

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE:

BANKRUPTCY NO.

EUGENE ROBERT BUNDE and  
CLEO JEAN BUNDE,

84-04151

Debtors.

SEARS, ROEBUCK & CO.,  
Plaintiff,

ADVERSARY NO. 84-0238S

vs.

J U D G M E N T

EUGENE ROBERT BUNDE  
CLEO JEAN BUNDE  
Defendant.

OCT 10 1985  
BARBARA A. EVERLY, CLERK

Pursuant to the Amended and Substituted Order entered herein  
in this matter:

IT IS ORDERED the Plaintiff, Sears, Roebuck & Co., recover of  
the Defendants, Eugene Robert Bunde and Cleo Jean Bunde, the  
sum of Five Thousand Four Hundred Thirty-four and 34/100 Dollars  
(\$5,434.34) with interest thereon at the rate of 7.91% per annum  
from April 17, 1984, plus Court costs of Sixty Dollars (\$60.00).

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 Defen-  
dants, Eugene Robert Bunde and Cleo Jean Bunde, RR, Box 8377,  
Spirit Lake, Iowa 51360; to the Attorney for the Defendants,  
John Pirog, 401 Davidson Building, Sioux City, Iowa 51101; and  
to the Attorney for the Plaintiff, Donald H. Molstad, 224 Davidson  
Building, Sioux City, Iowa 51101.

ORDERED: October 10, 1985

*Shawbrook*

Bankruptcy Judge  
Sitting by Designation

Copy mailed to parties  
as set forth above  
this October 10, 1985

*Louise J. Waltman*  
Deputy Clerk, Bankruptcy Court  
P O Box 4371, Cedar Rapids, IA 52407

RECORDED: Volume 1  
Page 166

# United States Bankruptcy Court

OT-04000  
VOL. 1, Pg 166

For the NORTHERN District of IOWA, WESTERN DIVISION

## WRIT OF EXECUTION

To: The United States Marshal for the NORTHERN District of IOWA, WESTERN DIVISION,

Greeting:

On the 10th day of October, 1986, judgment was rendered in this action that the plaintiff, Sears, Roebuck & Co., shall recover from the defendant, Eugene R. & Cleo J. Bunde, the sum of \$ 5,434.34 together with interest thereon at the rate of 7.91 percent per annum from the 10th day of October, 1985, until paid, and \$60.00 costs were taxed against the defendant, Eugene R. & Cleo J. Bunde. The judgment was duly entered and docketed in the records of the clerk of this court on the 10th day of Oct., 1985, but no part of the judgment, interest thereon, or costs has been paid or satisfied, except for the sum of \$75.00.00

Therefore:

You are hereby commanded to expose to execution sale so much of the property of the defendant, Eugene R. & Cleo J. Bunde, 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:

by levying upon any and all accounts Defendants have with the Dickinson County Credit Union, P. O. Box 7110, Spirit Lake, Ia., including but not limited to Acct. No. 733450 276 805.

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, Eugene R. & Cleo J. Bunde, 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 \_\_\_\_\_, 19 \_\_\_\_\_.



[Seal of the U.S. Bankruptcy Court]

Date of issuance: February 28, 1986

BARBARA A. EVERLY

Clerk of Bankruptcy Court

Northern District of Iowa

By

Deputy Clerk

*atty General & Malstead*

2/24/86 dnm  
C:194

FEB 27 1986

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION  
BARBARA A. EVERLY, CLERK

IN RE:

EUGENE ROBERT BUNDE and  
CLEO JEAN BUNDE,

NO. 84-04151

Debtors

SEARS, ROEBUCK & COMPANY

ADVERSARY NO. 84-0238S

Plaintiff

vs.

EUGENE ROBERT BUNDE AND  
CLEO JEAN BUNDE,

Defendants

AFFIDAVIT

STATE OF IOWA            )  
                                  )SS.  
COUNTY OF WOODBURY)

I, Donald H. Molstad, being first duly sworn on oath,  
depose and state as follows:

1. That I am the attorney for the above named  
Plaintiff.

2. That on or about October 10, 1985, a judgment was  
entered in this Court in favor of the Plaintiff and against the  
Defendants in the sum of \$5,434.34, interest thereon at the rate  
of 7.91% and court costs of \$60.00; that subsequent to that  
judgment being entered, Defendants offered to pay the sum of  
\$2500.00 as payment in full which offer Plaintiff accepted;  
Defendants failed to make such payment and offered to pay the  
sum of \$200.00 per month if Plaintiff would accept the same  
payment in full; again Plaintiff accepted the offer. Defendants

have failed to make the \$200.00 per month payments having paid the sum of \$75.00 since entering of judgment.

3. That Defendants are in default of all agreements.

4. That Plaintiff at this point in time, wishes to begin garnishment proceedings for the full amount of the judgment, interest thereon and the costs of this action, offsetting the \$75.00 already paid.

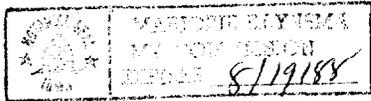
Further AFFIANT saith not.



Donald H. Molstad  
Shuminsky & Molstad  
224 Davidson Bldg.  
Sioux City, Iowa 51101  
Tel: (712) 255-8036

ATTORNEY FOR PLAINTIFF

SUBSCRIBED AND SWORN to before me this 25<sup>th</sup> day of Feb, 1986.

  
Notary Public

Copy mailed to  
Wing attorney  
2-28-86 *LS*

U.S. Department of Justice  
United States Marshals Service

**PROCESS RETURN AND RETURN**  
See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF SEARS, ROEBUCK & COMPANY		COURT CASE NUMBER Ad. 84-0238S
DEFENDANT EUGENE ROBERT BUNDE AND CLEO JEAN BUNDE		TYPE OF PROCESS GARNISHMENT
<b>SERVE</b> → <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Dickinson County Credit Union, <span style="float: right;">FILED U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF IOWA</span>	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) Spirit Lake, Ia 51360	

MAY 20 1986

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285 <b>BARBARA A. EVERLY, CLERK</b>
Donald H. Molstad 224 Davidson Bldg. Sioux City, Ia. 51101	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):  
Fold Fold

Please levy against account #733450 276 805 and any and all other accounts in the name of the defendants.

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 712-255-8036	DATE 4/22/86
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk DL RETTENMEIER	Date 4/25/86
--	---------------	------------------------------	-----------------------------	--	-----------------

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode. Date of Service: <b>8 MAY 86</b> Time: <b>11:50 am</b> Signature of U.S. Marshal or Deputy: <i>Robert Arnold</i>
Address (complete only if different than shown above)	

Service Fee \$3.00	Total Mileage Charges (including endeavors) \$24.96	Forwarding Fee 0	Total Charges \$27.96	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:  
**Served - Rick Leinbaugh**

ADVANCE PAYMENT RECEIVED:	\$50.00
LESS TOTAL COSTS:	27.96
<b>AMOUNT REFUNDED:</b>	<b>\$22.04</b>

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# United States Bankruptcy Court

09-6250  
Vol. 1, Page 166

For the NORTHERN District of IOWA, WESTERN DIVISION

## WRIT OF EXECUTION

To: The United States Marshal for the NORTHERN District of IOWA, WESTERN DIVISION

Greeting:

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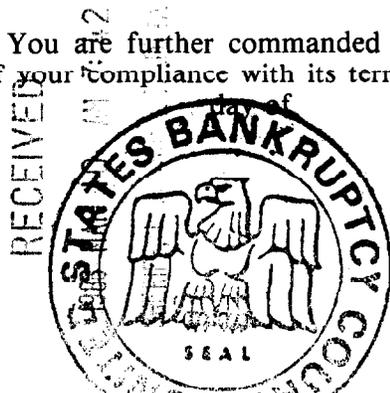
Therefore:

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by levying upon any and all accounts Defendants have with the Dickinson County Credit Union, P. O. Box 7110, Spirit Lake, Ia., including but not limited to Acct. No. 733450 276 805.

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, Eugene R. & Cleo J. Bunde, 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 \_\_\_\_\_, 19 \_\_\_\_\_.



[Seal of the U.S. Bankruptcy Court]

Date of issuance: February 28, 1986

BARBARA A. EVERLY

Clerk of Bankruptcy Court

Northern District of Iowa

By:

Deputy Clerk

Vol. 1

UNITED STATES MARSHALS SERVICE

MAY 23 1986

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
BANKRUPTCY DIVISION

BARBARA A. EVERLY, CLERK

EUGENE ROBERT BUNDE and  
CLEO JEAN BUNDE )  
SEARS, ROEBUCK & COMPANY )  
Plaintiff, )

BK. NO. 84-04151

~~XXXXXX~~ Adversary No. 84-0238S

vs. )

NOTICE OF GARNISHMENT  
AND INTERROGATORIES

EUGENE ROBERT BUNDE and )  
CLEO JEAN BUNDE )  
Defendant(s). )

TO Dickinson County Credit Union

as garnishee herein and as supposed debtor of \_\_\_\_\_

Defendants, Eugene Robert and Cleo Jean Bunde

YOU ARE HEREBY NOTIFIED, that you are attached as garnishee, in the above-entitled action, by virtue of a Writ of Execution to me directed by the Clerk of said Bankruptcy Court for the sum of \$ 5,434.34 judgment, plus costs and interest from date of said judgment, and that you are required not to pay any non-exempt funds due or hereinafter to become due, by you to said defendant, subject to the provisions of Chapter 642, Code of Iowa any amendments thereto; and Section 1672 and 1673 of Title 15, U.S.Code and that you must remand possession of all non-exempt funds of said defendant(s) now or hereafter being in your custody or under your control, to the Clerk, U.S. Bankruptcy Court, Northern District of Iowa, P.O. Box 4371, Cedar Rapids, Iowa 52407, Phone: 319-399-2473.

SEE ATTACHED INSTRUCTIONS TO GARNISHEE FOR ADDITIONAL INFORMATION.

And you are further notified and requested to file full sworn answers to below questions with the Clerk of the U.S. Bankruptcy Court, within 14 days from the date of service, or you may be liable to pay entire judgment which said plaintiff may obtain against said defendant.

For your information the  
Attorney for Plaintiff is

Donald H. Molstad  
224 Davidson Bldg.  
Sioux City, Ia. 51101

(712) 255-8036

JAMES P. JONKER

UNITED STATES MARSHAL  
P.O. Box 4740  
Cedar Rapids, IA 52407  
Phone: 319-399-2417

By:

X Robin Arnold

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, no, or do you owe him money or property which is not yet due? If so, state particulars: none

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? Share  
Draft accounts ER Bunde = 13.68 + 80.00 = 49.80; Cleo J. Bunde 5.37

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 control of others? If so, state particulars: no

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: no

I do solemnly swear/affirm 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.

Garnishee DICKINSON COUNTY CREDIT UNION By: Rich Lemberger

Subscribed and sworn to before me this 8<sup>th</sup> day of May 19 86.

JAMES P. JONKER By: X Robin L. Arnold  
UNITED STATES MARSHAL DEPUTY

NOTE: After completing this form retain Copy Number 4 for your records.

Return Copy Number 1 along with any funds to:  
Clerk, U.S. Bankruptcy Court  
P.O. Box 4371  
Cedar Rapids, IA 52407

Return Copies 2 and 3 in the enclosed envelope to:  
U.S. Marshals Service  
P.O. Box 4740  
Cedar Rapids, IA 52407

Standard Form No. 1166  
September 1973  
4 Treasury FRM 2000  
1166-132

### VOUCHER AND SCHEDULE OF PAYMENTS

**U. S. BANKRUPTCY COURT**  
(DEPARTMENT OR ESTABLISHMENT)

Schedule No. 130  
Sheet 1 of 1

BUREAU OR OFFICE <b>NORTHERN DISTRICT OF IOWA</b>	
LOCATION OF TRANSMITTING OFFICE <b>CEDAR RAPIDS, IOWA</b>	AGENCY STATION NO. <b>8629</b>
APPROPRIATION SUMMARY  <b>CAN 110 - \$148.85</b>	

PAID BY
---------

VOUCHER NO.	PAYEE, AND IF NECESSARY, ADDRESS, INVOICE NO. OR OTHER IDENTIFICATION	AMOUNT	D. O. CHECK NO.
	<p>DONALD H. MOLSTAD, Attorney for Sears, Roebuck &amp; Co., Plaintiff/Garnishor 224 Davidson Building Sioux City, IA 51101</p> <p>Garnishment of salary of Eugene Robert Bunde, pursuant to judgment entered by this Court in re 84-0238S. Funds received for on 5/23/86.</p>	\$148.85	

<b>GRAND TOTAL</b>	<b>\$148.85</b>
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Pursuant to authority vested in me, I certify that the items listed herein are correct and proper for payment from the appropriation(s) designated hereon or on supporting vouchers.

**VOL. I.**