THE IOWA STATE BAR ASSOCIATION Official Form No. 176	03967	Randall A. Nazette Nazette, Marner, Good, Wendt & Knoll	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

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 was filed in the said Recorder's Office by the owner in possession as named in said affidavit as shown by the records.

Deborah L. Peyton Recorder
DEBORAH L. PEYTON

'97 MAR 18 AM 10 40
DELAWARE COUNTY IOWA
FILED
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$16.00

305-2740

Preparer Information (x) Randall A. Nazette | 100 1st Street SW | Cedar Rapids | 319-364-0124
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF LINN

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.

Randall A. Nazette
RANDALL A. NAZETTE, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 17th day of March, 19 97.

NOTARIAL SEAL IOWA
BETH DABNEY
MY COMMISSION EXPIRES
August 4, 1999

Beth Dabney
BETH DABNEY
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

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DATE 3-18-97 BOOK 19 PAGE 40

Preparer Information: Randall A. Nazette (Individual's Name) | 100 1st Street SW (Street Address) | Cedar Rapids (City) | 319-364-0124 (Phone)

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO:
Brian Meholovich and Teresa Meholovich
424 South Brewer 424 South Brewer
Manchester, Iowa Manchester, Iowa

You and each of you are hereby notified:

(1) The written contract dated June 6, 19 96, and executed by Austin Armstrong,
as Vendors, and
Brian L. Meholovich and Teresa Meholovich, husband and wife,
Brian Meholovich, a/k/a Brian L. Meholovich,
as Vendees, for the sale of the following described real estate:

The South One-Half (S1/2) of Lot Twenty Eight (28) of A.R. Loomis Addition to Manchester, Iowa, according to the plat recorded in Book 15 L.D., Page 410, subject to easements of record

has not been complied with in the following particulars:

a)	Your failure to make the balance of your July 1, 1996 monthly payment.	$ 136.00
b)	Your failure to make the balance of your August 1, 1996 monthly payment .	199.00
c)	Your failure to make the balance of your September 1, 1996 monthly payment.	86.50
d)	Your failure to make monthly payments due November 1, 1996, December 1, 1996 and January 1, 1997, each in the amount of $336.50.	1,009.50
	Total	$1,431.00

(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.

AUSTIN ARMSTRONG AND AUSTIN E. ARMSTRONG FAMILY L.C.
Vendors
(or Successors in Interest)

By _____
RANDALL A. NAZETTE
Their Attorney -
Address: 100 1st Street SW., Ste. 100
Cedar Rapids, Iowa 52404

Chapter 656, The Code

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IN THE IOWA COURT FOR MARION COUNTY

CASE NAME ARMSTRONG, AUSTIN & AUSTIN E.
VS. MEHOLOVICH, BRIAN L.

CASE NO. IA 063 10:52:07
NOTICE RECD. THIS DATE 02/10/1997

STATE OF IOWA)
)
MARION COUNTY)

RETURN OF SERVICE:

	TYPE OF SERVICE CODE
X 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	8

I CERTIFY THAT I SERVED A COPY OF:

FORFEIT. OF R.E. CONTRACT

SERVED:

(NAME)	(ADDRESS)		TYPE CODE
MEHOLOVICH, BRIAN L.	AT KNOXVILLE	IN MARION COUNTY ON 02/12/1997 (DATE) 10:47 (TIME)	(1)
MEHOLOVICH, TERESA	AT KNOXVILLE	IN MARION COUNTY ON 02/12/1997 10:47	(1)

FEES CHARGED ~~TO/PAID BY ATTY:~~ ceh
NAZETTE,MARNER,GOOD, WEND
RANDALL A. NAZETTE

FEES:

SERVICE	15.00
MILEAGE	1.00
COPY	
TOTAL	16.00

DATE 2/20/97 CHECK # 41145

MARVIN L. VAN HAAFTEN , SHERIFF

BY Charles Puyear ,DEPUTY SHERIFF
PUYEAR, CHARLES W.

NOTE: COPY OF ORIGINAL NOTICE, IF SERVED, MUST BE ATTACHED TO THIS FORM.