

United States Bankruptcy Court

NOV 08 1988

For the NORTHERN District of IOWA

CHAPTER 11 **BARBARA A. EVERLY, CLERK**

IN RE:

Case No. L-86-01619W

GERALD C. EHLER
JUDY EHLER

}

Debtor(s)

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.

[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: Sanctions of Three Hundred Dollars (\$300.00 are awarded to Farmers Savings Bank, West Union, and against Michael Fay, the attorney for the debtors, pursuant to memorandum Order of October 5, 1988.

Copies mailed to:
Michael W. Fay, Atty Debtors;
James Updegraff, Atty for Farmers Savings Bank;
U.S. Trustee;
Unsecured Creditors' Committee;
Dale Putnam, Atty for Federal Land Bank;
this November 8, 1988
lmd

RECORDED: VOL II
Page 102



[Seal of U.S. Bankruptcy Court]

Date of issuance: November 8, 1988

BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: Linda M. De Fries
Deputy Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

DEC 13 1988

BARBARA A. EVERLY, CLERK

IN RE:)
GERALD C. EHLER AND) Chapter 11 No. L-86-01619W
JUDY EHLER,)
Debtors.) ORDER

NOW this 12th day of December, 1988, it being a regular day of the aforesaid court, oral application having been made to the court for an order appointing the Linn County, Iowa, Sheriff to serve process and writ of execution herein, and the court being fully advised in the premises, finds that such application should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Sheriff of Linn County, Iowa, is appointed under the provisions of Federal Rule of Civil Procedure 4(C)(1) for the purpose of serving a writ of execution issued in favor of the Farmers Savings Bank, West Union, Iowa, and against Michael W. Fay in the amount of \$300.00 on November 14, 1988.


MICHAEL J. MELLOY JUDGE
UNITED STATES BANKRUPTCY COURT

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Copy to James Updegraff;
and to U.S. Trustee
Michael Fay, Dale Putnam,
Unsecured Creditors Committee
this 12/13/88 mg

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 8th day of November, 1988, judgment was rendered in this action that the plaintiff, Farmers Savings Bank, West Union, Iowa, shall recover from the defendant, Michael W. Fay, the sum of \$ 300.00 together with interest thereon at the rate of _____ percent per annum from the _____ day of _____, 19____, 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 8th day of November, 1988, 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, Michael W. Fay, 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:

none

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, Michael W. Fay, 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 U.S. Bankruptcy Court]

By: Linda M. DeFrees
Deputy Clerk

Date of issuance: November 14, 1988

PO Box 74890
Cedar Rapids, IA 52407

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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 8th day of November, 1988, judgment was rendered in this action that the plaintiff, Farmers Savings Bank, West Union, Iowa, shall recover from the defendant, Michael W. Fay, the sum of \$ 300.00 together with interest thereon at the rate of 10% percent per annum from the 19 day of 19 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 8th day of November, 1988, 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, Michael W. Fay, 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:

none

If such property is insufficient to satisfy the aforementioned amounts due from the defendant, Michael W. Fay, 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 , 1988.

BARBARA A. EVERLY
Clerk of Bankruptcy Court



[Seal of the United States Bankruptcy Court]

By: Linda M. DeTres
Deputy Clerk

Date of issuance: November 14, 1988

PO Box 74890
Cedar Rapids, IA 52407

DEC 16 4 30 PM '88

14692

SHERIFF
LINN COUNTY, IOWA
FEES

Service..... \$ 10.00
 Notice of Levy..... \$
 Garnishment..... \$ 11.50
 Notice of Garn. \$
 Posting..... \$
 Mileage..... \$ 4.10
 Notary..... \$
 \$
 \$
 \$
 \$
 TOTAL..... \$ 25.50

Date 2/23/89
 SHERIFF'S FEES PAID BY
James Updegraff
 SHERIFF, LINN COUNTY, IOWA
 BY *C. Cooney*

STATE OF IOWA }
 LINN COUNTY } SS
 I hereby certify that the within Execution came into my hands for service *12-18-89* and that such action was taken by virtue hereof as evidenced by certifications hereto attached and made a part hereof.
 DENNIS M. BLOME, SHERIFF
 LINN COUNTY, IOWA
 By *[Signature]* Deputy

No. _____
 United States Bankruptcy Court
 FOR THE
 DISTRICT OF _____

WRIT OF EXECUTION

- Returnable
- Real Debt,
- Int. from
- Attorney
- Clerk
- Marshal
- Other Items
- Marshal
- Clerk

Costs on Writ

BARBARA A. EVERLY, CLERK
 FEB 27 1989
 U.S. BANKRUPTCY COURT
 NORTHERN DISTRICT OF IOWA
 Filed
 Attorney for Plaintiff.

STATE OF IOWA)
 LINN COUNTY) SS
 The within Execution is returned to the Clerk of the Court
 District Court of *Ne. Dist.* (without action)
 Bank. *[Signature]*
 DENNIS M. BLOME, SHERIFF
 LINN COUNTY, IOWA
 By *[Signature]* Deputy

By _____ Deputy Marshal.
 _____ U.S. Marshal.

Received the within writ the _____ day of _____, 19____, and executed same.

UNITED STATES MARSHAL'S RETURN
 DISTRICT OF _____
 SS: _____

NOTICE OF GARNISHMENT AND INTERROGATORIES IN THE DISTRICT COURT
UNITED STATES FEDERAL COURT

SMALL CLAIMS NO. _____ DISTRICT COURT NO. _____ Execution Issued 12 16 88
Expires _____

Farmers Savings Bank, West Union, Iowa Judgment Creditor
Michael W. Fay Judgment Debtor
TO: Exchange State Bank, Springville for all funds in the name of the Defendant
personally or held jointly with anyone else, checking or savings or any other
as Garnishee herein
and as supposed debtor of Michael W. Fay

YOU ARE HEREBY NOTIFIED, that you are attached as Garnishee, in the above entitled action, by virtue of a
General Execution directed to me by the Clerk of said Court for a judgment and costs in the sum of
\$ 338.50 and for accruing costs, and that immediately hereafter you are required not to pay any non-exempt funds due
or hereinafter to become due, from you to said Judgment Debtor, subject to the provisions of Chapter 642, Code of Iowa, as
amended, and § 1672 and 1673 of Title 15, U.S.C., now or hereafter being in your custody or under your control, and that you
should mail non-exempt funds to the Linn County Sheriff, P.O. Box 4844, Cedar Rapids, Iowa 52407.

And, you are further notified and requested to file full sworn answers to below questions with the sheriff above named, or you
may appear at the said Court, on the 30th day of Dec, 1988, then and there to answer such interrogatories as
may be propounded to you, or you may be liable to pay entire judgment which said judgment Creditor may obtain against said
Judgment Debtor.

Dated the 16 day of Dec 19 88

For your information the attorney for Judgment Creditor is
James S. Updegraff
422 6021
Phone No.

DENNIS H. BLOME, SHERIFF
LINN COUNTY, IOWA
BY [Signature]
Deputy

Questions to be answered by the Garnishee per Chapter 642, Code of Iowa:
Is the Judgment Debtor employed by you at this time? _____ Yes _____ No

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

Account Overdraw

2. Have you in your possession or under your control any property, rights, or credits of the Judgment Debtor? If so, what is the
value of the same? State all particulars.

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

4. Do you compensate the Judgment Debtor in this suit for any personal services whether denominated as wages, salary, com-
mission, 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 Judgment Debtor during the calendar year.

I do solemnly affirm under penalty of perjury, that I have made full and true answers to the above questions touching the mat-
ter wherein I have been attached as Garnishee.

Garnishee Exchange State Bank, Springville By [Signature]

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

Mail Non-Exempt Funds to: DENNIS H. BLOME, SHERIFF
P.O. Box 4844
Cedar Rapids, Iowa 52407-4844

INSTRUCTIONS TO GARNISHEE

**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 SHERIFF OF LINN COUNTY, P.O. Box 4844, CEDAR RAPIDS, IOWA 52407-4844. (PLEASE INCLUDE THE CASE 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 reasonable 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 earning 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 ABOVE

1. If this garnishment is for State or Federal Taxes, 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 dependents in the court order being enforced. See Section 252 D.1., Code of Iowa.
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 dependent 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 Debtor's disposable earnings shall be retained if the support being collected is more than twelve (12) weeks past due. (See 15 USCA 1673 sub. (b) (1) (2) & (c) is less restrictive than 627.11 & 627.12 CODE OF IA.
4. If the judgment being collected arises from a consumer credit transaction, you should collect no more than those amounts set forth in §537.5105, Code of Iowa (pay employee 75% of net disposable earnings or \$134.00, whichever is greater.)

SECTION 642.22: VALIDITY OF GARNISHMENT NOTICE: 1. A notice of garnishment served upon a garnishee is effective without serving another notice until the earliest of the following:

- a. The annual maximum permitted to be garnished under Section 642.21 has been withheld.
- b. The writ of execution expires.
- c. The judgment is satisfied.
- d. The garnishee is served with a notice that the garnishment shall cease.

2. A supervised financial organization, as defined in section 537.1301, subsection 41, which is garnished for an account of a defendant, after paying the sheriff any amounts then in the account, shall monitor the account for any additional amounts at least monthly while the garnishment notice is effective.

RETURN OF SERVICE

STATE OF IOWA)
LINN COUNTY) SS

I hereby certify, that by virtue of aforesaid writ in above cause, I served notice of garnishment on above named garnishee this 16 day of Dec, 19 88 by informing Elson Kelly that said 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.

DENNIS BLOME, SHERIFF LINN COUNTY, IOWA

By [Signature]
Deputy

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

DEC 13 1988

BARBARA A. EVERLY, CLERK

IN RE:)
GERALD C. EHLER AND) Chapter 11 No. L-86-01619W
JUDY EHLER,)
Debtors.) ORDER
)

NOW this 20th day of December, 1988, it being a regular day of the aforesaid court, oral application having been made to the court for an order appointing the Linn County, Iowa, Sheriff to serve process and writ of execution herein, and the court being fully advised in the premises, finds that such application should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Sheriff of Linn County, Iowa, is appointed under the provisions of Federal Rule of Civil Procedure 4(C)(1) for the purpose of serving a writ of execution issued in favor of the Farmers Savings Bank, West Union, Iowa, and against Michael W. Fay in the amount of \$300.00 on November 14, 1988.


MICHAEL J. MELLOY JUDGE
UNITED STATES BANKRUPTCY COURT

RECORDED
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Copy to James Updegraff;
and to U.S. Trustee
Michael Fay, Dale Putnam,
Unsecured Creditors Committee
this 12/13/88 mg

JAMES S. UPDEGRAFF

LAWYER

117½ SOUTH VINE STREET

P.O. BOX 454

WEST UNION, IOWA 52175

TELEPHONE 319/422-6021

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

NOV 14 1988

BARBARA A. EVERLY, CLERK

November 10, 1988

Ms. Barbara A. Everly, Clerk
Bankruptcy Court
P.O. Box 74890
Cedar Rapids, Iowa 52407

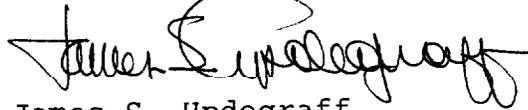
Re: Ehler Chapter 11, Farmers Savings Bank v. Fay
Judgment

Dear Ms. Everly:

Enclosed please find writ of execution completed as you requested. No property was attached, and I am not much interested in having a marshall's sale. I do want the marshall to go to the Exchange State Bank in Springville, Iowa, and there garnish Mr. Fay's bank account for the amount of the judgment plus accruing costs.

If you have any questions or there are any problems, please let me know.

Very truly yours,



James S. Updegraff

JSU:kr

Enc.

cc: Michael Hein