THE IOWA STATE BAR ASSOCIATION
Official Form No 176

ISBA # 5400

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

DELAWARE COUNTY IOWA
FILED
2000 JL 10 AM 9:35
BOOK 2000 PAGE 2076
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$16.00

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.

Daniel H. Swift
Affiant

Subscribed in ~~my presence and sworn to~~ (or affirmed) before me by the said Affiant this 10th day of July, 2000.

NOTARIAL SEAL IOWA
AMY J. BLUMER
MY COMMISSION EXPIRES
09-05-2002

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 _____, _____, 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

THE IOWA STATE BAR ASSOCIATION
Official Form No. 175

ISBA # 5400

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

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 5/15/00 TIME 2:45 pm

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: Bridget Penney, 1544 Buchanan/Delaware Avenue, Masonville, Iowa 50654
Diane Baumgartner, 1722 120th Avenue, Dundee, Iowa 52038
Jimmy Penney, PO BOx 463, Manchester, Iowa 52057
United Building Center, 1001 E. Main Street, Manchester, Iowa 52057
Three Rivers FS Company, PO Box 248, Earlville, Iowa 52041
Rodney Baumgartner, 1722 120th Avenue, Dundee, Iowa 52038

You and each of you are hereby notified:

(1) The written contract dated August 6th, 1998, and executed by Steven C. Sanders, a single person,

as Vendors, and Jimmy Penney and Bridget Penney, husband and wife,

as Vendees, for the sale of the following described real estate:

The South three hundred seventy four (374) feet of the North four hundred ninety five (495) feet of the West three hundred seventy nine (379) feet of the North one-half (N½) of the North one-half (N½) of the Southwest Quarter (SW¼) of Section Thirty One (31), Township Ninety (90) North, Range Six (6), West of the Fifth P.M.

has not been complied with in the following particulars:

(a)	Failure to make monthly payments; payments in arrears	1,800.00
(b)		
(c)		
(d)		
	Total	1,800.00

(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.

STEVEN C. SANDERS, Vendor

SWIFT & SWIFT

~~Vendors~~
~~Successors in Interest~~

By Daniel H. Swift, Their Attorney -

Address: 108 N. Madison St., PO Drawer D
Manchester, Iowa 52057

Chapter 656, The Code

NOTE: If the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., applies to this communication, attach Form No. 172, Notice of Validation of Debt.

© The Iowa State Bar Association
IOWADOCS™ 1/99

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

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)(~~she~~) 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
Rodney Baumgartner	05	15	00	1722 120th Ave. Dundee, Iowa	Delaware	Iowa

F.K. Porter #28-5
F.K. Porter, Deputy 28-5

Subscribed in my presence and sworn to before me by said affiant this 16th day of May, 2000

Pat Becker
Pat Becker, Delaware County, Iowa
Notary Public in and for said County and State

FEES:
Service: $10.00
Copy: 5.00
Mileage: 6.00
TOTAL: $21.00

PAID Date 5/22/00 Ck. No. 005723

THE IOWA STATE BAR ASSOCIATION Official Form No. 175	ISBA # 5400	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 5/15/00 TIME 2:45PM

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

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Bridget Penney, 1544 Buchanan/Delaware Avenue, Masonville, Iowa 50654
Diane Baumgartner, 1722 120th Avenue, Dundee, Iowa 52038
Jimmy Penney, PO BOx 463, Manchester, Iowa 52057
United Building Center, 1001 E. Main Street, Manchester, Iowa 52057
Three Rivers FS Company, PO Box 248, Earlville, Iowa 52041
Rodney Baumgartner, 1722 120th Avenue, Dundee, Iowa 52038

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(b)		
(c)		
(d)		
	Total	1,800.00

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(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.

STEVEN C. SANDERS, Vendor

SWIFT & SWIFT

~~Vendor~~
~~(or Successors in Interest)~~

By Daniel H. Swift, Their Attorney -

Address: 108 N. Madison St., PO Drawer D
Manchester, Iowa 52057

Chapter 656, The Code

NOTE: If the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., applies to this communication, attach Form No. 172, Notice of Validation of Debt.

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

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)(she) 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
Diane Baumgartner	05	15	00	1722 120th Ave. Dundee, Iowa	Delaware	Iowa

F.K. Porter #28-5
F.K. Porter, Deputy 28-5

Subscribed in my presence and sworn to before me by said affiant this 16 day of May 2000

Pat Becker
Pat Becker
Delaware County, Iowa
Notary Public in and for said County and State

FEES on Rodney's copy

THE IOWA STATE BAR ASSOCIATION Official Form No. 175	ISBA # 5400	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 5/15/00 TIME 2:45PM

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

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Bridget Penney, 1544 Buchanan/Delaware Avenue, Masonville, Iowa 50654
Diane Baumgartner, 1722 120th Avenue, Dundee, Iowa 52038
Jimmy Penney, PO BOx 463, Manchester, Iowa 52057
United Building Center, 1001 E. Main Street, Manchester, Iowa 52057
Three Rivers FS Company, PO Box 248, Earlville, Iowa 52041
Rodney Baumgartner, 1722 120th Avenue, Dundee, Iowa 52038

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has not been complied with in the following particulars:

(a)	Failure to make monthly payments; payments in arrears	1,800.00
(b)		
(c)		
(d)		
	Total	1,800.00

(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.

STEVEN C. SANDERS, Vendor

SWIFT & SWIFT

~~Vendors~~
~~or Successors in Interest~~

By Daniel H. Swift, Their Attorney -

Address: 108 N. Madison St., PO Drawer D
Manchester, Iowa 52057

Chapter 656, The Code

NOTE: If the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., applies to this communication, attach Form No. 172, Notice of Validation of Debt.

© The Iowa State Bar Association
IOWADOCS™ 1/99

ACKNOWLEDGMENT OF SERVICE

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	Date of Service	Place of Service

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA
County of Delaware } SS.

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Name	Month	Day	Year	City Town or Township	County	State
Bridget Penney	05	15	00	1544 Buch/Delaware Ave. Masonville, Iowa	Delaware	Iowa

F.K. Porter #285
F.K. Porter, Deputy 28-5

Subscribed in my presence and sworn to before me by said affiant this 16th day of May 2000.

PAID Date 5/22/00 Ck. No. 085723

Pat Becker
Pat Becker, Delaware County, Iowa
Notary Public in and for said County and State

FEES:
Service: $10.00
Mileage: 8.40
TOTAL: $18.40

(NOTE: Jimmy Penney no longer in Delaware Co
Returned to attorney for service possibly Oelwein or Westgate)

THE IOWA STATE BAR ASSOCIATION
Official Form No. 175

ISBA # 5400

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

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 5/15/00 TIME 2:45pm

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

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Diane Baumgartner, 1722 120th Avenue, Dundee, Iowa 52038
Jimmy Penney, PO BOx 463, Manchester, Iowa 52057
United Building Center, 1001 E. Main Street, Manchester, Iowa 52057
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STEVEN C. SANDERS, Vendor

SWIFT & SWIFT

~~Vendors~~
~~Successors in Interest~~

By Daniel H. Swift, Their Attorney -

Address: 108 N. Madison St., PO Drawer D
Manchester, Iowa 52057

Chapter 656, The Code

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® The Iowa State Bar Association
IOWADOCS™ 1/99

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County of Delaware } SS.

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Name	Month	Day	Year	City Town or Township	County	State
Three Rivers FS/Earlville by serving David Kirsch, Controller	05	15	00	Three Rivers ~~Earlville, Ia~~	~~Delaware~~	~~Iowa~~

Lt Wm J Hermes #3

Lt. Wm. J. Hermes, Deputy 2&3

Subscribed in my presence and sworn to before me by said affiant this 16 day of May 2000

Pat Becker

Pat Becker, Delaware County, Iowa

Notary Public in and for said County and State

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

PAID Date 5/22/00 Ck. No. 005723

THE IOWA STATE BAR ASSOCIATION
Official Form No. 175

ISBA # 5400

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

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STEVEN C. SANDERS, Vendor

SWIFT & SWIFT

~~Vendors~~
~~or Successors in Interest~~

By Daniel H. Swift, Their Attorney -

Address: 108 N. Madison St., PO Drawer D
Manchester, Iowa 52057

Chapter 656, The Code

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IOWADOCS™ 1/99

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County of Delaware } SS.

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Name	Month	Day	Year	City Town or Township	County	State
UBC(United Building Center) by serving Drew Trott, Mgr.	05	16	00	UBC/Manchester	Delaware	Ia

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

Subscribed in my presence and sworn to before me by said affiant this 16 day of May, 2000.

Pat Becker
Pat Becker, Delaware County
Notary Public in and for said County and State

FEES:
Service: $10.00
Mileage: 1.00
TOTAL: $11.00

PAID Date 5/22/00 Ck. No. 005723

THE IOWA DISTRICT COURT

Delaware COUNTY

COMPLETE ONE OF THESE DIRECTIONS FOR EACH INDIVIDUAL, COMPANY, CORPORATION, ETC. TO BE SERVED.

DIRECTIONS FOR SERVICE OF ORIGINAL NOTICE

TO: Sheriff Fayette County OR, TO: _____

Fayette Court House _____

West Union, Iowa _____

Serve: Jimmy Penney

At: 20 - 6th Avenue NW, Oelwein, Iowa 50662

ON COMPLETION OF SERVICE NOTIFY: Daniel H. Swift, Swift & Swift Attorneys

Special Instructions or Information Relating to Service:

NAME AND SIGNATURE OF ATTORNEY
OR OTHER ORIGINATOR: Daniel H. Swift, Swift & Swift Attorneys

BY: _____
Daniel H. Swift

DATE: May 23, 2000 TELEPHONE NO. (319) 927-4901

DEPOSIT FOR COST OF SERVICE

☒ Deposit Waived

☐ Deposit for $ _____ required and receipt thereof acknowledged.

_____
Clerk of Court

THE IOWA STATE BAR ASSOCIATION Form No. 175 | ISBA # 5400 | FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

RECEIVED
2000 MAY 25 AM 10:02
SHERIFF'S OFFICE
FAYETTE COUNTY, IOWA

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

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(d)		
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SWIFT & SWIFT

~~Vendors~~
~~Successors in Interest~~

By Daniel H. Swift, Their Attorney -

Address: 108 N. Madison St., PO Drawer D
Manchester, Iowa 52057

Chapter 656, The Code

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	Date of Service	Place of Service

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA
County of _____ } SS.

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Name	Month	Day	Year	City Town or Township	County	State

_____

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

_____

_____
Notary Public in and for said County and State

IN THE IOWA OFFICIAL NOTICE COURT FOR FAYETTE COUNTY

Case Name SANDERS, STEVEN C.
VS. PENNEY, JIMMY

Case No. IA 033 11:24:50
Notice Recd. This Date 5/25/2000

State of Iowa)
)
FAYETTE 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
PENNEY, JIMMY (Name) At WESTGATE (Address) In FAYETTE County
On 6/07/2000 (Date) 20:10 (Time) (1)

FEES CHARGED TO/PAID BY ATTY:
SWIFT & SWIFT
SWIFT, DANIEL H.

FEES:

SERVICE	10.00
MILEAGE	26.00
COPY	.50
Total	36.50

DATE 6-15-00 CHECK # 005765
smw

VIRGIL D SMITH , Sheriff

By Randall A. Grady 33-8 ,DEPUTY SHERIFF
RANDALL A. GRADY

Subscribed and sworn to in my presence this 7th Day of June, 2000.

SUSAN M. WOLFS
MY COMMISSION EXPIRES
July 8, 2001

Susan M. Wolfs
Notary Public

Note: Copy of original notice, if served, must be attached to this form.