THE IOWA STATE BAR ASSOCIATION
Official Form No 176

Daniel H. Swift ISBA # 5400

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

Entered for taxation 7th day of July A.D. 2004
Sharon McCabb, Auditor
By [illegible], Deputy

S-131

AUDITOR FEE $ 5.00
RECORDER FEE $ 52.00

2004 JUL -1 AM 10:21
BOOK 2004 PAGE 2444
DEBORAH L. TRYON
DELAWARE CO. RECORDER

DELAWARE COUNTY, IOWA
FILED

Preparer Information (X) Daniel H. Swift, 108 North Madison Street, Manchester, (563) 927-4901
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.

[signature]
Daniel H. Swift
Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 1st day of July, 2004.

NOTARIAL SEAL IOWA
AMY J. BLUMER
COMMISSION # 186416
MY COMMISSION EXPIRES
SEPTEMBER 5, 2005

[signature]
Amy J. Blumer
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	Daniel H. Swift ISBA # 5400	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

Preparer Information Daniel H. Swift, 108 North Madison Street, PO Drawer D, Manchester, (563) 927-4990
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO:
Tracy Golinghorst, aka Tracy Meyer-Golinghorst; Marc Golinghorst; Sharon Summers; Allied Business Accounts, Inc.; Three Rivers FS Company; Jason Chapman; Jennifer Chapman; City of Manchester/State of Iowa; Community Plus Credit Union

You and each of you are hereby notified:

(1) The written contract dated April 13, 2003, and executed by Sean K. Dailey and Judith A. Dailey, husband and wife,
as Vendors, and
Tracy Golinghorst, aka Tracy Meyer-Golinghorst in Book 2003, Page 1759
,
as Vendees, for the sale of the following described real estate:
The East one-half (E 1/2) of the West two-thirds (W 2/3) of Lot One Hundred Thirty Eight (138), Manchester, Iowa, according to plat recorded in Book I, L.D., Pages 284-285

has not been complied with in the following particulars:

(a)	Failure to make monthly payments	5,500.00
(b)		
(c)		
(d)		
	Total	5,500.00

(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.

Sean K. Dailey

Judith A. Dailey
Vendors (or Successors in Interest)

By Daniel H. Swift
Their Attorney -

Address: 108 North Madison Street, PO Drawer D, Manchester, Iowa 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 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
Tracy Golinghorst aka Tracy Meyer-Golingohorst	05	25	2004	113 Circle Dr. Manchester, Iowa	Delaware	Ia

Lt. Wm. J. Hermes 28-3

Lt. Wm. J. Hermes, Deputy 28-3

Subscribed in my presence and sworn to before me by said affiant this 25 day of May 2004.

Pat Becker

Pat Becker, Office Deputy

Notary Public in and for said County and State

PAT BECKER
Commission Number 115062
My Commission Expires
5/7/05

FEES:
Service: $15.00
Mileage: 1.00
TOTAL: $16.00

PAID Date 5/26/04 Ck. No. 007797

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 by serving Tracy Golinghorst	05	25	2004	113 Circle Dr. Manchester	Delaware Iowa	Iowa

Lt Wm J Hermes 28-3

Lt. Wm. J. Hermes, Deputy 28-3

Subscribed in my presence and sworn to before me by said affiant this 25 day of May, 2004.

Pat Becker

Pat Becker, Notary Public

Notary Public In and for said County and State

PAT BECKER
Commission Number 115062
My Commission Expires
5/7/05

Service:
Copy: $10.00

PAID Date 5/28/04 Ck. No. 007797

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
Jennifer Chapman	05	25	2004	737 E. Main Manchester	St. Delaware Ia	Iowa

Lt. Wm. J. Hermes 28-3

Lt. Wm. J. Hermes, Deputy 28-3

Subscribed in my presence and sworn to before me by said affiant this 25 day of May, 2004.

Pat Becker

PAT BECKER
Commission Number 115062
My Commission Expires
3/7/05

Notary Public in and for said County and State

Fees:
Service: $15.00
Mileage: 1.00
TOTAL: $16.00

PAID Date 5/28/04 Ck. No. 007797

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
Jason Chapman by serving Jennifer Chapman	05	25	2004	737 R. Main Manchester,	St. Delaware Iowa	Iowa

Lt Wm J Hermes 28-3

Lt. Wm. J. Hermes, Deputy 28-3

Subscribed in my presence and sworn to before me by said affiant this 25 day of May, 2004.

Pat Becker

Pat Becker, Notary Public

Notary Public in and for said County and State

FEES:
Copy: $10.00

PAID Date 5/28/04 Ck. No. 007997

PAT BECKER
Commission Number 115062
My Commission Expires
5/11/05

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
Linny Emrich, Delaware County Clerk of District Court	05	25	2004	Delaware Co. Courthouse	Delaware	Iowa

Lt. Wm. J. Hermes 28-3

Lt. Wm. J. Hermes, Deputy 28-3

Subscribed in my presence and sworn to before me by said affiant this 25 day of May, 2004.

Pat Becker

Notary Public in and for said County and State

PAT BECKER
Commission Number 115062
My Commission Expires

FEES:

Service: $15.00

PAID Date 5/26/04 Ck. No. 007797

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
Donna Jacque (Three Rivers Office Asst. FS Company)	05	25	2004	217 Northside Rd. Earlville, Ia	Delaware	Iowa

Lt Wm J Hermes 28-3
Lt. Wm. J. Hermes, Deputy 28-3

Subscribed in my presence and sworn to before me by said affiant this 26 day of MAY, ____.

Pat Becker

Notary Public in and for said County and State

PAT BECKER
Commission Number 115062
My Commission Expire

Fees:
Service: $15.00
Mileage: 7.50
TOTAL: $22.50

PAID Date 5/28/04 Ck. No. 007797

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
Sharon Summers	05	25	2004	400 W. Honey Crk Rd. Manchester Ia	Delaware	Iowa

Eric S. Holub 28-10
Eric Holub, Deputy 28-10

Subscribed in my presence and sworn to before me by said affiant this 25 day of May, 2004.

Pat Becker
Notary Public in and for said ~~County and State~~

PAT BECKER
Commission Number 115062
My Commission Expires
7/10/05

Fees:
Service: $15.00
Mileage: 1.00
TOTAL: $16.00

PAID Date 5/26/04 Ck. No. 007797

In the Iowa District Court, for Linn County

Case Name Tracy Golinghorst et al
Case No. _____
Notice recd. this date 5-26-04

STATE OF IOWA } ss.
LINN COUNTY }

RETURN OF SERVICE: — **Type of Service Code**

____	Personal	1
____	Dwelling/Substitute	2
____	Hotel/Boarding/Rooming House	3
✓	Corporation/Association	4
____	Official (State, County, City)	5
____	Spouse away from residence	6
____	Other _____	7
____	Diligent Search (not served)	8

I certify that I served a copy of:

- ☐ Petition and Original Notice
- ☐ Check Notice
- ☐ Order to Show Cause
- ☐ Summons and Complaint
- ☐ DA Order and Petition _____
- ☐ Writ _____
- ☒ Other Notice of Forfeiture of Real Estate Contract
- ☐ Subpoena _____

Type Code

_____ (NAME) at _____ (ADDRESS) on _____ (DATE) ☐

_____ at _____ on _____ ☐
_____ at _____ on _____ ☐
_____ at _____ on _____ ☐
_____ by serving _____ at _____ ☐
_____ (NAME) by serving _____ (NAME) at _____ (ADDRESS) ☐

_____ on _____, (a person residing therein who was then at least 18 years old) or (spouse away from residence). (Strike non-applicable part).

Community Plus C.U. (COMPANY/GOVERNMENT UNIT NAME) by serving Randy Hass (NAME) ☐ 4

President (TITLE), on 5-27-04 1257 (DATE), at 808 Wilson Ave SW.

NOTES: (Diligent Search, etc.)

Donald D. Zeller, Sheriff, Linn County, Iowa

BY: Steven Gearhart 135
Deputy Sheriff

Fees:
Process 15-
Mileage 3-
Copy .50
Total 18-50

Fees ~~charged~~ to/paid by Atty/~~Party~~: Swift & Swift

MAY 28 2004

NOTE: Copy of Original Notice, if served, must be attached to this form.

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR CLINTON COUNTY

CASE NAME: Business

DAILEY,SEAN
DAILEY,JUDITH
VS
GOLINGHORST ETAL

CASE NO: 060401

NOTICE RECEIVED: 05/26/04

STATE OF: IOWA

SHERIFF CLINTON COUNTY

I certify that I served a copy of: NOT FORF REAL EST CONT

- ☐ Petition and Original Notice
- ☐ Modification/Application and Notice
- ☐ Order to Show Cause
- ☐ Order Filed_____
- ☐ Writ_____
- ☐ Other_____

Served ALLIED BUSINESS ACCOUNTS by Serving FULLERTON,JUDY

its
300 S 2 ST .5
CLINTON, IA 52732
on 05/26/04 at 09:30

NOTE:(Diligent Search, etc.)

Processing :	15.00
Mileage :	3.00
Trust/Copy :	0.00
MISC. :	0.00
TOTAL :	18.00

RICK LINCOLN, SHERIFF
SHERIFF CLINTON County, IOWA

Rick Lincoln DD
Signature Title

Fees charged to/~~paid by Atty/Party:~~ SWIFT, DANIEL H