AFFIDAVIT IN SUPPORT OF FORFEITURE

OF REAL ESTATE CONTRACT

110-128

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

The undersigned after being duly sworn on oath states as follows:

That no notice was sent by ordinary mail to Randy Lynn LeClere pursuant to Rule 60.1 for the reason that no mailing address is known for him and diligent inquiry has been made to ascertain it. Personal service on said Randy Lynn LeClere could not be made within the State of Iowa.

E. Michael Carr

DIANNE K. FOUST Iowa NOTARIAL

Subscribed and sworn to before me by E. Michael Carr this 25th day of June, 1990.

Dianne K. Foust

Dianne K. Foust, Notary Public in and for the State of Iowa.

FILE No. 23-3072
RECORDING FEE $ 10.00
TRANSFER FEE $

FILED FOR RECORD THE 26 DAY OF June 19 90 AT 11:17
O'CLOCK A M. BOOK 16 PAGE 209

STATE OF IOWA, DELAWARE COUNTY
Joan Sheppard, Recorder
Aff

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Notice of Forfeiture of Real Estate Contract in case ~~of~~ to Randy Lynn Le Clere a copy of which is hereto attached, was published in said newspaper for 3 weeks consecutively; the first publication having been made on the 8 day of May A.D. 19 90, and the last on the 22 day of May A.D. 19 90

Publication fee, $ 40.02

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 24 day of May A.D. 19 90

Witness my hand and seal the date last above written.

Doris Tucker Notary Public

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Randy Lynn Leclere
(Address Unknown)

You are hereby notified:

1. The terms of the written contract dated October 2, 1981 and executed by Daniel D. Rose and Phyllis J. Rose, husband and wife as Vendors, and Randy Lynn LeClere and Kimberly Kay LeClere, husband and wife as Vendees for the sale of the following described real estate:

Lot 2 of the Subdivision of part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW1/4) and part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) all in Section 23, township 87 north, Range 4, West of the 5th P.M., Delaware County, Iowa, according to plat recorded in Book 5, Plats, Page 8.

has not been complied with in the following particulars:

(a). Failure to make payments of $178.00 per month since April 2, 1983 (principal)	$8,302.50
(b). Failure to pay interest at the rate of 13% per year on unpaid balance (through April 15, 1990)	10,011.05
(c). Failure to pay taxes as required by contract	330.00
Total Unpaid	$18,643.55

2. The contract shall stand forfeited unless the party in default within 30 days after the completed service of this notice shall perform the terms and conditions in default and in addition pay the reasonable costs of serving this notice.

3. The amount of attorney fees claimed by the Vendors pursuant to Section 656.7 of the Code of Iowa is $50.00. Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

DANIEL D. ROSE & PHYLLIS J. ROSE, VENDORS
by E. MICHAEL CARR, THEIR ATTORNEY
117 S. Franklin Street
Manchester, Iowa 52057
P5-w3

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN:

STATE OF IOWA }
} ss:
COUNTY OF DELAWARE }

The undersigned, first being duly sworn upon oath (or upon affirmation) deposes and states:

That the relationship of the undersigned to this transaction appears from the **Notice of Forfeiture of Real Estate Contract, hereto attached, together with return(s) of service thereof;** which Notice and return(s) are by this reference made a part of this affidavit as fully as if set forth herein; that by reason of such relationship the facts herein stated are within the personal knowledge of such affiant.

That the parties served, as shown by said returns, included all parties in possession of said real estate at the time of service of said notice.

●

That, as shown by such returns, more than 30 days have passed since the service of such Notice.

That the default(s) mentioned in said Notice (has) (have) not been removed nor performed nor paid in any amount by said vendee(s), nor by anyone; and that therefore the terms and conditions as to which there is and has been a default have not been performed within the 30 days mentioned in said Notice, nor at any time by anyone; nor has any sum been offered or tendered by said vendees or anyone; that vendor(s) have (has) retaken possession of said real estate following the expiration of said 30 day period.

That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee(s') rights in such contract in accordance with Code Chapter 656.

That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled to any rights under the Soldiers' and Sailors' Civil Relief Act or similar act or acts amendatory thereof or supplementary thereto.

That this affidavit is made as supporting proof, record and notice, that the contract referred to in said Notice of Forfeiture is now null and void, stands forfeited and cancelled and is of no force and effect whatsoever.

E. Michael Carr
Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 25 day of June, 19 90

Iola Carr

Iola Carr
Notary Public in and for The State of Iowa.

● The space as indicated above, is reserved to conveniently "tailor" for special situations and to set forth facts to sustain notice by publication or for both of such purposes. See Section 656.3; R.C.P. 60, 60.1 and 62. Suggested: That Personal Service could not and cannot be made upon _____ and _____ in the State of Iowa; that on the _____ day of _____, 19____, a copy of said Notice was sent by ordinary mail addressed to said (party) (parties) at their last known mailing address, to-wit: _____

Code Chapter 656

RECORDER'S CERTIFICATE

STATE OF IOWA, COUNTY OF Delaware, ss:

The undersigned Recorder in and for said County in the State aforesaid, hereby certifies that the foregoing affidavit together with Notice and returns thereto attached was filed in the said Recorder's Office by the party or parties causing said Notice to be served as shown by the Notice, on the 26 day of June, 19 90.

Joan Sheppard
Recorder

B 4-312 C = 20

This Printing September, 1985

IOWA STATE BAR ASSOCIATION
(Trade-Mark Registered, State of Iowa, 1967)

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

FILED
APR 27 A9:00
DE... LINN COUNTY, IOWA

TO: Randy Lynn LeClere and Kimberly Kay LeClere
2340 3rd Avenue
Marion, Iowa 52302

You and each of you are hereby notified:

(1) The terms of the written contract dated October 2, , 1981, and executed by Daniel D. Rose and Phyllis J. Rose, husband and wife, as Vendors, and Randy Lynn LeClere and Kimberly Kay LeClere, husband and wife, as Vendees,

for the sale of the following described real estate:

Lot 2 of the Subdivision of part of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and part of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) all in Section 23, Township 87 North, Range 4, West of the 5th P.M., Delaware County, Iowa, according to plat recorded in Book 5, Plats, Page 8.

has not been complied within the following specific particulars:

(a) Failed to make payments of $178.00 per mo. since April 2, 1983 (principal)	$11,001.19
(b) Failed to pay interest at the rate of 13% per year on unpaid balance. (through April 15, 1988) Int.	$ 7,323.15
(c) continues to accrue at the rate of $3.92 per day.	
(d) Failed to pay taxes through June, 1988.	$ 236.00
Total	$18,560.34

(2) The contract shall stand forfeited unless the parties in default, within 30 days after the completed service of this notice, shall perform the terms and conditions in default, and in addition pay the reasonable costs of serving this notice.

(3) The amount of attorney fees claimed by the Vendors pursuant to Section 656.7, The Code is $ _____ (not to exceed $50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

Daniel D. Rose

Phyllis J. Rose
Vendors (or Successors in Interest)

By E. Michael Carr
E. Michael Carr Their Attorney—
Address: 117 S. Franklin Street
Manchester, Iowa 52057

Chapter 656, The Code

ACKNOWLEDGEMENT OF SERVICE

The undersigned hereby acknowledge due, timely and legal service of this notice, and acknowledge receipt of a copy at the time and place set opposite their respective names.

	Date of Service	Place of Service

©The Iowa State Bar Association

OFFICERS RETURN OF SERVICE

STATE OF IOWA)
LINN COUNTY) SS

The attached NOTICE OF FORFEITURE received this 27th day of APR, 19 88, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective names:

Name of Defendants	Date	Time	Address
KIMBERLY KAY LECLERE	05-20-88	1615	HYVEE STORE WILSON AVE. SW CR.

located in Linn County, Iowa

****

STATE OF IOWA)
LINN COUNTY) SS

The attached _____ received this _____ day of _____, 19____, and I certify that on the _____ day of _____, 19____, I served the same on the defendant, _____ at his dwelling house or usual place of abode at the following address: _____ in Linn County, State of Iowa, by there delivering a copy thereof to _____, a person residing therein who was then at least 18 years old. That such place was/was not a rooming house, hotel, club or apartment building (1), and that the person to whom the copy was delivered was _____(2).

****

OFFICERS RETURN OF SERVICE

STATE OF IOWA)
LINN COUNTY) SS

The attached _____ received this _____ day of _____, 19____, and I certify that on the _____ day of _____, 19____, I served the same on the defendant, _____, a _____, by delivering a copy thereof to _____, of said defendant, at the following address _____ located in Linn County, State of Iowa. Corporate Title:_____

****

OFFICERS RETURN OF SERVICE

STATE OF IOWA)
LINN COUNTY) SS

The attached Subpoena came into my hands for service on the _____ day of _____, 19____, and I hereby certify that I personally served the same on the witnesses named, on the Original Subpoena, by delivering to each of them personally (and by showing the Original Subpoena to each of them personally) a true copy of the Original Subpoena thereof, on the date, time and place set opposite their respective names, as follows:

Name	Date	Time	Address

located in Linn County, Iowa

****

DILIGENT SEARCH RETURN

STATE OF IOWA)
LINN COUNTY) SS

I hereby certify that I did receive into my hands the attached _____ on the _____ day of _____, 19____. I further certify that I have made a diligent search of Linn County, Iowa, for the within named defendant/witness(s), _____ and am unable to find him/her residing therein this _____ day of _____, 19____.

Comments:_____

Date JUN 10 1988

SHERIFF'S FEES PAID BY E Michael Carr

SHERIFF'S FEES:
Service 10.00
Copy .50
Notary
Mileage 3.00
TOTAL 13.50

Dennis H. Blome, Sheriff
Linn County, Iowa

SHERIFF, LINN COUNTY, IOWA BY ...

By R. HARRELSON
Deputy Sheriff

LCSO 1985-1

OFFICERS RETURN OF SERVICE

STATE OF IOWA)
LINN COUNTY) SS

The attached _____ received this _____ day of _____, 19____, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective names:

Name of Defendants	Date	Time	Address
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____ located in Linn County, Iowa

****

STATE OF IOWA)
LINN COUNTY) SS

The attached _____ received this _____ day of _____, 19____, and I certify that on the _____ day of _____, 19____, I served the same on the defendant, _____ at his dwelling house or usual place of abode at the following address: _____ in Linn County, State of Iowa, by there delivering a copy thereof to _____, a person residing therein who was then at least 18 years old. That such place was/was not a rooming house, hotel, club or apartment building (1), and that the person to whom the copy was delivered was _____(2).

****

OFFICERS RETURN OF SERVICE

STATE OF IOWA)
LINN COUNTY) SS

The attached _____ received this _____ day of _____, 19____, and I certify that on the _____ day of _____, 19____, I served the same on the defendant, _____, a _____, by delivering a copy thereof to _____, of said defendant, at the following address _____ located in Linn County, State of Iowa. Corporate Title: _____

****

OFFICERS RETURN OF SERVICE

STATE OF IOWA)
LINN COUNTY) SS

The attached Subpoena came into my hands for service on the _____ day of _____, 19____, and I hereby certify that I personally served the same on the witnesses named, on the Original Subpoena, by delivering to each of them personally (and by showing the Original Subpoena to each of them personally) a true copy of the Original Subpoena thereof, on the date, time and place set opposite their respective names, as follows:

Name	Date	Time	Address
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____ located in Linn County, Iowa

****

DILIGENT SEARCH RETURN

STATE OF IOWA)
LINN COUNTY) SS

I hereby certify that I did receive into my hands the attached NOTICE OF FORFEITURE on the 27th day of APRIL, 19 88. I further certify that I have made a diligent search of Linn County, Iowa, for the within named defendant/~~witness(es)~~, RANDY LYNN Le CLERE 2340 3rd AVENUE Marion. and am unable to find him/~~her~~ residing therein this 3rd day of JUNE, 19 88.

Comments: Subject no longer resides at 2340 3rd Avenue Marion, & his present where-abouts is unknown.

Date JUN 10 1988
SHERIFF'S FEES PAID BY
E Michael Carr
BY SHERIFF, LINN COUNTY, IOWA

SHERIFF'S FEES:

Service	
Copy	.50
Notary	
Mileage	3.36
	3.86
TOTAL	

2 of 2

Dennis H. Blome, Sheriff
Linn County, Iowa

By _____
Deputy Sheriff

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LCSO 1985-1