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Carla V. Becker Auditor
By V. Hildebrand Deputy

Book 2015 Page 2724

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Daneen Schindler, 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)
Thomas J. Hanson , 401 East Main Street, Manchester, IA 52057, Phone: (563) 927-5920

Taxpayer Information: (Name and complete address)
Wolfe Properties, LLC 490 West 34th Court, Marion, IA 52302

Return Document To: (Name and complete address)
Thomas J. Hanson , 401 East Main Street, Manchester, IA 52057

Grantors:
Wolfe Properties LLC by
Richard J. Wolfe

Grantees:
Kenneth Eiben
Diane Eiben

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	Thomas J. Hanson	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, 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.

●

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.

Wolfe Properties, LLC

x _____

By: Richard J. Wolfe - Manager & Member, Affiant

Signed and sworn to (or affirmed) before me this 5 day of October, 2015, by Richard J Wolfe - Mgr & Member of Wolfe Properties, LLC.

THOMAS J. HANSON
Commission Number 115040
My Commission Expires
September 22, 2016

_____
Signature of Notary Public

● 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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THE IOWA STATE BAR ASSOCIATION Official Form No. 175	Thomas J. Hanson	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Kenneth Eiben and Diane Eiben
501 Franklin Street, Ryan, Iowa 52330

You and each of you are hereby notified:

(1) The written contract dated September 1, 2009, and executed by R & L Limited, a Partnership (and sold to Wolfe Properties, LLC) as vendors, and Kenneth Eiben and Diane Eiben, husband and wife as vendees, recorded the 1st day of September, 2009, in the office of the Delaware County Recorder, recorded as document reference number Book 2009, Page 3454, for the sale of the following described real estate:
The North one-half (N½) of Lots Six (6) and Seven (7) of the Subdivision of Block Fifteen (15), Ryan, Iowa, according to plat recorded in Book 1 Plats, Page 119.

has not been complied with in the following particulars:

(a)	You have filed to pay the entire principal balance due on 9/1/15 in the amount of	$ 53,859.64
(b)		$
(c)		$
(d)		$
	Total	$ 53,859.64

(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.

x Richard J. Wolfe

Wolfe Properties, LLC By: Richard J. Wolfe -, Vendor
Manager and Member

_____, Vendor
(or Successors in Interest)

By _____
Thomas J. Hanson, Attorney
ICIS PIN No: 02110

Address: 401 E Main Street, Manchester, Iowa 52057

Chapter 656. The Iowa 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
*Kenneth Eiben Kenneth Eiben	*9,2,2015	*1671 Cherokee Dr Marion
*Diane Eiben Diane Eiben	*9-2-2015	*1621 Cherokee Dr Marion, IA 52302

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA, COUNTY OF _____

The undersigned, first being duly sworn, upon oath deposes and states that he 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	Date	City and County	State

Signed and sworn to (or affirmed) before me this ____ day of _____, _____, by _____.

_____
Signature of Notary Public