Entered for taxation 18th day
of January A.D., 2008
Carla K. Becker Auditor
By L. Schmidt Deputy
Parcel # 631-32-11-013-00
S-142

✓Book 2008 Page 191
Document 2008 191 Type 04 004 Pages 6
Date 1/17/2008 Time 3:09:34PM
Rec Amt $32.00 Aud Amt $5.00

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)
Daniel H. Swift, 108 N. Madison St., PO Box 207, Manchester, IA 52057, Phone: (563) 927-4901

Taxpayer Information: (Name and complete address)
Keith D. & Earlene J. Thomspon Revocable Trust, 17084 191st St., Manchester, IA 52057

Return Document To: (Name and complete address)
Daniel H. Swift, 108 N. Madison St., PO Box 207, Manchester, IA 52057, Phone: (563) 927-4901

Grantor:
Wayne/Cathy Timmerman

Grantee:
Keith D. & Earlene J. Thompson Revocable Trust

Legal description: See Page 3

Document or instrument number of previously recorded documents:

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THE IOWA STATE BAR ASSOCIATION Official Form No 176	Daniel H. Swift	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 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 the 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.

KEITH D. & EARLENE J. THOMPSON REVOCABLE TRUST

By Keith D. Thompson

Keith D. Thompson, Trustee Affiant

Signed and sworn to (or affirmed) before me on January 16, 2008, by Keith D. Thompson as Trustee of the Keith D. & Earlene J. Thompson Revocable Trust

NOTARIAL SEAL IOWA
AMY J. BLUMER
Commission Number 186416
My Comm. Exp. 9/15/08

Amy J. Blumer
Amy J. Blumer, 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	Daniel H. Swift	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Cathy J. Timmerman
936 North Franklin Street, Manchester, Iowa 52057

You and each of you are hereby notified:

(1) The written contract dated October 31, 2002, and executed by Keith D. Thompson and Earlene J. Thompson, as Trustees of the Keith D. & Earlene J. Thompson Revocable Trusts as Vendors, and Wayne Timmerman and Cathy J. Timmerman, husband and wife, as Vendees, (insert recording data) recorded the 5th day of November, 2002, in the office of the Delaware County Recorder, recorded as document reference number Book 2002, Page 4133 for the sale of the following described real estate:

Lot Fifteen (15) except the West forty eight (48) feet thereof, and the North ninety-three (93.0) feet of the West four (4) feet of the alley adjoining said Lot Fifteen (15) on the East side thereof, and the East thirty six (36.0) feet of the North twenty four (24.0) feet of Lot Fourteen (14), all of the Subdivision of Lots One Hundred Forty Six (146) and One Hundred Ninety Seven (197), Manchester, Iowa, according to plat recorded in Book H.T.L.D., Page 321

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
12/13/05 9:30 Am

has not been complied with in the following particulars:

(a)	You have failed to pay real estate taxes and Vendors have been	$ 5,799.67
~~(b)~~	~~forced to redeem the real estate from tax sale by payment to the~~	$
~~(c)~~	Delaware County Treasurer of	$
~~(d)~~	the amount of $5,799.67 in violation of paragraph 3 of the contract	$
	Total	$ 5,799.67

(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.

KEITH D. & EARLENE J. THOMPSON REVOCABLE TRUST

By Keith D. Thompson
Keith D. Thompson, Trustee

By Earlene J. Thompson
Earlene J. Thompson, Trustee
Vendors (or Successors in Interest)

By _____
Daniel H. Swift
Their Attorney -

Address: 108 N. Madison Street, PO Box 207
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
Cathy Timmerman	12	13	2007	936 N. Franklin Manchester,	Delaware Iowa	Iowa

Chief Deputy Eric Brooks, 28-3

Subscribed in my presence and sworn to before me by said affiant this 13 day of Dec, 2007.

Pat Becker

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

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

PAID Date 12/19/07 Ck. No. 009587

PA... Commi... Number 115062 ...ion Expires 5/7/08

THE IOWA STATE BAR ASSOCIATION Official Form No. 175	Daniel H. Swift	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Wayne Timmerman
936 North Franklin Street, Manchester, Iowa 52057

You and each of you are hereby notified:

(1) The written contract dated October 31, 2002, and executed by Keith D. Thompson and Earlene J. Thompson, as Trustees of the Keith D. & Earlene J. Thompson Revocable Trusts as Vendors, and Wayne Timmerman and Cathy J. Timmerman, husband and wife, as Vendees, (insert recording data) recorded the 5th day of November, 2002, in the office of the Delaware County Recorder, recorded as document reference number Book 2002, Page 4133 for the sale of the following described real estate:

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RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 12/13/07 TIME 9:30am

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~~(b)~~	~~forced to redeem the real estate from tax sale by payment to the~~	$
~~(c)~~	Delaware County Treasurer of	$
~~(d)~~	the amount of $5,799.67 in violation of paragraph 3 of the contract	$
	Total	$ 5,799.67

(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.

KEITH D. & EARLENE J. THOMPSON REVOCABLE TRUST

By Keith D. Thompson
Keith D. Thompson, Trustee

By Earlene J. Thompson
Earlene J. Thompson, Trustee

Vendors (or Successors in Interest)

By
Daniel H. Swift
Their Attorney -

Address: 108 N. Madison Street, PO Box 207
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
Wayne Timmerman served	12	13	2007	936 N. Franklin	Delaware	Iowa
by serving Cathy Timmerman				Manchester,	Iowa	

28-3

Chief Deputy Eric Brooks, 28-3

Subscribed in my presence and sworn to before me by said affiant this 13 day of Dec , 2007 .

Pat Becker, Notary Public

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

NOTARIAL SEAL IOWA
PAT BECKER
Commission Number 115062
My Commission Expires
5/7/08