

Recorded: 9/13/2024 at 8:21:22.0 AM  
County Recording Fee: \$37.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$40.00  
Revenue Tax: \$0.00  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2024 PG: 2284

**JUDGMENT AND DECREE TO QUIET TITLE  
(TRANSFERRING TITLE)**

**Recorder's Cover Sheet**

**Preparer Information:**

Douglas D. Herman of Lynch Dallas PC,  
526 Second Avenue SE, Cedar Rapids, IA 52401, Phone: (319) 365-9101

**Taxpayer Information:**

Estate of Stephen Allen Novak  
c/o Jenifer L. Novak, Administrator  
20709 247<sup>th</sup> Street, Delhi, IA 52223

**Return Document To:**

Douglas D. Herman of Lynch Dallas, P.C.,  
526 Second Avenue SE, Cedar Rapids, IA 52401

**Grantors: PEOPLES FEDERAL SAVINGS AND LOAN ASSOCIATION;**

**BANKERS TRUST COMPANY OF CALIFORNIA, N.A., AS TRUSTEE  
UNDER THAT CERTAIN POOLING AND SERVICING AGREEMENT  
DATED MARCH 1, 1992 FOR RTC MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 1992-5**

**EMC MORTGAGE CORPORATION**

**Grantee: ESTATE OF STEPHEN ALLEN NOVAK**

**Legal Description: (Parcel 000490000209400)**

**Lots Seven (7) and Eight (8), Block Seventeen (17), Delhi, Iowa,  
according to plat recorded in Book A L.D., Pages 128-129**

IN THE IOWA DISTRICT COURT FOR DELAWARE COUNTY

ESTATE OF STEPHEN ALLEN NOVAK,  
Plaintiff,

vs.

NO. EQCV009202

PEOPLES FEDERAL SAVINGS AND  
LOAN ASSOCIATION, DEVISEES,  
GRANTEES, ASSIGNEES, AND  
SUCCESSORS IN INTEREST;

**ORDER AWARDING JUDGMENT  
AND DECREE TO QUIET TITLE**

BANKERS TRUST COMPANY OF  
CALIFORNIA, N.A., AS TRUSTEE UNDER  
THAT CERTAIN POOLING AND  
SERVICING AGREEMENT DATED AS OF  
MARCH 1, 1992, FOR RTC MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 1992-5, DEVISEES, GRANTEES,  
ASSIGNEES, AND SUCCESSORS IN  
INTEREST;

EMC MORTGAGE CORPORATION,  
DEVISEES, GRANTEES, ASSIGNEES,  
AND SUCCESSORS IN INTEREST;

AND

THE UNKNOWN CLAIMANTS OF REAL  
ESTATE SITUATED IN DELAWARE  
COUNTY, IOWA;

Defendants.

**AND NOW**, the Court is presented with Plaintiff's, Estate of Stephen Allen Novak, Application for Entry of Default Judgment against Defendants Peoples Federal Savings and Loan Association, Devisees, Grantees, Assignees, and Successors in Interest; Bankers Trust Company of California, N.A., as trustee under that certain pooling and servicing agreement dated as of March 1, 1992, for RTC Mortgage Pass-Through Certificates, Series 1992-5, devisees, grantees,

assignees, and successors in interest; EMC Mortgage Corporation, devisees, grantees, assignees, and successors in interest; and the unknown claimants of real estate situated in Delaware County, Iowa. The Court further finds that the name, residence, and/or address of each and all of the Defendants, including unknown Defendants, was unknown to Plaintiff, and that Plaintiff made diligent search and inquiry to learn the same but was unable to do so

The Court finds that Defendants have not filed an answer, motion, or other responsive pleading within twenty (20) days of the third publication of the Petition, contesting or otherwise responding to the Petition, and that no other Parties appeared or filed any Answers or objections. Upon review of the file, the Court finds that a Default Judgment should be entered in favor of the Plaintiff.

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** as follows:

Defendants, known and unknown, and each and all of them, are hereby adjudged to be in default for want of appearance and the default of each and all of said Defendants is accordingly entered.

Due to default by all Defendants, known and unknown, the Court finds that a hearing on Plaintiff's Application for Default is not necessary prior to entry of judgment herein. Additionally, the Court having reviewed and read the pleadings herein finds that the allegations of Plaintiff's Petition are true and that the equities of said cause are with the Plaintiff and that Plaintiff is entitled to the relief demanded. The Court specifically finds that Plaintiff is the absolute owner in fee simple of all of the real estate referred to in Plaintiff's Petition and hereinafter specifically described, and that said Defendants, each and all of them, have no

right, title or interest in or lien upon said real estate, or any part thereof; that any right, title or interest that any of said Defendants may ever have had in and to said premises, or any part thereof, is junior and inferior to the title of this Plaintiff; that the Plaintiff has had open, notorious, continuous, exclusive, hostile and adverse possession of said real estate, and every part thereof, under claim of right and color of title, for more than ten (10) years.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that any liens, claims or interests that said Defendants, or any of them, may ever have had in and to said real estate, or any part thereof, are now barred by the statute of limitations.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff is the absolute and unqualified owner in fee simple, free and clear of all liens and claims of the Defendants, and each and all of them, in the subject real property described real estate ("Property") located at **504 Gay Street, Delhi, Iowa**, also described as Delaware County Parcel No. 000490000209400, and legally described as follows:

Lots Seven (7) and Eight (8), Block Seventeen (17), Delhi, Iowa,  
according to plat recorded in Book A L.D., Pages 128-129.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that said Defendants, known and unknown, each and all of them, are forever barred and estopped from having or claiming any right, title or interest in and to said real estate, or any part thereof, or any lien thereon adverse to the title of the Plaintiff herein; and that the title of the Plaintiff is hereby forever quieted as against all adverse claims of said Defendants, and the said Defendants are forever enjoined

and restrained from in any manner interfering with Plaintiff in Plaintiff's quiet and peaceable possession thereof.

The costs of this action are hereby taxed against the Plaintiff.

And all of the above and foregoing is accordingly ordered, adjudged and decreed by the Court.

Clerk to notify.



State of Iowa Courts

**Case Number**  
EQCV009202

**Case Title**  
EST OF STEPHEN ALLEN NOVAK VS PEOPLES FEDERAL  
SA  
ORDER FOR JUDGMENT

**Type:**

So Ordered

A handwritten signature in cursive script, reading "Monica Zrinyi Ackley".

---

Monica Zrinyi Ackley, District Court Judge  
First Judicial District of Iowa

Electronically signed on 2024-06-09 22:17:58