THE IOWA STATE BAR ASSOCIATION
Official Form No. 176

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

97 MAY 10 AM 10 4

24-1468

16.00

19 137

Preparer Information: Daniel H. Swift (Individual's Name) | 108 N. Madison St. (Street Address) | Manchester (City) | 319-927-4901 (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 DELAWARE

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.

D. H. Swift

Daniel H. Swift, Attorney for Affiant
Beverly Sawyer Beltz

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 7th day of November, 1997.

AMY J. BLUMER
MY COMMISSION EXPIRES
September 5, 1999

Amy J. Blumer

Amy J. Blumer
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 11-10-97 BOOK 19 PAGE 137

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THE IOWA STATE BAR ASSOCIATION
Official Form No. 175 | ISBA# 05563

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

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 10/3/97 TIME 11:55 Am

Preparer Information: Daniel H. Swift (Individual's Name) | 108 N. Madison St. (Street Address) | Manchester (City) | 319-927-4901 (Phone)

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO:
Linda DeVall
Earlville, Iowa 52041

You and each of you are hereby notified:

(1) The written contract dated October 1, 1990, and executed by Beverly Sawyer Beltz, Executrix of the Estate of Merle B. Sawyer, as Vendors, and Linda DeVall, as Vendees, for the sale of the following described real estate:

The West One-Half (W½) of Lot Two (2), Earl's North Addition to Notthingham, now the incorporated town of Earlville, Iowa, except the North One Hundred Twenty-Six (126) feet thereof, Delaware County, Iowa

has not been complied with in the following particulars:

(a)	Failure to pay monthly installment payment from	1,177.47
(b)	February 1, 1997 through and including	
(c)	October 1, 1997	
(d)		
	Total	1,177.47

(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.

BEVERLY SAWYER BELTZ

Vendors
(or Successors in Interest)

By D. H. Swift
Daniel H. Swift
Their Attorney -

Address: 108 North Madison Street, PO Drawer D
Manchester, Iowa 52057

Chapter 656, The Code

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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
XXXXXXXXXXX	XXXXXXXXXXXXXXXXXX.	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

MEMO AND AFFIDAVIT OF SERVICE

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 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
Linda DeVall	10	03	97	Earlville	Delaware	Iowa

F.K. Porter #28-6

F.K. Porter, Deputy 28-6

Subscribed in my presence and sworn to before me by said affiant this 6th day of Oct., 19 97.

Pat Becker

Pat Becker

Delaware County Notary Public in and for said County and State.

PECKER IOWA

FEES:
Service: $10.00
Mileage: 6.00
TOTAL: $16.00

PAID Date 10/16/97 Ck. No. 004072

76

DELAWARE COUNTY IA
SHERIFF'S OFFICE