Entered for taxation 26th day
of May A.D. 2006
Sharon McCrabb, Auditor
By A. Schmidt, Deputy
88-76

Book 2006 Page 1902

Document 2006 1902 Type 06 010 Pages 4
Date 5/25/2006 Time 10:12 AM
Rec Amt $22.00 Aud Amt $5.00

DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

2006-1815

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

THE IOWA STATE BAR ASSOCIATION
Official Form No. 176
Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)
Hugh M. Field, P.O. Box 178, Waterloo, IA 50704, Phone: (319) 234-1766

Taxpayer Information: (Name and complete address)
Kevin Tanner, P.O. Box 348, Delhi, IA 52223

Return Document To: (Name and complete address)
(X) Hugh M. Field, P.O. Box 178, Waterloo, IA 50704, Phone: (319) 234-1766

Grantor:
Kevin G. Tanner

Grantee:
David & Mary Fjelstul

Legal description: See Page ~~2~~ 3

Document or instrument number of previously recorded documents:

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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.

Kevin G. Tanner
Affiant

Signed and sworn to (or affirmed) before me on 5/17/06, by Kevin G. Tanner

JEAN A. KUEHL
Commission Number 177773
My Commission Expires
1/27/07

Jean A. Kuehl
, Notary Public

● 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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NOTICE OF FORFEITURE
OF REAL ESTATE CONTRACT

TO: David Fjelstul and Mary Fjelstul, 2522 250th Street, Delhi, Iowa

You and each of you are hereby notified:

(1) The written contract dated 17th day of August, 2005, and executed by Kevin G. Tanner as vendors, and David E. Fjelstul and Mary E. Fjelstul as vendees, for the sale of the following described real estate:

Lot 1 of 6 of subdivision of Lot 6 of the NW 1/4 of the NW 1/4 of Section 22, Township 88 North, Range 4 West of the 5th P.M., Delaware County, Iowa, according to the plat recorded in Book 3 Plats, Page 218

has not been complied with in the following particulars:

Failure to pay $55,000 on or before December 31, 2005 Total: $55,000

(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. Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

Kevin G. Tanner, Vendor

By _____
Hugh M. Field, His Attorney
P.O. Box 178
Waterloo, IA 50704

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.

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 4/12/06 TIME 10:30 am

FORM 101H-012 RETURN OF SERVICE — FIDLAR ELECTION CO., ROCK ISLAND, ILLINOIS

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

Case Name Kevin G. Tanner, Vendor/vs/David and Mary Fjelstul
Case No. N/A
Notice recd. this date 4/12/06

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 Forfeiture of Real Estate Contract

Served: — Type Code

David Fjelstul (NAME) at 2522 250th St. Delhi, Iowa (ADDRESS) on 4/18/06 (DATE) | 1 |
___ at ___ on ___ |___|
___ at ___ on ___ |___|
___ at ___ on ___ |___|
___ at ___ on ___ |___|
Mary Fjelstul (NAME) by serving David Fjelstul (NAME) at 2522 250th St. Delhi Ia 2 (ADDRESS) |___|
___ 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 4/18/06 (DATE), at Delhi, Iowa

NOTES: (Diligent Search, etc.)

John A LeClere, Sheriff
Delaware, County, Iowa

Fees:
Service 15.00
Mileage 8.90
Copy 10.00
Total 33.90

PAID Date 5/4/06 Ck. No. 024675

Luke Thomsen
DEPUTY SHERIFF (OFFICIAL TITLE)
Luke Thomsen, Deputy 28-9

Fees charged to/paid by Atty/Party:

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