



Document 2019 644

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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

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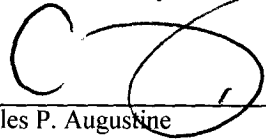
AFFIDAVIT

✓ Prepared by and return to: Charles P. Augustine, 531 Commercial, Ste 250, Waterloo, IA 50701 (319) 232-3304
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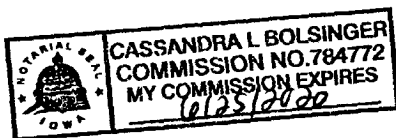
STATE OF IOWA, COUNTY OF BLACK HAWK, ss.

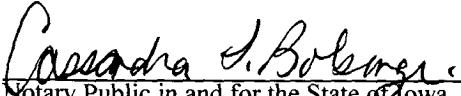
I, Charles P. Augustine, a licensed and practicing attorney in Waterloo, Black Hawk County, Iowa, first being duly sworn on oath do depose and state as follows:

1. I am familiar with one certain bankruptcy case, United States Bankruptcy Court, Southern District of Iowa, Case No. 16-00768-lmj13, Wade Eric McKinney and Kelly Sue McKinney, debtors.
2. Attached hereto are copies of the following documents filed in said bankruptcy proceeding:
 - a. Voluntary Petition, together with the relevant portion of Schedule A/B, filed April 14, 2016; and
 - b. Notice of Meeting of Creditors, indicating that Albert C. Warford was appointed as Bankruptcy Trustee, filed April 14, 2016; and
 - c. Motion for Relief from the Automatic Stay (without attachments), filed October 31, 2016.
3. The attached copies are true and correct copies of the original documents filed in said bankruptcy case as made available electronically.
4. An order approving the Motion for Relief from Automatic Stay was filed November 14, 2016, but said document is not available electronically.
5. This affidavit is being executed and filed for purposes of reflecting of record those matters set forth herein as they may relate to title to the real estate legally described as follows: **Lot 6 of the Subdivision of Lots 7 and 8 in Valley View Addition to the City of Winterset, Madison County, Iowa.**


Charles P. Augustine

Subscribed and sworn to before me on this 27th day of December, 2018.




Cassandra L. Bolsinger,
Notary Public in and for the State of Iowa

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF IOWA

Case number (if known) _____

Chapter you are filing under:

- ☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☒ Chapter 13

☐ Check if this an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/15

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

Wade

First name

Eric

Middle name

McKinney

Last name and Suffix (Sr., Jr., II, III)

Kelly

First name

Sue

Middle name

McKinney

Last name and Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

████████

████████

Debtor 1 **Wade Eric McKinney**
Debtor 2 **Kelly Sue McKinney**

Case number (if known) _____

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years

☒ I have not used any business name or EINs.

☒ I have not used any business name or EINs.

Include trade names and
doing business as names

Business name(s)

Business name(s)

EINs

EINs

5. Where you live

If Debtor 2 lives at a different address:

**1424 West South Street
Winterset, IA 50273**

Number, Street, City, State & ZIP Code

Number, Street, City, State & ZIP Code

Madison

County

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

Number, P.O. Box, Street, City, State & ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason.
Explain. (See 28 U.S.C. § 1408.)

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason.
Explain. (See 28 U.S.C. § 1408.)

Debtor 1 **Wade Eric McKinney**
Debtor 2 **Kelly Sue McKinney**

Case number (if known) _____

Part 2: Tell the Court About Your Bankruptcy Case

7. **The chapter of the Bankruptcy Code you are choosing to file under** *Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.*
- ☐ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☒ Chapter 13
-
8. **How you will pay the fee** ☒ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.
-
9. **Have you filed for bankruptcy within the last 8 years?** ☐ No. ☒ Yes.
- | | | | | | |
|----------|----------------------------------|------|----------------|-------------|-----------------|
| District | <u>Southern District of Iowa</u> | When | <u>2/28/07</u> | Case number | <u>07-00536</u> |
| District | <u>Southern District of Iowa</u> | When | <u>3/26/01</u> | Case number | <u>01-01363</u> |
| District | _____ | When | _____ | Case number | _____ |
-
10. **Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?** ☒ No. ☐ Yes.
- | | | | |
|-----------------------|-------|---------------------|-------|
| Debtor | _____ | Relationship to you | _____ |
| District | _____ | When | _____ |
| Case number, if known | _____ | | |
| Debtor | _____ | Relationship to you | _____ |
| District | _____ | When | _____ |
| Case number, if known | _____ | | |
-
11. **Do you rent your residence?** ☒ No. ☐ Yes.
- ☒ No. Go to line 12.
- ☐ Yes. Has your landlord obtained an eviction judgment against you and do you want to stay in your residence?
- ☐ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it with this bankruptcy petition.

Debtor 1 **Wade Eric McKinney**
Debtor 2 **Kelly Sue McKinney**

Case number (if known) _____

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

☐ No.

Go to Part 4.

☒ Yes.

Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Building Blocks Daycare

Name of business, if any

**1424 West South Street
Winterset, IA 50273**

Number, Street, City, State & ZIP Code

Check the appropriate box to describe your business:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☒ None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).

☒ No.

I am not filing under Chapter 11.

☐ No.

I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

☐ Yes.

I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

☒ No.

☐ Yes.

What is the hazard?

If immediate attention is needed, why is it needed?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property?

Number, Street, City, State & Zip Code

Debtor 1 **Wade Eric McKinney**
Debtor 2 **Kelly Sue McKinney**

Case number (if known)

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☒ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:
- ☐ **Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☒ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:
- ☐ **Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1 **Wade Eric McKinney**
Debtor 2 **Kelly Sue McKinney**

Case number (if known)

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?	16a.	Are your debts primarily consumer debts? <i>Consumer debts</i> are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." ☐ No. Go to line 16b. ☒ Yes. Go to line 17.
	16b.	Are your debts primarily business debts? <i>Business debts</i> are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment. ☐ No. Go to line 16c. ☐ Yes. Go to line 17.
	16c.	State the type of debts you owe that are not consumer debts or business debts

17. Are you filing under Chapter 7?	☒ No.	I am not filing under Chapter 7. Go to line 18.
Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?	☐ Yes.	I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors? ☐ No ☐ Yes

18. How many Creditors do you estimate that you owe?	☒ 1-49 ☐ 50-99 ☐ 100-199 ☐ 200-999	☐ 1,000-5,000 ☐ 5001-10,000 ☐ 10,001-25,000	☐ 25,001-50,000 ☐ 50,001-100,000 ☐ More than 100,000
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19. How much do you estimate your assets to be worth?	☐ \$0 - \$50,000 ☐ \$50,001 - \$100,000 ☒ \$100,001 - \$500,000 ☐ \$500,001 - \$1 million	☐ \$1,000,001 - \$10 million ☐ \$10,000,001 - \$50 million ☐ \$50,000,001 - \$100 million ☐ \$100,000,001 - \$500 million	☐ \$500,000,001 - \$1 billion ☐ \$1,000,000,001 - \$10 billion ☐ \$10,000,000,001 - \$50 billion ☐ More than \$50 billion
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20. How much do you estimate your liabilities to be?	☐ \$0 - \$50,000 ☐ \$50,001 - \$100,000 ☒ \$100,001 - \$500,000 ☐ \$500,001 - \$1 million	☐ \$1,000,001 - \$10 million ☐ \$10,000,001 - \$50 million ☐ \$50,000,001 - \$100 million ☐ \$100,000,001 - \$500 million	☐ \$500,000,001 - \$1 billion ☐ \$1,000,000,001 - \$10 billion ☐ \$10,000,000,001 - \$50 billion ☐ More than \$50 billion
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Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Wade Eric McKinney

Wade Eric McKinney

Signature of Debtor 1

/s/ Kelly Sue McKinney

Kelly Sue McKinney

Signature of Debtor 2

Executed on April 12, 2016

MM / DD / YYYY

Executed on April 12, 2016

MM / DD / YYYY

Debtor 1 **Wade Eric McKinney**
Debtor 2 **Kelly Sue McKinney**

Case number (if known) _____

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

/s/ Michael L. Jenkins

Date

April 12, 2016

Signature of Attorney for Debtor

MM / DD / YYYY

Michael L. Jenkins

Printed name

Jankins Law Firm

Firm name

700 2nd Avenue Suite 103

Des Moines, IA 50309

Number, Street, City, State & ZIP Code

Contact phone **515-255-1855**

Email address

mikej572@hotmail.com

IS9-99-9998

Bar number & State

Fill in this information to identify your case and this filing:

Debtor 1	Wade Eric McKinney		
	First Name	Middle Name	Last Name
Debtor 2	Kelly Sue McKinney		
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>SOUTHERN DISTRICT OF IOWA</u>			
Case number _____			

☐ Check if this is an amended filing

Official Form 106A/B Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☐ No. Go to Part 2.
- ☒ Yes. Where is the property?

1.1

1424 West South Street			What is the property? Check all that apply		Do not deduct secured claims or exemptions. Put the amount of any secured claims on <i>Schedule D: Creditors Who Have Claims Secured by Property</i> .
Street address, if available, or other description			☒ Single-family home ☐ Duplex or multi-unit building ☐ Condominium or cooperative ☐ Manufactured or mobile home ☐ Land ☐ Investment property ☐ Timeshare ☐ Other _____		
Winterset	IA	50273-0000			Current value of the entire property? \$90,000.00
City	State	ZIP Code			Current value of the portion you own? \$90,000.00
Madison			Who has an interest in the property? Check one		Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known. Fee simple
County			☐ Debtor 1 only ☐ Debtor 2 only ☒ Debtor 1 and Debtor 2 only ☐ At least one of the debtors and another		
			Other information you wish to add about this item, such as local property identification number:		☐ Check if this is community property (see instructions)
			Legally described as: Lot Six (6) of the Subdivision of Lots Seven (7) and Eight (8) in Valley View Addition to the City of Winterset, Madison County, Iowa. Property acquired 10/20/2003		

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.....=>

\$90,000.00

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

Information to identify the case:		
Debtor 1	Wade Eric McKinney	Social Security number or ITIN [REDACTED]
	First Name Middle Name Last Name	EIN [REDACTED]
Debtor 2	Kelly Sue McKinney	Social Security number or ITIN [REDACTED]
(Spouse, if filing)	First Name Middle Name Last Name	EIN [REDACTED]
United States Bankruptcy Court	Southern District of Iowa	Date case filed for chapter 13 4/14/16
Case number:	16-00768-lmj13	

Official Form 309I

Notice of Chapter 13 Bankruptcy Case

12/15

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Wade Eric McKinney	Kelly Sue McKinney
2. All other names used in the last 8 years		
3. Address	1424 West South Street Winterset, IA 50273	1424 West South Street Winterset, IA 50273
4. Debtor's attorney Name and address	Michael L Jenkins 700 2nd Ave Ste 103 Des Moines, IA 50309	Contact phone (515) 255-1855 Email: mikej572@hotmail.com
5. Bankruptcy trustee Name and address	Albert C Warford 505 5th Avenue Suite 520 Des Moines, IA 50309	Contact phone (515) 283-2713 Email: chapter13@gwestoffice.net
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	110 E. Court Ave. Suite 300 Des Moines, IA 50309	Office Hours: <u>08:00 AM – 05:00 PM Monday – Friday</u> Contact phone (515) 284-6230 Date: 4/14/16

For more information, see page 2

7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.	May 24, 2016 at 02:00 PM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location: Room 783, Federal Building, 210 Walnut, Des Moines, IA 50309
8. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	Deadline to file a complaint to challenge dischargeability of certain debts: You must file: - a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f) or - a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4). Deadline for all creditors to file a proof of claim (except governmental units): Deadline for governmental units to file a proof of claim:	Filing deadline: 7/23/16 Filing deadline: 8/22/16 Filing deadline: 180 days post Order for Relief
	Deadlines for filing proof of claim: A proof of claim is a signed statement describing a creditor's claim. A proof of claim may be filed electronically at the court's web site at www.iash.uscourts.gov . Select <i>E-Filing Proof of Claim</i> on court's home page. Alternatively, a proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed. Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.	
	Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.	Filing deadline: If applicable, 30 days after the conclusion of the meeting of creditors
9. Filing of plan	The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.	
10. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
11. Filing a chapter 13 bankruptcy case	Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.	
12. Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov . If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.	
13. Discharge of debts	Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion by the deadline.	
14. Cellular phones	Only attorneys and their employees may carry cell phones and other portable communication devices into hearing locations.	

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

In Re:	)	
	)	
Wade Eric McKinney, and Kelly Sue McKinney, <i>Debtors</i>	)	Case No. 16-00768-lmj
	)	
Deutsche Bank National Trust Company, as Trustee, for	)	Chapter: 13
Carrington Mortgage Loan Trust, Series 2005-NC5 Asset-	)	
Backed Pass-Through Certificates, by Carrington Mortgage	)	
Services, <i>Creditor</i>	)	
	)	
vs.	)	
	)	
Wade Eric McKinney, and Kelly Sue McKinney, <i>Debtors</i>	)	
	)	
and	)	
	)	
Carol F. Dunbar, <i>Trustee</i>	)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW, Deutsche Bank National Trust Company, as Trustee, for Carrington Mortgage Loan Trust, Series 2005-NC5 Asset-Backed Pass-Through Certificates, by Carrington Mortgage Services, its subsidiaries, affiliates, predecessors in interests, successors or assigns, ("Creditor"), and in support of its motion, states as follows:

1. Creditor files this motion under Rules 4001 and 9014, Rules of Bankruptcy Procedure. On April 14, 2016, the Debtors filed a Petition under Chapter 13 of the Bankruptcy Code wherein Creditor was listed as a secured creditor as to real property of the Debtors.
2. Jurisdiction is invoked in the District Court under 28 U.S.C. §1334(a) and 28 U.S.C. §1471(a) and jurisdiction is proper in this Court pursuant to 28 U.S.C. §1408(1) and §157(b)(2)(G).
3. Wade Eric McKinney, and Kelly Sue McKinney ("Debtor", whether one or more) reside at 1424 West South Street, Winterset, IA 50273.
4. Carol F. Dunbar is the Trustee duly appointed by law ("Trustee").
5. On July 1, 2005, Wade McKinney executed a promissory note (the "Note") in the principal sum of \$97,600.00.
6. Contemporaneously with the execution of the Note, a Mortgage was executed by Wade

McKinney and Kelly McKinney to secure repayment of the Note. The Mortgage was filed for record with the Office of the Recorder of Deeds of Madison County, IA, on July 12, 2005, Document No. 2005 3225, in Book No. 2005, at Page 3225. A copy of the Mortgage is attached as Exhibit "B". The Property is legally described as follows:

Lot Six (6) of the Subdivision of Lots Seven (7) and Eight (8) in Valley View Addition to the City of Winterset, Madison County, Iowa, commonly known as 1424 W. South Street, Winterset, IA 50273 (the "Property")

7. Carrington Mortgage Services, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismiss and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant. Movant, directly or through an agent, has possession of the promissory note. Movant will enforce the promissory note as transferee in possession. Movant is the original mortgage or beneficiary or the assignee of the Mortgage.

8. The Debtors have claimed the Property as exempt under 11 U.S.C. §522.

9. The total debt due on this loan as of October 26, 2016 is \$153,000.47, an exact payoff is available upon request of an appropriate party.

10. The Plan provides that the Property be surrendered.

11. The Debtor has failed to pay the post-petition payments due on the promissory note held by the Creditor. The following amounts are now due and owing:

DESCRIPTION	AMOUNT
(6) Late Payments @ \$681.14 (05/01/16-10/01/16)	\$4,086.84
MFR Filing Fee	\$176.00
MFR Attorney Fees	\$850.00
Total	\$5,112.84

12. These amounts due and owing are in addition to any amounts that have come due after the filing of this Motion pursuant to the terms of the Promissory Note and Security Instrument.

13. The Debtors have failed to cure the delinquency and the estate lacks sufficient assets from which the delinquency can be cured. Creditor's interest in the real property lacks adequate protection.

14. The Debtors have materially defaulted with respect to payment of Creditor's secured claim and has caused unreasonable delay, which is prejudicial to this creditor.

15. To remedy this prejudicial delay to creditor, an Order for Relief from the Automatic Stay should be granted that is effective immediately without a stay of enforcement pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3).

16. All communications sent by Secured Creditor in connection with proceeding against the property including, but not limited to, notices required by state law and communications to offer and provide information with regard to a potential Forbearance Agreement, Loan Modification, Refinance Agreement, Loss Mitigation Agreement, or other Loan Workout, may be sent directly to Debtors.

17. Creditor seeks relief for the purpose of exercising its remedies available under state law, up to and including foreclosure of its mortgage against Debtors' interest in the Property. Creditor further seeks relief in order to contact Debtors, at its option, by telephone or by written correspondence, to offer, provide and enter into a forbearance agreement, deed in lieu of foreclosure, loan modification, refinance agreement or other loan workout/loss mitigation agreement.

18. Creditor specifically requests permission from this Honorable Court to communicate with the Debtors and Debtors' counsel to the extent necessary to comply with applicable nonbankruptcy law.

19. Creditor requests that any order granting it relief from the automatic stay contain a provision that the order shall survive any conversion of this case to a Chapter 7 proceeding.

WHEREFORE, Creditor, its successors or assigns, prays that it be granted Relief from the Automatic Stay of 11 U.S.C. §362 to enforce its lien granted in the Mortgage, and for such other and further relief, as the Court deems proper.

SOUTHLAW, P.C.

s/ Wendee Elliott-Clement

Wendee Elliott-Clement, AT0011311

Ashley B. Osborn, AT0012218

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ATTORNEYS FOR CREDITOR

CERTIFICATE OF MAILING/SERVICE

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DEBTORS

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TRUSTEE

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U.S. TRUSTEE

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