DELAWARE COUNTY IOWA
FILED

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BOOK 2004 PAGE 1000

RECORDED

DELAWARE COUNTY IOWA

21.00

Prepared by: Attorney Tom Jenk, P.O. Box 304, Dyersville, IA 52040-0304 (563) 875-9112

AFFIDAVIT

RE: Lots Five (5) and Six (6), Block Eleven (11), in H.A. Carter's Second Addition to Hopkinton, Iowa, according to plat recorded in Book 2 L.D., Pages 328-329, except that part of Lot Six (6) described as commencing at the Northwest corner of said Lot Six (6), thence Southerly on the West line of said Lot Six (6) to the Southwest corner of said Lot Six (6), thence Easterly on the South line of said Lot Six (6) sixty (60) feet to a point six (6) feet from the Southeast corner of said Lot Six (6), thence Northwesterly to the point of beginning

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

I, Curtis Earl Bacon, Vice-President of Triple C, Inc., an Iowa Corporation, under oath depose and state as follows:

That a written contract was entered into on March 21, 1996 between Triple C, Inc., an Iowa Corporation, Seller, and Jerry L. Katt and Jerry M. Katt, husband and wife, as joint tenants with full rights of survivorship, and not as tenants in common, Buyers, recorded on the 4th day of April, 1996, in the Delaware County Recorder's Office in Book 55, T.L.D., Page 86.

That an attempt to serve a Notice of Forfeiture of Real Estate Contract against Jerry L. Katt and Jerry M. Katt, husband and wife, formerly of Hopkinton, Iowa, 52237, and of 620 North Bine, Windsor, Illinois, 61957, was attempted and the whereabouts of Jerry L. Katt and Jerry M. Katt, husband and wife, is unknown and service has not been obtained for the Sellers/Vendors and the undersigned attorney are unable to find the Buyers/Vendees. That Notice of Forfeiture of Real Estate Contract has been published in the Delaware County Leader for 3 weeks. An Affidavit then will be filed with the Court to perfect said Notice of Forfeiture of Real Estate Contract. That said Notice of Forfeiture of Real Estate Contract, a copy hereto attached marked Exhibit "A" and made part of this notice is hereby being published in the Delaware County Leader, 101 – 1st Street, Hopkinton, Iowa, 52237, and that an Affidavit of Publication along with Notice of Forfeiture will be recorded after the Affidavit of Publication attached to Notice of Forfeiture. That service regarding said notification cannot be obtained.

TOM JENK, P.C.
TOM JENK
KARL MOORMAN
ATTORNEYS AT LAW
225 - 1ST AVENUE EAST
DYERSVILLE, IOWA
52040-0304
PHONE: (563) 875-9112

That the undersigned, Curtis Earl Bacon, President of Triple C, Inc., under oath states that a copy of said Notice of Forfeiture of Real Estate Contract has previously been sent to Jerry L. Katt and Jerry M. Katt, Hopkinton, Iowa, and 620 North Bine, Windsor, Illinois, 61957, and said letters have been returned. That a diligent search has been made as to the whereabouts of Jerry L. Katt and Jerry M. Katt, husband and wife, with the Sheriff in Delaware County and the Sheriff in Shelby County, Illinois, and that the Sheriff nor the Postmaster at the last known address can find Jerry L. Katt and Jerry M. Katt, husband and wife, to serve said Notice of Forfeiture on them.

That Notice of Forfeiture has been secured of Allied Business Accounts, Inc. on the 4th day of December, 2003, and on United Building Centers on 12/16/03 who signed acknowledgment of service regarding said forfeiture.

TRIPLE C, INC.

By: _____
Curtis Earl Bacon, Vice President

_____
Tom Jenk, Attorney for TRIPLE C, INC.
225-1st Avenue East, P.O. Box 304
Dyersville, Iowa 52040-0304
(563) 875-9112

STATE OF IOWA)
) SS:
COUNTY OF DUBUQUE)

On this 28th day of January, 2004, before me, the undersigned, a Notary Public in and for said state, personally appeared Curtis Earl Bacon, to me personally known, who being by me duly sworn, did say that he is the Vice President of the corporation executing the within and foregoing instrument, that no seal has been procured by the corporation; that the instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Curtis Earl Bacon as such officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.

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

_____
Notary Public in and for the State of Iowa

TOM JENK, P.C.
TOM JENK
KARL MOORMAN
ATTORNEYS AT LAW
225 - 1ST AVENUE EAST
DYERSVILLE, IOWA
52040-0304
PHONE: (563) 875-9112

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

EXHIBIT "A"

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: Jerry L. Katt and Jerry M. Katt, husband and wife, 620 N Bine, Windsor, IL 61957
United Building Centers, 1001 E Main, Manchester, IA 52057
Allied Business Accounts, Inc., 300½ South 2nd St, Clinton, IA 52732

You and each of you are hereby notified:

(1) The written contract dated March 21, 1996, and executed by Triple C. Inc., an Iowa Corporation, as Vendors, and Jerry L. Katt and Jerry M. Katt, husband and wife, as joint tenants with full rights of survivorship, and not as tenants in common, (insert recording data) recorded the 4th day of April 1996, in the office of the Delaware County Recorder in Book 55, T.L.D., Page 86 as Vendees, for the sale of the following described real estate:

Lots Five (5) and Six (6), Block Eleven (11), in H.A. Carter's Second Addition to Hopkinton, Iowa, according to plat recorded in Book 2 L.D., Pages 328-329, except that part of Lot Six (6) described as commencing at the Northwest corner of said Lot Six (6), thence Southerly on the West line of said Lot Six (6) to the Southwest corner of said Lot Six (6), thence Easterly on the South line of said Lot Six (6) sixty (60) feet to a point six (6) feet from the Southeast corner of said Lot Six (6), thence Northwesterly to the point of beginning

has not been complied with in the following particulars:

(a)	Principal & interest payments due under above Real Estate Contract as of 11/1/03 $9,857.85	
(b)	Judgment SCSC6817 entered on 2/24/99, United Building Centers v. Jerry Katt, principal amount $747.61 + interest & costs	822.00
(c)	Judgment SCSC6855 entered on 4/29/99, Allied Business Accounts, Inc. v. Jerry Katt & Jerry Katt, $382.78 principal + interest & costs	475.00
(d)	Abstracting	300.00
(e)	2nd half 2002-2003 real estate taxes	191.00
	TOTAL	$11,645.85

(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.

TRIPLE C, INC.

By: Curtis Earl Bacon
Curtis Earl Bacon, Vendors (or Successors in Interest)

By Tom Jenk, Their Attorney

Address: Tom Jenk
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.

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