DELAWARE COUNTY IOWA
FILED
2001 JUN -7 PM 1:48
BOOK 2001 PAGE 1936
DEBORAH L. FENTON
DELAWARE CO. RECORDER
$ 21.00

Document Prepared by: Joseph A. Peiffer ISBA# 7676, Day Rettig Peiffer Johansen, P.C., 150 1st Ave NE, Suite 415, Cedar Rapids, IA 52401 (319) 365-0437

AFFIDAVIT

STATE OF IOWA
ss:
COUNTY OF LINN

RE: Lots Eight (8) and Nineteen (19), and the East two thirds of Lots Nine (9) and Eighteen (18), Block Five (5), Carter's Second Addition to Hopkinton, Iowa, according to plat recorded in Book 2 L.D., Page 328 of the books and records of the Delaware County Recorder.

The undersigned being first duly sworn deposes and states that a copy of the written demand, a copy of which is attached hereto marked Exhibit "A", was served upon Byron K. Orton Iowa Commissioner of Labor by serving Tracy Edwards at his office located at 1000 E. Grand, Des Moines, Iowa on February 12, 2001, as shown by the proof of service marked Exhibit "B" attached hereto. Following the service of the written demands, Byron K. Orton as Iowa Commissioner of Labor, the judgment creditor in Delaware County case number LACV004607, caused any execution to be levied against the property described above as required by the provisions of §624.23(2) and the written demand marked Exhibit "A".

The property described above was, at the time of the service of the written demands on the judgment holder, and still remains, the homestead of Randy Less and Kimberly Less, husband and wife.

Joseph A. Peiffer

Subscribed and sworn to before me by Joseph A. Peiffer this 4th day of June, 2001.

Sandra Lee Brock
NOTARY PUBLIC-STATE OF IOWA

SANDRA LEE BROCK
MY COMMISSION EXPIRES
2-14-03

NOTICE

To: Byron K. Orton, Labor Commissioner

You and each of you are hereby notified that Section 624.23(2), Code of Iowa, provides that judgment liens resulting from judgments of the District Courts of the State of Iowa shall not remain a lien upon real estate of the Defendant, platted as a homestead pursuant to Section 561.4, Code of Iowa, unless execution is levied within thirty days of the time the Defendant or the Defendant's agent has served written demand on the owner of the judgment. Therefore, the judgment lien resulting from the judgment which was entered on July 31, 2000, in Delaware County case number LACV004607 in favor of Byron K. Orton, Labor Commissioner against Randy Less d/b/a Ace Construction and all benefits derived therefrom relating to the real estate described as:

> Continuation of an abstract of title to: Lots Eight (8) and Nineteen (19), and the East two Thirds of Lots Nine (9) and Eighteen (18), Block Five (5), Carter's Second Addition to Hopkinton Iowa, according to play recorded in Book 2 L.D., Page 328, from the 13th day of August 1998, at 8:00 o'clock A.M. to the 28th day of November, 2000, at 8:00 o'clock A.M.

which real estate has been platted as a homestead pursuant to Section 561.4, Code of Iowa, shall be forfeited unless you levy execution against said real estate within thirty days from the date of the service of this written demand upon you. Said real estate described above is owned by Randy Less and Kimberly Less, husband and wife.

Dated February 5, 2001.

Day Rettig Peiffer Johansen, P.C.

BY _____
Joseph A. Peiffer
PO Box 2877
Cedar Rapids IA 52406-2877
ATTORNEYS FOR Randy Less

EXHIBIT
A

RETURN OF SERVICE

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

Case Name:LESS, RANDY VS ORTON, BYRON K.

Case No. 57232 057232 SUBSTITUTE

Notice Rec'd this date: 2/08/01

STATE OF IOWA

POLK County } ss.

I certify that I served a copy of:NOTICE

Served:
at on / / :
/ / :
/ / :

ORTON, BYRON K., LAB by serving TRACY EDWARDS , at
1000 E GRAND DES MOINES on 2/12/01 , 12:45 PM ,
A PERSON RESIDING THEREIN WHO WAS THEN AT LEAST 18

by serving it's on / /
(Name) (Title)
: at .

NOTE: (Diligent Search/Remarks)
CLK 2/16/01

DENNIS ANDERSON , Sheriff
POLK County , Iowa

JAY EVANS

FEES:

Processing	:	$10.00
Mileage	:	$0.00
Copy	:	$0.00
Notary	:	$0.00
Misc.	:	$1.24
TOTAL	:	$11.24

PAID
MAY 10 2001
POLK COUNTY SHERIFF

Fees charged to/paid by ATTY

EXHIBIT
1 B

DIRECTIONS TO SHERIFF
SHERIFF'S OFFICE

CAUTION: _____ Warrant#: _____ Charge : _____ Bond :$ _____

Action:NOTICE
Court No.:57232 So. No.:057232 Court:SMALL CLAIMS
Party's:LESS, RANDY VS ORTON, BYRON K.

Person(s)/Company to be served: ORTON, BYRON K., LABOR

Address:1000 E GRAND City:DES MOINES State:IA Zip:50319

Alt Address: AKA:COMMISSIONER Phone:

Sex: M Race:__ Hgt:_ __ Wgt:___ DOB: / / Age: SOC:

Employed by: Address:

City: State: Phone:(000) Hours: : to :

Attorney: Firm:JOSEPH A. PEIFFER
Address :PO BOX 2877 City:CEDAR RAPIDS State:IA Zip:52406
Phone :(319)365-0437

Special Instructions:
JAY 2/8/01
Vehicle Driven: _____ Lic: _____ State: _____
Post Office : _____ Probation: _____
Utiilities : _____

Date	Deputy	Status

Date Served: 2/12/01 Time Served: 12:45 AM (PM) Male/Female
Person/Company Served: Bryon Orton Title: Labor Commissioner
Substitute: Tracy Edwards Relationship: Front Desk
Address Served: 1000 E Grand Business/Residence
City/Township : DSM Polk
Returned unserved/reason:
Number of trips attempted: 1 Total miles charged: 4
Served/returned by : Deputy