Qty 15.00 - Corr + Corr

Entered for taxation 22 day
of July A.D., 2008
Carla K. Becker Auditor
By D Willman Deputy
Parcel # 490-00-02-088-00
T-14

Book 2008 Page 2270
Document 2008 2270 Type 04 004 Pages 84
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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)
E. Michael Carr, 117 S. Franklin Street, PO Box 333, Manchester, IA 52057, Phone: (563) 927-4164

Taxpayer Information: (name and complete address)
Sigmund & Carol Sue Bonebrake, 1933 260th Avenue, Earlville, Iowa 52041

Return Document To: (name and complete address)
E. Michael Carr, 117 S. Franklin Street, PO Box 333, Manchester, IA 52057, Phone: (563) 927-4164

Grantors:
~~Sigmund Bonebrake & Carol Sue Bonebrake~~
Brian Reese
Laura Reese

Grantees:
Sigmund Bonebrake & Carol Sue Bonebrake
Sigmund D. Bonebrake
Sigmund Dean Bonebrake

Legal Description on page 3

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 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 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 canceled and is of no force and effect whatsoever.

Sigmund Dean Bonebrake, Affiant

Carol SueBonebrake, Affiant

Signed and sworn to (or affirmed) before me on this 21st day of July, 2008, by Sigmund Dean Bonebrake and Carol Sue Bonebrake.

Notary Public in and for the State of Iowa

E. MICHAEL CARR
Commission Number 222
My Commission Expires
December 10, 2010

THE IOWA STATE BAR ASSOCIATION Official Form No. 175	E. Michael Carr	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Brian Reese and Laura Reese

You and each of you are hereby notified:

(1) The written contract dated February 20, 2007, and executed by Sigmund Dean Bonebrake (aka Sigmund D. Bonebrake) and Carol Sue Bonebrake, husband and wife as Vendors, and Brian Reese and Laura Reese, husband and wife as Vendees, (insert recording data) recorded the 20th day of February, 2007, in the office of the Delaware County Recorder, recorded as document reference number Book 2007 Page 493 for the sale of the following described real estate:

The West sixty (60) feet of Lot Six (6) Block Fifteen (15), Delhi, Iowa, same being a part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section Seventeen (17), Township Eighty Eight (88) North, Range Four (4), West of the Fifth P.M.

has not been complied with in the following particulars:

(a)	Paragraph 1; payments of $197.70 are delinquent for the 20th day of Sept, Oct, Nov, & Dec 2007	$ 790.80
(b)	Paragraph 1, payments of $197.70 are delinquent for the 20th day of Jan, Feb, Mar, Apr & May 2008	$ 988.50
(c)		$
(d)		$
	Total	$ 1,779.30

(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.

Sigmund Dean Bonebrake (aka Sigmund D. Bonebrake)

Carol Sue Bonebrake

Vendors
(or Successors in Interest)

By _____
E. Michael Carr
Their Attorney -

Address: 117 S. Franklin St., PO Box 333
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
Brian Reese	13 June 2008	Manchester, Delaware County, Iowa
Laura Reese	13 June 2008	Manchester, Delaware County, Iowa

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA
County of _____ } 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

_____

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

_____

_____
Notary Public in and for said County and State