THE IOWA STATE BAR ASSOCIATION
Official Form No 176

Thomas J. Hanson ISBA # 02110

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

Hanson & Dwight

Entered for taxation 22nd day
of August A.D. 2002
Sharon McCrosky, Auditor
By Carla Becker, Deputy
S-226

AUDITOR FEE $ 5.00
RECORDER FEE $ 21.00

2002 Aug 94

FILED

Preparer Information Thomas J. Hanson, 401 East Main Street, Manchester, (563) 927-5920
Individual's Name | Street Address | City | Phone

Tax Statement: Ed Schaul 1000 Gales Avenue, Manchester, IA 52057

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. Real Estate Contract referred to in the said Notice was recorded in Book 2001, Page 397 in the office of the Recorder Delaware County, Iowa

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.

Sherry A. Schaul
Sherry A. Schaul — Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 14th day of August, 2002.

NOTARIAL SEAL IOWA
THOMAS J. HANSON
COMMISSION # 115040
MY COMMISSION EXPIRES
7/22/04

Thomas J. Hanson
Thomas J. Hanson
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

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Preparer Information Thomas J. Hanson, 401 East Main Street, Manchester, (563) 927-5920
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO:
Mark S. Foster and Connie K. Foster, husband and wife
708 E Main Street
Manchester, Iowa 52057

You and each of you are hereby notified:

(1) The written contract dated February 1, 2001, and executed by Edmund P. Schaul & Sherry A. Schaul as Trustees of the Edmund P. Schaul Revocable Trust & Sherry A. Schaul Revocable Trust, as Vendors, and Mark S. Foster and Connie K. Foster, husband and wife, as Vendees, for the sale of the following described real estate:
See Attached Legal Description

has not been complied with in the following particulars:

(a)	Contract payment due 10-01-01	$600.00
(b)	Contract payment due 07-01-02	$500.00
(c)	Real estate taxes due 03-02	$344.61
(d)		
	Total	$1,444.61

(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.

Edmund P. Schaul as Trustee of the Edmund P. Schaul Revocable Trust

Sherry A. Schaul as Trustee of the Sherry A. Schaul Revocable Trust
Vendors (or Successors in Interest)

By _____
Thomas J. Hanson
Their Attorney -

Address: 401 East Main Street
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.

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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
x Mark S. Foster	7/9/02	708 E Main St
x Connie K Foster	7/9/02	708 E Main St

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
Mark S. Foster and Connie K. Foster				Manchester	Delaware	Iowa

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

Notary Public in and for said County and State

Legal Description

Lot Two (2) of the Subdivision of Lots One Hundred Sixteen (116) and One Hundred Seventeen (117) in the Town of Manchester, Iowa, and Lots One (1) and Two (2) in Iowa Land Company's Addition to Manchester, Iowa; except the North 2.10 feet of the West 9.65 feet of said Lot Two (2), together with a right-of-way on and over the following described premises; beginning at the Southeast corner of Lot One (1) of the Subdivision of Lots 116 and 117 of the Town of Manchester and Lots One (1) and Two (2) of the Iowa Land Company's Addition to said Town of Manchester, running thence North along the East line of Lot 1 a distance of 105 feet, thence in a Westerly direction and parallel with the South line of said Lot 1, a distance of 8 feet, thence in a Southerly direction and parallel with the East line of said Lot 1, a distance of 105 feet, thence East along the South line of said Lot 1, a distance of 8 feet to place of beginning, subject however to an easement for ingress and egress as shown in Warranty Deed recorded in Book 50, T.L.D. Page 116 of the records of the Delaware County Recorder.

The South 1/2 of the East 38 feet of the alley lying between Lots two (2) and thirteen (13) of the subdivision of Lots 116 and 117, City of Manchester, Iowa, and located between Lots one (1) and two (2) of Iowa Land Company's Addition to the City of Manchester, Iowa.