Return to: James V. Sarcone, Jr.
Belin Law Firm
666 Walnut, Suite 2000
Des Moines, IA 50309

Entered for taxation 10th day
of February A.D., 2005
Sharon McCulley Auditor
By [illegible] Deputy

88-76

RECORDER FEE $ 22.00
AUDITOR FEE $ 5.00

BOOK 2005 PAGE 470
DEBORAH L. PEYTON
DELAWARE CO. RECORDER

2005 FE -9 PM 12:04

DELAWARE COUNTY IOWA
FILED

AFFIDAVIT IN SUPPORT OF NONJUDICIAL FORECLOSURE OF NONAGRICULTURAL PROPERTY

Prepared by: James V. Sarcone, Jr., The Financial Center, 666 Walnut Street Suite 2000, Des Moines, IA 50309-3989, 515-243-7100
Tax Address: Centex Home Equity Company, LLC; 350 Highland Drive; Lewisville, TX 75067

STATE OF IOWA)
)ss
COUNTY OF POLK)

The undersigned, first being duly sworn on oath deposes and states:

137-418

That the relationship of the undersigned to this transaction appears from the Notice of Nonjudicial Foreclosure, hereto attached, together with returns of service thereof; which 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, include any parties in possession. 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 mortgagor(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 mortgagor or anyone; that the mortgagee has retaken possession of said real estate following the expiration of said 30 day period.

That none of the parties upon whom such Notice of Nonjudicial Foreclosure 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 mortgage referred to in said Notice of Nonjudicial Foreclosure has now been duly foreclosed and the mortgagee has succeeded to all interest of the mortgagor in the real estate.

James V. Sarcone, Jr., Affiant

Subscribed and sworn to before me this 7 day of February, 2005.

LINDA M. ENGHAUSEN
COMMISSION NO. 134337
MY COMMISSION EXPIRES
12-13-05

Notary Public in and for the State of Iowa

d:\centex\fjelstul\njdaff.doc

When recorded return to:

_____

_____

_____

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 11/3/05 TIME 1:45 PM

Prepared by: James V. Sarcone, Jr., The Financial Center, 666 Walnut Street Suite 2000, Des Moines, IA 50309-3989, 515-243-7100

NOTICE OF NONJUDICIAL FORECLOSURE

TO: DAVID E. FJELSTUL AND MARY E. FJELSTUL

YOU AND EACH OF YOU ARE HEREBY NOTIFIED:

1. The terms of one certain Promissory Note and Mortgage in the original principal sum of $50,000.00, dated June 8, 2004, and executed by David E. Fjelstul and Mary E. Fjelstul, as Mortgagor(s) in favor of Centex Home Equity Company, LLC as Mortgagee, covering the following described real estate:

> Lot One (1) of Six (6) of the Subdivision of Lot Six (6) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-two (22), Township Eighty-Eight North (T88N), Range Four West (R4W) of the 5th P.M., Delaware County, Iowa, according to plat recorded in Book 3 Plats, Page 218

which Mortgage was recorded in Book 2004, Page 2224 of the Delaware County, Iowa records and has not been complied with in the following specific particulars:

a)	Failure to make monthly mortgage payments of $764.26 per month from 9-14-04 to 12-14-04	$3,057.04
b)	Failure to pay monthly late charges	$ 113.60
TOTAL		$3,170.64

2. The above mortgage will be foreclosed unless the parties in default, within 30 days after the completed service of this notice, shall perform the terms and conditions in default or file with the Delaware County, Iowa Recorder a rejection of this Notice pursuant to Section 655A.6 of the Code of Iowa, and in addition, serve a copy of the rejection upon the Mortgagee, Centex Home Equity Company, LLC.

WITHIN THIRTY (30) DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR

REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED BY THE RULES OF CIVIL PROCEDURE FOR SERVICE OF ORIGINAL NOTICES. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THE REJECTION.

IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE WITHIN THE THIRTY (30) DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE FORECLOSURE IS COMPLETE THE DEBT SECURED BY THE MORTGAGED PROPERTY WILL BE EXTINGUISHED.

CENTEX HOME EQUITY COMPANY, LLC

BY _____

JAMES V. SARCONE, JR.
The Financial Center
666 Walnut Street Suite 2000
Des Moines, IA 50309-3989
Telephone: 515-243-7100
ATTORNEYS FOR CENTEX HOME EQUITY COMPANY, LLC

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FORM 101H-012 FIDLAR ELECTION CO., ROCK ISLAND, ILLINOIS

In the ~~Iowa~~ District Court, for Delaware County

Case Name Centex Home Equity Co/vs/David & Mary Fjelstul
Case No. N/A
Notice recd. this date 1/3/05

STATE OF IOWA
Delaware COUNTY } SS

RETURN OF SERVICE:

		Type of Service Code
X	Personal	1
X	Dwelling/Substitute	2
___	Hotel, Boarding/Rooming House	3
___	Corporation/Association	4
___	Official (State, County, City)	5
___	Spouse away from residence	6
___	Other ___	7

I certify that I served a copy of:

- ☐ Petition and Original Notice
- ☐ Modification/Application and Notice
- ☐ Order to Show Cause
- ☐ Order Filed ___
- ☐ Writ
- ☒ Other ~~Notice of~~ Notice of Nonjudicial Foreclosure

Served:

				Type Code
Mary Fjelstul (NAME)	at	2522 250th St. Delhi, Iowa (ADDRESS)	1/5/05 (DATE)	1
___	at ___		on ___	___
___	at ___		on ___	___
___	at ___		on ___	___
___	at ___		on ___	___

David Fjestul (NAME) by serving Mary Fjelstul (NAME) at 2522 250th St. (ADDRESS) | 2 |

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

___ (COMPANY/GOVERNMENT UNIT NAME) by serving ___ (NAME) | ___ |

___ its (TITLE), on 1/5/05 (DATE), at Delhi, Iowa

NOTES: (Diligent Search, etc.)

John A LeClere, Sheriff
Delaware, County, Iowa

Fees:
Service 15.00
Mileage 9.72
Copy 10.00
Total 34.72

PAID Date 1/14/05 Ck. No. 026594

Sgt. L.L. Gronewold 28-4
DEPUTY SHERIFF (OFFICIAL TITLE)
Sgt. L.L. Gronewold 28-4

Fees charged to/paid by Atty/Party: ___

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