THE IOWA STATE BAR ASSOCIATION
Official Form No. 116

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

1C

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN:

STATE OF IOWA } ss:
COUNTY OF BUCHANAN }

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.

Robert J. Murphy
Affiant

ROBERT J. MURPHY

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 15th day of July, 1993.

SHARON K. MILLER
MY COMMISSION EXPIRES
January 24, 1994

Sharon K Miller
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 _____, 199__, 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 30 day of July, 1993.

Deborah L. Peyton
DEBORAH L. PEYTON
Recorder

FILE No. 305-390
RECORDING FEE $ 16.00
TRANSFER FEE $

FILED FOR RECORD THE 30 DAY OF July, 1993 AT 11:45 O'CLOCK AM. BOOK 17 PAGE 208

STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
AFF

THE IOWA STATE BAR ASSOCIATION
Official Form No. 115

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

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 5/7/93 TIME 11:30 AM

TO:
Gerald Lincoln, Larry Lincoln and John Lincoln
Rural Route #1, Box 172
Strawberry Point, Iowa 52076

You and each of you are hereby notified:

(1) The written contract dated March 1, 19 89, and executed by Farmers State Savings Bank,
as Vendors, and
Gerald L. Lincoln, Larry L. Lincoln and John C. Lincoln,
as Vendees, for the sale of the following described real estate:
The SE ¼ of the SW ¼ of Section 3, Township 90 N, Range 6 W of the 5th P.M., Delaware County, Iowa, -and-
The S 16 acres of SW ¼ of the SE ¼ of Section 3, Township 90 N, Range 6 W of the 5th P.M., Delaware County, Iowa.
has not been complied with in the following particulars:

(a)	The payment of $4,108.20 due March 1, 1993	$4,108.20
(b)		
(c)		
(d)		
	Total	$4,108.20

(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 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.

FARMERS STATE SAVINGS BANK

Vendors (or Successors in Interest)

By Robert J. Murphy
Their Attorney

Address: 110 Third Ave SW, Box 796
Independence, Iowa 50644

Chapter 656, The Code

ACKNOWLEDGMENT 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

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CALFS Release 1.0 11/92

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA
County of Delaware } SS.

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

Name	Month	Day	Year	~~City, Town~~ or Township	County	State
Gerald Lincoln	May	19	1993	Richland	Delaware	Iowa
John Lincoln	May	19	1993	Richland	Delaware	Iowa
Larry Lincoln	May	21	1993	Richland	Delaware	Iowa

Ronald Wilhelm, Sheriff
Delaware County

Tari Trapp 28-7

SERVED BY: Tari Trapp, Deputy

Subscribed in my presence and sworn to before me by said affiant this 21 day of May, 1993.

Pat Becker

Notary Public in and for said County and State

PAT BECKER

FEES: Service $30.00
Mileage 15.00
Total $45.00

5/26/93

Roberts & Murphy
110 Third Ave SW
P.O. Box 796
Independence, IA 50644

305-390
DEL... COUNTY IOWA
FILED
'93 JUL 30 AM 11 45
BOOK 17 PAGE 208
RECORDER
$16.00

Robert J. Murphy

To

Whom it May Concern