

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

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

MAR 19 1996

IN RE:)	
	)	Chapter 7
GEORGE PETER AHLHELM,	)	BARBARA A. EMBRY CLERK
)	
Debtor.	)	Bankruptcy No. L92-00617W
-----)	
MAYNARD SAVINGS BANK,)	
	)	Adversary No. L92-0112W
Plaintiff,)	
)	
vs.)	
)	
GEORGE PETER AHLHELM,)	
)	
Defendant.)	

**ORDER RE DEFENDANT'S REQUEST FOR CONTINUANCE OF HEARING
ON APPLICATION CLAIMING CONTEMPT FILED BY PLAINTIFF**

On this 19th day of March, 1996, the Court is presented with a request from Defendant for a continuance of the hearing presently scheduled for March 20, 1996 at 11:00 a.m. on Plaintiff's Application Claiming Contempt. After reviewing said request, the Court finds that same should be granted.

IT IS THEREFORE ORDERED that Defendant's request for a continuance of the hearing scheduled for March 20, 1996 at 11:00 a.m. is hereby granted.

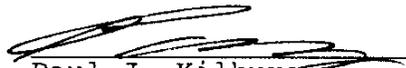
IT IS FURTHER ORDERED that the hearing is hereby rescheduled for

May 1, 1996 at 11:00 a.m.

in the Bankruptcy Court Room, 808 Black Building, E. 4th & Sycamore, WATERLOO, IOWA.

SO ORDERED this 19 day of March, 1996.

Copy to:
John Hofmeyer, III,
George Ahlhelm &
U.S. Trustee
this March 20, 1996 jlh


Paul J. Kilburg
U.S. Bankruptcy Judge

Vol III
Pg 192

CLERK, U.S. BANKRUPTCY COURT

P.O. BOX 74890

CEDAR RAPIDS, IOWA 52407

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE \$300

GEORGE AHLHELM
839 N LAMB BLVD #86
LAS VEGAS NV 89110

CLERK, U.S. BANKRUPTCY COURT

P.O. BOX 74890

CEDAR RAPIDS, IOWA 52407

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE \$300

JOHN HOFMEYER III
8 E CHARLES ST
BOX 589
OELWEIN IA 50662

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

IN RE:)
) Chapter 7
GEORGE PETER AHLHELM)
)
Debtor(s).) Bankruptcy No. L92-00617W
-----)
MAYNARD SAVINGS BANK,)
) Adversary No. L92-0112W
Plaintiff(s))
)
vs.)
)
GEORGE PETER AHLHELM)
)
Defendant(s))

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

DEC 07 1993

BARBARA A. EVERLY, CLERK

ORDER

The above-captioned matter came on for trial on September 27, 1993 on a Complaint to Determine Dischargeability of Debt. Plaintiff Maynard Savings Bank was represented by Attorney John W. Hofmeyer III. Defendant/Debtor George Ahlhelm appeared pro se. After the presentation of evidence, the Court took the matter under advisement.

STATEMENT OF THE CASE

Prior to filing this Chapter 7 petition, Debtor was in the business of buying salvage cars, rebuilding them and then selling them. He entered into financing arrangements whereby Plaintiff financed various vehicles with the understanding that when Debtor sold the vehicles he would repay the bank out of proceeds. A financial statement signed by Debtor in September 1987 showed his net worth at \$31,266. An August 1990 financial statement showed a net worth of \$46,080. Both of these statements list Debtor and his wife as owners of their home. In reality, the home was owned solely by Debtor's wife. Shop equipment or tools are valued on the two statements at \$8,300 and \$6,725, respectively. However, all of Debtor's tools which Plaintiff repossessed generated a total of only \$130 at sale. Both financial statements list vehicles at various values. The three vehicles which Plaintiff eventually repossessed were sold for a total of \$420.

Plaintiff seeks a determination of nondischargeability of three debts. A note dated March 13, 1991 in the amount of \$15,169.08 consolidated earlier notes and was secured by

interests in various vehicles. Plaintiff obtained a default judgment based on this obligation on February 10, 1992 in the amount of \$16,731.27. A second note dated March 13, 1991 in the amount of \$2,775 constituted a loan for tools and operating costs. It was secured by a blanket security interest including accounts receivable, tools, inventory, etc.

Plaintiff also received a small claims default judgment in the amount of \$704.91 based on a third note dated March 11, 1991 which was for a 1985 Chevy Cavalier. Debtor testified that he has the money to pay off the Cavalier from salvaging out parts. Therefore, the Court will direct Debtor to pay the small claims judgment including interest and court costs.

Plaintiff alleges various theories under § 523(a) for the nondischargeability of these debts. These include § 523(a)(2)(A) or (B) false statements, § 523(a)(4) embezzlement and § 523(a)(6) conversion. Plaintiff claims Debtor lied on his financial statements, disposed of collateral without authorization, failed to keep adequate records of disposition of car parts from Plaintiff's collateral vehicles, failed to preserve accounts receivable records, and failed to protect collateral.

Plaintiff states that it relied on Debtor's false financial statements to its detriment. Debtor states that Plaintiff had knowledge at the time he made the statements regarding the true state of his financial affairs. Plaintiff states that Debtor disposed of valuable collateral without authorization. Debtor states that many of the vehicles securing the debt were essentially worthless and were disposed of accordingly. He states that the accounts receivable were likewise worthless and uncollectible. Unfortunately, the Court cannot make an independent determination because Debtor destroyed all records of accounts receivable when he closed his business.

The parties dispute the disposition of a 1987 Conquest. This automobile was valued on Debtor's 1990 financial statement at \$7,900. Plaintiff claims Debtor disposed of this vehicle without its authorization. The evidence on the issue is, at best, murky. Debtor states that there were two 1987 Conquests. He testified that he destroyed one of the Conquests after burning up the engine in the Arizona desert. He states, however, that Plaintiff did not have a security interest in that car.

Debtor testified that there also existed a second Conquest which he fixed and sold in California. Apparently, however, he never had title to it. The result of this is that through a mistake in VIN numbers, Plaintiff took steps to hold a security interest in the Conquest which Debtor never had title to but did not perfect a security interest in the Conquest which was titled

in Debtor. Plaintiff states that, even though the evidence is confusing, it is irrelevant because Plaintiff always had a valid security interest in all the vehicles as "inventory" under its blanket security interest provisions.

Debtor testified at a debtor's exam on October 22, 1992 that he shredded the Conquest which ended up in Arizona "because I knew they [Plaintiff] were after the car. I knew I owed them no money on that car after finding the title to it, and I knew they would get it, so I shredded it." Transcription of Tapes of Debtor's Exam, October 28, 1992 at p. 58. Debtor asserts that Plaintiff wrongfully allowed an auto dealer to sell two vehicles, a Honda Prelude and a 1983 Buick, while he was out of town. He complains that Plaintiff signed off on the titles but refused to cancel the notes secured by those cars. There is little evidence in the record to establish the details of this transaction.

Plaintiff lists several other vehicles which are not accounted for. Debtor has indicated that these vehicles were worthless and were parted out or salvaged in the course of his business. He testified that two of the vehicles were accidentally destroyed when an uninsured driver sideswiped them.

CONCLUSIONS OF LAW

The U.S. Supreme Court has determined that the standard of proof on dischargeability exceptions under 11 U.S.C. § 523 is by a preponderance of the evidence. Grogan v. Garner, 498 U.S. 279, 111 S. Ct. 654, 661, 112 L. Ed. 2d 755 (1991). The preponderance of the evidence standard reflects a fair balance between effectuating the "fresh start" policy of the Bankruptcy Code and limiting the opportunity for a completely unencumbered new beginning to the "honest but unfortunate debtor". Grogan, 111 S. Ct. at 659. Exceptions to discharge must be "narrowly construed against the creditor and liberally construed against the debtor. These considerations, however, 'are applicable only to honest debtors.'" In re Van Horne, 823 F.2d 1285, 1287 (8th Cir. 1987). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I).

False Statements (§ 523(a)(2))

False financial statements are controlled by 11 U.S.C. § 523(a)(2) which states:

(a) A discharge under section 727. . . does not discharge an individual debtor from any debt

. . .

(2) for money, property, services, or an extension, renewal, or refinancing of credit, to the extent obtained by--

(A) false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition;

(B) use of a statement in writing--

(i) that is materially false;

(ii) respecting the debtor's or an insider's financial condition;

(iii) on which the creditor to whom the debtor is liable for such money, property, services, or credit reasonably relied; and

(iv) that the debtor caused to be made or published with the intent to deceive.

Courts use a five element test to determine whether a debt will be excepted from discharge under § 523(a)(2)(A). In re Thomas, No. L-92-00524C, Adv. No. L-92-0115C, slip op. at 4 (Bankr. N.D. Iowa Sept. 22, 1993). The elements are: (1) the debtor made false representations; (2) the debtor knew the representations were false at the time they were made; (3) the debtor made the representations with the intention and purpose of deceiving the creditors; (4) the creditor relied on the representations. Id.; In re Ophaug, 827 F.2d 340, 343 (8th Cir. 1987); and (5) the creditor sustained the alleged injury as a proximate result of the representations having been made. In re Van Horne, 823 F.2d 1285, 1287 (8th Cir. 1987).

The elements of proof for § 523(a)(2)(B) require that: "(1) the false financial statement be a writing respecting the debtor's financial condition; (2) the financial statement be materially false; (3) the debtor intended to deceive; and (4) there be reliance on the part of the creditor." In re Walderbach, No. L92-00780C, Adv. No. 92-1135LC, slip op. at 7 (Bankr. N.D. Iowa Aug. 31, 1993).

The debtor's intent is the most critical element of an analysis under § 523(a)(2). This Court in Walderbach recently stated that "intent can be gleaned from surrounding circumstances." Slip op. at 8; see also Van Horne, 823 F.2d at 1287 (concluding that intent in a § 523(a)(2)(A) action can be inferred from the surrounding circumstances). In assessing

intent, Courts, including the Northern and Southern Districts of Iowa, have adopted a totality of the circumstances approach. Walderbach, slip op. at 5; In re Davis, No. X91-01771F, slip op. at 7 (Bankr. N.D. Iowa Aug. 21, 1991); In re Stewart, 91 B.R. 489, 495 (Bankr. S.D. Iowa 1989).

The Court concludes that Plaintiff has failed to show by a preponderance of the evidence that it relied on false information or that Debtor intended to deceive Plaintiff. There appears to be little dispute that the values placed on the tools and vehicles were accurate at the time the statement was made. Considering the low value of Debtor's homestead, the status of the ownership of the homestead should have had little bearing on Plaintiff's decision to loan money for Debtor's business. Plaintiff has failed to prove that it relied on Debtor's joint ownership of his homestead in granting loans to Debtor or that Debtor intended to deceive Plaintiff in allowing the statement to show he was a joint owner of the home. The debt to Plaintiff should not be excepted from discharge under § 523(a)(2).

Embezzlement, (§ 523(a)(4))

Embezzlement for purposes of § 523(a)(4) is the "fraudulent appropriation of property of another by a person to whom such property has been entrusted or into whose hands it has lawfully come." In re Phillips, 882 F.2d 302, 304 (8th Cir. 1989). A primary issue is whether allegedly embezzled property is "property of another". Id. "The determination of whether the debtors 'owned' the funds . . . is critical to ascertaining whether the debtors embezzled the funds." Id. Thus, where the debtor owns the funds subject to a security interest, the debtor could not have embezzled the funds and the debt is not excepted from discharge under § 523(a)(4).

Debtor owned vehicles subject to Plaintiff's security interest. Embezzlement does not occur where the debtor actually owns the missing property. Therefore, Plaintiff's claim of nondischargeability under § 523(a)(4) must be denied.

Conversion, (§ 523(a)(6))

Section 523(a)(6) states that a debtor is not discharged from any debt "for willful and malicious injury by the debtor to another entity or to the property of another entity". A willful and malicious conversion is an "injury" under § 523(a)(6). In re Ewing, No. 92-11343LC, Adv. No. 92-1231LC, slip op. at 6 (Bankr. N.D. Iowa Nov. 3, 1993); In re Holtz, 62 B.R. 782, 785 (Bankr. N.D. Iowa 1986). "Bankruptcy Courts must look to state law to define conversion. Iowa defines conversion as 'the act of wrongful control or dominion over chattels in derogation of another's possessory right thereto.'" Holtz, 62 B.R. at 785 (citations omitted). In Holtz, the debtor's failure to apply

sales proceeds against the Bank's loans constituted conversion. Id. at 786. The Bank had a security interest in the proceeds. Id. at 785. The court focused on aggravating features of the debtor's conduct such as the concealment of funds and the deliberateness of the sale after the creditor had attempted to assert its rights in concluding that the debt was nondischargeable. Id.

A mere technical conversion does not satisfy § 523(a)(6). Id. at 786. Nondischargeability turns on whether the conduct is (1) headstrong and knowing ("willful") and, (2) targeted at the creditor ("malicious"), at least in the sense that the conduct is certain or almost certain to cause financial harm. In re Long, 774 F.2d 875, 881 (8th Cir. 1985). Long held that the debtor's conduct was willful because the debtor knew the diversion of funds was contrary to the collateral agreement. Id. at 882. However, the malice element was not met because the debtor did not intend or expect to harm the economic interests of the creditor.

In re Sain, 101 B.R. 30, 32 (Bankr. C.D. Ill. 1988), held that a debtor's misconduct in misappropriating proceeds from the sale of collateral is conversion under § 523(a)(6) which calls for nondischargeability of the debt to the extent of the value of the collateral. In Sain, the creditor had informal, ongoing financing with the debtor who bought and sold used cars. The nondischargeability claim arose from debtor's sale of a rebuilt pickup which was pledged as security for the creditor's note.

Even if the debtor could sell collateral vehicles without specific permission from the secured creditor, conversion occurs when the debtor fails to remit sale proceeds. In re Iaquina, 98 B.R. 919, 925 (Bankr. N.D. Ill. 1989). The court in Iaquina held that the debtor, in the business of selling used cars, is presumed to know harm will result from the sale of collateral. Although the creditor could be criticized for not monitoring the collateral or perfecting its security interest, the debtor had expressly granted a security interest which is binding between the two parties even though not perfected as to third parties. Id. The debtor's deprivation of the creditor's unperfected property rights constitutes a conversion. Id. The appropriate measure of damages is the fair market value of the converted collateral. Id.; see also In re Iaquina, 95 B.R. 576, 582 (Bankr. N.D. Ill. 1989) (holding that sale of two Mercedes was conversion excepting debt from discharge in amount of the fair market value of the collateral evidenced by the sales prices).

The Court concludes that Plaintiff has presented sufficient evidence of conversion of the 1987 Conquest automobile. Even though Plaintiff did not technically have a perfected security interest in the vehicle which was actually titled in Debtor's name, Debtor expressly granted a security interest in a 1987

Conquest as well as a blanket security interest which covered all Debtor's vehicles. Debtor's failure to remit the proceeds from the sale of a 1987 Conquest constitutes conversion. His statement at the debtor's exam in light of surrounding circumstances shows willfulness and maliciousness.

Although the amount Debtor received from the sale does not appear in the record, the parties both stated at the hearing that the value of \$7,900 placed on the vehicle in the August 1990 financial statement was fair. Therefore, the Court concludes that the debt to Plaintiff is excepted from discharge in the amount of \$7,900. Also, as indicated above, the debt is nondischargeable to the further extent of the small claims judgment of \$704.91, plus interest and court costs, as Debtor admits that funds are available from the proceeds from the 1985 Chevy Cavalier. There is insufficient evidence in the record upon which to base a determination of nondischargeability regarding any other vehicles or other collateral.

WHEREFORE, Plaintiff's claim of nondischargeability under § 523(a)(2), false financial statement, is DENIED.

FURTHER, Plaintiff's claim of nondischargeability under § 523(a)(4), embezzlement, is DENIED.

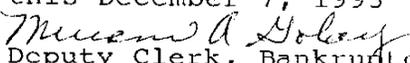
FURTHER, Plaintiff's claim of nondischargeability under § 523(a)(6) is proved by Debtor's failure to turn over proceeds from the 1987 Conquest and the 1985 Chevy Cavalier. Plaintiff's claim under § 523(a)(6) is GRANTED.

FURTHER, the debt to Plaintiff is excepted from discharge in the amount of \$7,900 for the 1987 Conquest and \$704.91, the small claims judgment plus interest and court costs, for the 1985 Chevy Cavalier.

FURTHER, judgment is entered for Plaintiff and against Debtor in those amounts.

SO ORDERED this 7 day of December, 1993.


PAUL J. KILBURG, Judge
U.S. Bankruptcy Court

Copy (w/judgment) to:
John Hofmeyer III, Atty for Plaintiff;
George Peter Ahlhelm, defendant appearing pro se;
U.S. Trustee
this December 7, 1993

Deputy Clerk, Bankruptcy Court 7
PO Box 74890
Cedar Rapids, IA 52407

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

DEC 29 1993

BARBARA A. EVERLY, CLERK

In Re:	)	No. L92-00617W
)	
GEORGE PETER AHLHELM,)	
)	
Debtor,)	
)	
MAYNARD SAVINGS BANK,)	
)	
Plaintiff,	)	Adversary No. L92-0112W
)	
vs.)	
)	
GEORGE PETER AHLHELM,)	
820 S. Frederick)	
Oelwein, Iowa 50662)	
)	
Defendant.)	

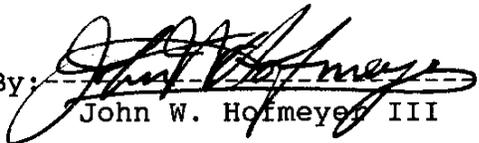
PRECIPE OF EXECUTION

TO THE CLERK OF THE DISTRICT COURT:

Please issue General Execution in the above entitled case directed to the Sheriff of Fayette County, Iowa, in the sum of \$7,900 and \$704.91 Small Claims Judgment, plus interest and Court costs.

Dated at Oelwein, Iowa, December 13, 1993.

JOHN W. HOFMEYER III (480683413)
Attorney for Plaintiff
8 E. Charles St., Box 589
Oelwein, Iowa 50662
(319) 283-4785

By: 
John W. Hofmeyer III

Recorded: Vol III
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FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

MAR - 8 1994

BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:		
GEORGE PETER AHLHELM, Debtor	)	No. L92-00617W
)	
MAYNARD SAVINGS BANK,)	
	)	No. L92-0112W
Plaintiff,)	
	)	COMBINED AFFIDAVIT OF
vs.	)	NON-MILITARY SERVICE AND
	)	OF IDENTIFICATION OF
GEORGE PETER AHLHELM,	)	JUDGMENT DEBTOR
)	
Defendant.)	

STATE OF IOWA)
) SS.
 FAYETTE COUNTY)

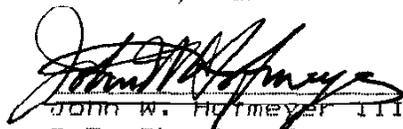
I, John W. Hofmeyer III, do on oath state that:

1. I am the Attorney for the Plaintiff in the above entitled action.

2. To the best of my information and belief, the full name of the Judgment Debtor herein is George Peter Ahlhelm, and his residence is 820 S. Frederick, Delwein, Fayette County, Iowa.

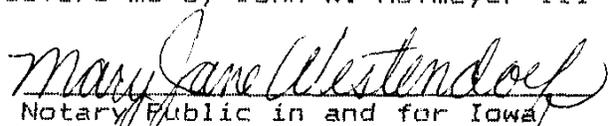
3. To the best of my information and belief, the Judgment Debtor's occupation is: Self-employed/Auto-Body Repair.

4. He is not now and has not been since the commencement of this action, in any branch of the military or naval service of the United States of America, or of any nation allied with the United States of America, or of any nation allied with the United States in the prosecution of any war.



 John W. Hofmeyer III (2386)
 8 E. Charles St.
 Box 589
 Delwein, Iowa 50662

Sworn and subscribed to before me by John W. Hofmeyer III on March 7, 1994.



 Notary Public in and for Iowa

Recorded: Val III
page 192

Amount of Judgements:

\$7900.00 plus \$2,010.17 interest as of 1/20/94, and
12.5% per year interest thereafter plus \$704.91 plus
\$171.03 interest as of 1/20/94 and 12% per year interest
thereafter.

Costs:	Small Claims Judgment:	\$45.00
	District court Judgment:	115.00
	Bankruptcy Court Costs	120.00
	Witness Fee-1 day	10.00
	Witness Mileage	
	140 mi. x \$.21/mi.	29.40

United States Bankruptcy Court

Northern District of Iowa

In re

GEORGE PETER AHLHELM,

Bankruptcy Case No.

L92-00617W

Debtor

MAYNARD SAVINGS BANK,

Plaintiff

v.

Adversary Proceeding No. L92-0112W

GEORGE PETER AHLHELM,

Defendant

WRIT OF EXECUTION TO THE UNITED STATES MARSHAL

<p>Name and Address of Judgment Creditor</p> <p>Maynard Savings Bank Hazleton Branch Hazleton, Iowa 50641</p>

Amount of Judgment:

\$ See Reverse Side.

Clerk's Fee:

\$ _____

Other Costs:

\$ See Reverse Side.

Interest From: _____

\$ See Reverse Side.

Costs of this writ:

\$ _____

vs.

<p>Name and Address of Judgment Debtor</p> <p>George Peter Ahlhelm 820 S. Frederick Ave. Oelwein, Iowa 50662</p>
--

TO THE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA;

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the marshal's schedule from the levy.

March 21, 1994
Date

Saranna C. Early
Clerk of the Bankruptcy Court

UNITED STATES MARSHAL'S RETURN

I received this writ on _____, and executed the same on _____
(date) (date)

United States Marshal

By: _____
Deputy Marshal

Recorded:
U.S. III
page 192

*original returned to atty John W Hoffmeyer III
Box 589 Oelwein Ia 50662 mg*

United States Bankruptcy Court

Northern District of Iowa

In re

GEORGE PETER AHLHELM

Bankruptcy Case No. L92-00617W

Debtor

Maynard Savings Bank

Plaintiff

v.

George Peter Ahlhelm

Adversary Proceeding No. L92-0112W

Defendant

FAYETTE COUNTY SHERIFF

WRIT OF EXECUTION TO THE ~~UNITED STATES MARSHAL~~

Name and Address of Judgment Creditor
Maynard Savings Bank
Hazleton Branch
Hazleton, Iowa 50641

Amount of Judgment:
\$ See Reverse Side

Clerk's Fee:
\$

Other Costs:
\$ See Reverse Side

vs.

Name and Address of Judgment Debtor
George Peter Ahlhelm
820 S. Frederick Ave.
Oelwein, Iowa 50662

Interest From:
\$ See Reverse Side

Costs of this writ:
\$

TO THE SHERIFF OF FAYETTE COUNTY, IOWA:

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the debtor's schedule from the levy.

Date June 13, 1994 Sheriff's

Barbara A. Everly
Clerk of the Bankruptcy Court
BARBARA A. EVERLY

FAYETTE COUNTY SHERIFF'S ~~UNITED STATES MARSHAL~~ RETURN

I received this writ on _____, and executed the same on _____
(date) (date)

United States Marshal
Fayette County Sheriff

By: _____ Deputy Marshal

Recorded:
page

Vol III
192

Amount of Judgements:

\$7900.00 plus \$2,010.17 interest as of 1/20/94, and
12.5% per year interest thereafter plus \$704.91 plus
\$171.03 interest as of 1/20/94 and 12% per year interest
thereafter.

Costs:	Small Claims Judgment:	\$45.00
	District court Judgment:	115.00
	Bankruptcy Court Costs	120.00
	Witness Fee-1 day	10.00
	Witness Mileage	
	140 mi. x \$.21/mi.	29.40

STATE OF IOWA
FAYETTE COUNTY

ss. **NOTICE OF SHERIFF'S LEVY
AND SALE**

UNITED STATES BANKRUPTCY COURT
BANKRUPTCY CASE # L92-00617W
NORTHERN DISTRICT OF IOWA

PLAINTIFF Maynard Savings Bank	FILED U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF IOWA NOV - 3 1994 BARBARA A. EVERLY, CLERK
VS.	
DEFENDANT (Judgment Debtor) George Peter Ahlhelm	

- Special Execution
- General Execution
- Other

As a result of the judgment rendered in the above referenced court case, an execution was issued by the court to the Sheriff of this county. The execution ordered the sale of defendant(s) to satisfy the judgment. The property to be sold is

- REAL ESTATE
- PERSONAL PROPERTY
- described below:
- on attached sheet:

1973 Chevy Monte Carlo
Title No. 33-W059637
Registered to: George Ahlhelm

Iowa License Plate No. NHG 040
VIN# 1H57K3K539011

1986 Mazda
Title No. 33-W070177
Registered to: George Ahlhelm

Iowa License Plate No. NHL 301
VIN# JM1FC3318G0122753

The described property will be offered for sale at public auction for cash only as follows:

Date of Sale August 17, 1994	Time of Sale 2:30 O'Clock PM	Place of Sale First Floor, Lobby Area Fayette County Courthouse, West Union, Iowa
---------------------------------	---------------------------------	---

- Homestead: Defendant is advised that if the described real estate includes the homestead (which must not exceed 1/2 Acre if within a city or town plat, or, if rural, must not exceed 40 Acres), defendant must file a homestead plat with the Sheriff within ten (10) days after service of this notice, or the Sheriff will have it platted and charge the costs to this case.
- Redemption: After sale of real estate, defendant may redeem the property within _____.
- This sale not subject to redemption.
- Property exemption: Certain money or property may be exempt. Contact your attorney promptly to review specific provisions of the law and file appropriate notice, if acceptable.

Judgment Amount \$ 7,900.00	Add'l Int. \$ 2,886.11	Accruing Costs \$ 319.40	Interest 12 %from 01/20/94	Attorney John W. Hofmeyer III Delwein, Iowa 50662
Date June 30, 1994	Sheriff Eugene H. Dietzenbach Fayette County, Iowa		Deputy <i>John W. Hofmeyer</i>	

STATE OF IOWA
FAYETTE COUNTY

ss. **NOTICE OF SHERIFF'S LEVY
AND SALE**

UNITED STATES BANKRUPTCY COURT
BANKRUPTCY CASE # L92-00617W
NORTHERN DISTRICT OF IOWA

PLAINTIFF Maynard Savings Bank
VS.
DEFENDANT (Judgment Debtor) George Peter Ahlhelm

- Special Execution
- General Execution
- Other

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- PERSONAL PROPERTY
- described below:
- on attached sheet:

1973 Chevy Monte Carlo
Title No. 33-W059637
Registered to: George Ahlhelm

Iowa License Plate No. NHG 040
VIN# 1H57K3K539011

1986 Mazda
Title No. 33-W070177
Registered to: George Ahlhelm

Iowa License Plate No. NHL 301
VIN# JM1FC331860122753

*Both these cars have been disposed of years ago
Geo Ahlhelm
7/19/94*

The described property will be offered for sale at public auction for cash only as follows:

Date of Sale August 31, 1994	Time of Sale 2:30 O'Clock PM	Place of Sale First Floor, Lobby Area Fayette County Courthouse, West Union, Iowa
---------------------------------	---------------------------------	---

- Homestead: Defendant is advised that if the described real estate includes the homestead (which must not exceed 1/2 Acre if within a city or town plat, or, if rural, must not exceed 40 Acres), defendant must file a homestead plat with the Sheriff within ten (10) days after service of this notice, or the Sheriff will have it platted and charge the costs to this case.
- Redemption: After sale of real estate, defendant may redeem the property within _____.
- This sale not subject to redemption.
- Property exemption: Certain money or property may be exempt. Contact your attorney promptly to review specific provisions of the law and file appropriate notice, if acceptable.

Judgment Amount \$ 7,900.00	Add'l Int. \$ 2,886.11	Accruing Costs \$ 319.40	Interest 12 %from 01/20/94	Attorney John W. Hofmeyer III Oelwein, Iowa 50662
Date June 30, 1994	Sheriff Eugene H. Dietzenbach Fayette County, Iowa		Deputy <i>Patricia Bougman</i>	

Date: August 10, 1994

Time: 2:05 p.m.

JOHN W. HOFMEYER III
Attorney at Law
8 E. Charles St., Box 589
Oelwein, Iowa 50662
PHONE: (319) 283-4785
FAX: (319) 283-4794

*****FACSIMILE MESSAGE*****

TO: Roxanne, Fayette County Sheriff's Dept.

RE: George Ahlhelm Execution

FROM: John W. Hofmeyer III

Number of pages including this page: 1

COMMENTS:

If you feel you are able to under the existing execution, please do a Rule 260(b) levy on all George Ahlhelm's property.

This document and its contents shall be held in good confidence

CONFIDENTIALITY NOTICE: The information appearing on this teletype transmission is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this teletype information is strictly prohibited. If you have received this teletype in error, please immediately notify us by telephone to arrange for return of the original document to us.

Date: 8/11/94
Time: a.m./p.m.

RECEIVED
94 AUG 17 PM 3:40
SHERIFF'S OFFICE
FAYETTE COUNTY, IOWA

JOHN W. HOFMEYER III (2386)
Attorney at Law
8 E. Charles St., Box 589
Oelwein, Iowa 50662
PHONE: (319) 283-4785
FAX: (319) 283-4794

*****FACSIMILE MESSAGE*****

TO: Roxanne - Fay Co Sheriff

RE: MSBv. George Ahlhelm

FROM: John W. Hofmeyer III

Number of pages including this page: 4

COMMENTS: Please release the lien (and levy) on the

1986 Mazda Rx 7, VIN JM1FE 8318 60 (22753, based on
the accompanying Affidavit.

NOTE: Please call us if transmission was not received in good condition.

CONFIDENTIALITY NOTICE: The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

AFFIDAVIT

STATE OF IOWA:

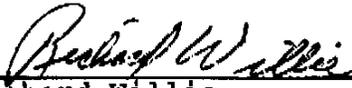
ss:

COUNTY OF CLAYTON:

I, Richard Willie, state that I am the rightful owner of one (1):

1986 Mazda RX7
VIN: JM1FC8318G0122753

purchased from George Ahlhelm on or about July 27, 1993 for \$ 3,500.00 (See copy of check number 8201, attached). Also see copy of Certificate of Title attached.


Richard Willie

On this 17th day of August, 1994, before me, the undersigned a notary public, personally appeared Richard Willie, to me known to be the person making and executing the above Affidavit and acknowledged that he made and executed the same as his voluntary act and deed.


Notary Public in and for the State of Iowa

STATE OF IOWA

TITLE NO. 33-W070177 **CERTIFICATE OF TITLE TO A VEHICLE** **DESIGNATION** PRIOR SALVAGE

VIN JM1FC9318G0122753 **VALID/YR.** 33-027633 93 **PLATE NO./YR.** NHL301 86

TYPE A YR. 86 MAKE MAZD SERIES MAZ MODEL RX 7 GX M 5S STYLE 2D

CYL 00 COLOR RED FUEL G SQ. FT. U2 WT. 02700 RM 07

LP. 012900 GVWR ACTUAL ODOMETER 69663 **CODE** U2 **SR** 07-93 **TITLE PEN.** 75.00

CUMULATIVE DAMAGE \$0.00 **FEE** 93 **FEE** 75.00

MVC1 483688858 1 MVC2 **USE TAX** 50.00

OWNER 1 AHLHELM, GEORGE **FEE** 6.00

OWNER 2 **OTHER FEES OR PEN** .00

ADDRESS 820 S FREDERICK **TOTAL** 6.00

CITY, ST OELWEIN IA 50662

PREV. OWNER WATERLOO AUTO PARTS INC **PREV. TITLE** 07-5012041

ADDRESS 1501 GRANDVIEW AVE **TITLE** R209 **YR.** 93

CITY, ST. WATERLOO IA 50703 **PREV. REG.**

1ST SECURITY INTEREST If There Are No Security Interests "X" Here

DATE _____ NO. _____

HELD BY _____

ADDRESS _____

CO. TREAS. _____ BY _____ DEPUTY _____

CANCELLATION OF 1ST SECURITY INTEREST

DATE _____ NO. _____ DATE _____

HOLDER _____ CO. TREAS. _____

BY _____ BY _____

2ND SECURITY INTEREST

DATE _____ NO. _____

HELD BY _____

ADDRESS _____

CO. TREAS. _____ BY _____ DEPUTY _____

CANCELLATION OF 2ND SECURITY INTEREST

DATE _____ NO. _____ DATE _____

HOLDER _____ CO. TREAS. _____

BY _____ BY _____

WITNESS MY HAND AND OFFICIAL SEAL **DOCUMENT FEE** \$15.00

01 00110

PHYLLIS MASSMAN BY *JM* *elk*

County Treasurer **80291834**

X Form 411100 8-92 H-1193

VOID IF ALTERED

Federal and State law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

ASSIGNMENT OF TITLE

The undersigned hereby certifies that the motor vehicle described in this title has been transferred to the following printed name and address:

Key Stone Auto Sales Strawberry Hill Ia

I certify to the best of my knowledge that the odometer reading is the actual mileage of the motor vehicle unless one of the following statements is checked:

1. The mileage stated is in excess of its mechanical limits. 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY

ODOMETER READING (No Tenths) 20204 DATE OF SALE 7-27-93

- 1. The motor vehicle sustained damage of \$3,000 or more in at least one incident while I owned the described motor vehicle. If yes, list the total retail dollar amount of damage from all incidents of \$3,000 or more while you owned the motor vehicle. \$ 2-27-93
2. I have knowledge the motor vehicle was previously titled as salvage or rebuilt and this information is not recorded on the face of this title.

Signature(s) of Seller(s) George Althelm Printed Name of Seller George Althelm

I am aware of the above odometer certification made by the seller. Signature(s) of Buyer(s) Dick Willie Printed Name(s) Dick Willie

FIRST RE-ASSIGNMENT BY LICENSED DEALER

The undersigned dealer hereby certifies that the vehicle described in this title has been transferred to the following printed name and address:

JASON P. CHOPARD & PAUL RALPH CHOPARD RR 2 PMS Edward

I certify to the best of my knowledge that the odometer reading is the actual mileage of the motor vehicle unless one of the following statements is checked:

1. The mileage stated is in excess of its mechanical limits. 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY

ODOMETER READING (No Tenths) 70566 DATE OF SALE 8-9-94

- 1. The motor vehicle sustained damage of \$3,000 or more in at least one incident while I owned the described motor vehicle. If yes, list the total retail dollar amount of damage from all incidents of \$3,000 or more while you owned the motor vehicle. \$
2. I have knowledge the motor vehicle was previously titled as salvage or rebuilt and this information is not recorded on the face of this title.

Name of Dealer Key Stone Auto Sales Dealer No. 2840 Signature of Dealer Representative Dick Willie Title

I am aware of the above odometer certification made by the seller. Signature(s) of Buyer(s) Jason P. Chopard & Paul R. Chopard Printed Name(s) Jason P. Chopard & Paul R. Chopard

SECOND RE-ASSIGNMENT BY LICENSED DEALER

The undersigned dealer hereby certifies that the vehicle described in this title has been transferred to the following printed name and address:

I certify to the best of my knowledge that the odometer reading is the actual mileage of the motor vehicle unless one of the following statements is checked:

1. The mileage stated is in excess of its mechanical limits. 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY

ODOMETER READING (No Tenths) DATE OF SALE

- 1. The motor vehicle sustained damage of \$3,000 or more in at least one incident while I owned the described motor vehicle. If yes, list the total retail dollar amount of damage from all incidents of \$3,000 or more while you owned the motor vehicle. \$
2. I have knowledge the motor vehicle was previously titled as salvage or rebuilt and this information is not recorded on the face of this title.

Name of Dealer Dealer No. Signature of Dealer Representative Title

Printed Name of Dealer Representative I am aware of the above odometer certification made by the seller. Signature(s) of Buyer(s) Printed Name(s)

Any Alteration or Erasure Voids This Title

8201

KEY-STONE AUTO SALES
 BOX 216 PH. 933-8427
 STRAWBERRY POINT, IA 52076

7-27-1995 72-1428/739

PAY TO THE ORDER OF Joe. Callahan \$ 3500⁰⁰

Thirty Five Hundred and 00/100 DOLLARS

 COMMUNITY SAVINGS BANK
 OFFICES IN EAMVILLE, GREELEY & LITTLEPORT
 EDGEWOOD, IOWA 52042

MEMO St. Marys RX7 Al. Willis

⑆073914288⑆ 010 767 21⑆ 8201 ⑆0000350000⑆

SHERIFF'S RELEASE OF ATTACHED PROPERTY

.....
Maynard Savings Bank
.....
Plaintiff

VERSUS

.....
George Peter Ahlhelm
.....
Defendant

Case No. 192-00617W

Docket No.

Page No.

STATE OF IOWA, FAYETTE COUNTY, ss.

To George Peter Ahlhelm Defendant and

~~Custodian~~

You are hereby notified that the property levied upon by the undersigned Sheriff on the 30th day of June 19 94 under a Writ of Execution is released and discharged from said levy by order of Plaintiff's Attorney

Description of property released:

1986 Mazda Iowa License Plate No. NHL 301

Title No. 33-W070177 VIN# JM1FC3318G0122753

Registered to: George Ahlhelm

Sheriff will not be responsible for storage or other charges on above property unless specifically authorized in writing.

Given under my official hand this 11th day of August 19 94

Eugene H. Dietzenbach

Sheriff of Fayette County

Eugene H. Dietzenbach
Deputy

United States Bankruptcy Court

Northern District of Iowa

In re

GEORGE PETER AHLHELM

Bankruptcy Case No. L92-00617W

Debtor

Maynard Savings Bank

Plaintiff

v.

George Peter Ahlhelm

Adversary Proceeding No. L92-0112W

Defendant

FAYETTE COUNTY SHERIFF

WRIT OF EXECUTION TO THE ~~UNITED STATES MARSHAL~~

Name and Address of Judgment Creditor
Maynard Savings Bank
Hazleton Branch
Hazleton, Iowa 50641

Amount of Judgment:
\$ See Reverse Side

Clerk's Fee:
\$ _____

vs.

Other Costs:
\$ See Reverse Side

Name and Address of Judgment Debtor
George Peter Ahlhelm
820 S. Frederick Ave.
Oelwein, Iowa 50662

Interest From: _____
\$ See Reverse Side

Costs of this writ:
\$ _____

TO THE SHERIFF OF FAYETTE COUNTY, IOWA:

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the ~~marshal's~~ schedule from the levy.

Date June 13, 1994

Sheriff's

Barbara A. Everly

Clerk of the Bankruptcy Court
BARBARA A. EVERLY

FAYETTE COUNTY SHERIFF'S ~~UNITED STATES MARSHAL'S~~ RETURN

I received this writ on _____, and executed the same on _____
(date) (date)

~~United States Marshal~~
Fayette County Sheriff

By: _____
Deputy Marshal

Amount of Judgements:

\$7900.00 plus \$2,010.17 interest as of 1/20/94, and
12.5% per year interest thereafter plus \$704.91 plus
\$171.03 interest as of 1/20/94 and 12% per year interest
thereafter.

Costs:	Small Claims Judgment:	\$45.00
	District court Judgment:	115.00
	Bankruptcy Court Costs	120.00
	Witness Fee-1 day	10.00
	Witness Mileage	
	140 mi. x \$.21/mi.	29.40

STATE OF IOWA }
FAYETTE COUNTY } ss

I hereby certify that the within execution came into my hands for service June 16, 1934 and that such action was taken by virtue hereof as evidenced by certification hereto attached and made a part hereof.

EUGENE H. DIETZENBACH, SHERIFF
FAYETTE COUNTY, IOWA

By James Baumgardner
Deputy

SHERIFF
FAYETTE COUNTY, IOWA
FEES

Service	\$ 10.00
Notice of Levy ...	\$ 10.00
Garnishment	\$
Posting	\$
Mileage	\$ 23.00
Notary	\$
Copy	\$ 1.50
.....	\$
.....	\$
TOTAL	\$ 64.50

STATE OF IOWA }
FAYETTE COUNTY } ss

The within execution is returned to the Clerk of the Iowa District Court of _____ County this _____ (unsatisfied) _____ (without action) with _____

EUGENE H. DIETZENBACH, SHERIFF
FAYETTE COUNTY, IOWA

By James Baumgardner
Deputy

United States bankruptcy court

Execution ret'd without sheriff fees paid. Sheriff fees still due

Date
SHERIFF'S FEES PAID BY

SHERIFF, FAYETTE COUNTY, IOWA

BY _____
DEPUTY

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Edgar Traeger III Readlyn, Iowa	1	10.00			140	29.40	39.40
					TOTAL		39.40

NOTICE

Section 1924, Title 28, U.S. Code provides:

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

Section 1920 of Title 28 reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Bankruptcy Rules contain the following provisions:

Bankruptcy Rule 7054(b)

"COSTS. The court may allow costs to the prevailing party except when a statute of the United States or these rules otherwise provides. Costs against the United States, its officers and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice; on motion served within five days thereafter, the action of the clerk may be reviewed by the court."

Bankruptcy Rule 9006(f)

"ADDITIONAL TIME AFTER SERVICE BY MAIL. When there is a right or requirement to do some act or undertake some proceeding within a prescribed period after service of a notice or other paper and the notice or paper other than process is served by mail, three days shall be added to the prescribed period."

Bankruptcy Rule 9021(a) (in part)

"Entry of the judgment shall not be delayed for the taxing of costs."
YOU MUST CALL the Clerk at 319/362-9696 to obtain a time for this to be set....
DO NOT SERVE, or send to Clerk's Office, WITHOUT HAVING OBTAINED A DATE & TIME.
***Also, your affidavit must be attached. Include Military statement..**

NOTE: →

NOTE: →

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:)
GEORGE PETER AHLHELM, Debtor) No. L92-00617W)
))
MAYNARD SAVINGS BANK,))
)) No. L92-0112W)
Plaintiff,))
))
vs.)) COMBINED AFFIDAVIT OF)
)) NON-MILITARY SERVICE AND)
)) OF IDENTIFICATION OF)
GEORGE PETER AHLHELM,)) JUDGMENT DEBTOR)
))
Defendant.))

=====

STATE OF IOWA)
) SS.
FAYETTE COUNTY)

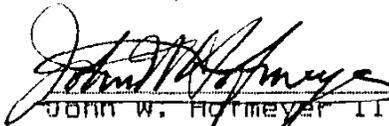
I, John W. Hofmeyer III, do on oath state that:

1. I am the Attorney for the Plaintiff in the above entitled action.

2. To the best of my information and belief, the full name of the Judgment Debtor herein is George Peter Ahlhelm, and his residence is 820 S. Frederick, Delwein, Fayette County, Iowa.

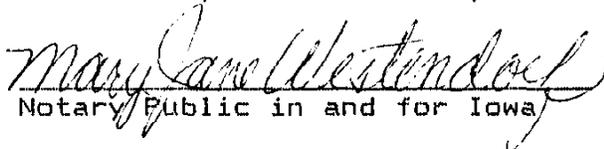
3. To the best of my information and belief, the Judgment Debtor's occupation is: Self-employed/Auto-Body Repair.

4. He is not now and has not been since the commencement of this action, in any branch of the military or naval service of the United States of America, or of any nation allied with the United States of America, or of any nation allied with the United States in the prosecution of any war.



JOHN W. HOFMEYER III (2386)
8 E. Charles St.
Box 589
Delwein, Iowa 50662

Sworn and subscribed to before me by John W. Hofmeyer III on March 7, 1994.



Notary Public in and for Iowa

George Ahlhelm

1973 Chevy Monte Carlo
Registered to:

GEORGE AHLHELM

License Plate No.

NHG040 33-22820 (92)

Title No.

33-W059637 not

VIN#

1H57K3K539011 correct

Liens?

NONE

1986 Mazda

Registered to:

GEORGE AHLHELM

License Plate No.

NHL301 33-27633 (93)

Title No.

33-W070177

VIN#

JM1FC3318G0122753

Liens?

NONE

1989 Chrysler

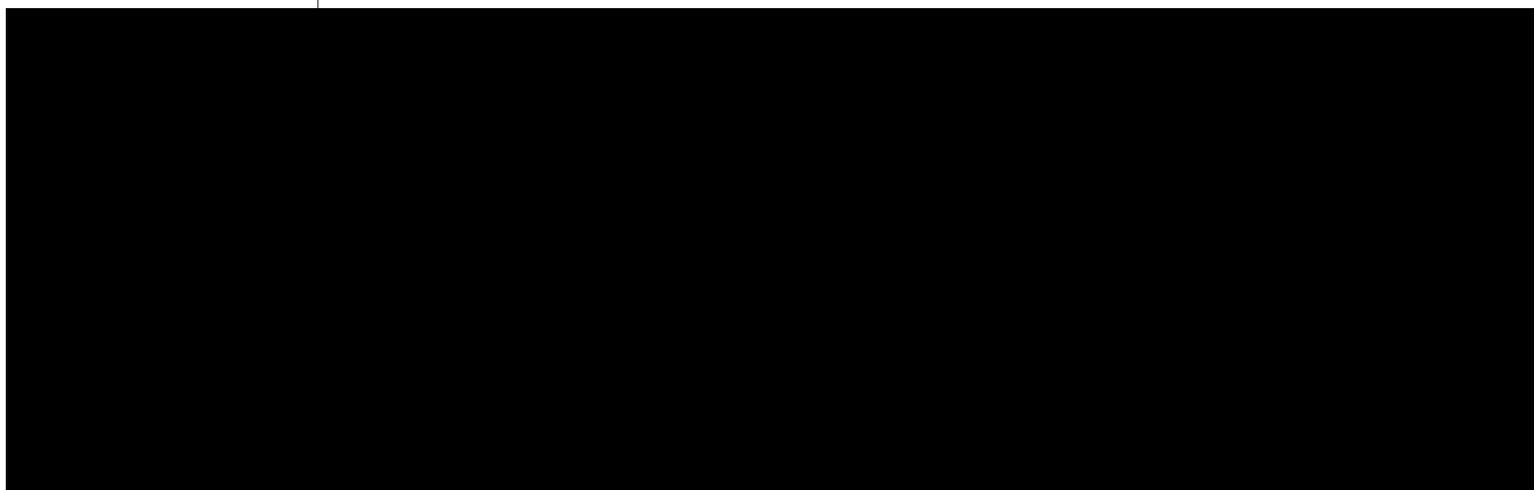
Registered to:

License Plate No.

Title No.

VIN#

Liens?



PARTY SERVED SIGNATURE _____
 WRETTE COUNTY SHERIFF'S SERVING OFFICER
 CIVIL PROCESS SERVING WORKSHEET

CASE #: L92-0112W COURT #: FEDRL DATE EXECUTED: 06/29/1994 COUNTY: 57

PROCESS: XGEN

PARTIES:

PLTF MAYNARD SAVINGS BANK
 DEFT AHLHELM, GEORGE PETER 820 SOUTH FREDERICK OELWEIN
 ATTORNEY: HOFMEYER, JOHN W. III HOFMEYER LAW FIRM

DATE ISSUED: 6/13/1994
 DATE EXPIRED: 8/22/1994

JUDGEMENT AMOUNT 7,900.00
 ACCRUED COSTS 319.40

INT. 12.000000%
 FOR 209 DAYS
 BEGINNING 1/20/1994 TO 8/17/1994
 INT. PER DAY \$2.5955

COURT COSTS
 OTHER EXPENSES
 ATTORNEY FEES
 ABSTRACTING FEE
 SHERIFF FEES 300.00
 ADDTL INTEREST 2,886.11
 AMOUNT PAID
 INTEREST AMT. 542.45
 OWING TO DATE 11,947.96

NOTES:

WE HAVE BEEN INSTRUCTED TO PERFORM A SHERIFF'S SALE ON THE WITHIN DESCRIBED VEHICLES. THEREFORE, PRIOR TO MAKING SERVICE UPON DEFENDANT, IT WOULD BE BEST IF A WRECKER WOULD BE CONTACTED AS TO PICKING VEHICLES UP ON THE DATE YOU MAKE AN ATTEMPT AT THIS. CHECK WITH THE SHERIFF WHERE VEHICLES ARE TO GO, AS COUNTY SHOP DOESN'T HAVE ANY ROOM FOR MORE VEHICLES RIGHT NOW AND COURTHOUSE PARKING LOT WOULD NOT BE A GOOD PLACE WITH RESURFACING. 33-1 MENTIONED THAT POSSIBLY THEY COULD GO DOWN IN OUR GARAGE AND IF NOT ENOUGH SPACE IS AVAILABLE, CHECK WITH JIM MOSS FOR HIS SIDE OF GARAGE AND WE WOULD PAY STORAGE. IF 33-1 IS AVAILABLE, CHECK WITH HIM AGAIN, ON THIS, HOWEVER, IF HE IS NOT AVAILABLE AT TIME THIS IS GOING TO BE ATTEMPTED, GO WITH WHATEVER HE MENTIONED. COPY OF SALE NOTICE NEEDS TO BE SERVED UPON THE DEFENDANT. AFTER DEFENDANT HAS BEEN SERVED, YOU WILL THEN NEED TO POST COPIES OF SALE NOTICE AT THE OELWEIN STATE BANK, OELWEIN, IOWA, THE FIRST NATIONAL BANK OF WEST UNION, WEST UNION, IA, AND AT THE COURTHOUSE, WEST UNION, IOWA. YOU WILL ALSO, NEED TO DELIVER A COPY OF SALE NOTICE TO THE OELWEIN DAILY REGISTER WITH GIVING THEM PUBLISH DATES OF: JULY 19TH, JULY 26TH & AUGUST 2ND. YOU WILL NEED TO DELIVER SALE NOTICE TO THE PUBLISHER BY JULY 15TH, SO, THEREFORE, IF SERVICE HAS NOT BEEN MADE UPON THE DEFENDANT BY 7/15/94, PLEASE RETURN PAPERWORK AND DATES WILL NEED TO BE CHANGED ALONG WITH A NEW COVER SHEET BEING PREPARED.

PARTY NAME	DATE & TIME	SERV S/A/D	OFF. LOCATION	MILEAGE FEES

COMMENTS: _____

FAYETTE COUNTY SHERIFFS
 Box 228, West Union, Iowa 52175

U.S. Department of Justice
 United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal SHERIFF, on the reverse of this form. FAYETTE COUNTY, IOWA

PLAINTIFF Maynard Savings Bank	COURT CASE NUMBER Adversary #L92-0112W Bank. #L92-00617W.
DEFENDANT George Peter Ahlhelm	TYPE OF PROCESS

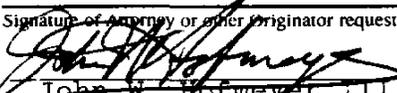
SERVE  **AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
George Peter Ahlhelm
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
820 S. Frederick Ave. Oelwein, Iowa 50662

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285	1
John W. Hofmeyer III 8 E. Charles, Box 589 Oelwein, Iowa 50662	Number of parties to be served in this case	1
	Check for service on U.S.A.	

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

Fold Any and all non-exempt personal property belonging to Defendant George Peter Ahlhelm, including but not limited to:
 1973 Chevy Monte Carlo, VIN#1H57K3K539011
 1986 Mazda, VIN#JM1FC3318G0122753
 1989 Chrysler LaBaron, Premium, VIN#

Signature of Attorney or other originator requesting service on behalf of: 	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (319) 283-4785	DATE 4/4/94
---	---	------------------------------------	----------------

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. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
--	---------------	---------------------------------	--------------------------------	--	------

I hereby certify and return that I have personally served, I have legal evidence of service, I 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:

DEC 04 1995

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

In Re:	)	No. L92-00617W
)	
GEORGE PETER AHLHELM,)	
)	
Debtor,)	
)	
MAYNARD SAVINGS BANK,)	
)	
Plaintiff,	)	Adversary No. L92-0112W
)	
vs.	)	APPLICATION CLAIMING
	)	CONTEMPT
GEORGE PETER AHLHELM,)	
)	
Defendant.)	

COMES NOW the Creditor Maynard Savings Bank through their Attorney and states to the Court that:

1. The Debtor George Ahlhelm was subpoenaed to appear for a Debtor's Exam at John W. Hofmeyer III's office, 8 E. Charles, Oelwein, Iowa, on November 20, 1995, at 1:30 p.m.
2. As shown by the attached Return of Service, this Subpoena was personally served upon the Debtor.
3. The Debtor failed to appear at the time and place ordered; therefore, the Debtor George Ahlhelm is in Contempt of Court for failing to so appear without explanation.

WHEREFORE, Maynard Savings Bank prays the Court for an Order directing George Ahlhelm to appear and show cause why he should not be found in Contempt of Court and punished accordingly, and upon hearing, the Court find the Debtor George Ahlhelm in Contempt of Court, impose just sentence, and grant the Maynard Savings Bank such relief as the Court deems just and appropriate under the circumstances, including granting a Judgment against Debtor for the Attorney's Fees associated with the Contempt.



 JOHN W. HOEYER III (2386)
 Attorney for Maynard Savings Bank
 8 E. Charles St., Box 589
 Oelwein, Iowa 50662
 (319) 283-4785

Copies to: Client
Debtor

Recorded:
Vol III
page 192

PROOF OF SERVICE

SERVED	DATE 9-18-95	PLACE 820 South FREDERICK
SERVED ON (PRINT NAME) GEORGE AHLHELM		MANNER OF SERVICE PERSONAL
SERVED BY (PRINT NAME) Bruce Banker		TITLE Process Server

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 9-18-95
DATE

Bruce Banker
SIGNATURE OF SERVER

526-2ND Ave. NW.
ADDRESS OF SERVER

DEWEIN, IOWA.

\$15.00 pd 9/18/95
CH# 8787

Rule 45, Fed.R.Civ.P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re: CHAPTER 7
Bankruptcy No.

GEORGE PETER AHLHELM L92-00617W
Debtor(s)

MAYNARD SAVINGS BANK
Plaintiff

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
DEC 15 1995
BARBARA A. EVERLY CLERK

v.

GEORGE PETER AHLHELM Adversary Proceeding No.
Defendant L92-0112W

NOTICE Setting Application Claiming Contempt
Filed by Plaintiff 12/4/95

TO: Attorney for Plaintiff(s): John W. Hofmeyer III
Defendant/pro se: George Peter Ahlhelm
United States Trustee

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

January 3, 1996 at 10:30 a.m.

At: Bankruptcy Court Room, 808, Black Building, E. 4th & Sycamore, WATERLOO,
IOWA. **Defendant George Ahlhelm shall appear in person at the hearing.**

DATED December 15, 1995.

BARBARA A. EVERLY
Clerk, Bankruptcy Court

by: *Michael A. Blay*
Deputy Clerk
P.O. Box 74890
Cedar Rapids, IA 52407

Copies mailed to
parties named above
on date shown mg

*Recorded, Vol III
page 192*

CLERK, U.S. BANKRUPTCY COURT

P.O. BOX 74890

CEDAR RAPIDS, IOWA 52407

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

John Hofmeyer III
8 E. Charles
Box 589
Oelwein, IA 50662

George Ahlhelm
820 South Frederick
Oelwein, IA 50662

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

Date: January 3, 1996 Chapter 7 Bankr. No. L92-00617W

IN RE: GEORGE PETER AHLHELM **FILED** Adv. No. L92-0112W

MAYNARD SAVINGS BANK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

v. GEORGE PETER AHLHELM
JAN 04 1996

APPEARANCES: Attorney(s) for Plaintiff(s): John Hofmeyer, Jr.

Attorney(s) for Defendant(s): ~~BARBARA A. EVERLY CLERK~~
Defendant, Pro Se, did not appear

U. S. Trustee: _____ Other: _____

NATURE OF PROCEEDING: XX In Court _____ Telephonic
_____ Trial _____ Motion for Summary Judgment
_____ Status Conference _____ Motion to Compel Discovery
_____ Pretrial Conference XX Other Application Claiming Contempt Filed
by Plaintiff

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.

XX (Other)

On the date scheduled for hearing, the Court was advised, through the Clerk's Office, that Mr. Ahlhelm had called and indicated that he has just received notice of the contempt hearing within the last several days. He provided the Clerk's Office with an address of 839 North Lamb Blvd., Las Vegas, Nevada 89110 (Telephone 702-452-5354).

At the time scheduled for hearing, Attorney Hofmeyer appears on behalf of Plaintiff Maynard Savings Bank. He indicated that they recently obtained the address in Las Vegas from Mr. Ahlhelm. The Court requested that Mr. Hofmeyer reset the contempt hearing for the next Waterloo Court appearance and renotice Defendant at his new address in Las Vegas.

WHEREFORE, no dispositive orders are entered at this time.

FURTHER, this matter is continued and reset for:

March 20, 1996 at 11:00 a.m.

in the Bankruptcy Court Room, 808 Black Building, E. 4th & Sycamore, WATERLOO, IOWA.

SO ORDERED:



U. S. Bankruptcy Judge *Recorded: Vol. III x*

Rev. 9/91

*Clerk for Plaintiff
Defendant
U.S. Trustee
1-4-96 mg*

Page 192

JAN 10 1996

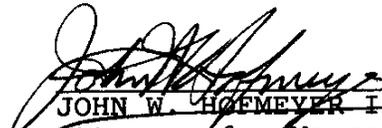
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

In Re:	)	No. L92-00617W
)	
GEORGE PETER AHLHELM,)	
Debtor,)	
	)	Adversary No. L92-0112W
MAYNARD SAVINGS BANK,)	
Plaintiff,)	
	)	AMENDMENT TO
vs.	)	APPLICATION CLAIMING
	)	CONTEMPT
GEORGE PETER AHLHELM,)	
Defendant.)	

=====

COMES NOW the Creditor Maynard Savings Bank through its Attorney and hereby amends its Application Claiming Contempt to request reasonable Attorney's Fees for the extra trouble caused by Debtor's disobedience of the Court's Orders and for such other and further relief as the Court deems just and appropriate under the circumstances.



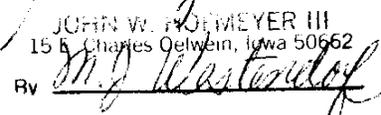
 JOHN W. HOEMEYER III (2386)
 Attorney for Maynard Savings Bank
 8 E. Charles St., Box 589
 Oelwein, Iowa 50662
 (319) 283-4785

Copies to: Client
Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document has been filed in the office of the attorneys of record in this case, and that a copy of the foregoing document has been delivered to the attorneys of record in this case, and that a copy of the foregoing document has been delivered to the debtor.

 9th day of January 19 96

JOHN W. HOEMEYER III
 15 E. Charles Oelwein, Iowa 50662
 By 

Recorded: Vol III
 Page 192

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

Date: January 3, 1996 Chapter 7 Bankr. No. L92-00617W

IN RE: GEORGE PETER AHLHELM FILED Adv. No. L92-0112W

MAYNARD SAVINGS BANK
v.
GEORGE PETER AHLHELM

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JAN 04 1996

RECEIVED JAN 08 1996
COPY TO CLERK

APPEARANCES: Attorney(s) for Plaintiff(s): John Hofmeyer, Jr.

Attorney(s) for Defendant(s): Defendant, Pro Se, did not appear
BARBARA A. EMERY CLERK

U. S. Trustee: _____ Other: _____

NATURE OF PROCEEDING: In Court _____ Telephonic
 Trial _____ Motion for Summary Judgment
 Status Conference _____ Motion to Compel Discovery
 Pretrial Conference Other Application Claiming Contempt Filed
by Plaintiff

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.

(Other)

On the date scheduled for hearing, the Court was advised, through the Clerk's Office, that Mr. Ahlhelm had called and indicated that he has just received notice of the contempt hearing within the last several days. He provided the Clerk's Office with an address of 839 North Lamb Blvd., Las Vegas, Nevada 89110 (Telephone 702-452-5354).

At the time scheduled for hearing, Attorney Hofmeyer appears on behalf of Plaintiff Maynard Savings Bank. He indicated that they recently obtained the address in Las Vegas from Mr. Ahlhelm. The Court requested that Mr. Hofmeyer reset the contempt hearing for the next Waterloo Court appearance and renotice Defendant at his new address in Las Vegas.

WHEREFORE, no dispositive orders are entered at this time.

FURTHER, this matter is continued and reset for:

March 20, 1996 at 11:00 a.m.

in the Bankruptcy Court Room, 808 Black Building, E. 4th & Sycamore, WATERLOO, IOWA.

SO ORDERED:



U. S. Bankruptcy Judge

Copy to:
Attorney for Plaintiff
~~Attorney for Defendant~~
U.S. Trustee
1-4-96 mg

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In Re:) No. L92-00617W
)
GEORGE PETER AHLHELM,)
Debtor,)
)
MAYNARD SAVINGS BANK,)
Plaintiff,) Adversary No. L92-0112W
)
vs.) APPLICATION CLAIMING
) CONTEMPT
)
GEORGE PETER AHLHELM,)
Defendant.)

=====

COMES NOW the Creditor Maynard Savings Bank through their Attorney and states to the Court that:

1. The Debtor George Ahlhelm was subpoenaed to appear for a Debtor's Exam at John W. Hofmeyer III's office, 8 E. Charles, Oelwein, Iowa, on November 20, 1995, at 1:30 p.m.
2. As shown by the attached Return of Service, this Subpoena was personally served upon the Debtor.
3. The Debtor failed to appear at the time and place ordered; therefore, the Debtor George Ahlhelm is in Contempt of Court for failing to so appear without explanation.

WHEREFORE, Maynard Savings Bank prays the Court for an Order directing George Ahlhelm to appear and show cause why he should not be found in Contempt of Court and punished accordingly, and upon hearing, the Court find the Debtor George Ahlhelm in Contempt of Court, impose just sentence, and grant the Maynard Savings Bank such relief as the Court deems just and appropriate under the circumstances, including granting a Judgment against Debtor for the Attorney's Fees associated with the Contempt.



JOHN W. HOFMEYER III (2386)
Attorney for Maynard Savings Bank
8 E. Charles St., Box 589
Oelwein, Iowa 50662
(319) 283-4785

Copies to: Client
Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JAN 12 1996

In Re:	)	No. L92-00617W
GEORGE PETER AHLHELM,)	
Debtor,	)	BARBARA A. EVERLY, CLERK
MAYNARD SAVINGS BANK,)	
Plaintiff,	)	Adversary No. L92-0112W
vs.)	
GEORGE PETER AHLHELM,)	
Defendant.)	

STATE OF IOWA)
) SS.
 FAYETTE COUNTY)

I, the undersigned, Mary Jane Westendorf, first being duly sworn state that on January 9, 1996, I personally mailed to the following named person an Amendment to Application Claiming Contempt; Application Claiming Contempt; and Order setting the Debtor's Exam for March 20, 1996 at 11:00 a.m., copies of which are attached hereto and made a part hereof, by ordinary mail in a sealed envelope with proper postage thereon, addressed to the said persons, at their last known Post Office address, by depositing the same on said date in a United States Post Office mail receptacle in said County:

George Ahlhelm
 839 N. Lamb
 Trailer Court #86
 Las Vegas, Nevada 89110

Mary Jane Westendorf

 Mary Jane Westendorf

Subscribed and sworn to before me by Mary Jane Westendorf on January 9, 1996.

John W. [Signature]

 Notary Public in and for Iowa

Recorded: Vol III
 page 193

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

Date: January 3, 1996 Chapter 7 Bankr. No. L92-00617W

IN RE: GEORGE PETER AHLHELM FILED Adv. No. L92-0112W

MAYNARD SAVINGS BANK
v.
GEORGE PETER AHLHELM

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

RECEIVED JAN 08
COPY TO CLERK

JAN 04 1996

APPEARANCES: Attorney(s) for Plaintiff(s): John Hofmeyer, Jr.

Attorney(s) for Defendant(s): Defendant, Pro Se, did not appear
BARBARA A. EMERY CLERK

U. S. Trustee: _____ Other: _____

NATURE OF PROCEEDING: In Court _____ Telephonic
 Trial _____ Motion for Summary Judgment
 Status Conference _____ Motion to Compel Discovery
 Pretrial Conference Other Application Claiming Contempt Filed
by Plaintiff

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.

(Other)

On the date scheduled for hearing, the Court was advised, through the Clerk's Office, that Mr. Ahlhelm had called and indicated that he has just received notice of the contempt hearing within the last several days. He provided the Clerk's Office with an address of 839 North Lamb Blvd., Las Vegas, Nevada 89110 (Telephone 702-452-5354).

At the time scheduled for hearing, Attorney Hofmeyer appears on behalf of Plaintiff Maynard Savings Bank. He indicated that they recently obtained the address in Las Vegas from Mr. Ahlhelm. The Court requested that Mr. Hofmeyer reset the contempt hearing for the next Waterloo Court appearance and renote Defendant at his new address in Las Vegas.

WHEREFORE, no dispositive orders are entered at this time.

FURTHER, this matter is continued and reset for:

March 20, 1996 at 11:00 a.m.

in the Bankruptcy Court Room, 808 Black Building, E. 4th & Sycamore, WATERLOO, IOWA.

SO ORDERED:

U. S. Bankruptcy Judge

Copy to:
Att. for Plaintiff
~~Defendant~~
U.S. Trustee
1-4-96 mg

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In Re:	)	No. L92-00617W
)	
GEORGE PETER AHLHELM,)	
Debtor,)	
)	
MAYNARD SAVINGS BANK,)	
Plaintiff,	)	Adversary No. L92-0112W
vs.)	
	)	APPLICATION CLAIMING CONTEMPT
GEORGE PETER AHLHELM,)	
Defendant.)	

=====

COMES NOW the Creditor Maynard Savings Bank through their Attorney and states to the Court that:

1. The Debtor George Ahlhelm was subpoenaed to appear for a Debtor's Exam at John W. Hofmeyer III's office, 8 E. Charles, Oelwein, Iowa, on November 20, 1995, at 1:30 p.m.

2. As shown by the attached Return of Service, this Subpoena was personally served upon the Debtor.

3. The Debtor failed to appear at the time and place ordered; therefore, the Debtor George Ahlhelm is in Contempt of Court for failing to so appear without explanation.

WHEREFORE, Maynard Savings Bank prays the Court for an Order directing George Ahlhelm to appear and show cause why he should not be found in Contempt of Court and punished accordingly, and upon hearing, the Court find the Debtor George Ahlhelm in Contempt of Court, impose just sentence, and grant the Maynard Savings Bank such relief as the Court deems just and appropriate under the circumstances, including granting a Judgment against Debtor for the Attorney's Fees associated with the Contempt.



 JOHN W. HOFMEYER III (2386)
 Attorney for Maynard Savings Bank
 8 E. Charles St., Box 589
 Oelwein, Iowa 50662
 (319) 283-4785

Copies to: Client
Debtor

United States Bankruptcy Court

NORTHERN

DISTRICT OF

IOWA

In re **GEORGE AHLHELM**,
 Debtor
MAYNARD SAVINGS BANK
 Plaintiff
 V.
GEORGE AHLHELM,
 Defendant

SUBPOENA IN AN ADVERSARY PROCEEDING

Case No. L92-00617W

Chapter 7

To: **George Ahlhelm**

Adv. Proc. No. L92-0112W

YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.

PLACE	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE	DATE AND TIME
Law Office of John W. Hofmeyer III 8 E. Charles St., Oelwein, Iowa 50662	November 20, 1995 1:30 p.m.

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

All financial records for the past five (5) years, including but not limited to all tax returns, bank statements, balance sheets, loan application forms, and loan documents.

PLACE	DATE AND TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any subpoenaed organization not a party to this adversary proceeding shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6) made applicable in adversary proceedings by Rule 7030, Fed.R.Bankr.P.

ISSUING OFFICER SIGNATURE AND TITLE	DATE
<i>John W. Hofmeyer III</i> Atty for MSB	9/18/95
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
John W. Hofmeyer III (2386) 8 E. Chas., Box 589, Oelwein, Iowa 50662	

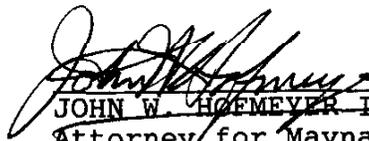
JAN 10 1996

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

In Re:	)	No. L92-00617W
)	
GEORGE PETER AHLHELM,)	
Debtor,)	
	)	Adversary No. L92-0112W
MAYNARD SAVINGS BANK,)	
Plaintiff,)	
	)	AMENDMENT TO
vs.	)	APPLICATION CLAIMING
	)	CONTEMPT
GEORGE PETER AHLHELM,)	
Defendant.)	

COMES NOW the Creditor Maynard Savings Bank through its Attorney and hereby amends its Application Claiming Contempt to request reasonable Attorney's Fees for the extra trouble caused by Debtor's disobedience of the Court's Orders and for such other and further relief as the Court deems just and appropriate under the circumstances.


 JOHN W. HOFMEYER III (2386)
 Attorney for Maynard Savings Bank
 8 E. Charles St., Box 589
 Oelwein, Iowa 50662
 (319) 283-4785

Copies to: Client
Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document has been served on the attorneys of record in this case by depositing the same in the U.S. Mail by registered mail, postage prepaid, to the attorneys at the address shown on the return of the U.S. Mail, and that a copy of the same has been filed with the Clerk of the Court.

We file this on 9th day of January 1996

JOHN W. HOFMEYER III
15 E. Charles Oelwein, Iowa 50662

By M.J. Westendorf

Recorded: Vol III
Page 192

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

Date: January 3, 1996 Chapter 7 Bankr. No. L92-00617W

IN RE: GEORGE PETER AHLHELM FILED Adv. No. L92-0112W

MAYNARD SAVINGS BANK U.S. BANKRUPTCY COURT
v. NORTHERN DISTRICT OF IOWA

GEORGE PETER AHLHELM JAN 04 1996

RECEIVED JAN 08 1996
COPY TO CLERK

APPEARANCES: Attorney(s) for Plaintiff(s): John Hofmeyer, Jr.

Attorney(s) for Defendant(s): Defendant, Pro Se, did not appear

U. S. Trustee: _____ Other: _____

NATURE OF PROCEEDING: In Court _____ Telephonic
 Trial _____ Motion for Summary Judgment
 Status Conference _____ Motion to Compel Discovery
 Pretrial Conference Other Application Claiming Contempt Filed
by Plaintiff

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.

(Other)
On the date scheduled for hearing, the Court was advised, through the Clerk's Office, that Mr. Ahlhelm had called and indicated that he has just received notice of the contempt hearing within the last several days. He provided the Clerk's Office with an address of 839 North Lamb Blvd., Las Vegas, Nevada 89110 (Telephone 702-452-5354).

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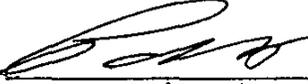
WHEREFORE, no dispositive orders are entered at this time.

FURTHER, this matter is continued and reset for:

March 20, 1996 at 11:00 a.m.

in the Bankruptcy Court Room, 808 Black Building, E. 4th & Sycamore, WATERLOO, IOWA.

SO ORDERED:


U. S. Bankruptcy Judge

Copy to:
Plaintiff
Defendant
U.S. Trustee
1-4-96 mg

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In Re:) No. L92-00617W
)
GEORGE PETER AHLHELM,)
Debtor,)
)
MAYNARD SAVINGS BANK,)
Plaintiff,) Adversary No. L92-0112W
)
vs.) APPLICATION CLAIMING
) CONTEMPT
GEORGE PETER AHLHELM,)
Defendant.)

=====

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JOHN W. HOFMEYER III (2386)
Attorney for Maynard Savings Bank
8 E. Charles St., Box 589
Oelwein, Iowa 50662
(319) 283-4785

Copies to: Client
Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JAN 12 1996

In Re:)
)
GEORGE PETER AHLHELM,)
) Debtor,)
)
MAYNARD SAVINGS BANK,)
) Plaintiff,)
)
vs.)
)
GEORGE PETER AHLHELM,)
) Defendant.)

No. L92-00617W

BARBARA A. EVERLY, CLERK

Adversary No. L92-0112W

=====

STATE OF IOWA)
) SS.
FAYETTE COUNTY)

I, the undersigned, Mary Jane Westendorf, first being duly sworn state that on January 9, 1996, I personally mailed to the following named person an Amendment to Application Claiming Contempt; Application Claiming Contempt; and Order setting the Debtor's Exam for March 20, 1996 at 11:00 a.m., copies of which are attached hereto and made a part hereof, by ordinary mail in a sealed envelope with proper postage thereon, addressed to the said persons, at their last known Post Office address, by depositing the same on said date in a United States Post Office mail receptacle in said County:

George Ahlhelm
839 N. Lamb
Trailer Court #86
Las Vegas, Nevada 89110


Mary Jane Westendorf

Subscribed and sworn to before me by Mary Jane Westendorf on January 9, 1996.


Notary Public in and for Iowa

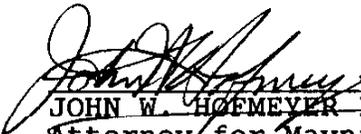
Recorded: Vol III
page 193

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In Re:	)	No. L92-00617W
)	
GEORGE PETER AHLHELM,)	
Debtor,)	
	)	Adversary No. L92-0112W
MAYNARD SAVINGS BANK,)	
Plaintiff,)	
vs.	)	AMENDMENT TO
	)	APPLICATION CLAIMING
	)	CONTEMPT
GEORGE PETER AHLHELM,)	
Defendant.)	

=====

COMES NOW the Creditor Maynard Savings Bank through its Attorney and hereby amends its Application Claiming Contempt to request reasonable Attorney's Fees for the extra trouble caused by Debtor's disobedience of the Court's Orders and for such other and further relief as the Court deems just and appropriate under the circumstances.



 JOHN W. HOEMEYER III (2386)
 Attorney for Maynard Savings Bank
 8 E. Charles St., Box 589
 Oelwein, Iowa 50662
 (319) 283-4785

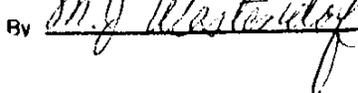
Copies to: Client
Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon each of the attorneys of record in this case, to the extent permitted to be done by enclosing the same in an envelope addressed to such attorneys at their respective offices, by the registered post office of Oelwein, Iowa, on the _____ day of _____, 1976.

 day of _____ 1976

JOHN W. HOEMEYER III
 15 E. Charles Oelwein, Iowa 50662

By 

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

Date: January 3, 1996 Chapter 7 Bankr. No. L92-00617W

IN RE: GEORGE PETER AHLHELM FILED Adv. No. L92-0112W

MAYNARD SAVINGS BANK

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

v.

GEORGE PETER AHLHELM

JAN 04 1996

RECEIVED JAN 08 1996
COPY TO CLERK

APPEARANCES: Attorney(s) for Plaintiff(s): John Hofmeyer, Jr.

Attorney(s) for Defendant(s): Defendant, Pro Se, did not appear

U. S. Trustee: _____ Other: _____

NATURE OF PROCEEDING: XX In Court _____ Telephonic
_____ Trial _____ Motion for Summary Judgment
_____ Status Conference _____ Motion to Compel Discovery
_____ Pretrial Conference XX Other Application Claiming Contempt Filed
by Plaintiff

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.
XX (Other)

On the date scheduled for hearing, the Court was advised, through the Clerk's Office, that Mr. Ahlhelm had called and indicated that he has just received notice of the contempt hearing within the last several days. He provided the Clerk's Office with an address of 839 North Lamb Blvd., Las Vegas, Nevada 89110 (Telephone 702-452-5354).

At the time scheduled for hearing, Attorney Hofmeyer appears on behalf of Plaintiff Maynard Savings Bank. He indicated that they recently obtained the address in Las Vegas from Mr. Ahlhelm. The Court requested that Mr. Hofmeyer reset the contempt hearing for the next Waterloo Court appearance and renotice Defendant at his new address in Las Vegas.

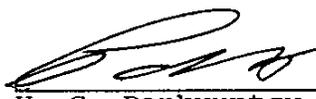
WHEREFORE, no dispositive orders are entered at this time.

FURTHER, this matter is continued and reset for:

March 20, 1996 at 11:00 a.m.

in the Bankruptcy Court Room, 808 Black Building, E. 4th & Sycamore, WATERLOO, IOWA.

SO ORDERED:



U. S. Bankruptcy Judge

Copy to:

Rev. 9/91
1-4-96 mg

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In Re:	)	No. L92-00617W
GEORGE PETER AHLHELM,)	
Debtor,)	
MAYNARD SAVINGS BANK,)	
Plaintiff,	)	Adversary No. L92-0112W
vs.	)	APPLICATION CLAIMING
GEORGE PETER AHLHELM,	)	CONTEMPT
Defendant.)	

=====

COMES NOW the Creditor Maynard Savings Bank through their Attorney and states to the Court that:

1. The Debtor George Ahlhelm was subpoenaed to appear for a Debtor's Exam at John W. Hofmeyer III's office, 8 E. Charles, Oelwein, Iowa, on November 20, 1995, at 1:30 p.m.
2. As shown by the attached Return of Service, this Subpoena was personally served upon the Debtor.
3. The Debtor failed to appear at the time and place ordered; therefore, the Debtor George Ahlhelm is in Contempt of Court for failing to so appear without explanation.

WHEREFORE, Maynard Savings Bank prays the Court for an Order directing George Ahlhelm to appear and show cause why he should not be found in Contempt of Court and punished accordingly, and upon hearing, the Court find the Debtor George Ahlhelm in Contempt of Court, impose just sentence, and grant the Maynard Savings Bank such relief as the Court deems just and appropriate under the circumstances, including granting a Judgment against Debtor for the Attorney's Fees associated with the Contempt.


~~JOHN W. HOFMEYER III (2386)~~
Attorney for Maynard Savings Bank
8 E. Charles St., Box 589
Oelwein, Iowa 50662
(319) 283-4785

Copies to: Client
Debtor

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

L72-0122

MAR 18 1996

BARBARA A. EVERLY, CLERK

March 12, 1996

To whom it may concern:

I'm writing to ask the court to delay my hearing set for March 20.

Financially I am unable to make the trip to Iowa at this time. I have not been at my job long enough to ensure that if I left I would still have employment when I returned.

Please consider my plea for delaying this matter. Late May or early June would be more feasible.

Thank-you

George P Ahlhelm

George Ahlhelm
839 N Lamb BLVD #86
Las Vegas NV 89110
702-452-5354

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13 192

George Arndholm
839 N. Lamb #86
Las Vegas N.V. 89110



United States Bankruptcy Court
P.O. Box 74890
Cedar Rapids Iowa
52407

Att. Julie



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

Date: May 1, 1996 Chapter 7 Bankr. No. L92-00617W

IN RE: GEORGE PETER AHLHELM Adv. No. L92-0112W

MAYNARD SAVINGS BANK
v.
GEORGE PETER AHLHELM

APPEARANCES: Attorney(s) for Plaintiff(s): John W. Hofmeyer FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

Attorney(s) for Defendant(s): Pro Se MAY 02 1996

BARBARA A. EVERLY CLERK

U. S. Trustee: _____ Other: _____

NATURE OF PROCEEDING: In Court Telephonic
 Trial Motion for Summary Judgment
 Status Conference Motion to Compel Discovery
 Pretrial Conference Other Application for Rule to Show Cause Why Defendant/Debtor Should Not be Held in Contempt

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.
 (Other)

Pursuant to the record made, the basis for the contempt citation was Debtor's failure to appear at a Debtor's examination under Rule 2004. Defendant/Debtor now agrees to submit himself to such an examination. Based upon this and the record made, Debtor's examine was held on this date and the Application for Rule to Show Cause is dismissed without a finding of contempt.

Copies:
1 for Plaintiff
~~1 for Defendant~~
U.S. Bankr. 5-2-96
mg

SO ORDERED:

U. S. Bankruptcy Judge

Re Vol III
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PO Box 228, West Union, Iowa 52175
(319) 422 6067
FAX (319) 422-6069

James A. Davis, Jr., Chief Deputy
Lt. Bradley M. Minger, First Deputy
Sgt. Roxane K. Brugman, Civil Deputy

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

DATE: February 1, 2001

TO: John Hofmeyer III

FEB - 9 2001

RE: Maynard Savings Bank VS George Peter Ahlhelm, United States Bankruptcy Court, Case L92-00617W
SEAN MCVOY
CLERK

The Fayette County Treasurer's Office is currently updating all Sheriff lien notations of vehicles levied upon by this office. Your lien was noted with the Fayette County Treasurer re. the above named case. We would like to ask that you check the appropriate box below as to the status of this case and return to this office promptly so records may be updated.

Thanks for your cooperation in this matter!

Sincerely,

Susan Wolfs

Susan Wolfs
Civil Clerk

Judgment in this case has been satisfied, so please make release of lien notation(s) with the Fayette County Treasurer.

Judgment hasn't been satisfied, therefore, please leave lien notation active with the Fayette County Treasurer.

Judgment hasn't been satisfied, however, I wish to have lien notation(s) released with the Fayette County Treasurer in the above named case.

Date: 2/5/01

Signed by: *[Signature]*

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Allen S. Hendershott..... Deputy
Tracie L. Erickson Deputy

Keith R. Carey Deputy
Kenneth R. Aeschliman Deputy



Marty Fisher
FAYETTE COUNTY SHERIFF
P.O. Box 228
West Union, Iowa 52175



Clerk of U. S. Bankruptcy Court
PO Box 74890
Cedar Rapids, IA 52407

32407-4890

