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 Delaware } 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.

127-177

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.

Mildred E. Peters — X Raymond L. Peters
Mildred E. Peters — Raymond L. Peters — Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 14th day of March, 1995.

John J. Goen — Notary Public in and for The State of Iowa.

JOHN J. GOEN
Iowa
NOTARIAL SEAL

The above, 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 Rule 1656.3, 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 20 day of MARCH, 19 95.

Deborah L. Peyton
DEBORAH L. PEYTON — Recorder

FILE No. 112-2385
RECORDING FEE $ 16.00
TRANSFER FEE $

FILED FOR RECORD THE 20 DAY OF March, 19 95 AT 10:02
O'CLOCK A M. BOOK 18 PAGE 110

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

Revised March, 1990

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

TO: Gary V. Heims
R. 1, Box 52
Delhi, Iowa 52223

You and each of you are hereby notified:

(1) The written contract dated December 31, 19 90, and executed by Raymond L. Peters and Mildred S.E. Peters, husband and wife, as Vendors, and Gary V. Heims, a single person, as Vendees,

for the sale of the following described real estate:

The South one-half of North West quarter, and North East quarter of North West quarter except the West four-ninths (4/9) of the North nine-fortieths (9/40) of said North East quarter of North West quarter, and West one half of North West quarter of North East quarter, all in Section Thirty Two (32), Township Eighty Eight (88) North, Range Four (4), West of the Fifth P.M.,

has not been complied with in the following particulars:

~~(a)~~
Vendee has failed to pay annual installment of $15,000.00

(b) which was due on December 31, 1994. $15,000.00

(c) Less $3,000.00 already paid 3,000.00

~~(d)~~

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 1-10-95 TIME 10:45am

Total $12,000.00

(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.

(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.

Raymond L. Peters - Vendor

Mildred S.E. Peters - Vendor

Vendors (or Successors in Interest)

By _____

John J. Goen of JENK & GOEN Their Attorney

Address: 320 First Avenue East
P. O. Box 247
Dyersville, Iowa 52040

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

112-2385

DELAWARE COUNTY IOWA
FILED

'95 MAR 20 AM 10 02

BOOK 18 PAGE 110

DEBORAH L. PEYTON
DELAWARE CO. RECORDER

$16.00

Mildred S. Peters, Etal

To
Whom It May Concern

Tom Jenk
320 First Ave. East
PO Box 247
Dyersville, IA 52040

RETURN OF SERVICE — Personal

STATE of Iowa }
County of Delaware } ss.

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
Gary V. Heims	01	20	95	R.R. Delhi	Delaware	Iowa

Lt. Wm. J. Hermes

Subscribed in my presence and sworn to before me by the affiant Lt. Wm. J. Hermes, Dep... January 20, 19...

Pat Becker

Pat Becker, Notary Public in the above State.

FEES

Service ..... $ 10.00
Copies ..... $
Mileage ..... $ 2.00
Total ..... $ 12.00

PAID Date 1/24/95 Ck. No. 2332

DELAWARE COUNTY SHERIFF'S OFFICE RECEIVED

RETURN OF SERVICE — Leaving Copy

STATE of _____ }
County of _____ } ss.

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/her _____ 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.