Book 2017 Page 711

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Entered for taxation 13th day
of March AD 2017
Cathy Barker, Auditor
By [illegible], 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)
Thomas J. Hanson, 401 East Main Street, Manchester, IA 52057, Phone: (563) 927-5920

**Taxpayer Information:** (Name and complete address)
Charles G. Haynes, 2720 180th Avenue, Manchester, IA 52057

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

**Grantors:**
Heather D. Haynes

**Grantees:**
Charles G. Haynes

**Legal description:** See Page 2

**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 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.

x Charles G. Haynes

Charles G. Haynes, Affiant

Signed and sworn to (or affirmed) before me on March 10, 2017 by Charles G. Haynes.

THOMAS J HANSON
Commission Number 115040
My Commission Expires
September 22, 2019

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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# NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Heather D. Haynes

You and each of you are hereby notified:

1. The written contract dated September 26, 2013, and executed by Charles G. Haynes, a single person as vendors, and Heather D. Haynes as vendees, recorded on October 10, 2013, in the office of the Delaware County Recorder, recorded as document reference number Book 2013, Page 3237, for the sale of the following described real estate:
   Parcel E part of the N½ NW¼ Section 33, T88N, R5W 5th P.M., Delaware County, Iowa, according to plat recorded in Book 2007, Page 3729.

has not been complied with in the following particulars:

| | | |
|---|---|---|
| (a) | You have failed to make payments of $500.00 per month for | $ |
| (b) | the months of May through December of 2015; all of 2016 and January of 2017 | $ 10,500.00 |
| (c) | | $ |
| (d) | | $ |
| | **Total** | $ 10,500.00 |

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.

X Charles G. Haynes

Charles G. Haynes, Vendor

, Vendor
(or Successors in Interest)

By

Thomas J. Hanson, Attorney
ICIS PIN No: 02110

401 East Main Street
Manchester, Iowa 52057
Address

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 |
|---|---|---|
| [illegible] | 2/7/17 | Seattle, WA |
| | | |
| | | |
| | | |

## 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 on _____, by _____ _____.

_____
Signature of Notary Public