THE IOWA STATE BAR ASSOCIATION
Official Form No 176

Carroll J. Reasoner ISBA #LI0004527 ISBA #

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

CONTRACT IN BOOK 138, PAGE 364

Entered for taxation 5th day of November A.D., 2001
Sharon McCabe, Auditor
by Carl Becker, Deputy
89-142

AUDITOR FEE $ 5.00
RECORDER FEE $ 36.00

2001 NOV -1 AM 10:58
DELAWARE COUNTY IOWA
FILED

BOOK 2001 PAGE 3938
DELAWARE COUNTY IOWA
RECORDER'S OFFICE

Preparer Information (X ENR) Carroll J. Reasoner, 500 Firstar Bldg., P.O. Box 2107, Cedar Rapids, IA 52406-2107, (319)365-9461
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 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.
●

138-364

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.

Carroll J. Reasoner
Carroll J. Reasoner
Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 30th day of October, 2001.

PHYLLIS J. KAHLER
COMMISSION NUMBER 166543
MY COMMISSION EXPIRES
MAY 14, 2002

Phyllis J. Kahler
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

Information Carroll J. Reasoner, 500 Firstar Bldg., P.O. Box 2107, Cedar Rapids, IA 52406-2107, (319) 365-9461
Individual's Name Street Address City Phone

SPACE ABOVE THIS LINE
FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Tyrrell Investments, Inc., formerly known as Hawkeye Castings

You and each of you are hereby notified:

(1) The written contract dated October 21, 1997, and executed by Hawkeye Castings, Inc., now known as Tyrrell Investments, Inc. as Vendors and LandCo of Manchester, L.C., as Vendees, for the sale of the following described real estate:

See Exhibit "A"

has not been complied with in the following particulars:

(a)	Failure to pay March 2001 installment	$1,622.83
(b)	Failure to pay April 2001 installment	$1,622.83
(c)	Failure to pay May 2001 installment	$1,622.83
(d)	Interest at 12% per annum on delinquent payments through June 1, 2001	$ 97.52
	TOTAL	$4,966.01

(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.

John E. Tyrrell
Tyrrell Investments, Inc. f/k/a Hawkeye Castings, Inc.
Vendor(s)
(or Successors in Interest)

By Carroll J. Reasoner
Carroll J. Reasoner Their Attorney
Address: P.O. Box 2107, Cedar Rapids, IA 52406-2107

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.

ACCEPTANCE OF SERVICE

I, the undersigned, being first duly sworn on oath, depose and state that I am the registered agent for LandCo of Manchester, Iowa, LC, and that I hereby accept due, legal and timely service of the attached Forfeiture of Real Estate Contract; and that I hereby waive all formalities of notice of service on my behalf.

Dated this 10th day of September, 2001, at Manchester, Iowa.

SAMUEL R. HURT

STATE OF)
) ss
COUNTY OF Delaware)

On this 10th day of September, 2001, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared SAMUEL R. HURT, to me personally known, who, being by me duly sworn, did say that he is the registered agent of the limited liabilty company executing the foregoing instrument, that the instrument was signed by him as the registered agent of LandCo of Manchester, L.C., and he acknowledges that the execution of the instrument is his voluntary act and deed as registered agent of the limited liability company.

Notary Public in the State of Iowa

JOSEPH WIEWEL
Notary Public - State of Iowa
Commission # 170555
My Commission Expires Aug 10, 2002

EXHIBIT 'A'

The following described real estate situated in Delaware County, Iowa, to wit:

Lot One of Lot Thirteen and the South 222.8 feet of Lot Twelve, all in the subdivision of Section Thirty Two, Township Eighty Nine North, Range Five West of the Fifth P.M. and containing 5.873 acres. The same being that part of Section Thirty Two, Township Eighty Nine North, Range Five laying between the Illinois Central Railroad and the Delhi-Independence state road in Delaware County, Iowa.

Also described as follows:

The North twenty seven and two-tenths (27.2) feet of that part of Lot Thirteen (13) lying East of railroad right of way, and the South two hundred twenty two and eight-tenths (222.8) feet of that part of Lot Twelve (12) lying East of railroad right of way, all of the subdivision of the East three fourths of the South one half of Section Thirty Two (32), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M., Delaware County, Iowa.

Information Carroll J. Reasoner, 500 Firstar Bldg., P.O. Box 2107, Cedar Rapids, IA 52406-2107, (319) 365-9461
Individual's Name Street Address City Phone

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(d)	Interest at 12% per annum on delinquent payments through June 1, 2001	$ 97.52
	TOTAL	$4,966.01

(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.

Tyrrell Investments, Inc. f/k/a Hawkeye Castings, Inc.
Vendor(s)
(or Successors in Interest)

By Carroll J. Reasoner
Carroll J. Reasoner Their Attorney
Address: P.O. Box 2107, Cedar Rapids, IA 52406-2107

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
LanCo of Manchester, L.C.		
By:		
First State Bank		
By: Joseph Wiewel, Pres	4-27-01	300 E Main St. Manchester, Ia.

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA
County of Linn } 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

Subscribed in my presence and sworn to before me by said affiant this _____ day of _____, 19 ___.

Notary Public in and for said County and State

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