Entered for taxation 13th day
of September A.D., 2006
Sharon McCrabb, Auditor
By A. Schmidt, Deputy
Parcel # 270-03-00-002-00
88-187

Book 2006 Page 3348
Document 2006 3348 Type 04 004 Pages 4
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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

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)
Stephanie C. Rattenborg, 119 E. Main, Manchester, IA 52057, Phone: (563) 927-2782

Taxpayer Information: (Name and complete address)
Tom Porter, 1823 Firefly Road, Manchester, IA 52057

Return Document To: (Name and complete address)
(X) Roeder & Rattenborg, 119 East Main Street, Manchester, IA 52057

Grantor:
Thomas W. Porter, Jean Porter, and Sheril Fenton

Grantee:
Michael Jennings and Colleen Jennings

Legal description: See Page 2

Document or instrument number of previously recorded documents: Book 138 Page 371

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THE IOWA STATE BAR ASSOCIATION Official Form No 176	Stephanie C. Rattenborg ISBA # 14413	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF LINN

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.

● The property subject to forfeiture is legally described as:

The North three hundred twenty-one (321.0) feet of the East three hundred twenty-five (325.0) feet of the West seven hundred sixty (760.0) feet, and the South sixty-five (65.0) feet of the North three hundred eighty-six (386.0) feet of the East eighty (80.0) feet of the West seven hundred sixty (760.0) feet of Section Three (3), Township Eighty Eight (88) North, Range Six (6), West of the 5th P.M. in Delaware County, Iowa, subject to highways and easements of record.

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.

Thomas W Porter
Affiant

Jean Porter
Affiant

Sheril Fenton
Affiant

Signed and sworn to (or affirmed) before me on Sept. 8, 2006, by Thomas W. Porter, Jean Porter, and Sheril Fenton.

NOTARIAL SEAL IOWA
KIMBERLY A. ADAMS
MY COMMISSION EXPIRES
8-28-07
COMMISSION NUMBER: 712252

Kimberly A Adams
, 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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THE IOWA STATE BAR ASSOCIATION
Official Form No. 175

Thomas J. Hanson ISBA # 02110

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

Preparer Information Thomas J. Hanson, 401 East Main Street, Manchester, (563) 927-5920
Individual's Name | Street Address | City | Phone

SPACE ABOVE THIS LINE FOR RECORDER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 7/5/06 TIME 11:30am

TO:
Michael Jennings and Colleen Jennings, husband and wife
1312 - 220th Street
Manchester, Iowa 52057

You and each of you are hereby notified:

(1) The written contract dated October 24, 1997, and executed by Thomas W. Porter and Jean L. Porter, husband and wife AND Sheril Fenton, a single person as Vendors, and Michael Jennings and Colleen Jennings, husband and wife as Vendees, for the sale of the following described real estate:

The North three hundred twenty-one (321.0) feet of the East three hundred twenty-fiv (325.0) feet of the West seven hundred sixty (760.0) feet, and the South sixty-five (65.0) feet of the North three hundred eighty-six (386.0) feet of the East eighty (80.0) feet of the West seven hundred sixty (760.0) feet of Section Three (3), Township Eighty Eight (88) North, Range Six (6), West of the 5th P.M. in Delaware County, Iowa, subject to highways and easements of record.

has not been complied with in the following particulars:

(a)	Monthly payment of principal and interest due 07/01/06	$455.61
(b)	Sheriff Fee	29.85
(c)		
(d)		
	Total	$485.46

(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.

Thomas W Porter
Thomas W. Porter

Jean K. Porter and Sheril Fenton
Vendors (or Successors in Interest)

By _____
Their Attorney

Address: _____

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.

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
Michael Jennings personally	07	05	06	1312 220th St. Manchester Ia	Delaware	Iowa
Colleen Jennings by serving Michael Jennings	07	05	06	1312 220th St. Manchester	Delaware	Iowa

F.K. Porter, Deputy 28-2

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

Pat Becker

Notary Public in and for said County and State

PAT BECKER
Commission Number 115062
My Commission Expires
5/7/08

Fees:

Service:	$15.00
Copy:	10.00
Mileage:	4.85
TOTAL:	$29.85

7/6/06