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

DELAWARE COUNTY IOWA
FILED
2004 NO -5 AM 9:37
BOOK 2004 PAGE 4172
DEBORAH L. FRANK
DELAWARE CO. RECORDER

RECORDER FEE $ 32.00
AUDITOR FEE $ 5.00

Entered for taxation 9th day
of November A.D., 2004
Sharon McCubbin Auditor
By Carla Becker Deputy
T-111

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

TAX STMT: Ray Castner, 1512 Twin Lakes Dr., Holly Springs N.C.

SPACE ABOVE THIS LINE FOR RECORDER

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

7540

TO WHOM IT MAY CONCERN: STATE OF ~~IOWA~~ NORTH CAROLINA, COUNTY OF WAKE

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 personal service could not and cannot be made on Clyde Alexander in the State of Iowa; that on July 21, 2004, a copy of said notice was sent by certified mail addressed to said party at their last-known mailing address, to-wit: 302 Broadway St., Hopkinton, Iowa 52237.

That in addition, diligent search for personal service was atttempted by Allen Willman; copy of service attempt attached hereto.

That, as shown by such returns, more than 30 days have passed since the service of such Notice.

This contract was recorded in Book 2004, page 137

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.

Raymond R Castner, Racquel D. Castner
Raymond R. Castner, Racquel D. Castner
Affiant

DAVE CASSADY NOTARY PUBLIC WAKE COUNTY, N.C.

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 21st day of Oct, 2004.

Dave Cassady North Carolina
Notary Public in and for the State of Iowa.
My Commission Expires Oct 16th 2007

● 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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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:
Clyde Alexander
302 Broadway St.
Hopkinton, IA 52237

You and each of you are hereby notified:

(1) The written contract dated January 15, 2004, and executed by Raymond R. Castner and Racquel D. Castner, husband and wife,
as Vendors, and
Clyde Alexander,
as Vendees, for the sale of the following described real estate:
The North one-half (N1/2) of Lots One (1) and Two (2), Block Six (6), Hopkinton Second Addition by H. A. Carter, according to plat recorded in Book 2 Plats, Page 71

has not been complied with in the following particulars:

(a)	monthly payments of $250.00 each due in march, April, May & June 2004	1,000.00
(b)	$50.00 per month late fee	200.00
(c)	property taxes due March 2004	70.00
(d)		
	Total	1,270.00

(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.

Raymond R. Castner

Racquel D. Castner
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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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 _____ } 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

Ad
8/13/04

STATEMENT

August 07, 2004

ALLEN E. WILLMAN
106 W. WEBSTER ST.
PO Box 134
WYOMING, IOWA 52362
Phone Number 563-488-3468
Fax Number 563-488-3462
Cell Number 319-480-0132

Shimanek & Bowman
Attorney Mike Bowman
114 S. Cedar Street
Monticello, Iowa 52310

Diligent Search on Clyde Alexander

Notice of Forfeiture of Real Estate Contract

Service Fees	DATE	MILEAGE	DESCRIPTION	Amount
$15.00		40 Miles >345	Travel to Montciello and Monti View Trailer Park in attempt to locate Alexander for service of above papers. I was advised Alexander was living somewhere North of Delaware	$28.80
				$28.80

CREDITS

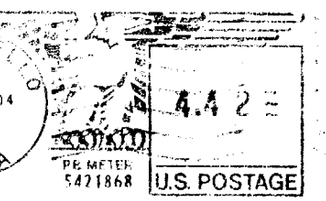
REFERENCE	DATE	CHECK NUMBER	DESCRIPTION	AMOUNT
			Diligent Search Fee Waived	$15.00
			Total credits:	
			Please pay this amount:	**$13.80**

CERTIFIED MAIL

SHIMANEK, SHIMANEK & BOWMAN
Attorneys at Law

P. O. Box 351
Monticello, Iowa 52310-0351

7002 0860 0006 1068 [illegible]



7-26

Clyde Alexander
302 Broadway St.
Hopkinton, IA 52237

ALEX302 522372056 1304 18 07/23/04
RETURN TO SENDER
ALEXANDER CLYDE
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

[illegible]

7002 0860 0006 1066 6796

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	$ .37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	**$ 4.42**

7-21-04
Postmark Here

Sent To Clyde Alexander
Street, Apt. No.; or PO Box No. 302 Broadway St
City, State, ZIP+ 4 Hopkinton, IA 52237

PS Form 3800, April 2002 — See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Clyde Alexander
302 Broadway St.
Hopkinton, IA 52237

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7002 0860 0006 1066 6796

PS Form 3811, August 2001 — Domestic Return Receipt — 102595-02-M-1540

Legal Notice
NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

To:
Clyde Alexander
302 Broadway St.
Hopkinton, IA 52237

You and each of you are hereby notified:

(1) The written contract dated January 15, 2004 and executed by RAYMOND R. CASTNER and RACQUEL D. CASTNER, husband wife, as Vendors and CLYDE ALEXANDER as Vendee, for the sale of the following described real estate:

The North one-half (N ½) of Lots One (1) and Two (2), Block Six (6), Hopkinton Second Addition by H.A. Carter, according to plat recorded in Book 8 Plats, Page 71

has not been complied with in the following particulars:

(a) monthly payments of $250.00 each due in March, April, May and June 2004 ..... $1,000.00
(b) $50.00 per month late fee 200.00
(c) property taxes due March 2004 ..... 70.00
Total $1,270.00

(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.

Raymond R. Castner
Racquel D. Castner
Vendors
By: Michael A. Bowman
114 S. Cedar St.
Monticello, Iowa 52310
Attorney

Date of Third Publication 10th day of August, 2004.

State of Iowa, Delaware County, ss

I, Mary Nelle being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for three consecutive weeks beginning July 27 2004, and ending August 10 2004.

PRINTERS FEES: $ 56.82

Mary Nelle

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME BY Mary Nelle. ON THIS 12th DAY OF August, 2004

Marie Hunt
Notary Public

MARIE HUNT
Commission Number 720784
My Commission Expires
08-07-06