THE IOWA STATE BAR ASSOCIATION
Official Form No. 175

William D. Werger ISBA # 8095

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

FILED 2002 NOV 18 PM 2:56
BOOK 2002 PAGE 4316
DEBORAH ...
DELAWARE COUNTY IOWA
RECORDER FEE $ 16.00
AUDITOR FEE $ 5.00

Entered for taxation 18th day
of November A.D. 2002
Shawn McCubbin, Auditor
By Barb Beck, Deputy
S-81

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IOWA
DATE 10/6/02 TIME 10:50 am

Preparer Information: William D. Werger, 401 E. 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:
Marc Golinghorst and Tracy Meyer-Golinghorst

You and each of you are hereby notified:

(1) The written contract dated August 7, 2002, and executed by Jason B. Chapman and Jennifer L. Chapman,
as Vendors, and
Marc Golinghorst and Tracy Meyer-Golinghorst,
as Vendees, for the sale of the following described real estate:
Lot One Hundred Sixty Four (164), Manchester, Iowa, according to Plat recorded in Book I, L.D., Page 284.

has not been complied with in the following particulars:

(a)	October 1, 2002 payment & tax escrow	408.89
(b)	1 year insurance premium	
(c)		
(d)		
	Total	408.89

(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.

Jason B. Chapman and Jennifer L. Chapman
Vendors (or Successors in Interest)

By William D. Werger
Their Attorney -

Address: 401 E. Main St.,
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.

2002-3814

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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 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
Marc Golinghorst	10	09	2002	505 E.Main St. Manchester, Ia	Delaware	Iowa
Tracy Meyer-Golinghorst was ~~served by leaving copy with~~ Marc Golinghorst	10	09	2002	505 E. Main Manchester, Iowa	Delaware	Iowa

F.K. Porter #28-2
F.K. Porter, Deputy 28-2

Subscribed in my presence and sworn to before me by said affiant this 9 day of October 2002.

Pat Becker

PAT BECKER
Commission Number 115022
My Comm. Exp. 5-7-05

Notary Public in and for said County and State
Delaware County/State of Iowa

Fees:

Service:	$15.00
Copy:	10.00
Mileage:	1.00
TOTAL:	$26.00

PAID Date 11/4/02 Ck. No. 2003

Preparer Information William D. Werger, 401 East Main St., Manchester, IA 52057, (563) 927-5920
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.

● Buyers have failed to cure the default in that they have failed to secure insurance on the improvements as required by the contract.

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.

Jason B. Chapman
Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 13th day of November, 2002.

NOTARIAL SEAL IOWA
TERRI L. PHILGREEN
COMMISSION # 703495
MY COMMISSION EXPIRES
06-05-03

Terri L. Philgreen
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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