Entered for taxation 2 day
of April A.D., 2008
Carla K. Becker, Auditor
By D. Willman, Deputy
Parcel # 220-22-01-001-00
88-76

Book 2008 Page 982

Document 2008 982 Type 04 004 Pages 7
Date 4/02/2008 Time 9:46:37AM
Rec Amt $37.00 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)
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

ENV. **Return Document To:** (Name and complete address)
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~~XX~~ 3

Document or instrument number of previously recorded documents:
Real Estate Contract - Short Form - Book 2006, Page 1815

© The Iowa State Bar Association 2005
IOWADOCS®

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF Black Hawk

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.

Hugh M. Field
HUGH M. FIELD, Affiant

Signed and sworn to (or affirmed) before me on March 31, 2008, by Hugh M. Field.

LINDA D. FRASCHT
Commission Number 220384
My Commission Expires
January 22, 2011

Linda D. Frascht
Linda D. Frascht, 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

© The Iowa State Bar Association 2005
IOWADOCS®

080123/525

(01)

Fjelstul

NOTICE OF FORFEITURE
OF REAL ESTATE CONTRACT

TO: David Fjelstul and Mary Fjelstul

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 ¼ of the NW ¼ 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.

08 JAN 23 PM 3:25
JONES COUNTY
SHERIFF

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR COUNTY

CASE NAME: Dwelling/Subtit

TANNER,KEVIN G
VS
FJELSTUL,MARY E
FJELSTUL,DAVID E

CASE NO: 0801231525

NOTICE RECEIVED: 01/23/08

STATE OF: Iowa

JONES COUNTY

I certify that I served a copy of: NOTICE OF FORFEITURE

- ☐ Petition and Original Notice
- ☐ Modification/Application and Notice
- ☐ Order to Show Cause
- ☐ Order Filed_____
- ☐ Writ_____
- ☐ Other_____

Served FJELSTUL,MARY E

by Serving KACINA,JAMES
at 612 S WALNUT ST #9
MONTICELLO, IA 52310
on 02/25/08 at 10:25

NOTE:(Diligent Search, etc.)
boyfriend

Processing :	15.50
Mileage :	80.96
Trust/Copy :	0.00
MISC. :	0.00
TOTAL :	96.46

MARK DENNISTON, SHERIFF
JONES County, Iowa

Dave Fountain
DAVE FOUNTAIN
Signature

D K

Title Deputy

Fees ~~charged~~ to/paidby Atty/~~Party:~~ BEECHER, FIELD, WALKER, MORRIS

PAID
MAR 12 2008
Sheriff's Office
Jones County, IA

FILED
SHERIFF'S OFFICE
CLAYTON COUNTY, IOWA
2008 JAN -9 AM 10: 30

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: David Fjelstul and Mary Fjelstul

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 ¼ of the NW ¼ 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.

Return of Service

IN THE IOWA DISTRICT COURT FOR CLAYTON COUNTY

Case Name: TANNER, KEVIN G. **VS** FJELSTUL, DAVID & MARY

Case No.: -- **S.O. No.:** 7,481

Notice Rec'd This Date: 1/09/2008

STATE OF IOWA

CLAYTON County } SS.

I certify that I served a copy of: NOTICE OF FORFEITURE REAL ESTATE

Served:

FJELSTUL, DAVID **at** 104 W MADISON EDGEWOOD IA

on 1/14/2008 2:20 PM **Type Of Service:** PERSONAL

By Serving: **at**

on / / **at** Relationship:

(Company) **by serving** **(Name)** **it's** **(Title)** **on** / /

at

Notes: Diligent Search/Remarks

FEES:

Processing:	$15.00
Mileage :	$22.31
Copy :	
Notary :	
Misc. :	
Total :	**$37.31**

FEES PAID BY:

ROBERT A HAMANN **, Sheriff**

CLAYTON **County, IA**

Linda M. Gardner

Gardner, Linda **Deputy**

PAID
1-23-08
by Beecher etc

Report Date: 1/09/2008
Report Time: 12:23 PM

DIRECTIONS TO SHERIFF
CLAYTON COUNTY SHERIFF'S OFFICE

276

Serve by: / /

CAUTION:NONE KNOWN

Warrant#:_____ Charge:_____ Bond: $_____

Action: **NOTICE OF FORFEITURE REAL ESTATE** **Required Service Type: PERSONAL**

Court No.:-- S.O. No.: **7,481** Court:**OTHER** O/C: CLAYTON

Party's: **TANNER, KEVIN G.** VS **FJELSTUL, DAVID & MARY**

Person(s) / Company to be served: **FJELSTUL, DAVID**

Address: 104 W. Madison City: **EDGEWOOD** State: **IA** Zip: **52042**

Alt. Address: AKA: Phone: 563

Sex: Race:___ Hgt:____ Wgt:____ DOB: / / Age: 0 SOC:

Employed by: Address: City: ELKADER

State: IA Phone: 563 Hours of work: to

Attorney: Law Firm:

Address: , ELKADER IA 52043 Phone:

Special Instructions:

Vehicle Driven:_____Lic:_____ State:_____ Post Office:_____

Probations:_____ Utilities:_____

Date	Deputy	Status	Miles

Date Served: 1/14/08 Time Served: 1420 AM PM Male/Female

Person/Company Served: Same Title:_____

Substitute:_____ Relationship:_____

Address Served: 104 W. Madison City: Edgewood ☐ Business ☒ Residence

Returned Unserved/Reason:_____

Number of Trips Attempted: 1 Total Miles Charged:_____ Total Fee's:_____

Served/Returned by: Linda M. Gardner

X David Fjelstul 1-14-08 2:20 P.M