Book 2011 Page 890

Document 2011 890 Type 04 004 Pages 5
Date 3/10/2011 Time 11:29:00AM
Rec Amt $29.00 Aud Amt $5.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Entered for taxation 10th day
of March A.D., 2011
Carla K. Becker Auditor
By P. Hildebrandt Deputy
88-234.

# 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)
Steven E. Carr, 117 S. Franklin Street, PO Box 333, Manchester, IA 52057, Phone: (563) 927-4164

23.38-5

**Taxpayer Information:** (Name and complete address)
Walter Croskey and Genevieve Croskey, 20680 251st Street, Manchester, Iowa 52057

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

**Grantor:**
Walter Croskey and Genevieve Croskey

**Grantee:**
John S. & Elizabeth C. Pollard

**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.

O Lots One(1), Two (2) and Three (3) of Logan's Third Subdivsion in Delaware County, Iowa, according to plat recorded in Book 3 Plats, Page 163.

14/23 - 88-5

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.

Walter Croskey Walter Croskey
as P.o.A. Affiant

Signed and sworn to (or affirmed) before me on March 10, 2011, by Walter Croskey and Walter Croskey as Attorney-in-Fact for Genevieve Croskey.

STEVEN E. CARR
Commission Number 713328
My Commission Expires
October 30, 2013

Steven E. Carr
, Notary Public

O 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 Elizabeth C. Pollard and _____ in the State of Iowa; that on the 28th day of January, 2011, a copy of said Notice was sent by ordinary mail addressed to said (party) (parties) at their last known mailing address, to-wit: 5911 C Avenue NE, Cedar Rapids, Iowa 52402

Iowa Code Chapter 656

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

# NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: John S. Pollard and Elizabeth C. Pollard

You and each of you are hereby notified:

(1) The written contract dated November 22, 2003, and executed by Walter Croskey and Genevieve Croskey as Vendors, and John S. Pollard and Elizabeth C. Pollard as Vendees, (insert recording data) recorded the 9th day of December, 2003, in the office of the Delaware County Recorder, recorded as document reference number Book 2003, Page 5693 for the sale of the following described real estate:

Lots One (1), Two (2) and Three (3) of Logan's Third Subdivision in Delaware County, Iowa, according to plat recorded in Book 3 Plats, Page 163.

has not been complied with in the following particulars:

| | | |
|---|---|---|
| (a) | Vendee is delinquent on tax payments | $ 1,448.00 |
| (b) | Payment on deliquent amounts (4 months) | $ 3,350.40 |
| (c) | | $ |
| (d) | | $ |
| | **Total** | $ 4,798.40 |

(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.

Walter Croskey

Genevieve Croskey

Vendors (or Successors in Interest)

By Steven E. Carr

Steven E. Carr, Their Attorney -

Address: 117 S. Franklin St., PO Box 333, Manchester, IA 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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1-28-11 E Elizabeth Pollard

AFFIDAVIT

STATE OF IOWA )
) ss.
DELAWARE COUNTY )

The undersigned contract vendors of a contract dated November 22, 2003 and recorded in the Office of the Delaware County Recorder, recorded in Book 2003, Page 5693 after being duly sworn on oath state as follows:

1. No personal service could be made on John S. Pollard within the state of Iowa.

2. No mailing address is known for John S. Pollard and diligent inquiry has been made to ascertain it.

3. I personally know that the facts stated herein are true and correct.

Dated this 10th day of March, 2011

Walter Croskey
Walter Croskey

Walter Croskey
Genevieve Croskey by Walter Croskey as Attorney-in-Fact

Subscribed and sworn to before me on this 10th day of March, 2011 by Walter Croskey and Genevieve Croskey by Walter Croskey as Attorney-in-Fact.

STEVEN E. CARR
Commission Number 713328
My Commission Expires
October 30, 2013

Steven E. Carr
Notary Public in and for the State of Iowa

STATE OF IOWA, Delaware County-ss.

I, Lori A. Schulte Trenkamp, being duly sworn depose and say that I am general manager of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Notice of forfeiture

in case of Pollard / Croskey

a copy of which is hereto attached, was published in said newspaper for 3 weeks consecutively; the first publication having been made on the 12 day of Jan A.D. 20 11 and the last on the 26 day of Jan A.D. 20 11.

Publication fee, $ 70.43

Lori A. Schulte Trenkamp

Subscribed by Lori A. Schulte Trenkamp and by her sworn to before me, a notary public in and of Delaware County, Iowa this 26th day of Jan A.D. 20 11

Witness my hand and seal the date last above written.

Missi Thede Notary Public

NOTARIAL SEAL IOWA
MISSI THEDE
Commission Number 758721
My Comm. Exp. 6/1/11

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(b) Payment on deliquent amounts (4 months) $ 3,350.40
(c) $
(d) $
Total $ 4,798.40

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Walter Croskey
Genevieve Croskey
Vendors (or Successors In Interest)
By /s/ Steven E. Carr
Their Attorney
Address: 117 S. Franklin St., P.O Box 333,
Manchester, IA 52057
p2w3