THE IOWA STATE BAR ASSOCIATION
Official Form No 176

Tom Jenk ISBA # 02673

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

Entered for taxation 23rd day
of December A.D., 2003
Shannon McCulley, Auditor
By Deputy

T-3

AUDITOR FEE $ 5.00
RECORDER FEE $ 31.00

2003 DEC 22 AM 9:2
BOOK 2003 PAGE 5817
DEBORAH L. FARMER
DELAWARE COUNTY IOWA
FILED

Preparer Information Tom Jenk, 225-1st Avenue East, P.O. Box 304, Dyersville, Iowa 52040-0304, (563) 875-9112
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 DUBUQUE

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. Fredrick J. Vorwald, Jr., f/k/a Fredrick J. Hedley
● Debra Vorwald, f/k/a Debra Hedley
Internal Revenue Service

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. Said contract dated 9/23/98, filed for record on 10/1/98, and recorded in the Delaware County Recorder's Office in Book 56, T.L.D., Page 466.

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.

Fredrick J. Vorwald, Sr.
Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 19th day of December 2003

NOTARIAL SEAL IOWA
TOM JENK
Commission Number 203901
My Comm. Exp. SEP 15, 2006

Tom Jenk
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

© The Iowa State Bar Association 2003
IOWADOCS®

THE IOWA STATE BAR ASSOCIATION
Official Form No. 175

Tom Jenk ISBA # 02673

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

Preparer Information Tom Jenk, 225-1st Avenue East, P.O. Box 304, Dyersville, Iowa 52040-0304, (563) 875-9112
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Fredrick J. Hedley & Debra Hedley
n/k/a:
& Fredrick J. Vorwald, Jr.
Debra Vorwald
300 Franklin, Apt. B
Delhi, Iowa 52223

Internal Revenue Service
SB/SE, Area 9, Technical Support Advisory
P.O. Box 66778, Stop 53333 STL
St. Louis, MO 63166

You and each of you are hereby notified:

(1) The written contract dated September 23, 1998, and executed by Fredrick J. Vorwald and Judy Vorwald, husband and wife,
as Vendors, and
Fredrick J. Hedley and Debra Hedley, husband and wife, as joint tenants, with full rights of survivorship and not as tenants in common,
as Vendees, for the sale of the following described real estate:

The West one-third (W 1/3) of Lot Eleven (11), Block Four (4), Delhi, Iowa, according to plat recorded in Book A L.D., Pages 128-129

has not been complied with in the following particulars:

(a)	Payments due under Real Estate Contract above denoted	120,000.00
(b)	title searches	150.00
(c)	Federal Tax Lien recorded in Bk 2001, Pg 3963 & Federal	32,822.91
(d)	Tax Lien recorded in Bk 2002, Pg 1310 & Federal Tax Lien recorded in Bk 2002, Pg 3559	
(e)	Real estate taxes	610.00
	Total	**$153,582.91**

(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.

Fredrick J. Vorwald Sr.
Judy Vorwald

FREDRICK J. VORWALD, SR. & JUDY VORWALD
Vendors (or Successors in Interest)

By Tom Jenk
Tom Jenk
Their Attorney -

Address: 225-1st Avenue East, P.O. Box 304, Dyersville, Iowa 52040-0304

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.

© The Iowa State Bar Association 2001
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
X Fredrick J. Hedley n/k/a Fredrick J. Vorwald, Jr.	11-7-03 Fredrick J Hedley JR	Fredrick Vorwald JR 2467 245th St, Delhi Iowa 52223
X Debra Hedley n/k/a Debra Vorwald	11-7-03 Debra Hedley n/k/a	Debra Vorwald 2467 245th St Delhi, Ia. 52223

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

THE IOWA STATE BAR ASSOCIATION Official Form No. 175	Tom Jenk ISBA # 02673	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

Preparer Information Tom Jenk, 225-1st Avenue East, P.O. Box 304, Dyersville, Iowa 52040-0304, (563) 875-9112
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Fredrick J. Hedley & Debra Hedley
n/k/a:
Fredrick J. Vorwald, Jr.
& Debra Vorwald
300 Franklin, Apt. B
Delhi, Iowa 52223

Internal Revenue Service
SB/SE, Area 9, Technical Support Advisory
P.O. Box 66778, Stop 53333 STL
St. Louis, MO 63166

You and each of you are hereby notified:

(1) The written contract dated September 23, 1998, and executed by Fredrick J. Vorwald and Judy Vorwald, husband and wife, as Vendors, and Fredrick J. Hedley and Debra Hedley, husband and wife, as joint tenants, with full rights of survivorship and not as tenants in common, as Vendees, for the sale of the following described real estate:

The West one-third (W 1/3) of Lot Eleven (11), Block Four (4), Delhi, Iowa, according to plat recorded in Book A L.D., Pages 128-129

has not been complied with in the following particulars:

(a)	Payments due under Real Estate Contract above denoted	120,000.00
(b)	title searches	150.00
(c)	Federal Tax Lien recorded in Bk 2001, Pg 3963 & Federal	32,822.91
(d)	Tax Lien recorded in Bk 2002, Pg 1310 & Federal Tax Lien recorded in Bk 2002, Pg 3559	
(e)	Real estate taxes	610.00
	Total	**$153,582.91**

(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.

Fredrick J. Vorwald Sr.
Judy Vorwald

FREDRICK J. VORWALD, SR. & JUDY VORWALD
Vendors (or Successors in Interest)

By Tom Jenk
Tom Jenk, Their Attorney -

Address: 225-1st Avenue East, P.O. Box 304, Dyersville, Iowa 52040-0304

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.

© The Iowa State Bar Association 2001
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
INTERNAL REVENUE SERVICE		
By: Phillip A. Korver, Advisor	11-12-03	1222 Spruce, St. Louis, Mo. 63103

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