Book 2019 Page 3499

2019 3499 Type 04 004 Pages 6
Date 12/11/2019 Time 10:00:04AM
Rec Amt $32.00 Aud Amt $5.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARER: Nick Strittmatter 123 East First Street PO Box 229 Monticello,IA 52310 Ph 319-465-3531
TAX INFO: Zetta M. LeClere, 657 Fifth Avenue, Marion, IA 52302
RETURN TO: PREPARER

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.

There are no parties in possession of said real estate at this time as the property has been vacant for the past year.

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 days 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.

NICK STRITTMATTAER **Affiant**

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 5th day of December, 2019.

VICKY L. MULLER **Notary Public**

NOTARIAL SEAL IOWA
VICKY L MULLER
COMMISSION NUMBER 787987
MY COMMISSION EXPIRES
01.21.2021

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: CORY R. SMITH
307 South 60th Ave. West, Box 218
Newton, IA 50208

You and each of you are hereby notified:

(1) The written contract recorded May 7, 2018, as Document 2018 1191 of the Delaware County Recorder records, and executed by Zetta M. LeClere, as Vendor, and Cory R. Smith as Vendee, for the sale of the following described real estate:

Lots Four (4) and Twenty Three (23), Block Five (5), H. A. Carter's Second Addition to Hopkinton, IA, according to plat recorded in Book 2, L.D., Page 329.

has not been complied with in the following particulars:

a)	Failure to make contract payments due 01/01/2019 thru 10/01/2019	$3,250.00
b)	Failure to pay property taxes due 03/2019 and 09/2019	$ 457.00
	TOTAL:	**$3,707.00**

(2) The contract shall stand forfeited unless the parties in default, within thirty (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.

ZETTA M. LECLERE, Vendor

By: _____ 10/28/19

NICK STRITTMATTER (Vendor's Attorney)
P.O. Box 229
Monticello, Iowa 52310-0229

ACKNOWLEDGEMENT OF SERVICE

I, Cory R. Smith, hereby acknowledge due, timely, and legal service of this Notice and acknowledge receipt of a copy on this 1 day of November, 2019 in the City of Newton, Iowa. I make no objection to this NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT.

_____ 11/1/19
CORY R. SMITH, Vendee

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ZETTA M. LECLERE, Vendor

By: _____

NICK STRITTMATTER (Vendor's Attorney)
P.O. Box 229
Monticello, Iowa 52310-0229

ACKNOWLEDGEMENT OF SERVICE

I, John W. Bernau, Delaware County Attorney, hereby acknowledge receipt of the above Notice on this 1st day of NOVEMBER, 2019 in the City of Manchester, Iowa.

_____
JOHN W. BERNAU, Delaware County Attorney

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OF REAL ESTATE CONTRACT

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ZETTA M. LECLERE, Vendor

By: _____
NICK STRITTMATTER (Vendor's Attorney)
P.O. Box 229
Monticello, Iowa 52310-0229

ACKNOWLEDGEMENT OF SERVICE

There undersigned hereby acknowledge receipt of the above Notice on this 1st day of November, 2019 in the City of Waterloo, Iowa.

IOWA CHILD SUPPORT RECOVERY UNIT

By: Janice Kullen-Savage Support Recovery Officer.
Title

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR JASPER COUNTY

ZETTA M LECLERE
VS
CORY R SMITH

Case Number: **SMITH,CORY**
Civil Number: **19-000860**
Date Received: **10/30/2019 @ 10:54**
Date Printed: 10/31/2019 @ 10:27

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:
NOTICE OF FORFEITURE OF RE CONTRACT

To: HALE,ANDREA JOANN at 512 HOWARD ST RYAN, IA 52330
on **10/31/2019 @ 21:19** Type of Service: **PERSONAL**
Remarks:

Fees:

Service Fees:	30.00
Mileage:	11.60
Copies:	0.00
Total:	41.60

Paid By:
Date:
Check #:

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: **/S/** T SCHWENDINGER

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 10-30-19 TIME 10:54AM

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