Entered for taxation 3 day
of August A.D., 2007
Carla K. Becker, Auditor
By D. Willman, Deputy
Parcel # 140-17-01-008-00
89-173

Book 2007 Page 2504
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DEBORAH L PEYTON, RECORDER/REGISTRAR
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)
Thomas J. Hanson, 401 East Main Street, Manchester, IA 52057, Phone: (563) 927-5920

Taxpayer Information: (Name and complete address)
David J. Huber
411 10th Street S.W.
Independence, Iowa 50644

Return Document To: (Name and complete address)
Thomas J. Hanson
401 East Main Street
Manchester, IA 52057

Grantor:	**Grantee:**
David Huber	Scott Westcott
Jeanne Huber	Jolene Westcott

Legal description: See Page 2

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.

David J. Huber and Jeanne A. Huber
Affiant

Signed and sworn to (or affirmed) before me on August 2, 2007, by David J. Huber and Jeanne A. Huber, husband and wife

THOMAS J. HANSON
Commission Number 115040
My Commission Expires
September 22, 2007

, 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

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Scott Westcott and Jolene Westcott
18881 173rd Ave., Manchester, Iowa 52057

You and each of you are hereby notified:

(1) The written contract dated June 30th, 2006, and executed by David J. Huber and Jeanne A. Huber, husband and wife as Vendors, and Scott Westcott and Jolene Westcott, husband and wife as Vendees,

(insert recording data) recorded the 3rd day of July, 2006, in the office of the Delaware County Recorder, recorded as document reference number Book 2006, Page 2380 for the sale of the following described real estate:

Lot 27, Block 1, Sunset Beach, a subdivision of parts of Sections 17, 18, and 20, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa, and the East 20 feet of Sunset View Road lying adjacent to the West line of said Lot 27. Subject to all other rights, reservations, restrictions, easements, liens and encumbrances of record.

has not been complied with in the following particulars:

(a)	You have paid $100.00 of the $300.00 monthly payment due 11/1/06	$ 200.00
(b)	You have failed to pay the monthly payment of $300.00	$
(c)	for the months of and January and February and March	$
(d)	and April 2007	$ 1,200.00
	Total	$ 1,400.00

(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.

April 9, 2007

David J. Huber

David J. Huber

Jeanne A. Huber

Jeanne A. Huber
Vendors
(or Successors in Interest)

By Thomas J. Hanson
Their Attorney -

Address: 401 East Main Street, Manchester, Iowa 52057

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 **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
Scott & Jolene Westcott	**04**	**10**	**2007**	**18881 173rd Ave Delaware**		**Iowa**
				Manchester Ia		

Chief Deputy Eric Brooks, 28-3

Subscribed in my presence and sworn to before me by said affiant this **10** day of **April**, **2007**.

Pat Becker

PAT BECKER
Commission Number 115062
My Commission Expires 7/1/08

Delaware Co Notary Public in and for said County and State
Iowa

FEES:
Service: $15.00
Copy: 10.00
Mileage: 1.00
TOTAL: $26.00

Date