Book 2013 Page 3562

Document 2013 3562 Type 04 004 Pages 7
Date 11/13/2013 Time 10:21:42AM
Rec Amt $37.00 Aud Amt $5.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Entered for taxation 14th day
of November A D 2013
Carla K. Becker, Auditor
By P. Hilkmann, 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)
Douglas D. Ruppert
122 South Linn Street
Iowa City, IA 52240
Phone: (319) 338-9222

Taxpayer Information: (Name and complete address)
XXX Carol Brockmeyer, c/o Mark Brockmeyer, 28 Green Mountain Drive, Iowa City, IA 52245

Return Document To: (Name and complete address)
Douglas D. Ruppert
122 South Linn Street
Iowa City, IA 52240

Grantor:
XXX Carol J. Brockmeyer

Grantee:
XXX Kurt Brockmeyer

Legal description: See 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 JOHNSON

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 the parties in possession of the real estate at the time of service of said notice were: Kurt Brockmeyer; Susan Nichols; Ron Ingles; and Rick and Heather Bristow.

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.

Douglas D. Ruppert
Affiant

Signed and sworn to (or affirmed) before me on November 12, 2013, by Douglas D. Ruppert

JILL A. BAETSLE
Commission Number 192363
My Commission Expires
9/9/15

, 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

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 10-7-13 TIME 10:33 AM

TO: Kurt Brockmeyer, single, and all parties in possession of the real estate described herein

You and each of you are hereby notified:

(1) The written contract dated November 1, 2008, and executed by Carol J. Brockmeyer, a single person, as Vendors, and Kurt Brockmeyer, a single person, as Vendees, (insert recording data) recorded the 10th day of November, 2008, in the office of the Delaware County Recorder, recorded as document reference number 2008 3468 (Book 2008, Page 3468) for the sale of the following described real estate:

Lot 166 of the City of Manchester and the W1/2 of that part of vacated Potter Street lying South of the South line of Main Street and North of the North line of Delaware Street in the City of Manchester, Delaware County, Iowa,

has not been complied with in the following particulars:

(a)	September 1, 2013 monthly payment	$ 1,000.00
(b)	October 1, 2013 monthly payment	$ 1,000.00
(c)	September 2013 real estate tax payment	$ 1,041.00
(d)	Cumulative delinquent balance on prior monthly payments	$ 13,530.65
	Total	$ 16,571.65

(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.

Carol J. Brockmeyer
Vendors
(or Successors in Interest)

By Douglas D. Ruppert
Douglas D. Ruppert
Their Attorney -

Address: 122 South Linn Street
Iowa City, IA 52240

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 IN AND FOR DELAWARE COUNTY

CAROL J. BROCKMEYER
VS
KURT BROCKMEYER

Case Number: **BROCKMEYER,KURT**
Civil Number: **13-000774**
Date Received: **10/07/2013 @ 10:33**
Date Printed: 10/09/2013 @ 8:01

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

NOTICE OF FORFEITURE OF REAL ESTATE

To: **BROCKMEYER,KURT at DELAWARE CO SHERIFF - 304 E DELAWARE ST, MANCHESTER, IA 520**
on **10/08/2013 @ 19:20** Type of Service: **PERSONAL/AWAY FROM RESDIENC**

Remarks:

Fees:

Service Fees:	15.00
Mileage:	0.00
Copies:	0.00
Other Fees:	0.00
Total:	15.00

Paid By:
Date:
Check #:

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: _____
LUKE THOMSEN 0JKTH

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

CAROL J. BROCKMEYER
VS
KURT BROCKMEYER

Case Number: **BROCKMEYER,KURT**
Civil Number: **13-000774**
Date Received: **10/07/2013 @ 10:33**
Date Printed: 10/09/2013 @ 8:01

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

NOTICE OF FORFEITURE OF REAL ESTATE

To: **NICHOLS,SUSAN at 513 E MAIN ST APT B, MANCHESTER, IA 52057**
on **10/08/2013 @ 19:20** Type of Service: **PERSONAL**

Remarks:

Fees:

Service Fees:	10.00
Mileage:	0.00
Copies:	0.00
Other Fees:	0.00
Total:	10.00

Paid By:
Date:
Check #:

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: _____
LUKE THOMSEN 0JKTH

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

CAROL J. BROCKMEYER
VS
KURT BROCKMEYER

Case Number: **BROCKMEYER,KURT**
Civil Number: **13-000774**
Date Received: **10/07/2013 @ 10:33**
Date Printed: 10/09/2013 @ 8:01

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

NOTICE OF FORFEITURE OF REAL ESTATE

To: INGLES,RON at 513 E MAIN ST APT A, MANCHESTER, IA 52057
on **10/08/2013 @ 23:59** Type of Service: **PERSONAL**

Remarks:

Fees:

Service Fees:	15.00
Mileage:	1.00
Copies:	0.00
Other Fees:	0.00
Total:	16.00

Paid By:
Date:
Check #:

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: Deputy J. Rahe 28-9
JILL RAHE

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

CAROL J. BROCKMEYER
VS
KURT BROCKMEYER

Case Number: **BROCKMEYER,KURT**
Civil Number: **13-000774**
Date Received: **10/07/2013 @ 10:33**
Date Printed: 10/09/2013 @ 8:01

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

NOTICE OF FORFEITURE OF REAL ESTATE

To: **BRISTOW,RICK AND HEATHER at 513 1/2 E MAIN ST, MANCHESTER, IA 52057**
on **10/08/2013 @ 14:57** Type of Service: **PERSONAL**

Remarks:

Fees:

Service Fees:	25.00
Mileage:	1.00
Copies:	0.00
Other Fees:	0.00
Total:	26.00

Paid By:
Date:
Check #:

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: _____
LUKE THOMSEN 0JKTH