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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Prepared by: Matthew J. Hemphill
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Document or Instrument number of previously recorded documents: _____

AFFIDAVIT

STATE OF IOWA, DALLAS COUNTY, ss:

I, Matthew J. Hemphill, depose and state the following under oath:

- 1. I am an individual, attorney, and duly licensed to practice law in the state of Iowa.
- 2. I represented Stepping Stones Child Care Center, Inc., in Madison County Case No. EQCV034784

("Case"). I am familiar with the legal issues in the Case and affecting the following-described real estate in Madison County, Iowa:

Lots Three (3) and Four (4) in Block Four (4), and the South 45 Feet of vacated Arnold Street lying North of said Lots, in Jenkins' Addition to the Town of Winterset, in Madison County, Iowa.

("Property").

- 3. Stepping Stones Child Care Center, Inc., owned the Property at all times pertinent to the Case.
- 4. Plaintiff in the Case, CMR, LLC ("CMR"), filed a mechanic's lien with the Iowa Secretary of State

on December 5, 2017.

- 5. CMR filed a petition to foreclose said mechanic's lien on May 11, 2018.

6. CMR filed an amended and substituted petition on July 9, 2018, in the Case also seeking to foreclose the same mechanic's lien.

- 7. Stepping Stones Child Care Center, Inc., denied and disputed CMR's claims and asserted a

counterclaim against CMR in the Case.

8. On January 16, 2019, CMR dismissed all of its claims against all Defendants, including Stepping Stones Child Care Center, Inc., in the Case, with prejudice.

9. On January 31, 2019, Stepping Stones Child Care Center, Inc., dismissed its counterclaim against CMR without prejudice.

10. On February 1, 2019, a court order following dismissals was filed in the Case, acknowledging the Case was fully dismissed.

11. Given that CMR dismissed its petition to foreclose mechanic's lien with prejudice, the mechanic's lien referenced above is of no force or effect and is otherwise invalid.

June 6, 2019
Date

Matthew J. Hemphill
Matthew J. Hemphill, Attorney

Subscribed and sworn to before me by Matthew J. Hemphill this 6 day of June, 2019.

Lois K. Taggart
Notary Public in and for the State of Iowa

