

# United States Bankruptcy Court

For the NORTHERN District of IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAR 10 1987

BARBARA A. EVERLY, CLERK

IN RE:

ALYN E. HOLSTAD, aka Al Holstad  
dba A.E. HOLSTAD & ASSOCIATES, and  
SANDRA J. HOLSTAD, dba Hawk's Pizza and  
Steak House, dba World C. F. Wicker,  
Debtors.

Case No. 86-00314C

ADVERSARY NO. 86-0227C

FRANK LORCH, Plaintiff,

vs.

ALYN E. HOLSTAD, aka Al Holstad,  
dba A. E. Holstad & Associates,  
Defendant.

## JUDGMENT

This proceeding having come on for trial or hearing before the court, the Honorable Michael J. Melloy, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

IT IS ORDERED, ADJUDGED AND DECREED that Judgment in the amount of \$5,000.00 be entered in favor of the Plaintiff, Frank Lorch, and against the Defendant, Alyn E. Holstad, together with interest at the rate of 5% from December 15, 1983, until December 27, 1985, and at the rate of 10% thereafter. Furthermore, the debtor shall be denied a discharge of this debt pursuant to Section 523(a) (2) (A). Costs of this action are taxed to the Defendant.

[OR]

The issues of this proceeding having been duly considered by the Honorable Michael J. Melloy, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED:

Copies mailed to:  
Linda M. Kirsch and  
Matthew J. Petrzela,  
Attys for Plaintiff,  
1200 MNB Bldg., Cedar Rapids, IA 52401;  
and to: Dean A. Wenzel, Atty for Defendant,  
404 First St. SW,  
Cedar Rapids, IA 52404  
this March 10, 1987

RECORDED: Volume II  
Page 20

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



[Seal of the U.S. Bankruptcy Court]

Date of issuance: March 10, 1987

BARBARA A. EVERLY  
Clerk of Bankruptcy Court

By: *Louise J. Wortman*

# 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 tenth day of March, 1987, judgment was rendered in this action that the plaintiff, Frank Lorch, shall recover from the defendant, Alyn E. Holstad, et al., the sum of \$ 5,000.00 together with interest at the rate of five percent (5%) from 12/15/83 until 12/27/85 and at the rate of 10% thereafter until paid, and \$ \_\_\_\_\_ costs were taxed against the defendant, \_\_\_\_\_. The judgment was duly entered and docketed in the records of the clerk of this court on the tenth day of March, 1987, 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, Alyn E. Holstad, 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:

Bank account(s) at Merchants National Bank, Cedar Rapids, Iowa.

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, \_\_\_\_\_, 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.

BARBARA A. EVERLY

Clerk of Bankruptcy Court



[Seal of the United States Bankruptcy Court]

Date of issuance: April 24, 1987

By: Miriam A. Solay  
Deputy Clerk

U. S. BANKRUPTCY COURT

Northern District of Iowa

P.O. Box 4371

Cedar Rapids, IA 52407

**PROCESS RECEIPT AND RETURN**

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

PLAINTIFF Frank Lorch		COURT CASE NUMBER 86-0227C
DEFENDANT Alyn E. Holstad a/k/a Al Holstad d/b/a A.E. Holstad & Assoc.		TYPE OF PROCESS
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Auditing Department of Merchants National Bank of Cedar Rapids, IA	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 4th Floor, Iowa Theatre Bldg., Cedar Rapids, Iowa 52401	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	1
Matthew J. Petrzelka Simmons, Perrine, Albright & Ellwood 1200 Merchants National Bank Bldg. Cedar Rapids, Iowa 52401		Number of parties to be served in this case	1
		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

Serve Writ of Execution on the Auditing Department of Merchants National Bank of Cedar Rapids, Iowa Theatre Bldg., 4th Floor, Cedar Rapids, IA 52401 for the purpose of garnishing the bank account(s) of Alyn E. Holstad a/k/a Al Holstad d/b/a A.E. Holstad & Associates.

*Matthew J. Petrzelka*  
Signature of Attorney or other Originator requesting service on behalf of:

<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 366-7641	DATE 4/28/87
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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 1	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk D.T.R.	Date 4/28/87
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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) RONALD D. NEIL VICE PRES. & AUDITOR	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service 4/29/87
	Time 9:05 am
	Signature of U.S. Marshal or Deputy <i>[Signature]</i>

Service Fee 3.00	Total Mileage Charges (including endeavors) - 0 -	Forwarding Fee - 0 -	Total Charges 3.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

**FILED**  
**U.S. BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF IOWA**

APR 29 1987

BARBARA A. EVERLY, CLERK

# 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 tenth day of March, 1987, judgment was rendered in this action that the plaintiff, Frank Lorch, shall recover from the defendant, Alyn E. Holstad, et al., the sum of \$ 5,000.00 together with interest at the rate of five percent (5%) from 12/15/83 until 12/27/85 and at the rate of 10% thereafter until paid, and \$                      costs were taxed against the defendant,                     . The judgment was duly entered and docketed in the records of the clerk of this court on the tenth day of March, 1987, 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, Alyn E. Holstad, 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:

Bank account(s) at Merchants National Bank, Cedar Rapids, Iowa.

If such property is insufficient to satisfy the aforementioned amounts due from the defendant,                     , 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          .

BARBARA A. EVERLY

*Clerk of Bankruptcy Court*

[Seal of the  Bankruptcy Court]

Date of issuance: April 24, 1987

By: *Marian A. Golay*  
*Deputy Clerk*

**U. S. BANKRUPTCY COURT**

Northern District of Iowa

P.O. Box 4371

Cedar Rapids, IA 52407

MAY - 8 1987

BARBARA A. EVERLY, CLERK

UNITED STATES MARSHALS SERVICE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
DIVISION

Frank Lorch )

Plaintiff, )

vs. )

Alyn E. Holstad )

Defendant(s). )

CIVIL NO. BKY 86-0227C

NOTICE OF GARNISHMENT  
AND INTERROGATORIES

TO Merchants National Bank of Cedar Rapids, Iowa

as garnishee herein and as supposed debtor of

Alyn E. Holstad

~~XXXXXXXXXXXXXXXXXXXX~~

d/b/a A.E. Holstad & Assoc.

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 \$ 5,000.00 xx 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

Matthew J. Petrzelka  
Simmons, Perrine, Albright & Ellwood  
1200 Merchants National Bank Bldg.  
Cedar Rapids, IA 52401

JAMES P. JONKER

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

By:

  
Deputy U. S. Marshal

QUESTIONS TO BE ANSWERED BY THE GARNISHEE AS REQUIRED BY PROVISIONS OF CHAPTER 642, CODE OF IOWA:

FILED  
U.S. BANKRUPTCY  
NORTHERN DISTRICT

MAY - 8 1986

BARBARA A. EVERLY, CLERK

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

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: 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 same? Checking account 147-29135-5 balance \$168.86 and savings account 608-15533-9 balance \$41.13.

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.

Merchants National Bank  
Garnishee Cedar Rapids, Iowa

By: Charles B. Hamilton  
Charles B. Hamilton, Cashier  
day of \_\_\_\_\_ 19\_\_

Subscribed and sworn to before me this \_\_\_\_\_

JAMES P. JONKER  
UNITED STATES MARSHAL

By: [Signature]  
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



# 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 tenth day of March, 19 87, judgment was rendered in this action that the plaintiff, Frank Lorch, shall recover from the defendant, Alyn E. Holstad, et al., the sum of \$5,000.00 together with interest at the rate of five percent (5%) from 12/15/83 until 12/27/85 and at the rate of 10% thereafter until paid, and \$                      costs were taxed against the defendant,                     . The judgment was duly entered and docketed in the records of the clerk of this court on the tenth day of March, 19 87, 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, Alyn E. Holstad, 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 of Alyn E. Holstad

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, Alyn E. Holstad, 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             .



[Seal of the U.S. Bankruptcy Court]

Date of issuance: May 12, 1987

BARBARA A. EVERLY  
Clerk of Bankruptcy Court

By: May Lou Brunkhorst  
Deputy Clerk

**U. S. BANKRUPTCY COURT**  
Northern District of Iowa  
P.O. Box 4371

Cedar Rapids, IA 52407

*original handed to: Simon Ferrer, by*

*Vol II*

<b>PLAINTIFF</b> Frank Lorch	<b>COURT CASE NUMBER</b> 86-0227C
<b>DEFENDANT</b> Alyn E. Holstad, a/k/a Al Holstad d/b/a A.E. Holstad & Assoc.	<b>TYPE OF PROCESS</b> d & Assoc.
<b>SERVE</b> AT	<b>NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN</b> Lynn Gingerich, Custom Cushions
	<b>ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)</b> 1119 Wenig Road NE, Cedar Rapids, IA 52402

<b>SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:</b>  Matthew J. Petrzela Simmons, Ferrine, Albright & Ellwood 1200 Merchants National Bank Bldg. Cedar Rapids, IA 52401	<b>Number of process to be served with this Form - 285</b> 1	
	<b>Number of parties to be served in this case</b> 1	
	<b>Check for service on U.S.A.</b>	

**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):

Serve Writ of Execution on Lynn Gingerich, Custom Cushions, 1119 Wenig Road NE, Cedar Rapids, Iowa 52402 for the purpose of garnishing the wages of Alyn E. Holstad, a/k/a Al Holstad, d/b/a A.E. Holstad & Assoc.

Signature of Attorney or other Originator requesting service on behalf of: <i>Matthew J. Petrzela</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 366-7641	DATE 5/12/87
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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 DLR	Date 5/13/87
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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.	
Address (complete only if different than shown above)		Date of Service 5/13/87	Time 1:30 pm
Signature of U.S. Marshal or Deputy <i>Barbara A. Everly</i>			
Service Fee 3.00	Total Mileage Charges (including endeavors) 1.44	Forwarding Fee - 0 -	Total Charges 4.44
Advance Deposits	Amount owed to U.S. Marshal	Amount of Refund	

REMARKS:

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

## WRIT OF EXECUTION

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

Greeting:

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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 \_\_\_\_\_.



[Seal of the U.S. Bankruptcy Court]

Date of issuance: May 12, 1987

BARBARA A. EVERLY  
Clerk of Bankruptcy Court

By: May Lou Brunkhorst  
Deputy Clerk

**U. S. BANKRUPTCY COURT**  
Northern District of Iowa  
P.O. Box 4371  
Cedar Rapids, IA 52407