

# Eldora Legals 07-04



Thursday, July 04, 2024 • PAGE 1

## Probate: John Harms ESR024473

THE IOWA DISTRICT COURT FOR HARDIN COUNTY  
IN THE MATTER OF THE ESTATE OF JOHN HARMS, Deceased  
CASE NO. ESR024473

### NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTORS, AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of JOHN HARMS, Deceased, who died on or about April 26, 2024:

You are hereby notified that on May 22, 2024, the Last Will and Testament of John Harms, deceased, bearing date of February 25, 1984, was admitted to probate in the above-named court and that David Harrison Harms and Lawrence John Harms have been appointed Executors of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated May 22, 2024.

/s/ David Harrison Harms  
David Harrison Harms, Executor  
301 2nd Street, Union, IA 50258

/s/ Lawrence John Harms  
Lawrence John Harms, Executor  
30347 10th Street, Dike, IA 50624

Patrick J. Craig AT0001710  
Craig, Smith & Cutler, LLP  
P. O. Box 431  
Eldora, IA 50627

Published in the Eldora Herald-Ledger on June 27, July 4, 2024

## Probate: Jerry Freese ESR024478

THE IOWA DISTRICT COURT FOR HARDIN COUNTY  
IN THE MATTER OF THE ESTATE OF JERRY D. FREESE, Deceased  
CASE NO. ESR024478

### NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTORS, AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of Jerry D. Freese, Deceased, who died on or about May 17, 2024:

You are hereby notified that on June 20, 2024, the Last Will and Testament of Jerry D. Freese, deceased, bearing date of February 22, 2002, was admitted to probate in the above named court and that JoAnn Kadolph was appointed Executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated June 26, 2024.

JoAnn Kadolph, Executor of Estate  
1426 11th St.  
Eldora, IA 50627

Taylor Nederhoff, ICIS#: AT0012340  
Attorney for Executor  
Stockdale Law, PLC  
412 Washington Avenue  
P.O. Box 786  
Iowa Falls, IA 50126

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## Notice District Court Hardin Co. EQCV102004

IN THE IOWA DISTRICT COURT FOR HARDIN COUNTY CASE NO. EQCV102004

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST C/O U.S. BANK TRUST NATIONAL ASSOCIATION, PLAINTIFF,

VS.  
KIANA ELACQUA AS THE ADMINISTRATOR OF THE ESTATES OF JOHN ELACQUA AND CYNTHIA ELACQUA, SASHA ELACQUA, JACQUELINE ELACQUA, REBECCA ELACQUA, MIA ELACQUA, ANGELO ELACQUA, JOHNNY ELACQUA, AND B&G HVAC, INC.,

AND ALL UNKNOWN CLAIMANTS, AND ALL PERSONS UNKNOWN CLAIMING ANY RIGHT, TITLE OR INTEREST IN AND TO THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN WINNESHIEK COUNTY, IOWA, TO WIT:

COMMENCING AT THE WEST QUARTER CORNER OF THE SECTION 7, TOWNSHIP 87 NORTH OF RANGE 19, WEST OF THE FIFTH PRINCIPAL MERIDIAN, HARDIN COUNTY, IOWA; THENCE EAST 850.00 FEET ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7 AND THE CENTERLINE OF EDGINGTON AVENUE IN ELDORA, IOWA; THENCE NORTH 00 DEGREES 45 MINUTES EAST 33.00 FEET TO THE NORTH LINE OF EDGINGTON AVENUE AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 45 MINUTES EAST 307.5 FEET; THENCE WEST 250.50 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES EAST 181.05 FEET; THENCE SOUTHEASTERLY 85.50 FEET ALONG A 26 DEGREE 17 MINUTE CURVE CONCAVE SOUTHWESTERLY AND HAVING A CENTRAL ANGLE OF 22 DEGREES 28 MINUTES; THENCE SOUTH 10 DEGREES 52 MINUTES EAST 80.00 FEET TO THE NORTH LINE OF EDGINGTON AVENUE; THENCE EAST 97.25 FEET ALONG THE NORTH LINE OF EDGINGTON AVENUE TO POINT OF BEGINNING; SITUATED IN HARDIN COUNTY IN THE STATE OF IOWA

AND TO THE ABOVE-NAMED DEFENDANT(S):

You are notified that a petition has been filed in the office of the clerk of this court, naming you as a defendant in this action, for foreclosure of the property legally described as: THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF THE SECTION 7, TOWNSHIP 87 NORTH OF RANGE 19, WEST OF THE FIFTH PRINCIPAL MERIDIAN, HARDIN COUNTY, IOWA; THENCE EAST 850.00 FEET ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7 AND THE CENTERLINE OF EDGINGTON AVENUE IN ELDORA, IOWA; THENCE NORTH 00 DEGREES 45 MINUTES EAST 33.00 FEET TO THE NORTH LINE OF EDGINGTON AVENUE AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 45 MINUTES EAST 307.5 FEET; THENCE WEST 250.50 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES EAST 181.05 FEET; THENCE SOUTHEASTERLY 85.50 FEET ALONG A 26 DEGREE 17 MINUTE CURVE CONCAVE SOUTHWESTERLY AND HAVING A CENTRAL ANGLE OF 22 DEGREES 28 MINUTES; THENCE SOUTH 10 DEGREES 52 MINUTES EAST 80.00 FEET TO THE NORTH LINE OF EDGINGTON AVENUE; THENCE EAST 97.25 FEET ALONG THE NORTH LINE OF EDGINGTON AVENUE TO POINT OF BEGINNING; SITUATED IN HARDIN COUNTY IN THE STATE OF IOWA (Mortgaged Premises) due to a default in making contractual payments on a promissory note; for judgment in rem against the mortgaged premises for the principal amount of \$53,695.06 plus interest as provided in the Note and as may have been subsequently adjusted thereafter, fees, costs, and attorney's fees, for a declaration of the sum due as a lien on the premises, a declaration that the mortgage is prior and superior to all of the other liens on the property, for a special execution to issue for sale of the Mortgaged Premises at sheriff's sale, for the issuance of a writ of possession, for an appointment of a receiver upon plaintiff's application, and for such further relief the Court deems just and equitable.

FOR FURTHER PARTICULARS SEE THE PETITION NOW CONTAINED IN THE COURT FILE

NOTICE

THE PLAINTIFF HAS ELECTED FORECLOSURE WITHOUT REDEMPTION. THIS MEANS THAT THE SALE OF THE MORTGAGED PROPERTY WILL OCCUR PROMPTLY AFTER ENTRY OF JUDGMENT UNLESS YOU FILE WITH THE COURT A WRITTEN DEMAND TO DELAY THE SALE. IF YOU FILE A WRITTEN DEMAND, THE SALE WILL BE DELAYED UNTIL THREE MONTHS FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING OR UNTIL TWO MONTHS FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS YOUR RESIDENCE BUT NOT A ONE-FAMILY OR TWO-FAMILY DWELLING. YOU WILL HAVE NO RIGHT OF REDEMPTION AFTER THE SALE. THE PURCHASER AT THE SALE WILL BE ENTITLED TO IMMEDIATE POSSESSION OF THE MORTGAGED PROPERTY. YOU MAY PURCHASE AT THE SALE.

IF YOU DO NOT FILE A WRITTEN DEMAND TO DELAY THE SALE AND IF THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING, THEN A DEFICIENCY JUDGMENT WILL NOT BE ENTERED AGAINST YOU. IF YOU DO FILE A WRITTEN DEMAND TO DELAY THE SALE, THEN A DEFICIENCY JUDGMENT MAY BE ENTERED AGAINST YOU IF THE PROCEEDS FROM THE SALE OF THE MORTGAGED PROPERTY ARE INSUFFICIENT TO SATISFY THE AMOUNT OF THE MORTGAGED DEBT AND COSTS.

IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS NOT A ONE-FAMILY OR TWO-FAMILY DWELLING, THEN A DEFICIENCY JUDGMENT MAY BE ENTERED AGAINST YOU WHETHER OR NOT YOU FILE A WRITTEN DEMAND TO DELAY THE SALE.

You are further notified that unless you serve and, within a reasonable time thereafter, file a motion or answer on or before August 7, 2024 in the Iowa District Court for Hardin County, Iowa, at the Courthouse in Eldora, Iowa, judgment by default will be rendered against you for the relief demanded in the Petition.

This case has been filed in a county that utilizes electronic filing. Please review Iowa Court Rules Chapter 16 for general rules and information on electronic filing and division VI of Chapter 16 regarding the protection of personal information in court filings.

If you need assistance to participate in court due to a disability, call the disability coordinator at 641-421-0990. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). Disability coordinators cannot provide legal advice.

IMPORTANT: YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

Iowa Judicial Branch Case No. EQCV102004

County Hardin

Case Title US BANK TRUST NA vs. ESTATE OF JOHN ELACQUA, ET AL

You must file your Appearance and Answer on the Iowa Judicial Branch eFile System, unless the attached Petition and

Original Notice contains a hearing date for your appearance, or unless the court has excused you from filing electronically (see Iowa Court Rule 16.302).

Register for the eFile System at [www.iowacourts.state.ia.us/Efile](http://www.iowacourts.state.ia.us/Efile) to file and view documents in your case and to receive notices from the court.

For general rules and information on electronic filing, refer to the Iowa Rules of Electronic Procedure in chapter 16 of the Iowa Court Rules at [www.legis.iowa.gov/docs/ACO/CourtRulesChapter/16.pdf](http://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/16.pdf).

Court filings are public documents and may contain personal information that should always be kept confidential. For the rules on protecting personal information, refer to Division VI of chapter 16 of the Iowa Court Rules and to the Iowa

Judicial Branch website at [www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/](http://www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/).

If you need assistance to participate in court due to a disability, call the disability access coordinator at .

Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). For more information, see [www.iowacourts.gov/for-the-public/ada/](http://www.iowacourts.gov/for-the-public/ada/). Disability access coordinators cannot provide legal advice.

Date Issued 06/13/2024 08:43:20 AM

District Clerk of Court or/by Clerk's Designee of County

/s/ Michelle Ryan

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