

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

OCT 24 1985

BARBARA A. EVERLY, CLERK

IN RE:

BANKRUPTCY NO.

RICHARD L. NEWBURN  
aka Rick Newburn  
Debtor.

83-04171

HOLDENRIED FORD,  
Plaintiff,

ADVERSARY NO. 83-0682S

vs.

J U D G M E N T

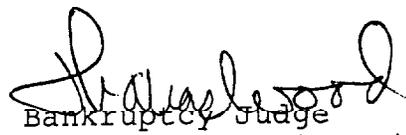
RICHARD L. NEWBURN,  
Defendant.

Pursuant to the Findings of Fact, Conclusions of Law and Order for Judgment entered herein on October 3, 1985;

IT IS ORDERED the Plaintiff, Holdenried Ford, Inc., recover of the Defendant, Richard L. Newburn, the amount of One Thousand Eight Hundred and No/100 Dollars (\$1,800.00) plus interest at ten percent (10%) per annum on said amount from August 29, 1983, the date of filing plaintiff's Complaint herein.

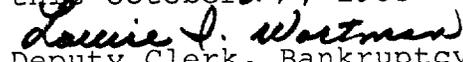
IT IS FURTHER ORDERED this Judgment shall be entered in the Docket of the Clerk of this Court and that notice of the entry of this Judgment shall be given by ordinary mail to the Defendant, Richard L. Newburn, c/o Burlington Northern, 18 & Highway 75N, Sioux City, Iowa 51105; and to the Attorney for Plaintiff, G. Daniel Gildemeister of Margolin, Gildemeister & Willia, 605 Davidson Building, Sioux City, Iowa 51101.

ORDERED: October 24, 1985

  
Bankruptcy Judge  
Sitting by Designation

Copies mailed to parties  
as above set forth  
this October 24, 1985

RECORDED: Volume 1  
Page 169

  
Deputy Clerk, Bankruptcy Court  
P O Box 4371, Cedar Rapids, IA 52407

# United States Bankruptcy Court

For the NORTHERN District of IOWA - Western Division

## WRIT OF EXECUTION

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

SHERIFF OF WOODBURY COUNTY, IOWA

To: The ~~United States Marshal for the~~ XXXXXX District of XXXXXX AUG - 1 1986

BARBARA A. EVERLY, CLERK

Greeting:

On the 3rd day of October, 1985, judgment was rendered in this action that the plaintiff, Holdenried Ford, shall recover from the defendant, Richard L. Newburn, the sum of \$ 1,800.00 together with interest thereon at the rate of 10 percent per annum from the 29th day of August, 1985, until paid, and \$ 0.00 costs were taxed against the defendant, Richard L. Newburn. The judgment was duly entered and docketed in the records of the clerk of this court on the 3rd day of October, 1985, but no part of the judgment, interest thereon, or costs has been paid or satisfied.

Therefore:

You are hereby commanded to expose to execution sale so much of the property of the defendant, Richard L. Newburn, as may have been attached at the commencement of this action to insure enforcement of the judgment as is necessary to satisfy the judgment, accrued interest thereon, costs of suit, and your execution costs and expenses, the property that was attached being described as follows:

All wages, bonuses, or any other income from whatever source due and owing from the defendant's employer, Burlington Northern Railroad, located at 18th and Highway 75 North in Sioux City, Iowa 51105.

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, Richard L. Newburn, you are further commanded to subject to execution sale sufficient of the defendant's other nonexempt personal property situated in your district as may be necessary to satisfy the remaining balance, and if such personal property is insufficient, then you are commanded to satisfy any final balance by a levy on and sale of sufficient of the defendant's remaining nonexempt real property situated within your district.

You are further commanded to return this writ with an endorsement thereon showing the manner of your compliance with its terms, together with the proceeds from the execution sale or sales, by the day of \_\_\_\_\_, 1986.



[Seal of the U.S. Bankruptcy Court]

Date of issuance: August 1, 1986

Barbara A. Everly  
Clerk of Bankruptcy Court

By: Barbara A. Everly  
Clerk

re Volume I  
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**MARGOLIN, GILDEMEISTER, WILLIA, MUGAN & KEANE**

ATTORNEYS AND COUNSELLORS AT LAW

SUITE 605 DAVIDSON BUILDING

SIOUX CITY, IOWA 51101

TELEPHONE (712) 255-7627

G. DANIEL GILDEMEISTER  
N. RICHARD WILLIA  
JOHN R. MUGAN  
EDWARD J. KEANE  
ALICE S. HORNEBER  
THEODORE E. KARPUK  
STUART J. COCHRANE

FRANK J. MARGOLIN  
OF COUNSEL

July 30, 1986

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

AUG - 1 1986

BARBARA A. EVERLY, CLERK

Clerk, U. S. Bankruptcy Court  
P. O. Box 4371  
Cedar Rapids, IA 52407

RE: Richard L. Newburn  
Bankruptcy No. 83-040171

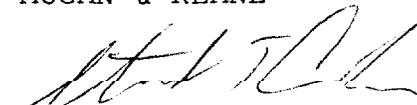
Dear Clerk:

Enclosed please find Writ of Execution in regard to the above-referenced matter. Please sign and return to me at the above address.

Thank you for your cooperation in this matter.

Sincerely yours,

MARGOLIN, GILDEMEISTER, WILLIA,  
MUGAN & KEANE



Stuart J. Cochrane

SJC:ss  
Enclosure

Clerks Docket: Small Claim # \_\_\_\_\_  
Bankruptcy Court No. 83-04171  
~~XXXXXXXXXX~~ # \_\_\_\_\_

Execution issued August 1, 1986

Expires NA

Adv. No. 83-06825  
TAXES \_\_\_\_\_ SUPPORT \_\_\_\_\_ JUDGMENT XX \_\_\_\_\_ CONSUMER CREDIT TRANSACTION \_\_\_\_\_

**NOTICE OF GARNISHMENT AND INTERROGATORIES**

IN THE DISTRICT COURT OF THE STATE OF IOWA, IN AND FOR WOODBURY COUNTY

HOLDENRIED FORD,

RICHARD L. NEWBURN,

WOODBURY COUNTY  
NORTHERN DISTRICT OF IOWA  
Plaintiff

Defendant

To BURLINGTON NORTHERN RAILROAD, 18th & Highway 75 North

NOV 13 1987  
BARBARA A. EVERLY, CLERK

as garnishee herein and as supposed debtor of Richard L. Newburn

YOU ARE HEREBY NOTIFIED, That you are attached as garnishee, in above entitled action, by virtue of a \_\_\_\_\_

Writ of Execution \_\_\_\_\_ to me directed by the Clerk of said Court for the sum of \$1,800.00 judgment and \$ Sheriff's costs, plus 10% per annum from 8/29/85, and that immediately hereafter you are required not to pay any non-exempt funds due or hereafter to become due by you to said defendant, subject to the provisions of Chapter 642, Code of Iowa any amendments thereto; and sections 1672 and 1673 of Title 15, U.S.C. now or hereafter being in your custody or under your control.

SEE THE REVERSE SIDE OF THIS NOTICE OF GARNISHMENT FOR FURTHER INSTRUCTIONS.

And you are further notified and requested to file full sworn answers to below questions with the Sheriff, or you may appear at the said Court, on the 26th day of January, A.D. 1987, then and there to answer such interrogatories as may be propounded to you, or you may be liable to pay entire judgment which said plaintiff may obtain against said defendant.

**MAKE CHECKS PAYABLE TO  
CLERK OF DISTRICT COURT**

Date this 15th day of January, 1987.

For your information the attorney for plaintiff is

G. Daniel Gildemeister  
605 Davidson Bldg.  
Sioux City, IA 51101

P.O. Box 3715  
Sioux City, Iowa 51102-3715  
WOODBURY COUNTY, IOWA

Phone 712-279-6385 Watts Line 1-800-352-6352

SHERIFF

Questions to be Answered by the Garnishee as Required by Provisions of Chapter 642, Code of Iowa.

Is the defendant employed by you at this time? Yes No

1. Are you in any manner indebted to the defendant in this suit, or do you owe him money or property which is not yet due? If so, state particulars:

2. Have you in your possession or under your control any property, rights or credits of the said defendant? If so, what is the value of same?

3. Do you know of any debts owing the said defendant, whether due or not due, or any property, rights or credits belonging to him and now in the possession or under the control of others? If so, state the particulars:

4. Do you compensate the defendant in this suit for any personal services whether denominated as wages, salary, commission, bonus or otherwise, including periodic payments pursuant to a pension or retirement program? If so, state the amount of the compensation reasonably anticipated to be paid defendant during the calendar year.

I do solemnly swear under penalty of perjury, that I have made full and true answers to the above questions touching the matter wherein I have been attached as garnishee, so help me God.

Garnishee \_\_\_\_\_ by \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

WOODBURY COUNTY SHERIFF  
P.O. BOX 3715  
Sioux City, Iowa 51102-3715

By \_\_\_\_\_ Deputy

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RETURN OF SERVICE

I HEREBY CERTIFY. That by virtue of aforesaid writ in above cause. I served notice of garnishment on above named garnishee this 15th day of January, 1987, at 10:45 o'clock, AM., by informing Henriette Schuett that said named garnishee was attached as garnishee in said case by delivering to him a written notice of which the above and foregoing is a true copy. All done in Woodbury County, Iowa.

Service, \$ 10.00
Notice of Garnishment, \$ 10.00
Mileage, \$ 1.47
Copy, \$ 2.00
Total, \$ 23.47

Sheriff of Woodbury County
By James Reese Deputy.

INSTRUCTIONS TO GARNISHEE

The notice of garnishment served upon you has the effect of attaching that portion of the defendant's earnings (defined as compensation for personal services, whether denominated as wages, salary, commission, bonus or otherwise) which is not exempt from wage garnishment.

First, determine the amount of defendant's disposable earnings (defined as that part of defendant's earnings remaining after the deduction from those earnings of any amounts required by law to be withheld). Then refer to the appropriate table below, after making sure none of the state exceptions\* apply, and follow the instructions indicated.

EXPLANATION OF THE FIGURES TO BE USED IN COMPUTATIONS

The use of \$100.50 per pay period and its multiple equivalents is derived from 15 U.S.C. 1673(a) (2), which exempts from garnishment disposable weekly earnings in an amount equal to 30 times the Federal minimum hourly wage prescribed by section 6(a) of the Fair Labor Standards Act of 1938 in effect at the time earnings are payable.

COMPUTATION TABLES PER PAY PERIOD FROM 15 U.S.C. 1673 (a) (2)

- 1. If the defendant employee's earnings are less than:
a. \$100.50 for a WEEKLY pay period
b. \$201.00 for a BI-WEEKLY pay period
c. \$217.75 for a SEMI-MONTHLY pay period
d. \$435.50 for a MONTHLY pay period
Pay the employee as if his pay check were not garnished. You withhold nothing.
2. If the defendant employee's disposable earnings are:
a. \$100.50 to \$134.00 for a WEEKLY pay period . . . . . Pay him \$100.50
b. \$201.00 to \$268.00 for a BI-WEEKLY pay period . . . . . Pay him \$201.00
c. \$217.75 to \$290.33 for a SEMI-MONTHLY pay period . . . . . Pay him \$217.75
d. \$435.50 to \$580.67 for a MONTHLY pay period . . . . . Pay him \$435.50
3. If the defendant employee's disposable earnings are more than:
a. \$134.00 for a WEEKLY pay period . . . . . Pay him 75% of his disposable earnings
b. \$268.00 for a BI-WEEKLY pay period . . . . . Pay him 75% of his disposable earnings
c. \$290.33 for a SEMI-MONTHLY pay period . . . . . Pay him 75% of his disposable earnings
d. \$580.67 for a MONTHLY pay period . . . . . Pay him 75% of his disposable earnings

ANY DISPOSABLE EARNINGS REMAINING AFTER PAYMENT OF THE ABOVE AMOUNTS SHALL BE DELIVERED TO THE, WOODBURY COUNTY SHERIFF. (Please include name of case and case number on all checks.)

MAXIMUM amount to be withheld per calendar year.

Section 642.21, subsection 1, Code 1983 as amended 1984, 70G.A.

"1. The disposable earnings of an individual are exempt from garnishment to the extent provided by the Federal Consumer Credit Protection Act, Title III, 15 U.S.C. secs. 1671-1677. The maximum amount of an employee's earning which may be garnished during any one calendar year is two hundred fifty dollars for each judgment creditor, except as provided in section 627.12 or when those earnings are reasonably expected to be in excess of twelve thousand dollars for that calendar year as determined from the answers taken by the Sheriff or by the court pursuant to section 642.5, subsection 4. When the employee's earnings are reasonably expected to be more than twelve thousand dollars the maximum amount of those earnings which may be garnished during a calendar year for each creditor is as follows.:"

- a. Earnings from \$12,001.00 to \$15,999.99 withhold \$400.00
b. Earnings from \$16,000.00 to \$23,999.99 withhold \$800.00
c. Earnings from \$24,000.00 to \$34,999.99 withhold \$1,500.00
d. Earnings from \$35,000.00 to \$49,999.99 withhold \$2,000.00
e. Earnings from \$50,000.00 and more withhold 10%

\*EXCEPTIONS TO THE TABLES

- 1. If this garnishment is for STATE OR FEDERAL TAX, disregard the computation table and deliver 100% of the disposable earnings to the SHERIFF.
2. The assignment of income concerning Child Support or unpaid alimony has priority over a garnishment or an assignment for a purpose other than the support of the dependants in the court order being enforced. See Section 252 C.1
3. If this garnishment is for support of a person, the amount retained from earnings shall be (a) where the Judgment Debtor is supporting his spouse or dependant child (other than a spouse or child with respect to whose support this garnishment is made) fifty (50) percent of the Debtor's disposable earnings each week; or (b) where the Judgment Debtor is not supporting a person as set forth in (a), sixty (60) percent of Debtor's disposable earnings each week. An additional five (5) percent of the Debtor's disposable earnings shall be retained if the support being collected is more than twelve (12) weeks past due.
4. If the judgment being collected arises from a consumer credit transaction, you should collect no more than those amounts set forth in Section 537.5105, 1981 Code of Iowa.

642.22 VALIDITY OF GARNISHMENT NOTICE. A notice of garnishment served upon a garnishee is effective without serving another notice until the earliest of the following:

- 1. The annual maximum permitted to be garnished under section 642.21 has been withheld.
2. The writ of execution expires.
3. The judgment is satisfied.
4. The garnishee is served with a notice that the garnishment shall cease

**DICTION TO SHERIFF**

No. 83-04171  
Adv. No. 83-06825

HOLDENRIED FORD.....

VS.

RICHARD L. NEWBURN.....

IN THE DISTRICT COURT,  
IN AND FOR  
WOODBURY COUNTY, IOWA  
CIVIL & WARRANT  
DIVISION

**DICTION TO SHERIFF**

**SIR:** You will serve the writ of execution.....

in the above entitled cause by levying upon the following described property, to wit:

All wages, salaries, bonuses, or commissions due Richard L.

Newburn from his employer, Burlington Northern Railroad, located.....

at 18th and Highway 75 North in Sioux City.....

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WOODBURY COUNTY  
SHERIFF

If the property to be levied upon is personal, state below where located:

Dated this 9 day of Jan A. D., 19 87.

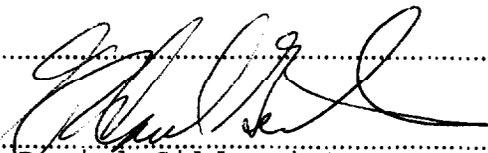
**INSTRUCTIONS TO ALL ATTORNEYS**

BEFORE ANY ACTION CAN BE TAKEN BY THE WOODBURY COUNTY SHERIFF'S OFFICE, YOU MUST INDICATE BY CHECKING "YES" IF THIS IS A CONSUMER CREDIT TRANSACTION OR "NO" IF THIS IS NOT A CONSUMER CREDIT TRANSACTION.

YES \_\_\_\_\_ NO X

CWD

5-100

  
Daniel Gildemeister  
Attorney for Plaintiff  
605 Davidson Building  
Sioux City, IA 51101

# United States Bankruptcy Court

# 83-04171  
add # 83-0682

For the NORTHERN District of IOWA - Western Division

## WRIT OF EXECUTION

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

SHERIFF OF WOODBURY COUNTY, IOWA

To: The ~~United States Marshal for the~~ District of ~~WOODBURY COUNTY, IOWA~~ **AUG - 1 1986**

BARBARA A. EVERLY, CLERK

Greeting:

On the 3rd day of October, 1985, judgment was rendered in this action that the plaintiff, Holdenried Ford, shall recover from the defendant, Richard L. Newburn, the sum of \$ 1,800.00 together with interest thereon at the rate of 10 percent per annum from the 29th day of August, 1985, until paid, and \$ 0.00 costs were taxed against the defendant, Richard L. Newburn. The judgment was duly entered and docketed in the records of the clerk of this court on the 3rd day of October, 1985, but no part of the judgment, interest thereon, or costs has been paid or satisfied.

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WOODBURY COUNTY  
SHERIFF

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WOODBURY COUNTY  
SHERIFF

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, Richard L. Newburn, you are further commanded to subject to execution sale sufficient of the defendant's other nonexempt personal property situated in your district as may be necessary to satisfy the remaining balance, and if such personal property is insufficient, then you are commanded to satisfy any final balance by a levy on and sale of sufficient of the defendant's remaining nonexempt real property situated within your district.

You are further commanded to return this writ with an endorsement thereon showing the manner of your compliance with its terms, together with the proceeds from the execution sale or sales, by the day of \_\_\_\_\_, 19 86.



[Seal of the U.S. Bankruptcy Court]

Barbara A. Everly  
Clerk of Bankruptcy Court

By: Barbara A. Everly  
Clerk

Date of issuance: August 1, 1986

319-399-2473

Margolin Gildemeister Wilkin Messer & Keene  
Dan Gildemeister