Entered for taxation 22nd day
of June A.D. 2011
Cadath Bocher Auditor
By D. Hildebrand Deputy
88-233



Book 2011 Page 1991

Document 2011 1991 Type 04 004 Pages 5
Date 6/21/2011 Time 9:57:06AM
Rec Amt $29.00 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)
Todd J. Locher, 202 2nd Avenue NW, Box 7, Farley, IA 52046, Phone: (563) 744-3359

**Taxpayer Information:** (Name and complete address)
Juanita M. Bakey, 1512 Southern Avenue, Dubuque, IA 52003-8513

GW
**Return Document To:** (Name and complete address)
Todd J. Locher, 202 2nd Avenue NW, Box 7, Farley, IA 52046, Phone: (563) 744-3359

**Grantor:**
Juanita M. Bakey

**Grantee:**
James J. Golden
Audrey J. Golden

**Legal description:** See Notice of Forfeiture attached hereto as page ~~x~~ 3

**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 DUBUQUE

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

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.

Juanita M. Bakey
Affiant

Signed and sworn to (or affirmed) before me on 17th day of June, 2011, by Juanita M. Bakey

TODD J. LOCHER
Iowa Notarial Seal
Commission Number: 176419
My Commission Expires: 10/12/12

Todd J. Locher, 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 _____ 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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# NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: James J. Golden, 308 Franklin St., Delhi, IA 52223 and
Audrey J. Golden, 719 7th Avenue SE, Dyersville, IA 52040

You and each of you are hereby notified:

(1) The written contract dated May 25, 2006, and executed by Gerald E. Bakey and Juanita M. Bakey as Vendors, and James J. Golden and Audrey J. Golden as Vendees, (insert recording data) recorded the 8th day of June, 2006, in the office of the Delaware County Recorder, recorded as document reference number Book 2006 Page 2052 for the sale of the following described real estate:

Lots One (1) and Two (2) of the Subdivision of Lot One Hundred Twenty Three (123) in "Clair-View Acres at Delhi, Iowa" in Sections Twenty Three (23) and Twenty Six (26), Milo Township, Delaware County, Iowa, according to plat recorded in Book 2 Plats, Page 200 #2

has not been complied with in the following particulars:

| | | |
|---|---|---|
| (a) | Contract payment for March 15, 2011 | $ 2,500.00 |
| (b) | | $ |
| (c) | | $ |
| (d) | | $ |
| | **Total** | $ 2,500.00 |

(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.

Gerald E. Bakey

Juanita M. Bakey
Vendors
(or Successors in Interest)

By _____
Todd J. Locher
Their Attorney -

Address: 202 2nd Avenue NW, Box 7, Farley, IA 52046

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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# Return of Service

## IN THE IOWA DISTRICT COURT DELAWARE COUNTY

**Case Name:** GERALD E BAKEY AND JUANITA M BAKEY

**VS**

JAMES J. GOLDEN AND AUDREY J. GOLDEN

**Case No.:** - **S.O. No.:** 3,464 ☐ Mediation Notice Served with Action.

**Notice Received This Date:** 5/11/2011

**STATE OF IOWA**

DELAWARE County } SS.

**I certify that I served a copy of:** NOTICE OF FORFEITURE OF RE CONTRACT

**Served:** JAMES J. GOLDEN

**at** 1440 FIELD OF DREAMS DYERSVILLE IA **on** 5/17/2011 10:30 AM

**Type Of Service:** PERSONAL/AWAY FROM RESIDENCE

**Notes: Diligent Search/Remarks**

| **FEES:** | |
|---|---|
| Processing: | $15.00 |
| Mileage : | $23.46 |
| Copy : | |
| Notary : | |
| Misc. : | |
| **Total :** | **$38.46** |

FEES PAID BY:

JOHN LECLERE ,SHERIFF
DELAWARE COUNTY IA

28-19

DEPUTY MIKE WILSON

FORM 101H-012DBQ — FIDLAR ELECTION CO., ROCK ISLAND, ILLINOIS

In the Iowa District Court, for Dubuque County

Case Name Bakey vs Golden
Case No. Notice of Forfeiture
Notice recd. this date 5/11/11

STATE OF IOWA
DUBUQUE COUNTY } SS

**RETURN OF SERVICE:**

| | | Type of Service Code |
|---|---|---|
| λ | Personal | 1 |
| ___ | Dwelling/Substitute | 2 |
| ___ | Hotel, Boarding/Rooming House | 3 |
| ___ | Corporation/Association | 4 |
| ___ | Official (State, County, City) | 5 |
| ___ | Spouse away from residence | 6 |
| ___ | Other ___ | 7 |

I certify that I served a copy of:

- ☐ Petition and Original Notice
- ☐ Modification/Application and Notice
- ☐ Order to Show Cause
- ☐ Order Filed ___
- ☐ Writ ___
- ☒ Other Notice of Forfeiture

Served:

| | | | | | | Type Code |
|---|---|---|---|---|---|---|
| Audrey Golden (NAME) | at | 719 7th Ave SE Dyersville (ADDRESS) | on | 5/11/11 (DATE) | | 1 |
| ___ | at | ___ | on | ___ | | |
| ___ | at | ___ | on | ___ | | |
| ___ | at | ___ | on | ___ | | |
| ___ | at | ___ | on | ___ | | |
| ___ (NAME) | by serving | ___ (NAME) | at | ___ (ADDRESS) | | |

___ on 5/11/11, (a person residing therein who was then at least 18 years old) or (spouse away from residence). [Strike non-applicable part.]

___ (COMPANY/GOVERNMENT UNIT NAME) by serving ___ (NAME)

___ its (TITLE), on ___ (DATE), at ___

NOTES: (Diligent Search, etc.)

DON A. VROTSOS Sheriff

DUBUQUE, County, Iowa

Fees:
Service $15.00
Mileage $28.00
Copy ___
Total $43.00

Eh J. Ell (BD)
DEPUTY SHERIFF (OFFICIAL TITLE)

Fees charged to/paid by Atty/Party: ___

NOTE: Copy of Original Notice, if served, must be attached to this form.