

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 7 - 1986

BARBARA A. EVERLY, CLERK

IN RE:

BANKRUPTCY NO.

ROBERT ARCHIE ELSBURY and
DIANE KAY ELSBURY

85-02410M

Debtors.

GARY AND MARCI KAY LASS,
as Conservators of Kelly Jo
Bargenquast,

ADVERSARY NO. 86-0037M

Plaintiffs,

vs.

J U D G M E N T

ROBERT ARCHIE ELSBURY and
DIANE KAY ELSBURY,

Defendants.

Pursuant to the Order Granting Motion for Default Judgment entered herein;

IT IS ORDERED the Plaintiffs, Gary Lass and Marci Kay Lass as Conservators of Kelly Jo Bargenquast, recover of the Defendants, Robert Archie Elsbury and Diane Kay Elsbury, the amount of \$20,500.00 plus interest at the rate of 15 percent per annum from October 30, 1980, which as of October 13, 1985, was \$20,732.82 together with interest accruing daily thereafter at the rate of 15 percent per annum, which total amount would be \$43,122.66 as of April 7, 1986, plus interest thereafter at the rate of 7.06 percent and for the costs of this action.

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 Attorney for the Defendants, Richard P. Minette, Two North Fourth St.,

RECORDED: Volume 1

Page 214

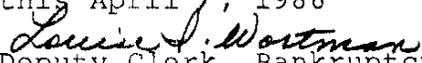
P. O. Box 47, Clear Lake, IA 50428, and to the Attorney for
the Plaintiffs, Jim Robbins, 814 Seventh St., P. O. box 578,
Boone, Iowa 50036-0578.

ORDERED: April 7, 1986


MICHAEL J. MELLOY
BANKRUPTCY JUDGE

Copies mailed to parties
as above set forth
this April 7, 1986

RECORDED: Volume 1
Page 214


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

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

MAY 13 1987

BARBARA A. EVERLY, CLERK

IN THE MATTER OF:	*	
ROBERT ARTCHE ELSBURY AND	*	CASE NO. 85-02410M
DIANE KAY ELSBURY,	*	ADVERSARY NO. 86-0037M
	*	
Debtors.	*	
<hr/>		
GARY AND MARCI KAY LASS, as	*	
Conservators of Kelly Jo	*	
Bargenquast,	*	
	*	
Plaintiffs,	*	
	*	
vs.	*	
	*	
ROBERT ARCHIE ELSBURY AND	*	ORIGINAL NOTICE
DIANE KAY ELSBURY,	*	
	*	
Defendants.	*	

TO: Ventura Community School District
and Robert Elsbury

You are hereby notified that there is now on file in the office of the Clerk of the Bankruptcy Court, Interrogatories pursuant to Section 642.5 of the 1987 Code of Iowa, a copy of which Interrogatories is attached hereto. The Plaintiffs' attorney is Jim P. Robbins, whose address is 814 Seventh Street, P.O. Box 578, Boone, Iowa 50036.

You are further notified that unless you answer the attached-hereto Interrogatories within thirty (30) days following the receipt of the notice of the same, you shall subsequently be notified to appear and answer in the United States

Bankruptcy Court for the Northern District of Iowa, Central
Division.

Barbara R. Erskay
CLERK OF THE ABOVE COURT
First Avenue & First St. S.E.
Federal Building
Cedar Rapids, IA 52407



~~BY~~ _____
Deputy Clerk

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

MAY 13 1987

BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

IN THE MATTER OF:	*	
ROBERT ARTCHE ELSBURY AND	*	CASE NO. 85-02410M
DIANE KAY ELSBURY,	*	ADVERSARY NO. 86-0037M
	*	
Debtors.	*	
<hr/>		
GARY AND MARCI KAY LASS, as	*	
Conservators of Kelly Jo	*	
Bargenquast,	*	
	*	
Plaintiffs,	*	
	*	
vs.	*	
	*	
ROBERT ARCHIE ELSBURY AND	*	INTERROGATORIES UNDER
DIANE KAY ELSBURY,	*	642.5, TO THE EMPLOYER
	*	
Defendants.	*	

COME NOW Plaintiffs in this matter and direct the Sheriff of Cerro Gordo County, Iowa, according to Section 642.5 of the Code of Iowa, to take the answers of the garnishee, Ventura Community School District (Cerro gordo County, State of Iowa); to the following questions and to record them hereon:

1. Are you in any manner indebted to the Defendant in the Suit, or do you owe him money or property which is not yet due? If so, state the 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 the same? State all particulars. _____

3. Do you know of any debts owing the said Defendant, whether due or not, 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. _____

By _____

Recorded Vol. I
D. 214

DONELSON & ROBBINS

A PARTNERSHIP, INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

814 SEVENTH STREET

P. O. BOX 578

BOONE, IOWA 50086-0578

JAMES H. DONELSON, P. C.

JIM P. ROBBINS, P. C.

TELEPHONE
(515) 432-7114

April 9, 1987

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 10 1987

Clerk, U.S. Bankruptcy Court
First Avenue & First Street S.E.
Federal Building
Cedar Rapid, IA 52407

BARBARA A. EVERLY, CLERK

Re: Lass v. Elsbury
No. 86-0037M

Dear Clerk:

Enclosed is the completed Writ of Execution concerning the garnishment of wages of Robert Archie Elsbury. Please see that the same is signed, sealed and issued.

Thank you for your assistance and should you need anything further, please contact this office.

Sincerely,

DONELSON & ROBBINS

By

Jim P. Robbins

JPR/llb
Enclosure

*Returned, signed
Barbara Everly
4-10-87.*

*Book I
Page 214*

United States Bankruptcy Court

For the Northern District of Iowa

WRIT OF EXECUTION

To: The United States Marshal for the Northern District of Iowa

Greeting:

On the 7th day of April, 1986, judgment was rendered in this action that the plaintiff, Gary & Marci Kay Lass, as conservators, of Kelly Jo Bargenquast, shall recover from the defendant, Robert Archie & Diane Kay Elsbury, the sum of \$43,122.66 together with interest thereon at the rate of 7.06 percent per annum from the 7th day of April, 1986, until paid, and \$ costs were taxed against the defendant, Robert Archie & Diane Kay Elsbury. The judgment was duly entered and docketed in the records of the clerk of this court on the 7th day of April, 1986, 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, Robert Archie & Diane Kay Elsbury, 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:

Wages owed to Robert Archie Elsbury by his employer, the Ventura Community School District, Ventrua, Iowa.

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, Robert Archie & Diane Kay Elsbury, 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 _____, 1987.



Samuel E. Euly
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Deputy Clerk

Date of issuance: April 10, 1987.

503 E. LAKE
ELSIE COLE

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

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

PLAINTIFF	Gary & Marci Kay Lass, as Conservators of Kelly Jo Bargenquast	COURT CASE NUMBER Bankruptcy No. 85-02410M Adversary No. 86-0037M
DEFENDANT	Robert Archie & Diane Kay Elsbury	TYPE OF PROCESS Execution Garnishment Notice

SERVE AT NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
 Robert Archie Elsbury
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
 Ventura Community School District
 Ventura, Iowa 50482

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Jim P. Robbins Attorney at Law P.O. Box 578 Boone, IA 50036	Number of process to be served with this Form - 285	
	Number of parties to be served in this case	2
	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

Signature of Attorney or other Originator requesting service on behalf of: *[Signature]* PLAINTIFF DEFENDANT TELEPHONE NUMBER 515 432-7114 DATE 6/9/87

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 D L RETTENMEIER	Date 6/10/87
--	---------------	---------------------------	--------------------------	--	--------------

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)

Address (complete only if different than shown above)

Date of Service 6-23-87 Time 11:00 am pm

Signature of U.S. Marshal or Deputy *Tobin H. Michael*

U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF IOWA JUN 24 1987 BARBARA A. EVERLY, CLERK

Service Fee 3.00	Total Mileage Charges (including endeavors)	Forwarding Fee —	Total Charges 3.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
------------------	---	------------------	--------------------	------------------	--------------------------------	------------------

REMARKS:
Deputy Michael attempted to serve Robert Elsbury at approximately 11:00 AM. He was informed that Mr. Elsbury would not be home until 3:00 P.M. that same date. Deputy Michael then left the papers with the babysitter and asked her to give them to him. Deputy Michael called Mr. Elsbury at 4:30 that same day and asked him if he had received the papers from the babysitter. Mr. Elsbury replied that he had and that he had taken them to his lawyer.

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page 214
FORM USM-285 (Rev. 12/15/80)

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

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

PLAINTIFF	Gary & Marci Kay Lass, as Conservators of Kelly Jo Bargenquast	COURT CASE NUMBER Bankruptcy No. 85-02410M Adversary No. 86-0037M
DEFENDANT	Robert Archie & Diane Kay Elsbury	TYPE OF PROCESS EXECUTION; NOTICE & INTERROGATOR

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
 Ventura Community School District (Secretary)
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
 Ventura, Iowa 50482

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Jim P. Robbins Attorney at Law P.O. Box 578 Boone, IA 50036	Number of process to be served with this Form - 285	
	Number of parties to be served in this case	2
	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

Signature of Attorney or other Originator requesting service on behalf of: PLAINTIFF DEFENDANT TELEPHONE NUMBER 515 432-7114 DATE 6/9/87

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	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	No. 29	No. 29	DL RETTENMEIER		6/10/87

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)
 Nancy Watson
 Address (complete only if different than shown above)

A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service 6-23-87 Time 11:30 am
 Signature of U.S. Marshal or Deputy
 Tobin H. Michael

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
3.00	36.00	—	39.00			

REMARKS:

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN 24 1987

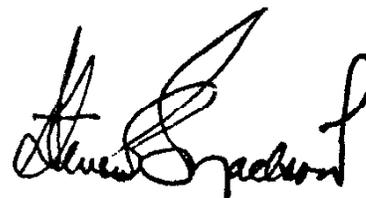
BARBARA A. EVERLY, CLERK

SHERIFF'S RETURN

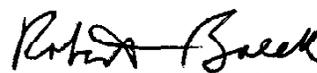
STATE OF IOWA)
) ss
CERRO GORDO COUNTY)

Gary & Marci Kay Lass, as conservators
of Kelly Jo Bargaquast
 vs
Robert Archie & Diane Kay Elsbury

By virtue of a General Execution to me directed by the Clerk of Bankruptcy Court in favor of Gary and Marci Kay Lass, as conservators of Kelly Jo Bargaquast and against Robert Archie and Diane Kay Elsbury for the sum of Forty-Three Thousand One Hundred Twenty-Two and 66/100 (\$43,122.66) Dollars, I did on the 27th day of May, 1987, return the within General Execution to the Clerk of Bankruptcy Court as unserved and unsatisfied, with no sheriff's costs incurred, by order of the plaintiff's attorney pursuant to telephone conversation. Said dictation attached hereto and made a part of this return.



Sheriff - Cerro Gordo County

BY: 
Deputy

United States Bankruptcy Court

RECEIVED

For the Northern District of Iowa

'87 APR 14 A8:40

WRIT OF EXECUTION

To: The United States Marshal for the Northern District of Iowa SHERIFF'S OFFICE
DEWEO COUNTY

Greeting:

On the 7th day of April, 1986, judgment was rendered in this action that the plaintiff, Gary & Marci Kay Lass, as conservators, shall recover from the defendant, Kelly Jo Bargenquast, the sum of \$43,122.66 together with interest thereon at the rate of 7.06 percent per annum from the 7th day of April, 1986, until paid, and \$ costs were taxed against the defendant, Robert Archie & Diane Kay Elsbury. The judgment was duly entered and docketed in the records of the clerk of this court on the 7th day of April, 1986, 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, Robert Archie & Diane Kay Elsbury, 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:

Wages owed to Robert Archie Elsbury by his employer, the Ventura Community School District, Ventrua, Iowa.

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, Robert Archie & Diane Kay Elsbury, 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 _____, 1987.



Samuel E. Euly
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Deputy Clerk

Date of issuance: April 10, 1987

No. _____

United States Bankruptcy Court
FOR THE
DISTRICT OF _____

v.

WRIT OF EXECUTION

Returnable

Real Debt,

Int. from

Attorney

Clerk

Marshal

Other Items

Marshal

Clerk

Costs on Writ

Attorney for Plaintiff.

Received the within writ the
at 8:40 o'clock A.M.

14th day of

April

1987

Sheriff - Cerro Gordo County

Deputy

By

DISTRICT OF _____

ss:

UNITED STATES MARSHAL'S RETURN

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

MAY 13 1987

BARBARA A. EVERLY, CLERK

IN THE MATTER OF: *

ROBERT ARTCHE ELSBURY AND *
DIANE KAY ELSBURY, *

Debtors. *

CASE NO. 85-02410M
ADVERSARY NO. 86-0037M

GARY AND MARCI KAY LASS, as *
Conservators of Kelly Jo *
Bargenquast, *

Plaintiffs, *

vs. *

ROBERT ARCHIE ELSBURY AND *
DIANE KAY ELSBURY, *

Defendants. *

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN 25 1987

BARBARA A. EVERLY, CLERK

Answers to
INTERROGATORIES UNDER
642.5, TO THE EMPLOYER

COME NOW Plaintiffs in this matter and direct the Sheriff of Cerro Gordo County, Iowa, according to Section 642.5 of the Code of Iowa, to take the answers of the garnishee, Ventura Community School District (Cerro gordo County, State of Iowa); to the following questions and to record them hereon:

1. Are you in any manner indebted to the Defendant in the Suit, or do you owe him money or property which is not yet due? If so, state the particulars. No

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 the same? State all particulars.

None

3. Do you know of any debts owing the said Defendant, whether due or not, 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.

None

By Nancy A. Watson