136-11
DELAWARE COUNTY IOWA
FILED
'95 JUN 19 PM 12 45
BOOK 18 PAGE 154
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$16.00

Ruth Westpfahl
948 E. Main St.
Manchester, IA 52057

391-131

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 Richard L. Simon and Shirley I. Simon, husband and wife, are contract purchasers.

That the relationship of the undersigned to this transaction appears from the **Notice of Forfeiture of Real Estate Contract, hereto attached, together with returns of service thereof;** which Notice and returns 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 defaults mentioned in said Notice have not been removed nor performed nor paid in any amount by said vendees, 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 vendors 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 Vendees' 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 State 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 canceled and is of no force and effect whatsoever.

The said Richard L. Simon is now deceased. Service was made on his spouse Shirley I. Simon, individually and as his personal representative. The said Richard L. Simon a/k/a Richard Louis Simon died on December 4, 1994, survived by Shirley I. Simon, spouse. See Exhibit A attached which was set out in reference as if set out in full and verbatim herein consisting of Notice of Forfeit and the Return of Service.

Ruth M. Westpfahl
RUTH M. WESTPFAHL Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 19th day of June, 1995.

MERLE D. FISHEL
MY COMMISSION EXPIRES
May 7, 1996

Notary Public in and for The State of Iowa.

RECORDER'S CERTIFICATE

STATE OF IOWA, COUNTY OF LINN, 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 19 day of JUNE, 1995

Deborah L. Peyton
DEBORAH L. PEYTON Recorder

116 AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

FILE No. 136-11	FILED FOR RECORD THE 19 DAY OF	STATE OF IOWA, DELAWARE COUNTY
RECORDING FEE $ 16.00	June 19 95 AT 12:45	Deborah L. Peyton, Recorder
TRANSFER FEE $	O'CLOCK P M. BOOK 18 PAGE 154	Aff.

THE IOWA STATE BAR ASSOCIATION

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

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Richard L. Simon and/or personal representative; and Shirley I. Simon; contract purchasers

You and each of you are hereby notified:

(1) The terms of the written contract dated December 8, 1993, and executed by Ruth M. Westpfahl and her spouse,

as Vendors, and Richard L. Simon and Shirley I. Simon, as Vendees,

for the sale of the following described real estate:

The West 137.0 feet of Lot 2, except the South 200.0 feet thereof, and the South 200.0 feet of the West 103.0 feet of said Lot 2, all in the Subdivision of the SE 1/4 of Section 28, Township 89 North, Range 5, West of the Fifth P.M., according to the plat recorded in Book A Plats, Page 23

has not been complied within the following specific particulars:

(a)	None payment of 8 monthly payments of $1,112.55	$9900.40
(b)		
(c)		
(d)		
	Total	$9,900.40

RECEIVED SHERIFF'S OFFICE DELAWARE COUNTY, IA DATE 5/19/95 TIME 11:30AM

(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.

RUTH M. WESTPFAHL

Vendors (or Successors in Interest)

By MERLE D. FISHEL Their Attorney—

Address: 766 13th ST.

Marion, IA 52302

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

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
Shirley I. Simon	05	19	95	Manchester	Delaware	Iowa

Lt. Wm. J. Hermes, Deputy 28-3

Subscribed in my presence and sworn to before me by the affiant May 19 , 1995 .

Pat Becker, Notary Public

, Notary Public in the above State.

FEES

Service . . . . . $ 10.00

Copies . . . . . $ 5.00

Mileage . . . . . $ 1.00

Total . . . . . $ 16.00

5/24/95
11015

RETURN OF SERVICE — Leaving Copy

STATE OF Iowa ,

ss.

County of Delaware

The undersigned, being first duly sworn, upon oath deposes and states that on May 19

19 95 , he served the notice on the reverse side on Shirley I. Simon as personal representative of Richard Simon (deceased)

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

in Delaware County, , and ~~which place was not a rooming house, hotel, etc. or~~ ~~apartment building, by there delivering a copy of the notice to~~

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

Lt. Wm. J. Hermes, Deputy 28-3

Subscribed in my presence and sworn to before me by the affiant May 19 , 1995 .

Pat Becker

Pat Becker

, Notary Public in the above State.