THE IOWA STATE BAR ASSOCIATION
Official Form No 176

Michael A. Bowman ISBA # JN00000553

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

David + Bev Jasper
954 McCarthy Rd
Bernard, IA
52032

Entered for taxation 22nd day
of August A.D., 2002
Sharon McCabe, Auditor
By Carol Rucker, Deputy
88-35

AUDITOR FEE $ 5.00
RECORDER FEE $ 36.00

2002 AUG 20 AM 8:50
FILED
DELAWARE COUNTY, IOWA

Preparer Information Michael A. Bowman, 114 S. Cedar St., Monticello, (319) 465-5448
Individual's Name | Street Address | City | Phone

TAX ADDRESS STMT: DAVID JASPER 954 MCCARTHY RD BERNARD, IA 52032

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 JONES

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.

● This property is not agricultural land as described in the Iowa Code Sec. 654A.1

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. CONTRACT IS RECORDED IN BOOK 139, PAGE 306, DELAWARE COUNTY, IA.

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.

David J. Jasper Beverly K. Jasper
David J. Jasper Beverly K. Jasper Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 20 day of August, 2002.

NOTARIAL SEAL IOWA
MICHAEL A. BOWMAN
COMMISSION # 111019
MY COMMISSION EXPIRES
6-14-03

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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PROOF OF SERVICE
STATE OF IOWA COUNTY OF JONES

DAVID J. JASPER	)	
BEVERLY K. JASPER	)	
	)	
	)	
	)	**NOTICE OF FORFEITURE**
	)	**OF REAL ESTATE CONTRACT**
To:	)	
	)	
WAYNE A. LEITZEN	)	
304 ½ Winnebego Dr.	)	
Galena, IL 61306	)	
AND MAGGIE LEITZEN	)	
Third Ave., NW Apt 1 (Old Creamery)	)	
Farley, Ia 52046	)	
Parties in Possession	)	

I declare that on the 18th day of July, 2002, I served a copy of the attached **NOTICE of Forfeiture of Real Estate Contract** by personal service on **MAGGIE LEITZEN.** Service was made at approximately 10:00 P.M. at Third Ave., Apt. 1 (Old Creamery) Farley, Iowa 52046.

Allen E. Willman

SERVICE FEE	**$25.00**
Mileage 30 Miles	**$ 4.35**
Total	**$29.35**

Subscribed and sworn to before me by the said Allen E. Willman on this 24th day of July, 2002.

Notary Public in and for Jones County, Iowa

NOTARIAL SEAL IOWA
CHERYL PETERS
COMMISSION # 197212
MY COMMISSION EXPIRES
7-2-04

Copy

Preparer Information Robert F. Shimanek, 114 S. Cedar St., Monticello, (319) 465-5448
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO:

Wayne A. Leitzen and	Maggie Leitzen, parties in possession
304 1/2 Winnebego Dr.	Third Ave., N.W., Apt. #1
Galena, IL 61036	Farley, IA 52046

You and each of you are hereby notified:

(1) The written contract dated April 21, 1998, and executed by David J. Jasper and Beverly K. Jasper,

as Vendors, and

Wayne A. Leitzen and Maggie Leitzen,

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

That part of the SW1/4 of the NW1/4 of Section 35, Township 88 North, Range 3 West of the 5th P.M., described as commencing at the Southwest corner of said NW1/4 and running thence North 300 feet, thence East 1180 feet, thence South 300 feet, thence West 1180 feet to the point of beginning

has not been complied with in the following particulars:

(a)	April, May, June and July 2002 payments @ $425.00 each	1,700.00
(b)	March 2002 tax installment (with penalty)	400.00
(c)		
(d)		
	Total	2,100.00

(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.

David J. Jasper

Beverly K. Jasper
Vendors (or Successors in Interest)

By _____
Robert F. Shimanek
Their Attorney -

Address: 114 S. Cedar St., Monticello, IA 52310

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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA

County of _____ } 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 _____ , _____ .

_____

_____

Notary Public in and for said County and State

PROOF OF SERVICE
STATE OF IOWA COUNTY OF JONES

DAVID J. JASPER	)	
BEVERLY K. JASPER	)	
	)	
	)	
	)	**NOTICE OF FORFEITURE**
	)	**OF REAL ESTATE CONTRACT**
To:	)	
	)	
WAYNE A. LEITZEN	)	
304 ½ Winnebego Dr.	)	
Galena, IL 61306	)	
AND MAGGIE LEITZEN	)	
Third Ave., NW Apt 1 (Old Creamery)	)	
Farley, Ia 52046	)	
Parties in Possession	)	

I declare that on the 18th day of July, 2002, I served a copy of the attached **NOTICE of Forfeiture of Real Estate Contract** by personal service on **WAYNE LEITZEN.** Service was made at approximately 8:05 P.M. at 304 ½ Winnebego Dr., Galena, Illinois 61306.

Allen E. Willman

SERVICE FEE	**$25.00**
Mileage 140 Miles	**$48.30**
Total	**$73.30**

Subscribed and sworn to before me by the said Allen E. Willman on this 24th day of July, 2002.

Notary Public in and for Jones County, Iowa

NOTARIAL SEAL IOWA
CHERYL PETERS
COMMISSION # 197212
MY COMMISSION EXPIRES
7-2-04

Preparer Information Robert F. Shimanek, 114 S. Cedar St., Monticello, (319) 465-5448
Individual's Name | Street Address | City | Phone

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TO:
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David J. Jasper

Beverly K. Jasper

Vendors (or Successors in Interest)

By Robert F. Shimanek

Their Attorney -

Address: 114 S. Cedar St., Monticello, IA 52310

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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA
County of _____ } 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 _____ , _____ .

_____

_____
Notary Public in and for said County and State