



Document 2023 391

Book 2023 Page 391 Type 03 014 Pages 9

Date 2/28/2023 Time 8:25:18AM

Rec Amt \$47.00 Aud Amt \$5.00

INDX  
ANNO  
SCAN

BRANDY MACUMBER, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

**AFFIDAVIT IN SUPPORT OF FORFEITURE  
OF REAL ESTATE CONTRACT  
Recorder's Cover Sheet**

**Preparer Information:** Mark L. Smith, 101 1/2 W. Jefferson, Winterset, IA 50273, Phone:  
515-462-3731

**Taxpayer Information:** IA-Rentals, LLC, 100 SE Kellerman Lane, Waukee, IA 50263

**Return Document To:** Mark L. Smith, 101 1/2 W. Jefferson, Winterset, IA 50273

**Grantors:** See Page 2

**Grantees:** See Page 2

**Legal Description:** See Page 2

**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 MADISON

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.

\*Attached and incorporated are the Returns of Service, Affidavit of Publication of the Parties and Certified Mail Return Receipt.

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

That the default 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 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.

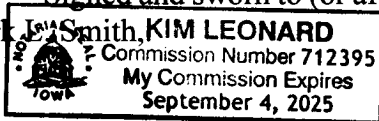
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled 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.

*Mark L. Smith*

Mark L. Smith, Affiant

Signed and sworn to (or affirmed) before me on \_\_\_\_\_, by  
Mark L. Smith, KIM LEONARD



*February 27 2023*  
*Kim Leonard*

Signature of Notary Public



## NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Wade J. Adams, 1327 Plaza Drive, Carroll, IA 51401, Eva K. Adams, 222 E. Jefferson St., Apt. 3, Winterset, IA 50273, Jessika Skye Carlson, 408 W. Mills, Winterset, IA 50273, Richard Carlson, 315 W. Benton, Winterset, IA 50273, Madison County Attorney, 112 N. John Wayne Drive, Winterset, IA 50273, Iowa Attorney General, 1305 E. Walnut St., Des Moines, IA 50319, Midland Funding, LLC, c/o Corporation Service Co., 505 5th Avenue, Suite 729, Des Moines, IA 50309, and All Parties in Possession, of 110 E. Grade Street, Winterset, IA 50273

You and each of you are hereby notified:

1. The written contract dated July 28, 2015, and executed by IA-Rentals, LLC as vendors, and Wade J. Adams and Eva K. Adams, Husband and Wife, Buyers, as vendees, recorded on July 29, 2015; in the office of the Madison County Recorder, recorded as document reference number Book 2015, Page 2143, for the sale of the following described real estate:

Lot Three (3), in Block Seventeen (17) of T.D. Jones' Addition to the City of Winterset, in Madison County, Iowa.

has not been complied with in the following particulars:

- |                         |          |
|-------------------------|----------|
| a) Unpaid December Rent | \$615.04 |
|-------------------------|----------|

**Total \$615.04**

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.

IA-Rentals, LLC

Vendor(s)

By *Mark L. Smith*

Mark L. Smith, Attorney

ICIS PIN: AT0007354

Jordan, Oliver, Walters & Smith, P.C.

101 1/2 W. Jefferson

Winterset, IA 50273

NOTE: If the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., applies to this communication.

## AFFIDAVIT OF SERVICE

Case:	Court:	County:	Job: 8071200
Plaintiff / Petitioner: IA Rentals, LLC		Defendant / Respondent: Wade J. Adams, Eva K. Adams, Jessika Sky Carlson, Richard Carlson, Madison County Attorney, Iowa Attorney General, Midland Funding, LLC c/o Corporation Service Co., and All Parties in Possession	
Received by Iowa Process Service		For: Jordan, Oliver, Walters & Smith, P.C.	
To be served upon: Midland Funding, LLC c/o Corporation Service Company Registered Agent			

I, Kyle Gray, being duly sworn, depose and say I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and I am the said person of the contents hereof.

Recipient Name / Address: Danielle Landels, Receptionist for Midland Funding, LLC, c/o Corporation Service Company, Registered Agent, 505 5th Ave Suite 729, Des Moines, IA 50309

Manner of Service: Authorized Dec 14, 2022 8:59 am CST

Documents: Notice of Filing of Real Estate Contract (Received Dec 9, 2022 at 2:10pm CST)

**Additional Comments:**

1) Served Dec 14, 2022 8:59 am CST at 505 5th Ave Suite 729 Des Moines, IA 50309 received by Danielle Landels, Receptionist for Midland Funding, LLC c/o Corporation Service Company Registered Agent. Age: 25 Ethnicity: Caucasian; Gender: Female, Weight: 130; Height: 5'7" Hair: Brown

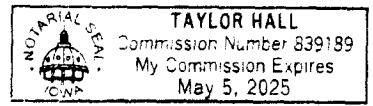
*Subscribed and sworn to before me by the affiant who is personally known to me.*

by Kyle Gray 12/14/2022  
 Kyle Gray Date

Taylor Hall  
 Notary Public

Iowa Process Service  
 1106 N. 7th St  
 Indianapolis, IA 50115  
 (515) 243-7377

December 14, 2022 05/05/2025  
 Date Commission Expires





## NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

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IA-Rentals, LLC

Vendor(s)

By *Mark L. Smith*

Mark L. Smith, Attorney

ICIS PIN: AT0007354

Jordan, Oliver, Walters & Smith, P.C.

101 1/2 W. Jefferson

Winterset, IA 50273

NOTE: If the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., applies to this communication.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- ▲ Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 JOM Attorney General  
 1305 E. Walnut St  
 Des Moines, IA 50319



9590 9402 5701 9346 0726 91

Article Number (Transfer from service label)  
 7016 1370 0001 0741 2815

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. **Michael O'Sullivan**  
 Agent  
 X MAIL DIVISION  
 Address  
 B. **Des Moines, IA 50319**  
 Deliver  
 112 DEC 2022

D. Is delivery address different from item 1?  Yes  
 YES, enter delivery address below:  No

3. Service Type
- Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Certified Mail Restricted Delivery
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee \$ \_\_\_\_\_

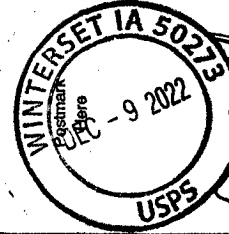
Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ \_\_\_\_\_
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ \_\_\_\_\_

Total Postage and Fees \$ \_\_\_\_\_

Sent to  
 JOM Attorney General  
 Street and Apt. No. PO Box No. Walnut St  
 City, State, ZIP+4®  
 Des Moines, IA 50319



9102 1370 0001 0741 2815

**MADISON COUNTY SHERIFF'S OFFICE**

JASON BARNES, SHERIFF  
1012 N John Wayne Drive, Box 517  
WINTERSET, IA 50273

**INVOICE**

Date: 12/19/2022

(515) 462-3575

To:

JORDAN OLIVER WALTERS & SMITH

Case Information:

<b>IA-RENTAL, LLC</b>	Case Number: <b>22NOTICE028</b>
<b>VS</b>	Civil Number: <b>22-000426</b>
<b>WADE J. ADAMS, EVA K. ADAMS, JESSIKA SKYE CARLSON,</b>	Date Received: <b>12/09/2022 @ 14:25</b>
<b>RICHARD CARLSON, MADISON COUNTY ATTORNEY, IOWA</b>	
<b>ATTORNEY GENERAL, MIDLAND FUNDING, LLC, ALL PARTIES IN</b>	
<b>POSSESSION</b>	

Processes:

**NOTICE OF FORFEITURE OF REAL ESTATE**

Party Served	Date	Service Fee	Mileage	Copies	Other Fees	Total
<b>DILIGENT SEARCH</b> 405 W MILLS ST, WINTERSET, IA 50273 ADDRESS DOES NOT EXIST. MOST CURRENT ADDRESS FROM 2018- 2822 WOODLAND AVE, DES MOINES	12/09/2022	0.00	6.25	1.50	0.00	7.75
<b>ADAMS, EVA KIM</b> 219 N 2ND ST, WINTERSET, IA 50273 2 ATTEMPTS 12-9-22 @ 1535- ADDRESS DOES NOT EXIST. CORRECT ADDRESS 219 N 2ND ST, WINTERSET CORRECT NAME EVA GRAHAM	12/09/2022	30.00	12.50	1.50	0.00	44.00
<b>PATIES IN POSSESSION</b> 1012 N JOHN WAYNE DR, WINTERSET, IA 50273	12/09/2022	30.00	12.50	1.50	0.00	44.00
<b>MADISON COUNTY ATTORNEY</b> 112 N JOHN WAYNE DR, WINTERSET, IA 50273 MATTHEW SCHULTZ SERVED	12/12/2022	30.00	6.25	1.50	0.00	37.75
<b>DILIGENT SEARCH</b> 315 W BENTON ST, WINTERSET, IA 50273 5 ATTEMPTS MADE. 12/17/22 DEPUTY ADVISED PER RESIDENT DUSTIN- RICHARD DOES NOT LIVE AT THIS ADDRESS	12/17/2022	0.00	31.25	1.50	0.00	32.75

Total Fees:	<b>166.25</b>
Total Payments:	<b>0.00</b>

Due upon Receipt

Please Return with your Remittance

Case Number: **22NOTICE028**  
 Civil Number: **22-000426**  
 Date Invoiced: **12/19/2022**  
 Amount Due: **166.25**

*pd*  
*12-19-22*



Preparer Information: Mark L. Smith, PO Box 230, Winterset, IA 50273; 515-462-3731

AFFIDAVIT OF PUBLICATION

STATE OF IOWA, COUNTY OF MADISON, ss:

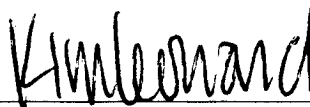
I, Mark L. Smith, a practicing attorney in Winterset, Madison County, Iowa, after first being duly sworn upon oath, depose and state as follows:

1. After a diligent search the whereabouts of Wade J. Adams, Eva K. Adams, Jessika Skye Carlson and Richard Carlson, could not be determined and personal service was therefore not possible.
2. Service was therefore completed by Publication.
3. Attached hereto is the Affidavit of Publication.

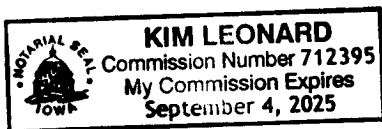


Mark L. Smith

Subscribed and sworn to before me by the said Mark L. Smith on this 27 day of February, 2023.



Notary Public in and for the State of Iowa





STATE OF IOWA  
 SS  
 MADISON COUNTY

AFFIDAVIT OF PUBLICATIONS

SUE SMITH being duly sworn says she is the Publisher of The WINTERSET MADISONIAN, a once weekly paper of General Circulation, published in Winterset, Iowa, and that the Notice, a copy which is annexed and made part hereof was Correctly published in said paper.

For the period of 3 consecutive weeks, the last Publication thereof being

On the 25 day of Jan 2023

Susan R Smith

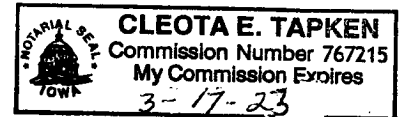
Subscribed and sworn to before me this

26 day of Jan 2023

Cleota Tapken

NOTARY PUBLIC  
 In and for Madison County

Fee 35.00  
23.53  
 \$ 23.53  
82.06



**IOWA STATE BAR ASSOCIATION  
 NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT**

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 Total 615.04

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IA Rentals, LLC  
 Vendor  
 By \_\_\_\_\_  
 Mark L. Smith, Attorney  
 ICIS PIN: AT0007354  
 Jordan, Oliver, Walters & Smith, P.C.  
 101 1/2 W. Jefferson  
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