THE IOWA STATE BAR ASSOCIATION
Official Form No 176

ISBA #

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

Entered for taxation 7th day
of November A.D. 2002
Sharon McGuff Auditor
By Carla Burke, Deputy
T-87

RECORDER FEE $ 41.00
AUDITOR FEE $ 5.00

BOOK 2002 PAGE 4131
DEBORAH L. FRYAR
DELAWARE CO. RECORDER

2002 NOV -5 AM 10:2
FILED
DELAWARE COUNTY, IOWA

Preparer Information: E. Michael Carr & Carr Lawyers | 117 S Franklin Street | PO Box 333 | Manchester, IA 52057 | 563-927-4164
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.
●

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.

E. Michael Carr — Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 5th day of November, 2002.

NOTARIAL SEAL IOWA
DIANE M. UHLENKAMP
COMMISSION NO. 713679
MY COMMISSION EXPIRES
11-19-04

Diane M Uhlenkamp
Diane M. Uhlenkamp
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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IOWADOCS®

THE IOWA STATE BAR ASSOCIATION
Official Form No. 175

E. Michael Carr ISBA #

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

RECEIVED
11 SEP 02 09 23
JOHNSON CO. SHERIFF
IOWA CITY, IA 52240

Preparer Information: Carr & Carr Lawyers (Individual's Name) 117 S Franklin Street PO Box 333 (Street Address) Manchester, IA 52057 (City) 563-927-4164 (Phone)

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO:
Michael D. Wernette, Jr. and Heather M. Wernette

You and each of you are hereby notified:

(1) The written contract dated March 23, 2001, and executed by Robert J. Ristow and Bernice A. Ristow, as Vendors, and Michael D. Wernette,Jr. and Heather M. Wernette, as Vendees, for the sale of the following described real estate:

Lot Six (6), Block Eight (8), Hopkinton, Iowa, according to plat recorded in Book B L.D., Pages 583-584.

has not been complied with in the following particulars:

(a) Payments including principal, interest, late fee & escrow are
(b) in arrears in the amount of $2,381.01 all per paragraphs #1 and
(c) #1A of said contract. See Exhibit "A" attached hereto
(d) and incorporated herein.

2,381.01

Total 2,381.01

(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.

(4) The contract above referred to is recorded in Book 2001, Page 1260 in Delaware County, Iowa.

Robert J. Ristow

Bernice A. Ristow

Vendors (or Successors in Interest)

By _____
E. Michael Carr, Their Attorney

Address: 117 S. Franklin St. PO Box 333
Manchester, IA 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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IOWADOCS®

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

EXHIBIT "A"

DATE DUE	Total Payment	Interest	Principal	Principal Balance	Late fee	Escrow Balance	Taxes Paid	Insurance Paid
5/31/02	481.15	437.30	43.85	63603.66	36.08	291.97		
6/28/02	481.15	440.33	40.32	64043.99	36.08	291.97		
7/26/02	481.15	443.38	37.67	64487.37	36.08	291.97		
8/23/02	481.15	446.45	34.70	64933.82		291.97		
7/24/02 – DATE PAID						131.23		160.74
8/15/02 – DATE PAID.						(-348.77)	480.00	

Total interest owed	Total principal owed	Total principal balance	Total Late fee owed	Total escrow owed	Grand total owed
$1,767.46	$156.54	$64,933.82	$108.24	$348.77	$2,381.01

JOHNSON COUNTY SHERIFF'S DEPARTMENT
P.O. BOX 2540
IOWA CITY, IA 52244-2540

DATE: 09/13/02 * R E T U R N O F S E R V I C E *

CP#: 000020026201 DOCKET: 000020026201 AGENCY: 000020026201

PLTF: RISTOW,BERNICE A
VS.
DFND: WERNETTE,MICHAEL D JR

0006979
TO: CARR,E MICHAEL
PO BOX 333

MANCHESTER IA 52057

FEES COLLECTIBLE	
SERVICE:	15.00
MILEAGE:	5.00
RETURN :	0.00
MISC1 :	0.00
MISC2 :	0.00
OTHER :	0.00
TOTAL :	20.00
PAID :	20.00-
DUE :	0.00

COURT OF ORIGIN: NON COURT ACTION

PAYMENT RECEIVED
FROM E. Michael Carr
SEP 14 2002
JOHNSON COUNTY SHERIFF

ORIGINAL RETURN OF SERVICE FOR COURT CASES
SENT TO ORIGINATING CLERK OF COURT
UPON PAYMENT OF SHERIFF'S FEES

CP#/PARTY : 000020026201-01
PARTY NAME: WERNETTE,MICHAEL D JR
3701 2 ST #350
CORALVILLE IA 52241
SSN: - -
SERVICE LOCATION: JCSO
IOWA CITY ,IA
PROCESS TYPES:NOTICE FORF

STATUS: SERVED ATTEMPTS: 1
SERVICE DATE: 09/12/02 TIME: 19:25
SERVICE TYPE: PERSONAL
SERVER: 05260 SNOW,DAN
BY SERVING: WERNETTE,MICHAEL D JR
RACE: WHITE
SEX: MALE DOB: 12/27/75
HEIGHT: 511 WEIGHT: 250
HAIR: BRO EYES: BLU
SSN: - -
RELATION:

COMMENTS: ADVANCE FEE PAID

I CERTIFY ABOVE INFORMATION TO BE TRUE AND CORRECT

ROBERT CARPENTER, SHERIFF

Jon Snow 9-14-02

SIGNATURE DATE
DEPUTY SHERIFF
JOHNSON COUNTY SHERIFF'S OFFICE

Preparer Information Carr & Carr Lawyers 117 S Franklin Street PO Box 333 Manchester, IA 52057 563-927-4164
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

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TO:
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Lot Six (6), Block Eight (8), Hopkinton, Iowa, according to plat recorded in Book B L.D., Pages 583-584.

has not been complied with in the following particulars:

(a)	Payments including principal, interest, late fee & escrow are	
(b)	in arrears in the amount of $2,381.01 all per paragraphs #1 and	
(c)	#1A of said contract. See Exhibit "A" attached hereto	
(d)	and incorporated herein.	2,381.01
	Total	2,381.01

(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.

(4) The contract above referred to is recorded in Book 2001, Page 1260 in Delaware County, Iowa.

Robert J. Ristow

Bernice A. Ristow

Vendors
(or Successors in Interest)

By _____
E. Michael Carr
Their Attorney -

Address: 117 S. Franklin St. PO Box 333
Manchester, IA 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
HEATHER M WERNETTE	10/02/02	7732 NAVARRE PKWY UNIT 208 NAVARRE

MEMO AND AFFIDAVIT OF SERVICE

STATE OF XXXX FLORIDA
County of Santa Rosa } 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
HEATHER M WERNETTE	10	02	02	NAVARRE	SANTA ROSA	FLORIDA

Subscribed in my presence and sworn to before me by said affiant this 15 day of October, 2002.

NOTARY PUBLIC STATE OF FLORIDA
Janice M Platt
My Commission DD082652
Expires January 08, 2006

Janice M Platt

Notary Public in and for said County and State

EXHIBIT "A"

DATE DUE	Total Payment	Interest	Principal	Principal Balance	Late fee	Escrow Balance	Taxes Paid	Insurance Paid	
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8/23/02	481.15	446.45	34.70	64933.82		291.97			
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