Recorded: 8/19/2020 at 4:02:45.0 PM
County Recording Fee: $52.00
Iowa E-Filing Fee: $3.00
Combined Fee: $55.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2020 PG: 2801

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

THE IOWA STATE BAR ASSOCIATION
Official Form No. 176
Recorder's Cover Sheet

Preparer Information: Scott M. O'Shea
1007 Longfellow Drive
Hiawatha, IA 52233
(319) 362-3640

Taxpayer Information: Iowa Investment Properties, LLC
2530 Victoria Street
Marion, Iowa 52302

Return Document To: Iowa Investment Properties, LLC
2530 Victoria Street
Marion, Iowa 52302

Grantors: N/A

Grantees: N/A

Legal Description: Lots Six Hundred Sixty One – A (661A) and Six Hundred Sixty Two – A (662A), Manchester, Iowa, according to plat recorded in Book I L.D., Pages 284-285

Document or instrument number of previously recorded documents:

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF LINN

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 attached returns, included all parties in possession of said real estate at the time of service of said notice.

David A. Bailey was served by accepting service and executing an Acknowledgement of Service on March 27, 2020.

That after determining personal service could not be made upon Cindy L. Long, the affiant placed the Notice of Forfeiture of Real Estate for publication for three (3) consecutive weeks with the Manchester Press on April 15, 2020, April 22, 2020 and April 29, 2020 per the attached affidavit. A copy of the Notice of Forfeiture was not mailed to Cindy L. Long as it was discovered she was deceased as of November 5, 2019.

Pursuant to Internal Revenue Code Section 7425(c), the Internal Revenue Service was provided a Notice of Sale (Forfeiture) via certified mail on June 19, 2020.

That as shown by such returns, more than 30 days has passed since the service of such Notice.

That the default(s) mentioned in said Notice has 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 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.

Date: August 19, 2020

Scott M. O'Shea, Attorney for Affiant

Signed and sworn to (or affirmed) before me on August 19, 2020, by Scott M. Attorney for Affiant.

JASON C MCCARVILLE
Commission Number 824433
My Commission Expires
March 30, 2021

Notary Public in and for State of Iowa

NOTICE OF FORFEITURE
OF REAL ESTATE CONTRACT

TO: DAVID A. BAILEY

You and each of you are hereby notified:

(1) The written contract dated the 25th day of January, 2013, and executed by Iowa Investment Properties LLC, an Iowa limited liability company, as Seller/Vendor, and David A. Bailey and Cindy L. Long, as Buyers/Vendees, recorded on January 29, 2013 in Book 2013, Page 424 in the office of the Delaware County, Iowa Recorder's Office, for the sale of the following described real estate:

Lots Six Hundred Sixty One – A (661A) and Six Hundred Sixty Two – A (662A), Manchester, Iowa, according to plat recorded in Book I L.D., Pages 284-285

Locally known as: 309 S. 4th Street, Manchester, IA 52057

Has not been complied with in the following particulars:

(a)	Nonpayment of Contract Balloon Payment (originally due on January 1, 2017)	$49,450.00
	TOTAL DUE	**$49,450.00**

(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.

IOWA INVESTMENT PROPERTIES LLC
Seller/Vendor (or Successors in Interest)

By _____

Scott M. O'Shea, Attorney for Seller/Vendor
1007 Longfellow Drive
Hiawatha, IA 52233
Phone: 319-362-3640
Fax: 319-362-1345
Email: soshea@oshealawpc.com

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.

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.

Name	Date of Service	Place of Service
David Bailey David A. Bailey	March 27th, 2020	625 Barrett St. Masonville, IA.

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Tiffany Lott, of Woodward Communications, Inc., an Iowa corporation, publisher of the Manchester Press, a newspaper of general circulation published in the City of Manchester, County of Delaware and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates 4-15, 4-22 & 4-29, 2020, and for which the charge is $ 64.37.

Tiffany Lott

Subscribed to before me, a Notary Public in and for Delaware County, Iowa, this 29th day of April 2020.

KIMBERLY RONNEBAUM
Commission Number 784454
My Commission Expires
4-2-22

Kimberly Ronnebaum

Notary Public in and for
Delaware County, Iowa

NOTICE OF FORFEITURE
OF REAL ESTATE CONTRACT
TO: CINDY L. LONG

You and each of you are hereby notified:

(1) The written contract dated the 25th day of January, 2013, and executed by Iowa Investment Properties LLC, an Iowa limited liability company, as Seller/Vendor, and David A. Bailey and Cindy L. Long, as Buyers/Vendees, recorded on January 29, 2013 in Book 2013, Page 424 in the office of the Delaware County, Iowa Recorder's Office, for the sale of the following described real estate:

Lots Six Hundred Sixty One – A (661A) and Six Hundred Sixty Two – A (662A), Manchester, Iowa, according to plat recorded in Book I L.D., Pages 284-285

Locally known as: 309 S 4th Street, Manchester, IA 52057

Has not been complied with in the following particulars:

(a) Nonpayment of Contract Balloon Payment $49,450.00 (originally due on January 1, 2017).

TOTAL DUE $49,450.00

(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. Service of this notice shall be deemed completed on April 29, 2020, which is the date of the third publication of 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.

IOWA INVESTMENT PROPERTIES LLC
Seller/Vendor (or Successors in Interest)
By
Scott M. O'Shea, Attorney for Seller/Vendor
1007 Longfellow Drive
Hiawatha, IA 52233
Phone: 319-362-3640
Fax: 319-362-1345
Email: soshea@oshealawpc.com

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.

4-15-22-29

O'Shea & O'Shea | PC
attorneys at law

Robert J. O'Shea

Scott M. O'Shea

1007 Longfellow Drive
Hiawatha, IA 52233
319-362-3640 / 319-362-1345 fax
writer's email: soshea@oshealawpc.com

June 19, 2020

CERTIFIED MAIL

NOTICE OF SALE (FORFEITURE)

Internal Revenue Service
Advisory Office
M/S 5900
30 E. 7th Street, Suite 1222
St. Paul, MN 55101-4940

You are hereby notified, pursuant to Internal Revenue Code Section 7424(b) & (c) and Treasury Regulation Section 301.7425-3(d), that Iowa Investment Properties LLC, the contract Vendor, has served the enclose Notice of Forfeiture of Real Estate Contract pursuant to Iowa Code Chapter 656 on Cindy L. Long, the contract Vendee, and those parties claiming by, through or under said Vendee as set forth in the Notice of Forfeiture attached hereto as Exhibit "A" and incorporated herein by this reference.

1. This Notice of sale is submitted by said Vendor by and through the Vendor's attorney, Scott M. O'Shea, O'Shea & O'Shea, PC, 1007 Longfellow Drive, Hiawatha, IA 52233 – Telephone No. 319-362-3640.

2. The contract Vendee, Cindy L. Long, is deceased, with a date of death of November 5, 2019.

3. With respect to the property to be sold, the property is a residential property located at 309 S. 4th Street, Manchester, Iowa. The legal description is as follows: Lots Six Hundred Sixty One – A (661A) and Six Hundred Sixty Two – A (662A), Manchester, Iowa, according to plat recorded in Book I L.D., Pages 284-285.

4. Pursuant to the Notice of Forfeiture, the "sale" of the property will occur on May 30, 2020, because as a matter of law, that date is thirty days after the completed service of the Notice of Forfeiture on the last of the entities named in said Notice that are required to be served pursuant to Iowa law. At that time the interest of said Vendee will be terminated

unless the breached terms specified in the Notice are performed and the reasonable cost of servicing the Notice are paid prior thereto.

5. The approximate amount of the principle obligation, including interest, due to the Vendor of the property as of April 8, 2020 is $49,450.00.

6. The only expense which can be collected in order to prevent forfeiture are the reasonable costs of serving the notice of forfeiture which are in the approximate amount of $69.37.

7. The defaults of said Vendee are set forth in said Notice.

8. A duplicate Notice is enclosed pursuant to Treasury Regulation Section 301.7425-3(d)(3). Please acknowledge the receipt of this Notice by signing the duplicate Notice in the space provided below and indicating thereon the date of the receipt of this Notice and return it to the undersigned.

Dated this 19 day of June, 2020

Scott M. O'S

SCOTT M. O 'SHEA
O'SHEA & O'SHEA, PC
1007 Longfellow Drive
Hiawatha, IA 52233
Telephone: 319-362-3640
Email: soshea@oshealawpc.com

Received this _____ day of _____, 2020.

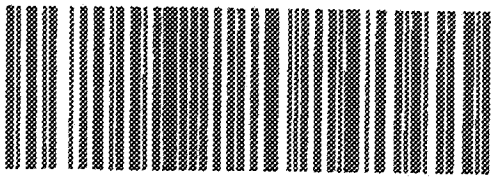
Internal Revenue Service

_____

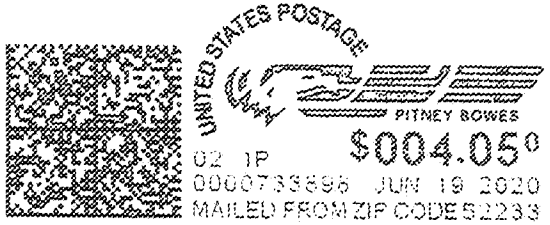
BY: _____

O'Shea & O'Shea, PC
1007 Longfellow Drive
Hiawatha, IA 52233

CERTIFIED MAIL



7018 2290 0000 6202 8359



Internal Revenue Service
Advisory Office
M/S 5900
30 E. 7th Street, Suite 1222
St. Paul, MN 55101-4940