Entered for taxation 10 day
of December AD 2013
Carlat Becker Auditor
By A. Rave Deputy

Book 2013 Page 3785

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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 #176
Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)
Adrian T. Knuth, 320 W. Main St., P.O. Box 458, Anamosa, IA 52205, Phone: (319) 462-4378

Taxpayer Information: (Name and complete address)
L. J. and R. Marie Takes, 12756 Richland Rd., Monticello, Iowa 52310

Return Document To: (Name and complete address)
Robert J. O'Shea, O'Shea & O'Shea, PC, 1007 Longfellow Drive, Hiawatha, Iowa 52233

Grantors:
AmeriFirst Home Improvement Finance Co.

Grantees:
L. J. Takes
R. Marie Takes

Legal description: See Page 2

Document or instrument number of previously recorded documents: Book 2005 page 4314

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THE IOWA STATE BAR ASSOCIATION Official Form No. 176	Adrian T. Knuth	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 JONES, ss:

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 canceled and is of no force and effect whatsoever.

Adrian T. Knuth, Affiant

Signed and sworn to (or affirmed) before me this 5 day of December, 2013, by Adrian T. Knuth.

LINDSAY B. DUNCAN
Commission Number 777019
My Commission Expires
02/13/16

Signature of 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.

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RETURN OF SERVICE

In the Iowa District Court For DELAWARE COUNTY

Case Name: L J TAKES/ R MARIE TAKES
vs
JOHN J WIENEKE/ GLENDA GLASGOW WIENEKE

Case No.: Sheriff's File No.: 13020965
Notice rec'd : 10/18/2013

STATE OF IOWA POLK COUNTY } SS.

I certify that I served a copy of : NOTICE

to AMERIFIRST HOME IMPROVEMENT FINANCE COMPANY Type of service: REGISTERED AGENT

by delivering a copy to: CINDY CORDARO

a person at least 18 years of age described as

Address of service: %RA SOLUTIONS INC 4900 UNIVERSITY AVENUE STE 110 WEST DES MOINES, IA 50265

Date and time of service: 10/21/2013 10:00 AM
Trips:

Comments:

FEES:

PROCESSING FEE ($15.00)
MILEAGE FEE ($10.08)
Total:$25.08

BILL McCARTHY Sheriff

Polk County, Iowa

John Braswell

JOHN BRASWELL **Deputy/Server**

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

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: AmeriFirst Home Improvement Finance Co.

You and each of you are hereby notified:

(1) The written contract dated November 21, 2005, and executed by L. J. Takes and R. Marie Takes, husband and wife, as Vendors, and John J. Wieneke and Glenda Glasgow-Wieneke as Vendees, (insert recording data) recorded the 5th day of December, 2005, in the office of the Delaware County Recorder, recorded as document reference number 2005 4314 for the sale of the following described real estate:

That part of the Northwest Fractional Quarter of Section 6, Township 87 North, Range 5 West of the 5th P.M., designated as Parcel A per the plat of survey filed of record October 18, 2005 as Document No. 2005 3762 in Book 2005 at page 3762 in the Office of the Delaware County Recorder.

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POLK COUNTY, IA
SHERIFFS DEPT

has not been complied with in the following particulars:

(a) The balance due under the contract as of 11/21/10 has not been paid.	$	138,226.97
(b) The real estate taxes for fiscal year 2009-2010 have not been paid.	$	771.00
(c)	$	
(d)	$	
Total	$	138,997.97

(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.

L. J. AND R. MARIE TAKES
Vendors
(or Successors in Interest)

By Adrian T. Knuth
Adrian T. Knuth
Their Attorney -

Address: 320 W. Main St., P.O. Box 458,
Anamosa, IA 52205

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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