THE 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 CLAYTON } 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.

William C. Hodges and Brenda L. Hodges were served the Notice of Forfeiture of Real Estate Contract by the Linn County Sheriff's Department on June 22, 1992.

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.

MICHAEL J. SCHUSTER, Attorney for Affiant
the Vendor, Lyle E. Hayes

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 7th day of August, 19 92

Janice L. Patzner

Janice L. Patzner Notary Public in and for The State of Iowa

JANICE L. PATZNER
NOTARIAL SEAL

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 11 day of August, 19 92.

Jane A. Lloyd
Recorder

FILE No. 214-604
RECORDING FEE $ 20.00
TRANSFER FEE $ _____

FILED FOR RECORD THE 11 DAY OF August, 19 92 AT 11:34 O'CLOCK A. M. BOOK 17 PAGE 90

STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd, Recorder
Aff.

47-392

Supplemental Off. 17
For Release, See Book
Page 123 11/13/92

NOTICE OF FORFEITURE
OF REAL ESTATE CONTRACT

TO: William C. Hodges
103 Main Street
Center Point, IA 52213

You and each of you are hereby notified:

(1) The written contract dated May 26, 1988, and executed by Lyle E. Hayes as Vendor and William C. Hodges and Brenda L. Hodges, husband and wife, as Vendees, for the sale of the following described real estate:

The West One-Half (W 1/2) of the North Eighty-Six Feet (86') of Lot Six Hundred Fifty-Four (654), and the North Eighty-Six Feet (86') of Lot Six Hundred Fifty-Five (655), Manchester, Iowa, according to the recorded Plat recorded at Book 1, L.D., Page 284,

has not been complied with in the following particulars:

(a)	Failure to pay the 1988/89, 1989/90, and 1990/91 real estate taxes, plus penalty	$1,670.00
(b)	Failure to keep the property insured	
	TOTAL	$1,670.00

(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. In order for you to perform the terms and conditions in default, you must pay, within thirty (30) days after the completed service of this Notice,

(a) $1,670.00 to Lyle E. Hayes as reimbursement for the real estate taxes Lyle E. Hayes has paid directly to the Delaware County Treasurer, Helen McWilliams, and

(b) Provide proof you have the property insured in accordance with paragraph 6 of the Real Estate Contract.

(3) The amount of attorney fees claimed by the Vendors pursuant to Section 656.7 of the Code of Iowa 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.

LYLE E. HAYES, Vendor

BY: _____
Michael J. Schuster
SCHUSTER AND MICK
318 South River Park Drive
P.O. Box 609
Guttenberg, IA 52052

NOTICE OF FORFEITURE
OF REAL ESTATE CONTRACT

TO: Brenda L. Hodges
103 Main Street
Center Point, IA 52213

You and each of you are hereby notified:

(1) The written contract dated May 26, 1988, and executed by Lyle E. Hayes as Vendor and William C. Hodges and Brenda L. Hodges, husband and wife, as Vendees, for the sale of the following described real estate:

The West One-Half (W 1/2) of the North Eighty-Six Feet (86') of Lot Six Hundred Fifty-Four (654), and the North Eighty-Six Feet (86') of Lot Six Hundred Fifty-Five (655), Manchester, Iowa, according to the recorded Plat recorded at Book 1, L.D., Page 284,

has not been complied with in the following particulars:

(a)	Failure to pay the 1988/89, 1989/90, and 1990/91 real estate taxes, plus penalty	$1,670.00
(b)	Failure to keep the property insured	
	TOTAL	$1,670.00

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(a) $1,670.00 to Lyle E. Hayes as reimbursement for the real estate taxes Lyle E. Hayes has paid directly to the Delaware County Treasurer, Helen McWilliams, and

(b) Provide proof you have the property insured in accordance with paragraph 6 of the Real Estate Contract.

(3) The amount of attorney fees claimed by the Vendors pursuant to Section 656.7 of the Code of Iowa 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.

LYLE E. HAYES, Vendor

BY: _____
Michael J. Schuster
SCHUSTER AND MICK
318 South River Park Drive
P.O. Box 609
Guttenberg, IA 52052

In the Iowa District Court, for Linn County

Case Name HODGES
Case No. na
Notice recd. this date 6-22-92

STATE OF IOWA } ss.
LINN COUNTY }

RETURN OF SERVICE:

		Type of Service Code
____	Personal	1
____	Dwelling/Substitute	2
____	Hotel/Boarding/Rooming House	3
____	Corporation/Association	4
____	Official (State, County, City)	5
____	Spouse away from residence	6
____	Other _____	7
____	Diligent Search (not served)	8

I certify that I (served) (attempted to serve) a copy of:

- ☐ Petition and Original Notice
- ☐ Modification/Application and Notice
- ☐ Order to Show Cause
- ☐ Order Filed _____
- ☐ Writ _____
- ☒ Other NOTICE OF FORFEITURE
- ☐ Subpoena _____

						Type Code
WILLIAM C. HODGES	(NAME)	at 103 MAIN ST CENTER POINT	(ADDRESS)	on 6-22-92	(DATE)	8
BRENDA L. HODGES		at 103 MAIN ST CENTER POINT		on 6-22-92		8
_____		at _____		on _____		
_____		at _____		on _____		
_____		at _____		on _____		
_____	(NAME)	by serving _____	(NAME)	at _____	(ADDRESS)	

_____ on _____, (a person residing therein who was then at least 18 years old) or (spouse away from residence). (Strike non-applicable part).

_____ by serving _____ ☐
(COMPANY/GOVERNMENT UNIT NAME) (NAME)

_____, on _____, at _____.
its (TITLE) (DATE)

NOTES: (Diligent Search, etc.) STILL VACANT

Dennis H. Blome, Sheriff, Linn County, Iowa

BY: D. WHARTON
JUL 1 - 1992 Deputy Sheriff

Fees:
Process 10 00
Mileage 11 00
Copy 50
Total 21 50
JUN 24 1992

Fees ~~charged~~ to/paid by Atty/~~Party~~:
S Chastain & Mick

NOTE: Copy of Original Notice, if served, must be attached to this form.

Form No. ISD 015 (2/91)
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