Book 2019 Page 3636

2019 3636 Type 04 004 Pages 4
Date 12/23/2019 Time 10:47:54AM
Rec Amt $22.00 Aud Amt $5.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Timothy T Schloss
P.O. Box 560
Strawberry Pt IA 52076

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)
Timothy T. Schloss, 118 West Mission Street, PO Box 560, Strawberry Point, Iowa 52076
Phone: (563) 933-2029

Taxpayer Information: (Name and complete address)
Wayne Davis, 410 Woodview Street, Dundee, IA 52038

Return Document To: (Name and complete address)
Timothy T. Schloss, 118 West Mission Street, PO Box 560, Strawberry Point, Iowa 52076

Grantors:
See Page 2

Grantees:
See Page 2

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 CLAYTON, 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.

Wayne Davis, Executor, Affiant

Signed and sworn to (or affirmed) before me on 12-16-19, by Wayne Davis, Executor.

Laurie A. Wiskus
Signature of Notary Public

LAURIE A. WISKUS
Commission Number 742053
My Commission Expires
8-2-2021

*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: Daniel L. Barton and Tracy M. Barton, 402 Woodview Street, Dundee, Iowa 52038

You and each of you are hereby notified:

1. The written contract dated January 11, 2011, and executed by Ina Mae Davis and Robert P. Davis a/k/a Robert Perry Davis as vendors, and Daniel L. Barton and Tracy M. Barton as vendees, recorded on January 11, 2011, in the office of the Delaware County Recorder, recorded as document reference number Book 2011 Page 157, for the sale of the following described real estate:

Parcel L in the SW 1/4 of the SW 1/4 of Section 27, Twp. 90 North, Range 6 W of the 5th P.M., Delaware County, Iowa, according to plat recorded in Book 8 Plats, Page 70

has not been complied with in the following particulars:

(a) Unpaid property taxes	$ 756.00
(b) (2) months unpaid payments	$ 550.00
(c)	$
(d)	$
Total	$ 1,306.00

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.

_____, Vendor

Ina Mae Davis Estate by Wayne Davis, Executor, Vendor
(or Successors in Interest)

By_____
Timothy T. Schloss, Attorney
ICIS PIN No: AT0007025
118 West Mission Street
PO Box 560
Strawberry Point, Iowa 52076
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
Dan Barton	10-26-19	
Tracy Miller	9-13-19	

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA, COUNTY OF _____

The undersigned, first being duly sworn, upon oath deposes and states that he/she served the Notice of Forfeiture 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

_____
, Affiant

Signed and sworn to (or affirmed) before me on _____, by _____
_____.

_____
Signature of Notary Public