Entered for taxation 11th day
of October AD 2013
Cindy K. Becker Auditor
By D. Hildebrand Deputy

Book 2013 Page 3235

Document 2013 3235 Type 04 004 Pages 7
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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)
Kristofer J. Lyons, 114 South Cedar St. , Monticello, IA 52310, Phone: (319) 465-5448

Taxpayer Information: (Name and complete address)
R & R Realty, Inc. 23360 Fairview Road, Anamosa, IA 52205

Return Document To: (Name and complete address)
Kristofer J. Lyons, 114 South Cedar St. , Monticello, IA 52310, Phone: (319) 465-5448

GRANTORS:
R & R Realty, Inc.

GRANTEES:
Jared Latham
Tanya Maloney

Legal description: See Page 2

Document or instrument number of previously recorded documents: Book 2010 Page 66

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AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF JONES

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.

Rob Hunt

Affiant

Signed and sworn to (or affirmed) before me on 10-9-2013, by Rob Hunt, President of R & R Realty, Inc., an Iowa Corporation.

NOTARIAL SEAL IOWA

KRISTOFER J. LYONS
Commission Number 730812
My Commission Expires
10-1-2017

, 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	Kristofer J. Lyons	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Jared Latham and unknown spouse of Jared Latham; Tanya Maloney and unknown spouse of Tanya Maloney; and parties in possession

You and each of you are hereby notified:

(1) The written contract dated January 6, 2010, and executed by R & R Realty, Inc. as Vendors, and Jared Latham and Tanya Latham as Vendees, (insert recording data) recorded the 8th day of January, 2010, in the office of the DELAWARE County Recorder, recorded as document reference number 2010 66 for the sale of the following described real estate:

Parcel F - Part of Parcel A of the SW 1/4 Of Section 18, T87N, R3W of the Fifth P.M., City of Hopkinton, Delaware County, Iowa, Part Of H.A. Carter's Third Addition, according to plat recorded in Book 8, Plats, Page 125, as corrected by Affidavit recorded in Book 1999, Page 3581.

has not been complied with in the following particulars:

(a)	July 2012 Payment	$ 350.00
(b)	August 2012 Payment	$ 350.00
(c)	September 2012 Payment	$ 350.00
(d)	See Addendum 1	$
	Total	$ 4,550.00

(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.

R & R Realty, Inc.

Vendors
(or Successors in Interest)

By _____
Kristofer J. Lyons
Their Attorney -

Address: 114 S. Cedar Street, Monticello, IA 52310

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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Addendum

Addendum 1

a. October 2012 Payment
b. 350.00

a. November 2012 Payment
b. 350.00

a. December 2012 Payment
b. 350.00

a. January 2012 Payment
b. 350.00

a. February 2012 Payment
b. 350.00

a. March 2012 Payment
b. 350.00

a. April 2012 Payment
b. 350.00

a. May 2012 Payment
b. 350.00

a. June 2012 Payment
b. 350.00

a. July 2012 Payment
b. 350.00

PROOF OF SERVICE

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT
STATE OF IOWA COUNTY OF DELAWARE

To:	)	
Jared Latham and Unknown Spouse of	)	**PROOF OF SERVICE**
Jared Latham, Tanya Maloney and	)	
Unknown Spouse of Tanya Maloney	)	
And Parties in Possession	)	
	)	
	)	

I certify that on the 24th day of August, 2013 I served Parties in Possession of 302 College Street NE, Hopkinton Iowa copy of the Notice of Forfeiture of Real Estate Contact by Posting a copy of the Notice on front door of property at 3180 Pleasant Street, Springville Iowa. The property appears to have been abandoned. Service was made at 302 College Street NE in Hopkinton Iowa at approximately 4:25 P.M.

Allen E. Willman

SERVICE FEE	**$ 40.00**
Mileage 180 Miles	**$ 90.00**
Total	**$130.00**

Subscribed and sworn to before me by the said Allen E. Willman on this 26th day of August, 2013.

Notary Public State of Iowa

NOTARIAL SEAL IOWA

CHRISTOPHER J LYONS
Commission Number 730812
My Commission Expires

PROOF OF SERVICE

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT
STATE OF IOWA COUNTY OF DELAWARE

To:	)	
Jared Latham and Unknown Spouse of	)	**PROOF OF SERVICE**
Jared Latham, Tanya Maloney and	)	
Unknown Spouse of Tanya Maloney	)	
And Parties in Possession	)	
	)	
	)	

I certify that on the 20th day of August, 2013 I served Tanya Maloney copy of the Notice of Forfeiture of Real Estate Contact by personal service on Tanya Maloney at Strawberry Hill Apartments Building 600 Apt 4. Service was made at 1800 Hwy 64 East, Anamosa Iowa. Service was made at approximately 1:45 P.M.

Allen E. Willman

SERVICE FEE	**$25.00**
Mileage 30 Miles	**$15.00**
Total	**$40.00**

Subscribed and sworn to before me by the said Allen E. Willman on this 26th day of August, 2013.

Notary Public State of Iowa

NOTARIAL SEAL IOWA
KRISTOFER J LYONS
Commission Number 730812
My Commission Expires
10-1-16

PROOF OF SERVICE

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT
STATE OF IOWA COUNTY OF DELAWARE

To:	)	
Jared Latham and Unknown Spouse of	)	**PROOF OF SERVICE**
Jared Latham, Tanya Maloney and	)	
Unknown Spouse of Tanya Maloney	)	
And Parties in Possession	)	
	)	
	)	

I certify that on the 20th day of August, 2013 I served Jared Latham copy of the Notice of Forfeiture of Real Estate Contact by delivering a copy to Jessica Lakose his sister and who he is residing with at 3180 Pleasant Street, Springville Iowa. Service was made at 3180 Pleasant Street in Springville Iowa. Service was made at approximately 2:10 P.M.

Allen E. Willman

SERVICE FEE	**$25.00**
Mileage 48 Miles	**$24.00**
Total	**$49.00**

Subscribed and sworn to before me by the said Allen E. Willman on this 26th day of August, 2013.

Notary Public State of Iowa

NOTARIAL SEAL IOWA
KRISTOFER J. LYONS
Commission Number 730812
My Commission Expires