

United States Bankruptcy Court

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

APR 23 1991

For the NORTHERN District of IOWA

IN RE: KIRK W. DENCKLAU and MARCIA ANN DENCKLAU, Chapter BARBARA A. EVERLY, CLERK
Debtors.

Case No. X90-00499M

UNITED STATES OF AMERICA, Plaintiff
v.

KIRK W. DENCKLAU and
MARCIA ANN DENCKLAU, Defendant s

Adversary Proceeding No. X90-0145M

JUDGMENT

This proceeding having come on for trial or hearing before the court, the Honorable
WILLIAM L. EDMONDS, 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
WILLIAM L. EDMONDS, United States Bankruptcy Judge, and a decision
having been reached without trial or hearing.

IT IS ORDERED AND ADJUDGED: that Count III of the Complaint is dis-
missed with prejudice.

IT IS FURTHER ORDERED that as against defendant Marcia Ann Dencklau,
Counts I and II of the Complaint are dismissed with prejudice.

IT IS FURTHER ORDERED that judgment shall enter that the United
States of America shall recover from Kirk W. Dencklau the sum of
\$16,194.31. Court costs are taxed against defendant Kirk W.
Dencklau.

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Page 14

copies mailed with order
on 4/23/91, *dm*



BARBARA A. EVERLY
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 4-23-91

By: Lamin McElroy
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

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

APR 23 1991

BARBARA A. EVERLY, CLERK

IN RE:

KIRK W. DENCKLAU and)
MARCIA ANN DENCKLAU,)
Debtors.)

Chapter 7

Bankruptcy No. X90-00499M

UNITED STATES OF AMERICA,)
Plaintiff,)

Adversary No. X90-0145M

vs.)

KIRK W. DENCKLAU and)
MARCIA ANN DENCKLAU,)
Defendants.)

ORDER RE: DISMISSAL

On March 4, 1991, the court entered its order that judgment would enter in accordance with the stipulation and settlement of the parties after plaintiff had dismissed certain Counts of its Complaint pursuant to the parties' agreement. No dismissal has been filed. In order to resolve this adversary proceeding in a timely fashion, the court will enter its own order. In accordance with the "Consent Judgment and Dismissal",

IT IS ORDERED that Count III of the Complaint is dismissed with prejudice.

IT IS FURTHER ORDERED that as against defendant Marcia Ann Dencklau, Counts I and II of the Complaint are dismissed with prejudice.

IT IS FURTHER ORDERED that judgment shall enter that the United States of America shall recover from Kirk W. Dencklau the sum of \$16,194.31.

IT IS FURTHER ORDERED that court costs are taxed against
defendant Kirk W. Dencklau.

SO ORDERED ON THIS 22nd DAY OF APRIL, 1991.



William L. Edmonds, Bankruptcy Judge

I certify that on 4-23-91 copies of this order and judgment
were served by U. S. mail on:

jm
U. S. Attorney
Larry S. Eide
Michael D. Holt
U. S. Trustee

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 05 1996

BARBARA A. EVERLY, CLERK

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

APPLICATION FOR WRIT OF CONTINUING GARNISHMENT

The United States of America, Plaintiff, makes application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States Bankruptcy Court to issue a Writ of Garnishment upon the judgment entered against the Defendant, Kirk W. Dencklau, (hereafter referred to as "the judgment debtor") Social Security number 484-92-5617, whose last known address is: 739 Martin Road, Waterloo, Iowa 50701. A Consent Judgment in the amount of \$16,194.31, plus costs and post-judgment interest at the rate of 6.46% compounded annually, was entered against the

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judgment debtor on or about April 23, 1991, in the above cited action. The sum of \$1,500.00 has been credited to the judgment debt, leaving a total balance due of \$20,062.63 as of March 28, 1996, plus accruing costs and interest in this action.

Demand for payment of the above-stated debt was made upon the judgment debtor not less than 30 days from March 28, 1996, and judgment debtor has failed to satisfy the debt.

The Garnishee is believed to owe or will owe money or property to the judgment debtor, or is in possession of property of the judgment debtor, and said property is a nonexempt interest of the judgment debtor.

The name, address and telephone number of the Garnishees are:

Sipco, Inc. d/b/a Monfort Beef
1700 Maury Street
Des Moines, Iowa 50309
515-266-1222

Home Insurance Company
6000 Greenwood Plaza Blvd.
Greenwood Village, CO 80111
c/o Gallagher Bassett Services, Inc.
3636 Westown Parkway
Unisys Bldg., Suite 230
West Des Moines, Iowa 50265

Dated this 5th day of April, 1996.

Respectfully Submitted,

STEPHEN J. RAPP
United States Attorney

By: 

KRISTIN I. TOLVSTAD
Assistant United States Attorney
P.O. Box 74950
Cedar Rapids, Iowa 52407-4950
(319) 363-0091
(319) 363-1990 (fax)

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

IN RE:) Chapter 7
)
KIRK W. DENCKLAU and)
MARCIA ANN DENCKLAU,) Bankruptcy No. X-90-00499M
)
Debtors.)
)
UNITED STATES OF AMERICA,) Adversary No. X-90-0145M
)
Plaintiff,)
)
vs.)
)
KIRK W. DENCKLAU and)
MARCIA ANN DENCKLAU,)
)
Defendants,)
)
and)
)
SIPCO, INC. d/b/a MONFORT BEEF)
and HOME INSURANCE COMPANY,)
)
Garnishees.)

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: SIPCO, INC. d/b/a MONFORT BEEF
HOME INSURANCE COMPANY

An application for a Writ of Garnishment against the property of Kirk W. Dencklau, Defendant, (hereafter referred to as "the judgment debtor") has been filed with this Court. A Consent Judgment has been entered against the above-named judgment debtor with a present balance of \$20,062.63, as of March 28, 1996, plus accruing costs of this action.

You are hereby required to withhold and retain pending further Order, any property or funds you have in your custody, control or possession belong to the judgment debtor, or in which the judgment debtor has a substantial non-exempt interest and for which you are now or may in the future become indebted to the judgment debtor, Kirk W. Dencklau.

You are further required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by or due to the judgment debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the judgment debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States Bankruptcy Clerk, P.O. Box 74890, Cedar Rapids, Iowa 52407. Additionally, you are required by law to serve a copy of your answer upon the judgment debtor at: 739 Martin Road, Waterloo, Iowa, 50701, and upon the United States Attorney, P.O. Box 74950, Cedar Rapids, Iowa 52407-4950.

Under the law, there is property which may be exempt from garnishment. Property which is exempt and which is not subject to this order is listed on the Claim for Exemption for which is attached to the Clerk's Notice of Garnishment.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the judgment debtor's non-exempt property. It is unlawful to pay or deliver to the judgment debtor any item attached by this writ.

Date 4-5-96

BARBARA A. EVERLY
BANKRUPTCY CLERK

By: *Barbara A. Everly*
Deputy

original to US filed 4-5-96

APR 05 1996

BARBARA A. EVERLY, CLERK

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

IN RE:) Chapter 7
)
KIRK W. DENCKLAU and) Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)
) Debtors.)
)
UNITED STATES OF AMERICA,) Adversary No. X-90-0145M
)
Plaintiff,)
)
vs.)
)
KIRK W. DENCKLAU and)
MARCIA ANN DENCKLAU,)
) Defendants,)
)
and)
)
SIPCO, INC. d/b/a MONFORT BEEF)
and HOME INSURANCE COMPANY,)
)
Garnishees.)

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

You are hereby notified that this garnishment action is being taken by the United States of America which has a Consent Judgment in this case in the sum of \$16,194.31. A balance of \$20,062.63 as of March 28, 1996, plus accruing costs of this action remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may prevent some of the property from being taken by the Government if Kirk W. Dencklau can show

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that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Iowa.

If you are Kirk W. Dencklau you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk at P.O. Box 64890, Cedar Rapids, Iowa, 52407. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within twenty (20) days of receiving this notice, your property may be sold at public auction and the proceeds of the sale will be applied to the debt you owe the Government.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk, P.O. Box 74890, Cedar Rapids, Iowa 52407. You must also send a copy of your request to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the bankruptcy clerk. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date:

April 5, 1996


UNITED STATES BANKRUPTCY CLERK

REQUEST FOR HEARING

I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

(Address)

or telephonically at _____
(Telephone Number)

Date: _____

Signature of Judgment Debtor

Judgment Debtor's printed name

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

NOTICE TO JUDGMENT DEBTOR ON
HOW TO CLAIM EXEMPTIONS

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- 2. Veteran's benefits (38 U.S.C. § 3101).
- 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
 - 8a. \$15,000 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____

___ 8b. \$2,400 in equity in a motor vehicle.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8c. \$1,000 in jewelry.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8d. \$8,000 in personal property.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8e. \$1,500 in equity in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed:	Fair Market Value
_____	\$ _____

____ 8e. In addition, a debtor who does not own a residence or who has less than \$15,000 in equity in a residence may exempt an additional \$7,500 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:	Fair Market Value
_____	\$ _____

NOTE: If you select the Bankruptcy Code exemptions (lines 8a through 8e above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

___ 9. State of Iowa, which generally provides exemptions for:

	<u>Statute</u>	<u>Fair Market Value</u>
9a. Homestead Exemption		
___ (i) $\frac{1}{2}$ A in city plot (give address) _____ _____	\$ 561.1	\$ _____
___ (ii) 40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b. Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	\$ 627.6	\$ _____ \$ _____
___ 9c. One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d. Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e. Burial Plot		\$ _____

<p>_____ 9f. Household furnishings, goods or appliances not to exceed a total of \$2,000 (list items separately)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>
<p>_____ 9g. Life insurance (decribe)</p> <p>_____</p> <p>_____</p>	<p>\$ _____</p>
<p>_____ 9h. Professionally prescribed health aids (describe)</p> <p>_____</p> <p>_____</p>	<p>\$ _____</p>
<p>_____ 9i. Debtors rights</p> <p>(1) Social Security Benefits, unemployment compensation, or public assistance benefits (circle one)</p> <p>(2) Veterans Benefit</p> <p>(3) Disability or illness Benefits</p> <p>(4) Alimony, support or separate maintained to the extent necessary for support</p> <p>(5) Payments under pension, annuity or similar plan to extent necessary for support (describe)</p> <p>_____</p> <p>_____</p>	<p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>

- _____ 9j. Any combination of the following
 not to exceed a total value of
 \$5,000
- (1) Musical instruments for personal use (describe) \$ _____

- (2) One motor vehicle (give make, model, year and license number) \$ _____

- (3) Tax refunds up to \$1,000 \$ _____
- _____ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate
- _____ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)
- _____ \$ _____
 _____ \$ _____
- _____ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)
- _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

____ 9n. Any worker's compensation due under Chapter 85 of the Iowa Code.

_____ \$ _____

I hereby declare that the above listed items are claimed exempt by me under the applicable law.

Dated this ____ day of _____, 1996.

Kirk W. Dencklau
Judgment Debtor
Defendant in this matter.

APR 05 1996

BARBARA A. EVERLY, CLERK

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

NOTICE OF GARNISHMENT AND INSTRUCTIONS
TO THE ABOVE-NAMED DEFENDANT OR DEBTOR:

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a Consent Judgment entered against you on April 23, 1991, and the Garnishment was served on Sipco, Inc. d/b/a Monfort Beef and Home Insurance Company, Garnishees, and it is believed that the Garnishees may, now or in the future, have property or funds of yours in their custody, possession or control.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you

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file written objections to that answer or to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a Court Order will be entered directing disposition of the funds or property and the funds or property will be applied against the judgment owed the United States of America.

Any objection that you file to contest the garnishment must be filed in the office of the United States Bankruptcy Court, Northern District of Iowa, P.O. Box 64890, Cedar Rapids, Iowa, 52407. The objection must state your reasons for believing that this property is not subject to garnishment by the United States of America. A copy of the objection or other pleadings must also be served on the United States Attorney for the Northern District of Iowa, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, and Stephen W. Spencer, Attorney at Law, 700 Des Moines Bldg., 405 6th Avenue, Des Moines, Iowa, 50309.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

APR -9 1996

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

BARBARA A. EVERLY,
CLERK

IN RE:)	Chapter 7
)	
KIRK W. DENCKLAU and)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
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Debtors.)	
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UNITED STATES OF AMERICA,)	Adversary No. X-90-0145M
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Plaintiff,)	
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vs.)	
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KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
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Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

AFFIDAVIT OF SERVICE

I certify that I mailed a copy of the Application for Writ of Continuing Garnishment, Writ of Continuing Garnishment, Clerk's Notice of Post-Judgment Garnishment, Notice of Garnishment and Instructions to the Above-Named Defendant, Instructions to the Garnishee, and Answer of the Garnishee to Stephen W. Spencer, Attorney for Home Insurance Company and Sipco, Inc. d/b/a Monfort Beef, at 700 Des Moines Bldg., 405 6th Avenue, Des Moines, Iowa, 50309, on April 5, 1996.


KRISTIN I. TOLVSTAD
Assistant U.S. Attorney

Copy handed to
filing attorney
on date filed AJ

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FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 18 1996

BARBARA A. EVERLY, CLERK

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

IN RE:)	chapter 7
)	
KIRK W. DENCKLAU and)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
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Debtors.)	
)	
UNITED STATES OF AMERICA,)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

ANSWER OF THE GARNISHEE

Stephen W. Spencer, BEING DULY SWORN DEPOSES AND SAYS:
(Name of Person Answering)

[CHOOSE ONE AS APPLICABLE:]

[IF GARNISHEE IS AN INDIVIDUAL OR PARTNERSHIP:]

That he she is Garnishee herein doing business in the name
of attorney for Monfort and Home Insur.

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[IF GARNISHEE IS A CORPORATION:]

That he/she is the _____ (State official Title) of the Garnishee, a corporation organized under the laws of the State of _____.

On the 11th day of April, 1996, Garnishee was served with the Writ of Continuing Garnishment.

- Yes No
1. The Garnishee has custody, control or possession of the following property in which the debtor maintains an interest, as described below:

	Description of Property	Approximate Value	Description of Debtor's Interest of Property
(1)	<u>Settlement</u>	<u>\$25,000.00</u>	<u>Debtor's settlement of a Workers' Comp Claim against Montfort + Home Insur.</u>
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____

- Yes No
2. Have there been previous garnishments in effect. If the answer is yes, describe below.

3. Garnishee, anticipates owing to the judgment debtor in the future, the following amounts:

	<u>Amount</u>	<u>Estimate date or Period Due</u>
(1)	\$ _____	_____
(2)	\$ _____	_____
(3)	\$ _____	_____
(4)	\$ _____	_____

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

4. The Garnishee has the following objections, defenses, or set-offs to Plaintiff's right to apply Garnishee's indebtedness to Defendant _____

5. The Garnishee is in no manner and upon no account indebted or under liability to the judgment debtor, Kirk W. Dencklau, and that the Garnishee does not have in his/her possession or control any property belonging to the Defendant, or in which the Garnishee has an interest; and is in no manner liable as Garnishee in this action.

The undersigned certifies that the Garnishee mailed a copy of this answer by first-class mail to (1) Kirk W. Dencklau, 739 Martin Road, Waterloo, Iowa, 50701 and (2) the attorney for the United States, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the above is true and correct.

Garnishee
Stephen W. Spencer
Signature

Stephen W. Spencer
(Type or print name)

Attorney for garnishee
(Indicate your relationship to Garnishee -- i.e. President, Treasurer, Payroll Clerk, etc.)

Peedricord, Wharton, Thune & Spencer
PO Box 9130
Des Moines, Ia. 50306-9130

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer must be mailed to:

Clerk, United States Bankruptcy Court
P.O. Box 74950
Cedar Rapids, IA 52407

and a copy of this Answer to:

Kristin I. Tolvstad
United States Attorney's Office
P.O. Box 74950
Cedar Rapids, Iowa 52407-4950
Attention: Financial Litigation Unit

and

Kirk W. Dencklau
739 Martin Road
Waterloo, Iowa 50701

Becky S. Knutson
Attorney at Law
666 Walnut Street
2300 Financial Center
Des Moines, Iowa 50309
ATTORNEY FOR KIRK W. DENCKLAU

PROOF OF SERVICE
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on 4/17/94 1994
By: US Mail Fax Hand delivered Overnight Service
 Federal Express Other
Signature *[Signature]*

*Copy returned
4-18-94
m4*

PEDDICORD, WHARTON, THUNE, and SPENCER

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW

700 DES MOINES BUILDING
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STEVEN T. DURICK

* ALSO ADMITTED IN FLORIDA
† ALSO ADMITTED IN MISSOURI

April 17, 1996

Clerk, United States Bankruptcy Court
P.O. Box 74950
Cedar Rapids, Iowa 52407

RE: Kirk W. Dencklau, et. al. v. United States of America
Bankruptcy Number: X-90-00499M
Adversary Number: X-90-0145M
Our File Number: 20,568-GAL-4

Dear Clerk:

Enclosed is the original and a copy of the Answer of the Garnishee in the above matter. Please file the original and return a file-stamped copy in the self-addressed, stamped envelope that I have enclosed for your convenience. If you have any questions or comments, please feel free to give me a call.

With best personal regards.

Very truly yours,


Stephen W. Spencer

SWS/jj

Encs.

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 18 1996

BARBARA A. EVERLY, CLERK

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 05 1996

BARBARA A. EVERLY, CLERK

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

You are hereby notified that this garnishment action is being taken by the United States of America which has a Consent Judgment in this case in the sum of \$16,194.31. A balance of \$20,062.63 as of March 28, 1996, plus accruing costs of this action remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may prevent some of the property from being taken by the Government if Kirk W. Dencklau can show

that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Iowa.

If you are Kirk W. Dencklau you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk at P.O. Box 64890, Cedar Rapids, Iowa, 52407. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within twenty (20) days of receiving this notice, your property may be sold at public auction and the proceeds of the sale will be applied to the debt you owe the Government.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk, P.O. Box 74890, Cedar Rapids, Iowa 52407. You must also send a copy of your request to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the bankruptcy clerk. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: APR 05 1996


UNITED STATES BANKRUPTCY CLERK

REQUEST FOR HEARING

I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

(Address)

or telephonically at _____
(Telephone Number)

Date: _____

Signature of Judgment Debtor

Judgment Debtor's printed name

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

NOTICE TO JUDGMENT DEBTOR ON
HOW TO CLAIM EXEMPTIONS

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- 2. Veteran's benefits (38 U.S.C. § 3101).
- 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
 - 8a. \$15,000 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____

___ 8b. \$2,400 in equity in a motor vehicle.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8c. \$1,000 in jewelry.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8d. \$8,000 in personal property.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8e. \$1,500 in equity in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed:	Fair Market Value
_____	\$ _____

_____ 8e. In addition, a debtor who does not own a residence or who has less than \$15,000 in equity in a residence may exempt an additional \$7,500 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:	Fair Market Value
_____	\$ _____

NOTE: If you select the Bankruptcy Code exemptions (lines 8a through 8e above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

___ 9. State of Iowa, which generally provides exemptions for:

	<u>Statute</u>	<u>Fair Market Value</u>
9a. Homestead Exemption		
___ (i) $\frac{1}{2}$ A in city plot (give address) _____ _____	\$ 561.1	\$ _____
___ (ii) 40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b. Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	\$ 627.6	\$ _____ \$ _____
___ 9c. One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d. Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e. Burial Plot		\$ _____

- ____ 9f. Household furnishings, goods or appliances not to exceed a total of \$2,000 (list items separately)
- | | |
|-------|----------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
- ____ 9g. Life insurance (describe)
- | | |
|-------|----------|
| _____ | \$ _____ |
| _____ | |
- ____ 9h. Professionally prescribed health aids (describe)
- | | |
|-------|----------|
| _____ | \$ _____ |
| _____ | |
- ____ 9i. Debtors rights
- | | |
|---|----------|
| (1) Social Security Benefits, unemployment compensation, or public assistance benefits (circle one) | \$ _____ |
| (2) Veterans Benefit | \$ _____ |
| (3) Disability or illness Benefits | \$ _____ |
| (4) Alimony, support or separate maintained to the extent necessary for support | \$ _____ |
| (5) Payments under pension, annuity or similar plan to extent necessary for support (describe) | \$ _____ |
| _____ | |
| _____ | |

___ 9j. Any combination of the following not to exceed a total value of \$5,000

(1) Musical instruments for personal use (describe) \$ _____

(2) One motor vehicle (give make, model, year and license number) \$ _____

(3) Tax refunds up to \$1,000 \$ _____

___ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate

___ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)

_____ \$ _____

_____ \$ _____

___ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

____ 9n. Any worker's compensation due under Chapter 85 of the Iowa Code.

_____ \$ _____

I hereby declare that the above listed items are claimed exempt by me under the applicable law.

Dated this ____ day of _____, 1996.

Kirk W. Dencklau
Judgment Debtor
Defendant in this matter.

FILED
 U.S. BANKRUPTCY COURT
 NORTHERN DISTRICT OF IOWA
 APR 05 1996
 BARBARA A. EVERLY, CLERK

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

APPLICATION FOR WRIT OF CONTINUING GARNISHMENT

The United States of America, Plaintiff, makes application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States Bankruptcy Court to issue a Writ of Garnishment upon the judgment entered against the Defendant, Kirk W. Dencklau, (hereafter referred to as "the judgment debtor") Social Security number 484-92-5617, whose last known address is: 739 Martin Road, Waterloo, Iowa 50701. A Consent Judgment in the amount of \$16,194.31, plus costs and post-judgment interest at the rate of 6.46% compounded annually, was entered against the

judgment debtor on or about April 23, 1991, in the above cited action. The sum of \$1,500.00 has been credited to the judgment debt, leaving a total balance due of \$20,062.63 as of March 28, 1996, plus accruing costs and interest in this action.

Demand for payment of the above-stated debt was made upon the judgment debtor not less than 30 days from March 28, 1996, and judgment debtor has failed to satisfy the debt.

The Garnishee is believed to owe or will owe money or property to the judgment debtor, or is in possession of property of the judgment debtor, and said property is a nonexempt interest of the judgment debtor.

The name, address and telephone number of the Garnishees are:

Sipco, Inc. d/b/a Monfort Beef
1700 Maury Street
Des Moines, Iowa 50309
515-266-1222

Home Insurance Company
6000 Greenwood Plaza Blvd.
Greenwood Village, CO 80111
c/o Gallagher Bassett Services, Inc.
3636 Westown Parkway
Unisys Bldg., Suite 230
West Des Moines, Iowa 50265

Dated this 5th day of April, 1996.

Respectfully Submitted,

STEPHEN J. RAPP
United States Attorney

By: 

KRISTIN I. TOLVSTAD
Assistant United States Attorney
P. O. Box 74950
Cedar Rapids, Iowa 52407-4950
(319) 363-0091
(319) 363-1990 (fax)

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: SIPCO, INC. d/b/a MONFORT BEEF
HOME INSURANCE COMPANY

An application for a Writ of Garnishment against the property of Kirk W. Dencklau, Defendant, (hereafter referred to as "the judgment debtor") has been filed with this Court. A Consent Judgment has been entered against the above-named judgment debtor with a present balance of \$20,062.63, as of March 28, 1996, plus accruing costs of this action.

You are hereby required to withhold and retain pending further Order, any property or funds you have in your custody, control or possession belong to the judgment debtor, or in which the judgment debtor has a substantial non-exempt interest and for which you are now or may in the future become indebted to the judgment debtor, Kirk W. Dencklau.

You are further required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by or due to the judgment debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the judgment debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States Bankruptcy Clerk, P.O. Box 74890, Cedar Rapids, Iowa 52407. Additionally, you are required by law to serve a copy of your answer upon the judgment debtor at: 739 Martin Road, Waterloo, Iowa, 50701, and upon the United States Attorney, P.O. Box 74950, Cedar Rapids, Iowa 52407-4950.

Under the law, there is property which may be exempt from garnishment. Property which is exempt and which is not subject to this order is listed on the Claim for Exemption for which is attached to the Clerk's Notice of Garnishment.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the judgment debtor's non-exempt property. It is unlawful to pay or deliver to the judgment debtor any item attached by this writ.

Date April 5, 1996

BARBARA A. EVERLY
BANKRUPTCY CLERK

By: Susana G. Early
~~Deputy~~

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 05 1996

BARBARA A. EVERLY, CLERK

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

IN RE:)	Chapter 7
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KIRK W. DENCKLAU and)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
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Plaintiff,)	
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vs.)	
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KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
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that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Iowa.

If you are Kirk W. Dencklau you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk at P.O. Box 64890, Cedar Rapids, Iowa, 52407. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within twenty (20) days of receiving this notice, your property may be sold at public auction and the proceeds of the sale will be applied to the debt you owe the Government.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk, P.O. Box 74890, Cedar Rapids, Iowa 52407. You must also send a copy of your request to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the bankruptcy clerk. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: APR 05 1996


UNITED STATES BANKRUPTCY CLERK

REQUEST FOR HEARING

I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

(Address)

or telephonically at _____
(Telephone Number)

Date: _____

Signature of Judgment Debtor

Judgment Debtor's printed name

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,)	Adversary No. X-90-0145M
)	
Plaintiff,)	
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vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

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HOW TO CLAIM EXEMPTIONS

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If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- 2. Veteran's benefits (38 U.S.C. § 3101).
- 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
 - 8a. \$15,000 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____

___ 8b. \$2,400 in equity in a motor vehicle.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8c. \$1,000 in jewelry.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8d. \$8,000 in personal property.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8e. \$1,500 in equity in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed:	Fair Market Value
_____	\$ _____

____ 8e. In addition, a debtor who does not own a residence or who has less than \$15,000 in equity in a residence may exempt an additional \$7,500 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:	Fair Market Value
_____	\$ _____

NOTE: If you select the Bankruptcy Code exemptions (lines 8a through 8e above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

___ 9. State of Iowa, which generally provides exemptions for:

	<u>Statute</u>	<u>Fair Market Value</u>
9a. Homestead Exemption		
___ (i) $\frac{1}{2}$ A in city plot (give address) _____ _____	\$ 561.1	\$ _____
___ (ii) 40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b. Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	\$ 627.6	\$ _____ \$ _____
___ 9c. One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d. Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e. Burial Plot		\$ _____

_____ 9f. Household furnishings, goods or appliances not to exceed a total of \$2,000 (list items separately)

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

_____ 9g. Life insurance (describe)

_____	\$ _____

_____ 9h. Professionally prescribed health aids (describe)

_____	\$ _____

_____ 9i. Debtors rights

(1) Social Security Benefits, unemployment compensation, or public assistance benefits (circle one)	\$ _____
(2) Veterans Benefit	\$ _____
(3) Disability or illness Benefits	\$ _____
(4) Alimony, support or separate maintained to the extent necessary for support	\$ _____
(5) Payments under pension, annuity or similar plan to extent necessary for support (describe)	\$ _____

- _____ 9j. Any combination of the following not to exceed a total value of \$5,000
- (1) Musical instruments for personal use (describe)

 \$ _____

 - (2) One motor vehicle (give make, model, year and license number)

 \$ _____

 - (3) Tax refunds up to \$1,000
 \$ _____
- _____ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate
- _____ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)
- _____
 \$ _____
- _____
 \$ _____
- _____ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)
- _____
 \$ _____
- _____
 \$ _____
- _____
 \$ _____
- _____
 \$ _____
- _____
 \$ _____

____ 9n. Any worker's compensation due under Chapter 85 of the
Iowa Code.

_____ \$ _____

I hereby declare that the above listed items are claimed
exempt by me under the applicable law.

Dated this _____ day of _____, 1996.

Kirk W. Dencklau
Judgment Debtor
Defendant in this matter.

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

TO: Sipco, Inc. d/b/a Monfort Beef
1700 Maury Street
Des Moines, Iowa 50309

Home Insurance Company
6000 Greenwood Plaza Blvd.
Greenwood Village, CO 80111
c/o Gallagher Bassett Services, Inc.
3636 Westown Parkway
Unisys Bldg., Suite 230
West Des Moines, Iowa 50265

INSTRUCTIONS TO THE GARNISHEE

**PLEASE READ THESE INSTRUCTIONS CAREFULLY, AS THEY REPRESENT
A SIGNIFICANT CHANGE IN GARNISHMENT PROCEDURES THAN THAT WHICH
MAY BE FAMILIAR.**

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property or funds of the judgment debtor listed therein, or any other property of the judgment debtor's. **Title 28, U.S.C. § 3205(c)(2)(E) requires that you file with the Court a written answer to this writ within 10 days of your receipt of this writ.** An answer form is attached for your use. You must also serve a copy of your answer on the judgment debtor and on the United States Attorney. You are further required to withhold and retain any property or funds in which the judgment debtor has a substantial non-exempt pending interest.

1. AMOUNT GARNISHED. The principal amount, rate of interest, starting date of interest and costs are set out in the Writ of Garnishment served upon you. The amount garnished consists of all of these.
2. Mail remittances to: United States Attorney Office
Attn: Financial Litigation Unit
P.O. Box 74950
Cedar Rapids, Iowa 52407-4950

Your check or money order should be made payable to the "U.S. Department of Justice." Indicate on each remittance the name of the case and the Court Number, so that proper credit will be given.

3. THIS IS A CONTINUING GARNISHMENT. The garnishment can only be terminated by satisfaction of the full amount of the debt, a court order, or exhaustion of the property or funds held by you unless you re-instate or re-employ the judgment debtor within 90 days of termination or resignation.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR REASONABLE

ATTORNEY FEES TO THE UNITED STATES OF AMERICA
IF THE UNITED STATES FILES A PETITION TO THE
COURT REQUESTING AN EXPLANATION FOR YOUR
FAILURE TO COMPLY WITH THIS WRIT.

If you have any additional questions, please call Assistant
United States Attorney Kristin I. Tolvstad, at telephone number
319-363-0091 or by mail to: P.O. Box 74950, Cedar Rapids, Iowa,
52407-4950.

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

APR 05 1996

BARBARA A. EVERLY, CLERK

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

NOTICE OF GARNISHMENT AND INSTRUCTIONS
TO THE ABOVE-NAMED DEFENDANT OR DEBTOR:

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a Consent Judgment entered against you on April 23, 1991, and the Garnishment was served on Sipco, Inc. d/b/a Monfort Beef and Home Insurance Company, Garnishees, and it is believed that the Garnishees may, now or in the future, have property or funds of yours in their custody, possession or control.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you

file written objections to that answer or to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a Court Order will be entered directing disposition of the funds or property and the funds or property will be applied against the judgment owed the United States of America.

Any objection that you file to contest the garnishment must be filed in the office of the United States Bankruptcy Court, Northern District of Iowa, P.O. Box 64890, Cedar Rapids, Iowa, 52407. The objection must state your reasons for believing that this property is not subject to garnishment by the United States of America. A copy of the objection or other pleadings must also be served on the United States Attorney for the Northern District of Iowa, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, and Stephen W. Spencer, Attorney at Law, 700 Des Moines Bldg., 405 6th Avenue, Des Moines, Iowa, 50309.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

APR 29 1996

BARBARA A. EVERLY, CLERK

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

Debtors Response

re: claim

NOTICE TO JUDGMENT DEBTOR ON
HOW TO CLAIM EXEMPTIONS

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

*Recorded: Vol III
Page 14*

If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- 2. Veteran's benefits (38 U.S.C. § 3101).
- 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
 - 8a. \$15,000 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____

___ 8b. \$2,400 in equity in a motor vehicle.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8c. \$1,000 in jewelry.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8d. \$8,000 in personal property.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8e. \$1,500 in equity in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed:	Fair Market Value
_____	\$ _____

____ 8e. In addition, a debtor who does not own a residence or who has less than \$15,000 in equity in a residence may exempt an additional \$7,500 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:	Fair Market Value
_____	\$ _____

NOTE: If you select the Bankruptcy Code exemptions (lines 8a through 8e above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

___ 9. State of Iowa, which generally provides exemptions for:

	<u>Statute</u>	<u>Fair Market Value</u>
9a. Homestead Exemption		
___ (i) $\frac{1}{2}$ A in city plot (give address) _____ _____	\$ 561.1	\$ _____
___ (ii) 40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b. Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	\$ 627.6	\$ _____ \$ _____
___ 9c. One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d. Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e. Burial Plot		\$ _____

_____ 9f. Household furnishings, goods or appliances not to exceed a total of \$2,000 (list items separately)

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

_____ 9g. Life insurance (describe)

_____	\$ _____

_____ 9h. Professionally prescribed health aids (describe)

_____	\$ _____

_____ 9i. Debtors rights

(1) Social Security Benefits, unemployment compensation, or public assistance benefits (circle one)	\$ _____
(2) Veterans Benefit	\$ _____
(3) Disability or illness Benefits	\$ _____
(4) Alimony, support or separate maintained to the extent necessary for support	\$ _____
(5) Payments under pension, annuity or similar plan to extent necessary for support (describe)	\$ _____

____ 9j. Any combination of the following
not to exceed a total value of
\$5,000

(1) Musical instruments for personal use (describe) \$ _____

(2) One motor vehicle (give make, model, year and license number) \$ _____

(3) Tax refunds up to \$1,000 \$ _____

____ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate

____ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)

_____ \$ _____

_____ \$ _____

____ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

✓ 9n. Any worker's compensation due under Chapter 85 of the
Iowa Code,
Payment for medical expenses
and permanent disability \$25,000.00

I hereby declare that the above listed items are claimed
exempt by me under the applicable law.

Dated this 26 day of April, 1996.

Kirk W. Dencklau
Kirk W. Dencklau
Judgment Debtor
Defendant in this matter.

868 North 3rd Avenue
Sauk Rapids, Minnesota 56379

DAVIS, BROWN, KOEHN, SHORS & ROBERTS P.C.

ATTORNEYS AND COUNSELORS AT LAW

A. ARTHUR DAVIS
DONALD J. BROWN
WILLIAM J. KOEHN
JOHN D. SHORS
STEPHEN W. ROBERTS
WILLIAM R. KING
ROBERT F. HOLT, JR.
DENNIS D. JERDE
ROBERT A. GAMBLE
MICHAEL G. KULIK
RICHARD E. RAMSAY
F. RICHARD THORNTON
THOMAS E. SALSBERY
FRANK J. CARROLL
BRUCE I. CAMPBELL
JONATHAN C. WILSON

PATRICIA A. SHOFF
STEVEN L. NELSON
DAVID B. VANSICKEL
GENE R. LASUER
DEBORAH M. THARNISH
BRIAN L. WIRT
KENT A. HERINK
ROBERT J. DOUGLAS, JR.
NICHOLAS H. ROBY
MARK D. WALZ
GARY M. MYERS
STANLEY J. THOMPSON
DAVID A. TANK
DAVID M. ERICKSON
LORI TORGERSON CHESSEY
JO ELLEN WHITNEY

BECKY S. KNUTSON
JULIE JOHNSON MCGLEAN
DAVID D. NELSON
M. DANIEL WATERS
CHRISTOPHER P. JANNES
SHARON K. MAALHEIRO
KRIS HOLUB SMITH
BRIAN J. LAURENTO
SALLY A. REAVELY
WILLIAM A. BOATWRIGHT
SCOTT M. BRENNAN
DANNY L. CORNELL
MICHAEL C. GILCHRIST
JAMES R. FOLEY
DEBRA RECTENBAUGH PETTIT

KENT A. HERINK
BRIAN J. LAURENTO
JAMES R. FOLEY
PATENTS

NEAL SMITH
DONALD A. WINE
A. J. GREFFENIUS
C. CARLETON FREDERICI
WILLIAM D. THOMAS
DAVID W. DUNN
JEAN MCNEIL DUNN
OF COUNSEL

HARLAN J. THOMA
1902-1991

THE FINANCIAL CENTER
888 WALNUT STREET, SUITE 2500
DES MOINES, IOWA 50308-3993
TELEPHONE (515) 288-2500
FACSIMILE (515) 243-0854
CABLE: DAVIS LAW

AFFILIATED FIRM
VIZARDS
SOLICITORS
42 BEDFORD ROW
LONDON, ENGLAND WC1R 4JL
TELEPHONE 071-405-6302
(NOT LICENSED TO PRACTICE IN IOWA)

April 25, 1996

Ms. Barbara Everly
Clerk United States Bankruptcy Court
P.O. Box 74950
Cedar Rapids, Iowa 52407

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
APR 29 1996
BARBARA A. EVERLY, CLERK

Re: Bankruptcy No. X-90-00499M
Adversary No. X-90-0145M Kirk W. Dencklau

Dear Ms. Everly:

Enclosed please find a Notice to Judgment Debtor on How to Claim Exemptions, and a Clerk's Notice of Post-Judgment Garnishment. These documents were mailed to Kirk W. Dencklau at 739 Martin Road, Waterloo, IA 50710. Mr. Dencklau has not lived for there for some time, and did not receive the original documents from the bankruptcy court. I received copies of them from the attorney for the garnishee, Stephen W. Spencer and have forwarded them to my client for his signature and objection. Mr. Dencklau's mailing address is now 868 North 3rd Avenue, Sauk Rapids, Minnesota 56379.

Please note that Mr. Dencklau's claimed that the proceeds from the settlement of his worker's compensation claim are exempt proceeds, as they are a settlement of his claim for medical expenses which are currently outstanding, and for permanent disability which he received as a result of an injury. The injury incurred after the bankruptcy proceedings which resulted from the judgment at issue herein.

If you need any additional information, please contact me.

Sincerely,

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.


Becky S. Knutson

showed by
PO Box
74890

BSK:sew
Enclosure

sent to
Wrong
address
mg

APR 29 1996

REQUEST FOR HEARING

BARBARA A. EVERLY, CLERK

I hereby request a court hearing. Notice of the hearing should be given to me by mail at:
Kirk W. Dencklau David, Brown, Koehn, Shors & Roberts, P.C.

(Address) 868 North 3rd Avenue AND c/o Becky S. Knutson
Sauk Rapids, MN 56379 666 Walnut Street, Suite 2500
Des Moines, IA 50309-3993

or telephonically at (515) 288-2500 (attorney's phone number)
(Telephone Number)

Date: April 25, 1996

Kirk W. Dencklau
Signature of Judgment Debtor

Kirk W. Dencklau

Judgment Debtor's printed name

Recorded: Vol III

page 14

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
APR 05 1996

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

BARBARA A. EVERLY, CLERK

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

You are hereby notified that this garnishment action is being taken by the United States of America which has a Consent Judgment in this case in the sum of \$16,194.31. A balance of \$20,062.63 as of March 28, 1996, plus accruing costs of this action remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may prevent some of the property from being taken by the Government if Kirk W. Dencklau can show

that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Iowa.

If you are Kirk W. Dencklau you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

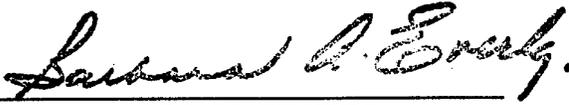
If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk at P.O. Box 64890, Cedar Rapids, Iowa, 52407. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within twenty (20) days of receiving this notice, your property may be sold at public auction and the proceeds of the sale will be applied to the debt you owe the Government.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk, P.O. Box 74890, Cedar Rapids, Iowa 52407. You must also send a copy of your request to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the bankruptcy clerk. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: APR 05 1996


UNITED STATES BANKRUPTCY CLERK

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 UNITED STATES OF AMERICA	COURT CASE NUMBER X-90-00499M (Bk. No.)
---------------------------------------	--

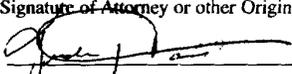
DEFENDANT KIRK W. DENCKLAU	TYPE OF PROCESS SEE BELOW
-------------------------------	------------------------------

SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Kirk W. Dencklau
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 1315 W. 1st Street, #18 Cedar Falls, IA 50613-2113

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: United States Attorney P.O. Box 74950 Cedar Rapids, IA 52407-4950	U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF IOWA MAY 09 1996 BARBARA A. DENLY, CLERK	Number of process to be served with this Form - 285	
		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):

Please serve the Application, Writ, 2 Clerk's Notice of Garnishment, Instructions to Garnishee, and Notice of Garnishment and Instructions to Above Defendant.

Signature of Attorney or other Originator requesting service on behalf of:  KRISTIN I. TOLVSTAD	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 319-363-6333	DATE 5-2-96
---	---	----------------------------------	----------------

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 	Date 5/2/96
---	---------------	------------------------------	-----------------------------	---	----------------

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	Time	am
			pm
	Signature of U.S. Marshal or Deputy		

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

REMARKS:
RETURNED UNEXECUTED per U.S. Attorney office
5-6-96
Tobin H Michael

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

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
APR 07 1996
BARBARA A. EVERLY CLERK

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

APPLICATION FOR WRIT OF CONTINUING GARNISHMENT

The United States of America, Plaintiff, makes application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States Bankruptcy Court to issue a Writ of Garnishment upon the judgment entered against the Defendant, Kirk W. Dencklau, (hereafter referred to as "the judgment debtor") Social Security number 484-92-5617, whose last known address is: 739 Martin Road, Waterloo, Iowa 50701. A Consent Judgment in the amount of \$16,194.31, plus costs and post-judgment interest at the rate of 6.46% compounded annually, was entered against the

judgment debtor on or about April 23, 1991, in the above cited action. The sum of \$1,500.00 has been credited to the judgment debt, leaving a total balance due of \$20,062.63 as of March 28, 1996, plus accruing costs and interest in this action.

Demand for payment of the above-stated debt was made upon the judgment debtor not less than 30 days from March 28, 1996, and judgment debtor has failed to satisfy the debt.

The Garnishee is believed to owe or will owe money or property to the judgment debtor, or is in possession of property of the judgment debtor, and said property is a nonexempt interest of the judgment debtor.

The name, address and telephone number of the Garnishees are:

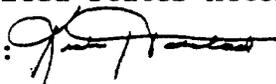
Sipco, Inc. d/b/a Monfort Beef
1700 Maury Street
Des Moines, Iowa 50309
515-266-1222

Home Insurance Company
6000 Greenwood Plaza Blvd.
Greenwood Village, CO 80111
c/o Gallagher Bassett Services, Inc.
3636 Westown Parkway
Unisys Bldg., Suite 230
West Des Moines, Iowa 50265

Dated this 5th day of April, 1996.

Respectfully Submitted,

STEPHEN J. RAPP
United States Attorney

By: 

KRISTIN I. TOLVSTAD
Assistant United States Attorney
P./O. Box 74950
Cedar Rapids, Iowa 52407-4950
(319) 363-0091
(319) 363-1990 (fax)

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: SIPCO, INC. d/b/a MONFORT BEEF
HOME INSURANCE COMPANY

An application for a Writ of Garnishment against the property of Kirk W. Dencklau, Defendant, (hereafter referred to as "the judgment debtor") has been filed with this Court. A Consent Judgment has been entered against the above-named judgment debtor with a present balance of \$20,062.63, as of March 28, 1996, plus accruing costs of this action.

You are hereby required to withhold and retain pending further Order, any property or funds you have in your custody, control or possession belong to the judgment debtor, or in which the judgment debtor has a substantial non-exempt interest and for which you are now or may in the future become indebted to the judgment debtor, Kirk W. Dencklau.

You are further required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by or due to the judgment debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the judgment debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States Bankruptcy Clerk, P.O. Box 74890, Cedar Rapids, Iowa 52407. Additionally, you are required by law to serve a copy of your answer upon the judgment debtor at: 739 Martin Road, Waterloo, Iowa, 50701, and upon the United States Attorney, P.O. Box 74950, Cedar Rapids, Iowa 52407-4950.

Under the law, there is property which may be exempt from garnishment. Property which is exempt and which is not subject to this order is listed on the Claim for Exemption for which is attached to the Clerk's Notice of Garnishment.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the judgment debtor's non-exempt property. It is unlawful to pay or deliver to the judgment debtor any item attached by this writ.

Date APR 05 1996

BARBARA A. EVERLY
BANKRUPTCY CLERK

By: *Barbara A. Everly*
~~Deputy~~

APR 05 1996

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

BARBARA A. OVEALY, CLERK

IN RE:) Chapter 7
)
KIRK W. DENCKLAU and) Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)
)
Debtors.)
)
UNITED STATES OF AMERICA,) Adversary No. X-90-0145M
)
Plaintiff,)
)
vs.)
)
KIRK W. DENCKLAU and)
MARCIA ANN DENCKLAU,)
)
Defendants,)
)
and)
)
SIPCO, INC. d/b/a MONFORT BEEF)
and HOME INSURANCE COMPANY,)
)
Garnishees.)

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

You are hereby notified that this garnishment action is being taken by the United States of America which has a Consent Judgment in this case in the sum of \$16,194.31. A balance of \$20,062.63 as of March 28, 1996, plus accruing costs of this action remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may prevent some of the property from being taken by the Government if Kirk W. Dencklau can show

that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Iowa.

If you are Kirk W. Dencklau you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk at P.O. Box 64890, Cedar Rapids, Iowa, 52407. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within twenty (20) days of receiving this notice, your property may be sold at public auction and the proceeds of the sale will be applied to the debt you owe the Government.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk, P.O. Box 74890, Cedar Rapids, Iowa 52407. You must also send a copy of your request to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the bankruptcy clerk. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: APR 05 1996


UNITED STATES BANKRUPTCY CLERK

REQUEST FOR HEARING

I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

(Address)

or telephonically at _____
(Telephone Number)

Date: _____

Signature of Judgment Debtor

Judgment Debtor's printed name

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

NOTICE TO JUDGMENT DEBTOR ON
HOW TO CLAIM EXEMPTIONS

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- 2. Veteran's benefits (38 U.S.C. § 3101).
- 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
 - 8a. \$15,000 in equity in a residence.

Address of Residence

Fair Market Value

Liens

Equity

\$ _____ \$ _____ \$ _____

___ 8b. \$2,400 in equity in a motor vehicle.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8c. \$1,000 in jewelry.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8d. \$8,000 in personal property.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8e. \$1,500 in equity in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8e. In addition, a debtor who does not own a residence or who has less than \$15,000 in equity in a residence may exempt an additional \$7,500 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:	Fair Market Value
_____	\$_____

NOTE: If you select the Bankruptcy Code exemptions (lines 8a through 8e above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

___ 9. State of Iowa, which generally provides exemptions for:

	<u>Statute</u>	<u>Fair Market Value</u>
9a. Homestead Exemption		
___ (i) ½ A in city plot (give address) _____ _____	\$ 561.1	\$ _____
___ (ii) 40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b. Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	\$ 627.6	\$ _____ \$ _____
___ 9c. One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d. Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e. Burial Plot		\$ _____

_____ 9f. Household furnishings, goods
 or appliances not to exceed a
 total of \$2,000 (list items
 separately)

_____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

_____ 9g. Life insurance (describe)

_____ \$ _____

_____ 9h. Professionally prescribed
 health aids (describe)

_____ \$ _____

_____ 9i. Debtors rights

(1) Social Security Benefits,
 unemployment compensation,
 or public assistance
 benefits (circle one)

_____ \$ _____

(2) Veterans Benefit

_____ \$ _____

(3) Disability or illness
 Benefits

_____ \$ _____

(4) Alimony, support or
 separate maintained to
 the extent necessary for
 support

_____ \$ _____

(5) Payments under pension,
 annuity or similar plan
 to extent necessary for
 support (describe)

_____ \$ _____

___ 9j. Any combination of the following
not to exceed a total value of
\$5,000

(1) Musical instruments for personal use (describe) \$ _____

(2) One motor vehicle (give make, model, year and license number) \$ _____

(3) Tax refunds up to \$1,000 \$ _____

___ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate

___ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)

\$ _____

\$ _____

___ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

____ 9n. Any worker's compensation due under Chapter 85 of the
Iowa Code.

_____ \$ _____

I hereby declare that the above listed items are claimed
exempt by me under the applicable law.

Dated this ____ day of _____, 1996.

Kirk W. Dencklau
Judgment Debtor
Defendant in this matter.

APR 05 1996

BARBARA A. EVERLY, CLERK

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
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Garnishees.)	

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

You are hereby notified that this garnishment action is being taken by the United States of America which has a Consent Judgment in this case in the sum of \$16,194.31. A balance of \$20,062.63 as of March 28, 1996, plus accruing costs of this action remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may prevent some of the property from being taken by the Government if Kirk W. Dencklau can show

that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Iowa.

If you are Kirk W. Dencklau you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the United States Bankruptcy Clerk at P.O. Box 64890, Cedar Rapids, Iowa, 52407. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

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Date: APR 05 1996


UNITED STATES BANKRUPTCY CLERK

REQUEST FOR HEARING

I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

(Address)

or telephonically at _____
(Telephone Number)

Date: _____

Signature of Judgment Debtor

Judgment Debtor's printed name

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	Adversary No. X-90-0145M
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

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HOW TO CLAIM EXEMPTIONS

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If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- 2. Veteran's benefits (38 U.S.C. § 3101).
- 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
 - 8a. \$15,000 in equity in a residence.

Address of
Residence

Fair Market
Value

Liens

Equity

\$ _____ \$ _____ \$ _____

___ 8b. \$2,400 in equity in a motor vehicle.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8c. \$1,000 in jewelry.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8d. \$8,000 in personal property.

Property Claimed:	Fair Market Value
_____	\$ _____

___ 8e. \$1,500 in equity in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed:	Fair Market Value
_____	\$ _____

____ 8e. In addition, a debtor who does not own a residence or who has less than \$15,000 in equity in a residence may exempt an additional \$7,500 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:	Fair Market Value
_____	\$ _____

NOTE: If you select the Bankruptcy Code exemptions (lines 8a through 8e above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

___ 9. State of Iowa, which generally provides exemptions for:

	<u>Statute</u>	<u>Fair Market Value</u>
9a. Homestead Exemption		
___ (i) $\frac{1}{2}$ A in city plot (give address) _____ _____	\$ 561.1	\$ _____
___ (ii) 40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b. Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	\$ 627.6	\$ _____ \$ _____
___ 9c. One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d. Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e. Burial Plot		\$ _____

_____ 9f. Household furnishings, goods or appliances not to exceed a total of \$2,000 (list items separately)

_____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

_____ 9g. Life insurance (describe)

_____ \$ _____

_____ 9h. Professionally prescribed health aids (describe)

_____ \$ _____

_____ 9i. Debtors rights

(1) Social Security Benefits, unemployment compensation, or public assistance benefits (circle one)

_____ \$ _____

(2) Veterans Benefit

_____ \$ _____

(3) Disability or illness Benefits

_____ \$ _____

(4) Alimony, support or separate maintained to the extent necessary for support

_____ \$ _____

(5) Payments under pension, annuity or similar plan to extent necessary for support (describe)

_____ \$ _____

- ___ 9j. Any combination of the following not to exceed a total value of \$5,000
- (1) Musical instruments for personal use (describe) _____ \$ _____

 - (2) One motor vehicle (give make, model, year and license number) _____ \$ _____

 - (3) Tax refunds up to \$1,000 _____ \$ _____
- ___ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate
- ___ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)
- _____ \$ _____
- _____ \$ _____
- ___ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____

____ 9n. Any worker's compensation due under Chapter 85 of the Iowa Code.

_____ \$_____

I hereby declare that the above listed items are claimed exempt by me under the applicable law.

Dated this ____ day of _____, 1996.

Kirk W. Dencklau
Judgment Debtor
Defendant in this matter.

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

IN RE:) Chapter 7
)
KIRK W. DENCKLAU and) Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)
)
Debtors.)
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UNITED STATES OF AMERICA,) Adversary No. X-90-0145M
)
Plaintiff,)
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vs.)
)
KIRK W. DENCKLAU and)
MARCIA ANN DENCKLAU,)
)
Defendants,)
)
and)
)
SIPCO, INC. d/b/a MONFORT BEEF)
and HOME INSURANCE COMPANY,)
)
Garnishees.)

TO: Sipco, Inc. d/b/a Monfort Beef
1700 Maury Street
Des Moines, Iowa 50309

Home Insurance Company
6000 Greenwood Plaza Blvd.
Greenwood Village, CO 80111
c/o Gallagher Bassett Services, Inc.
3636 Westown Parkway
Unisys Bldg., Suite 230
West Des Moines, Iowa 50265

INSTRUCTIONS TO THE GARNISHEE

PLEASE READ THESE INSTRUCTIONS CAREFULLY, AS THEY REPRESENT
A SIGNIFICANT CHANGE IN GARNISHMENT PROCEDURES THAN THAT WHICH
MAY BE FAMILIAR.

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property or funds of the judgment debtor listed therein, or any other property of the judgment debtor's. Title 28, U.S.C. § 3205(c)(2)(E) requires that you file with the Court a written answer to this writ within 10 days of your receipt of this writ. An answer form is attached for your use. You must also serve a copy of your answer on the judgment debtor and on the United States Attorney. You are further required to withhold and retain any property or funds in which the judgment debtor has a substantial non-exempt pending interest.

1. AMOUNT GARNISHED. The principal amount, rate of interest, starting date of interest and costs are set out in the Writ of Garnishment served upon you. The amount garnished consists of all of these.
2. Mail remittances to: United States Attorney Office
Attn: Financial Litigation Unit
P.O. Box 74950
Cedar Rapids, Iowa 52407-4950

Your check or money order should be made payable to the "U.S. Department of Justice." Indicate on each remittance the name of the case and the Court Number, so that proper credit will be given.

3. THIS IS A CONTINUING GARNISHMENT. The garnishment can only be terminated by satisfaction of the full amount of the debt, a court order, or exhaustion of the property or funds held by you unless you re-instate or re-employ the judgment debtor within 90 days of termination or resignation.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR REASONABLE

ATTORNEY FEES TO THE UNITED STATES OF AMERICA
IF THE UNITED STATES FILES A PETITION TO THE
COURT REQUESTING AN EXPLANATION FOR YOUR
FAILURE TO COMPLY WITH THIS WRIT.

If you have any additional questions, please call Assistant
United States Attorney Kristin I. Tolvstad, at telephone number
319-363-0091 or by mail to: P.O. Box 74950, Cedar Rapids, Iowa,
52407-4950.

FILED
 U.S. BANKRUPTCY COURT
 NORTHERN DISTRICT OF IOWA
 APR 05 1996
 BARBARA A. EVERLY, CLERK

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

IN RE:	)	Chapter 7
)	
KIRK W. DENCKLAU and	)	Bankruptcy No. X-90-00499M
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,)	Adversary No. X-90-0145M
)	
Plaintiff,)	
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vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants,)	
)	
and)	
)	
SIPCO, INC. d/b/a MONFORT BEEF)	
and HOME INSURANCE COMPANY,)	
)	
Garnishees.)	

NOTICE OF GARNISHMENT AND INSTRUCTIONS
 TO THE ABOVE-NAMED DEFENDANT OR DEBTOR:

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a Consent Judgment entered against you on April 23, 1991, and the Garnishment was served on Sipco, Inc. d/b/a Monfort Beef and Home Insurance Company, Garnishees, and it is believed that the Garnishees may, now or in the future, have property or funds of yours in their custody, possession or control.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you

file written objections to that answer or to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a Court Order will be entered directing disposition of the funds or property and the funds or property will be applied against the judgment owed the United States of America.

Any objection that you file to contest the garnishment must be filed in the office of the United States Bankruptcy Court, Northern District of Iowa, P.O. Box 64890, Cedar Rapids, Iowa, 52407. The objection must state your reasons for believing that this property is not subject to garnishment by the United States of America. A copy of the objection or other pleadings must also be served on the United States Attorney for the Northern District of Iowa, P.O. Box 74950, Cedar Rapids, Iowa, 52407-4950, and Stephen W. Spencer, Attorney at Law, 700 Des Moines Bldg., 405 6th Avenue, Des Moines, Iowa, 50309.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re: CHAPTER 7
Bankruptcy No.

KIRK W. DENCKLAU
MARCIA ANN DENCKLAU
Debtor(s)

X90-00499M

UNITED STATES OF AMERICA
Plaintiff

Adversary No.

v.

X90-0145M

KIRK W. DENCKLAU and
MARCIA ANN DENCKLAU
Defendant

SIPCO, INC. dba MONFORT BEEF
and HOME INSURANCE COMPANY

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

MAY 30 1996

BARBARA A. EVERLY, CLERK

NOTICE Setting Hearing on Exemption Issue
and Post-Judgment Garnishment

TO: Attorney for Plaintiff: UNITED STATES ATTORNEY;
Defendants: KIRK DENCKLAU and MARCIA DENCKLAU;
BECKY S. KNUTSON;
United States Trustee;

NOTICE IS HEREBY GIVEN the above matter(s) will come before the Court on:

JULY 24, 1996, at 10:30 a.m.

At: Second Floor Court Room, U.S. Post Office, MASON CITY, IOWA.

DATED May 30, 1996.

BARBARA A. EVERLY
Clerk, Bankruptcy Court

by: *Jacqueline Morris*
Deputy Clerk
U. S. Courthouse
320-6th Street
Sioux City, IA 51101

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

JUL 10 1996

BARBARA A. EVERLY CLERK

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

IN RE:)	
	)	Chapter 7
	)	Bk. No. X90-00499M
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,)	
	)	Adv. No. X90-0145M
Plaintiff,)	
)	
vs.)	
)	
KIRK W. DENCKLAU and)	
MARCIA ANN DENCKLAU,)	
)	
Defendants.	)	MOTION TO CONTINUE HEARING
	)	ON EXEMPTION ISSUE AND
	)	POST-JUDGMENT GARNISHMENT
SIPCO, INC. dba MONFORT)	
BEEF and HOME INSURANCE CO.,)	
)	
Garnishees.)	

Plaintiff United States of America hereby moves this Court to continue the hearing set for July 24, 1996 at 10:30 a.m. in Mason City, Iowa, and in support of this motion states as follows:

1. The undersigned attorney has had long-standing plans to be out of the state from July 20, 1996 through August 8, 1996, and so will be unavailable for the hearing set for July 24, 1996.

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2. The Notice setting this matter for hearing was received in the Cedar Rapids office of the U.S. Attorney on June 3, 1996 during a time when the office was physically moving to another location. The Notice was then erroneously forwarded to the Sioux City office of the U.S. Attorney. Because of the error in directing the notice to the proper office, due in large part to the fact that the Cedar Rapids office was moving to new space, the undersigned attorney was not aware of the hearing date until on or about July 3, 1996.

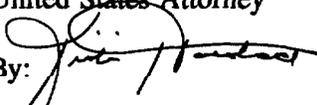
3. The undersigned attorney contacted Becky S. Knutson, attorney for defendant Kirk W. Dencklau, on July 5, 1996 regarding the garnishment proceeding and this request for continuance. Ms. Knutson informed the undersigned that she has no objection to this motion to continue.

WHEREFORE, the United States of America respectfully requests that the hearing on the Exemption issue originally scheduled for July 24, 1996, be continued and reset for a date after August 9, 1996.

Dated this 8th day of July, 1996.

Respectfully Submitted,

STEPHEN J. RAPP
United States Attorney

By: 

KRISTIN I. TOLVSTAD - 87654
Assistant United States Attorney
P. O. Box 74950
Cedar Rapids, Iowa 52407-4950
(319) 363-6333
(319) 363-1990 (fax)

CERTIFICATE OF SERVICE

I certify that I mailed a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on

July 8, 1996.

UNITED STATES ATTORNEY

BY: Rayed L. Thornton

COPIES TO:

Becky S. Knutson
Attorney for Defendant
666 Walnut Street Suite 2500
Des Moines, IA 50309-3993

U.S. Trustee
Law Building, Suite 400
225 2nd Street SE
Cedar Rapids, IA 52401

Steve Spencer
Peddicord Wharton Thune and Spencer
700 Des Moines Building
405 Sixth Ave.
Des Moines, IA 50309

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

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUL 11 1996

BARBARA A. EVERLY, CLERK

IN RE:

KIRK W. DENCKLAU and)
MARCIA ANN DENCKLAU,)
)
Debtors.)

Chapter 7
Bankruptcy No. X90-00499M

UNITED STATES OF AMERICA,)
)
Plaintiff,)

vs.)

KIRK W. DENCKLAU and)
MARCIA ANN DENCKLAU,)
)
Defendants,)

Adversary No. X90-0145M

and)

SIPCO, INC. d/b/a Monfort Beef)
and HOME INSURANCE CO.,)
)
Garnishees.)

RULING ON MOTION TO CONTINUE

Upon the motion of plaintiff to continue the hearing set for
July 24, 1996, and with consent of defendants,

IT IS ORDERED that the motion to continue is granted. The
clerk of court shall reschedule.

SO ORDERED THIS 11th DAY OF JULY 1996.



William L. Edmonds, Chief Bankruptcy Judge

I certify that on 7-11-96 a copy of this order was provided
to: U.S. Attorney, Kirk Dencklau, Becky S. Knutson and U.S.
Trustee. *sz*

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re: CHAPTER 7
Bankruptcy No.

KIRK W. DENCKLAU X90-00499M
MARCIA ANN DENCKLAU
Debtors

UNITED STATES OF AMERICA Adversary No.
Plaintiff

v. X90-0145M

KIRK W. DENCKLAU and
MARCIA ANN DENCKLAU
Defendants

and

SIPCO, INC. dba Monfort Beef
and HOME INSURANCE CO.

NOTICE Setting Continued Hearing on Exemption
Issue and Post Judgment Garnishment

TO: Attorney for Plaintiff(s): U. S. ATTORNEY;
Attorney for Defendant(s): BECKY S. KNUTSON;
STEVE SPENCER;
United States Trustee;

NOTICE IS HEREBY GIVEN the above matter(s) will come before the Court on:

SEPTEMBER 17, 1996, at 2:00 P.M.

At: Second Floor Court Room, U.S. Post Office, MASON CITY, IOWA.

DATED July 19, 1996.

BARBARA A. EVERLY
Clerk, Bankruptcy Court

by *Jacqueline Morris*
Deputy Clerk
U. S. Courthouse
320-6th Street
Sioux City, IA 51101

Copies mailed to
parties named above
on date shown jjm

*Recorded: Vol. III
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FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA
JUL 19 1996
BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT -- NORTHERN DISTRICT OF IOWA
PROCEEDING MEMO AND ORDER

Date: September 16, 1996 Chapter 7 Bankr. No. X90-00499M

IN RE: Adv. No. X90-0145M

UNITED STATES OF AMERICA
vs
KIRK W. DENCKLAU
and MARCIA ANN DENCKLAU

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

SEP 16 1996

APPEARANCES: Attorney(s) for Plaintiff(s): GEORGE D. PRENTICE, II
CLERK

Attorney(s) for Defendant(s): _____

See phone conference transcript
U. S. Trustee: _____ Other: _____

NATURE OF PROCEEDING: In Court Telephonic
 Trial Motion for Summary Judgment
 Status Conference Motion to Compel Discovery
 Pretrial Conference Other Exemption Issue and Post Judgment Garnishment

OUTCOME OF PROCEEDING:
 The matter having been submitted,
 Having been informed that the matter is settled,
 And findings of fact and conclusions of law having been orally stated,

IT IS ORDERED THAT:
 The matter is taken under advisement. Briefs due _____
 Settlement documents are to be submitted within 30 days or the matter will be dismissed pursuant to Local Rule 13(D).
 JUDGMENT is entered as follows pursuant to Fed.R.Bankr.P. 9021. JB []
 (Other)

hearing set for 9/17/96 is canceled.

SO ORDERED:
[Signature]
U. S. Bankruptcy Judge
Recorded: *Vol. III*
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The defendant was notified of his right to a hearing and on or about April 29, 1996, filed with this Court his exemption claim and request for a hearing to determine exempt property.

Hearing on this matter was set for September 17, 1996, at which time the Court was informed that the parties had reached a settlement of this matter.

IT IS THEREFORE ORDERED that the garnishee shall forthwith distribute the amount of \$12,000 to the United States of America, c/o United States Attorney's Office, P.O. Box 74950, Cedar Rapids, Iowa 52407.

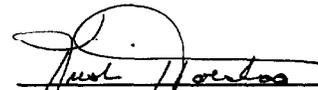
IT IS FURTHER ORDERED that the remainder of the funds being held by the garnishee shall be distributed to the defendant, c/o Becky S. Knutson, Attorney at Law, 666 Walnut Street, Suite 2500, Des Moines, IA 50309-3993.

ORDERED this 23rd day of Sept, 1996.


William L. Edmonds, Chief
United States Bankruptcy Court
for the Northern District of Iowa

The undersigned hereby consent to entry of the above order.

Date: 9-17-96


Kristin I. Tolvstad
Assistant U.S. Attorney

Date: 9-18-96


Becky S. Knutson
Attorney for Defendant

copies mailed to:
U. S. Attorney; Becky Knutson;
U. S. Trustee; Steve Spencer;
this 9/24/96 jjm