cursive script that reads "Patrick W. Greenwood". The signature is written in black ink and is positioned above a horizontal line.

Patrick W. Greenwood, District Court Judge,
Fifth Judicial District of Iowa