Entered for taxation 19th day
of March AD 2013
Carla K. Becker Auditor
By P. Hildebrand Deputy

Book 2013 Page 970
Document 2013 970 Type 04 004 Pages 3
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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)
Timothy T. Schloss, 118 West Mission St., P.O. Box 560, Strawberry Point, IA 52076, Phone: (563) 933-2029

Taxpayer Information: (Name and complete address)
TRX, Inc., 116 N. Steele Drive, Oelwein, Iowa 50662-9405

Return Document To: (Name and complete address)
Timothy T. Schloss, 118 West Mission St., P.O. Box 560, Strawberry Point, IA 52076, Phone: (563) 933-2029

~~Grantor~~ GRANTEE:
TRX, Inc. by John W. Adams

~~Grantee~~ GRANTOR:
David Minnihan
a/k/a Dave Minnihan

Legal description: See Page 2

Document or instrument number of previously recorded documents:
Book 2009 Page 2835

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THE IOWA STATE BAR ASSOCIATION Official Form No 176	Timothy T. Schloss	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 CLAYTON

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.

John W Adams
Affiant

Signed and sworn to (or affirmed) before me on March 14, 2013, by TRX, Inc. by John W. Adams

TIMOTHY T. SCHLOSS
Commission Number 112102
My Commission Expires
11/7/2014

Timothy T. Schloss
, 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

THE IOWA STATE BAR ASSOCIATION Official Form No. 175	Timothy T. Schloss	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 2-14-13 TIME 3:17 pm

TO: David Minnihan, 413 East Main Street, Manchester, Iowa 52057

You and each of you are hereby notified:

(1) The written contract dated July 3, 2009, and executed by TRX, Inc. by John W. Adams as Vendors, and David Minnihan as Vendees, (insert recording data) recorded the 15th day of July, 2009, in the office of the Delaware County Recorder, recorded as document reference number Book 2009 Page 2835 for the sale of the following described real estate:

Lot 162 in the City of Manchester, Delaware County, Iowa, according to the recorded plat thereof, subject to easements and restrictions of record.

has not been complied with in the following particulars:

(a)	Principal payment due	$ 4,177.19
(b)	Property tax due to TRX	$ 3,055.00
(c)	Interest to January 31, 2013	$ 4,149.99
(d)	Interest to February 7, 2013 ($9.67 per day)	$ 67.69
	Total	$ 11,449.87

(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.

TRX, Inc. by John W. Adams

Vendors
(or Successors in Interest)

By Timothy T. Schloss
Their Attorney -
Address: 118 W Mission St, P.O. Box 560, Strawberry Point, IA 52076

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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