THE IOWA STATE BAR ASSOCIATION
Official Form No 176

Michael A. Bowman ISBA # JN00000553

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

RECORDER FEE $ 22.00
AUDITOR FEE $ 5.00

DELAWARE COUNTY, IOWA
FILED
2004 SEP 17 AM 10:50
BOOK 2004 PAGE 3573

Entered for taxation 20th day
of September A.D., 2004
Shannon McCrabb Auditor
By Cindy Becker Deputy
T-101

Preparer Information Michael A. Bowman, 114 S. Cedar St., Monticello, (319) 465-5448
Individual's Name | Street Address | City | Phone

TAX ADDRESS STMT: AUGUSTINE M. DETTBARN BOX 122 HOPKINTON, IA 52237

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.

● Ref: Real Estate Contract, dated April 10, 2001, filed April 10, 2001, Book 2001 page 1137

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.

Augustine M. Dettbarn Augustine M. Dettbarn
Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 17 day of September, 2004.

NOTARIAL SEAL IOWA
MY COMMISSION EXPIRES 6-10-05

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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PROOF OF SERVICE

STATE OF IOWA COUNTY OF DELAWARE

AUGUSTINE M. DETTBARN
MARY KAY KETTBARN

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

To:

RUSSELL DEAN KRAMER
CINDY LOUISE KRAMER
20631 247th Street
Delhi, Iowa 52223

I declare that on the15th day of August, 2004, I served a copy of the attached **NOTICE of Forfeiture of Real Estate Contract on Russell Dean Kramer** by leaving a copy with Cindy Louise Kramer wife of Russell Dean Kramer. Russell Dean Kramer and Cindy Louise Kramer are husband and wife, who reside together 20631 247th Street, Delhi, Iowa. Service was made at approximately 9:15 A.M. at 20631 247th Street, Delhi, Delaware County, Iowa.

Allen E. Willman

SERVICE FEE	**$25.00**
Mileage 166	**$57.27**
Total	$82.27

Subscribed and sworn to before me by the said Allen E. Willman on this 16th day of August, 2004.

Notary Public State of Iowa

NOTARIAL SEAL IOWA

TAMMY J. LEIBOLD
COMMISSION # 120208
MY COMMISSION EXPIRES
9-15-2006

Preparer Information Michael A. Bowman, 114 S. Cedar St., Monticello, (319) 465-5448
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO:

Russell Dean Kramer	Cindy Louise Kramer
20631 247th St.	20631 247th St.
Delhi, IA 52223	Delhi, IA 52223

You and each of you are hereby notified:

(1) The written contract dated April 10, 2001, and executed by Augustine M. Dettbarn and Mary Kay Dettbarn, husband and wife,
as Vendors, and
Russell Dean Kramer and Cindy Louise Kramer,
as Vendees, for the sale of the following described real estate:
The North one hundred (100.0) feet of Lot Six (6), Block Ten (10), H.A. Carter's Addition to Hopkinton, Iowa, according to plat recorded in Book E L.D., Page 529, except the East twenty two and one-half (22 1/2) feet thereof,

has not been complied with in the following particulars:

(a)	$740.64 each due June 11, 2004 and July 11, 2004, and April 11, 2004	2,221.92
(b)	delinquent property taxes	2,245.66
(c)		
(d)		
	Total	4,467.58

(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.

Augustine M. Dettbarn

Mary Kay Dettbarn
Vendors (or Successors in Interest)

By _____
Michael A. Bowman, Their Attorney -

Address: 114 S. Cedar St., Monticello, Iowa 52310

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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PROOF OF SERVICE

STATE OF IOWA COUNTY OF DELAWARE

AUGUSTINE M. DETTBARN **MARY KAY KETTBARN**	)	
	)	**NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT**
To:	)	
RUSSELL DEAN KRAMER **CINDY LOUISE KRAMER** 20631 247th Street Delhi, Iowa 52223	)	

I declare that on the15th day of August, 2004, I served a copy of the attached **NOTICE of Forfeiture of Real Estate Contract on Cindy Louise Kramer** by personal service on Cindy Louise Kramer. Service was made at approximately 9:15 A.M. at 20631 247th Street, Delhi, Delaware County, Iowa.

Allen E. Willman

SERVICE FEE	**$15.00**
Total	$15.00

Subscribed and sworn to before me by the said Allen E. Willman on this 16th day of August, 2004.

Notary Public State of Iowa

NOTARIAL SEAL IOWA

TAMMY J. LEIBOLD
COMMISSION # 120208
MY COMMISSION EXPIRES
9-12-2006

Preparer Information Michael A. Bowman, 114 S. Cedar St., Monticello, (319) 465-5448
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO:

Russell Dean Kramer
20631 247th St.
Delhi, IA 52223

Cindy Louise Kramer
20631 247th St.
Delhi, IA 52223

You and each of you are hereby notified:

(1) The written contract dated April 10, 2001, and executed by Augustine M. Dettbarn and Mary Kay Dettbarn, husband and wife, as Vendors, and Russell Dean Kramer and Cindy Louise Kramer, as Vendees, for the sale of the following described real estate:

The North one hundred (100.0) feet of Lot Six (6), Block Ten (10), H.A. Carter's Addition to Hopkinton, Iowa, according to plat recorded in Book E L.D., Page 529, except the East twenty two and one-half (22 1/2) feet thereof,

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(d)		
	Total	4,467.58

(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.

Augustine M. Dettbarn

Mary Kay Dettbarn
Vendors (or Successors in Interest)

By _____
Michael A. Bowman
Their Attorney -

Address: 114 S. Cedar St., Monticello, Iowa 52310

Chapter 656, The Code

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