Book 2013 Page 1632

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Entered for taxation 20th day
of May AD 2013
Carla K. Becker Auditor
By P. Hilderbrand Deputy

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)
Farmers Savings Bank, 205 Main Street, Colesburg, Iowa 52035

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

Grantor:
~~See Page 2~~

AARON J. BILLMEYER
ALLISON A. BILLMEYER

Grantee:
~~See Page 2~~

ROSEMARY CLARA TOTMAN
RICHARD TOTMAN

Legal description: See Page ~~2~~ #3

Document or instrument number of previously recorded documents:

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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 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

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.

Rosemary C Totman
Affiant
Rosemary Clara Totman

Signed and sworn to (or affirmed) before me on May 9, 2013, by Rosemary Clara Totman

NOTARIAL SEAL IOWA
MARK E. WHITE
COMMISSION NUMBER 740211
My Comm. Exp. 4-14-15

Mark E. White
Mark E. White, 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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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

TO: Aaron J. Billmeyer and Allison A. Billmeyer, 1051 265th Avenue, Greeley, Iowa 52050

You and each of you are hereby notified:

(1) The written contract dated December 30, 2009, and executed by

as Vendors, and

as Vendees,

(insert recording data) recorded the 29th day of January, 2010, in the office of the Delaware County Recorder, recorded as document reference number Book 2010 Page 299 for the sale of the following described real estate:

That part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Two (2), Township Ninety (90) North, Range Five (5), West of the Fifth P.M., described as commencing at a point fifty-six (56) rods South and forty (40) rods East of the Northwest corner of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Two (2), thence West to the West side of the sidewalk on the West side of Washington Street, formerly Delaware Street, thence North one hundred forty six (146) feet, thence West one hundred forty eight (148) feet, thence South one hundred forty six (146) feet, thence East one hundred forty eight (148) feet to the point of beginning, except the Southerly eighteen (18) feet thereof.

has not been complied with in the following particulars:

(a)	Payments in arrears	$ 25,000.00
(b)		$
(c)		$
(d)		$
	Total	$ 25,000.00

(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.

Rosemary Clara Totman

Richard Totman

Vendors (or Successors in Interest)

By Timothy T. Schloss

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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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
✓ Aaron Billmeyer	✓ 3-31-13	Greeley, Iowa
✓ Allison Billmeyer	✓ 3-31-13	

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