IOWA STATE BAR ASSOCIATION
Official Form No. 116

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
COUNTY OF LINN } ss:

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) has (have) 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(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.

Kenneth L. Moon
Kenneth L. Moon — Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 22 day of February, 19 91.

Sally Donnan
Sally Donnan — 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: _____

Iowa 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 25 day of February, 19 91.

Joan Sheppard
Joan Sheppard — Recorder

FILE No. 74-1879
RECORDING FEE $ 15.00
TRANSFER FEE $ _____

FILED FOR RECORD THE 25 DAY OF February, 1991 AT 10:44 O'CLOCK A. M. BOOK 16 PAGE 293

STATE OF IOWA, DELAWARE COUNTY
Joan Sheppard, Recorder
Aff.

# NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Nancy L. Richmond

You and each of you are hereby notified:

(1) The terms of the written contract dated April 27, 19 84, and executed by Kenneth L. Davis and Jane A. Davis,

as Vendors, and Nancy L. Richmond

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 7/1/88 TIME 11:00 am

, as Vendees,

for the sale of the following described real estate:

Lot Five (5) of the Subdivision of Block Fifteen (15), Ryan, Iowa (Delaware County)

has not been complied within the following specific particulars:

| | | |
|---|---|---|
| (a) | Back payments 1984 $152; 1985 $900; 1986 $450; 1987 $1,200; 1988 $750.00 | ~~$ 3,452.00~~ |
| (b) | Unpaid real estate taxes (83-85) | 916.10 |
| (c) | Unpaid insurance premiums 6/21/88 | 167.00 |
| (d) | | |
| | **Total** | 4,535.10 |

(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 $ 50.00 (not to exceed $50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

Kenneth L. Davis

Jane A. David

Vendors (or Successors in Interest)

By Kenneth L. Moon Their Attorney—

Kenneth L. Moon

Address: 510 Guaranty Bldg.

Cedar Rapids, Iowa 52401

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 |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

## RETURN OF SERVICE — Personal

STATE of Iowa ,

ss.

County of Delaware

The undersigned first being duly sworn, upon oath deposes and states that he served the notice on the reverse side on each of the persons to whom the notice is addressed, and named below, by delivering a copy of the notice to each of the persons at the time and place set opposite their respective names:

| Persons Served | Day | Month | Year | City, Town or Township | County | State |
|---|---|---|---|---|---|---|
| Nancy Richmond | 22 | July | 1988 | Manchester | Delaware | Iowa |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Ronald Wilhelm, Sheriff

Tari Trapp 7-28-9

SERVED BY: Tari Trapp, Deputy

Subscribed in my presence and sworn to before me by the affiant July 22 19 88

Pat Becker , Notary Public in the above State.

**FEES**

Service ..... $ 10.00

Copies ..... $ _____

Mileage ..... $ 1.00

Total ..... $ 11.00

8/2/88
1564

74-1879
DELAWARE COUNTY IOWA
FILED
'91 FEB 25 AM 10 44
BOOK 16 PAGE 293
RECORDER
$15.00

KENNETH L. MOON
TO
WHOM IT MAY CONCERN

## RETURN OF SERVICE — Leaving Copy

STATE OF _____ ,

ss.

County of _____

The undersigned, being first duly sworn, upon oath deposes and states that on _____

19___, he served the notice on the reverse side on _____

at his _____ dwelling house or usual place of abode in the City, Town or Township of _____

in _____ County, ___ , and which place was not a rooming house, hotel, club or apartment building, by there delivering a copy of the notice to _____

_____

a person residing there who was then at least eighteen years old.

_____

Subscribed in my presence and sworn to before me by the affiant _____ , 19___.

_____

_____ ,Notary Public in the above State.

Return:
Kenneth L. Moon, Atty.
510 Guaranty Bldg.
Cedar Rapids, Ia 52401