



Document 2024 259

Book 2024 Page 259 Type 03 014 Pages 6

Date 2/05/2024 Time 8:51:17AM

Rec Amt \$32.00 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: Jane E. Rosien, 114 E. Jefferson Street, P.O. Box 67, Winterset, IA 50273-0067, Phone: 515-462-4912

Taxpayer Information: Gregory Shahan and Melissa Shahan, 3216 N. 1st Street, Winterset, IA 50273

Return Document To: Jane E. Rosien, P.O. Box 67, Winterset, IA 50273-0067

Grantors:

Grantees:

Legal Description: See Page 2

Document or instrument number of previously recorded documents: Book 2020, Page 2124

**AFFIDAVIT IN SUPPORT OF FORFEITURE
OF REAL ESTATE CONTRACT**

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF MADISON, ss:

The undersigned, first being duly sworn upon oath (or upon affirmation) depose and state:

That the relationship of the undersigned to this transaction appears from the **Notice of Forfeiture of Real Estate Contract and Notice of Intent to Accelerate Entire Contract Balance, hereto attached, together with Returns of Service thereof**; which Notices and Returns 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 Affiants.

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 defaults mentioned in said Notice have not been removed nor performed nor paid 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 such sums been offered or tendered by said vendees or anyone; that vendors 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 vendees' 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.



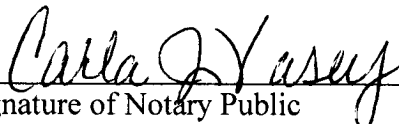
Gregory Shahan, Affiant



Melissa Shahan, Affiant

Signed and sworn to (or affirmed) before me on February 2, 2024, by Gregory Shahan and Melissa Shahan.





Signature of Notary Public

**NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT
and
NOTICE OF INTENT TO ACCELERATE ENTIRE CONTRACT BALANCE**

TO: Chandra Rumbaugh, 415 E. Jefferson Street, Winterset, IA 50273
David Boylan, 4302 S.W. 5th Street, Des Moines, IA 50315

YOU AND EACH OF YOU ARE HEREBY NOTIFIED:

(1) The Installment Real Estate Contract dated June 12, 2020, and executed by Gregory Shahan and Melissa Shahan as Vendors, and Chandra Rumbaugh and David Boylan as Vendees, recorded June 17, 2020, in the Office of the Madison County Recorder in Book 2020 at Page 2124, for the sale of the following described real estate:

**The West Half (½) of the Southeast Quarter (¼) of Outlot Two (2) of East
Addition of Outlots to the City of Winterset, Madison County, Iowa,**

has not been complied with in the following particulars:

(a) Failure to make monthly principal and interest payments:

November 15, 2023	\$ 671.03
December 15, 2023	<u>\$ 671.03</u>
	\$1,342.06

(b) Failure to make monthly real estate tax payments:

November 15, 2023	\$ 262.00
December 15, 2023	<u>\$ 262.00</u>
	\$ 524.00

(c) Failure to make monthly property insurance premium payments:

November 15, 2023	\$ 74.56
December 15, 2023	<u>\$ 74.56</u>
	\$ 149.12

(d) Failure to pay late fees on late monthly principal and interest payments:

2 late payments @ \$50.00	\$ 100.00
---------------------------	-----------

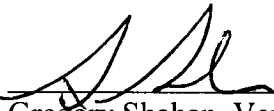
TOTAL	\$2,115.18
--------------	-------------------

(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.

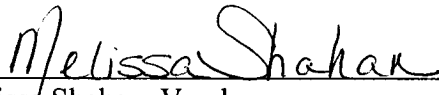
(3) The amount of attorney fees claimed by the Vendors pursuant to Section 656.7 of the Code of Iowa is \$50.00. Payment of the attorney fees is not required to comply with this Notice in order to prevent forfeiture.

YOU AND EACH OF YOU ARE FURTHER HEREBY NOTIFIED:

Your failure to perform the terms and conditions in default as set forth above will at once thereby accelerate the entire balance due and owing under the terms of the Installment Real Estate Contract referenced above without any further notice to you. The balance of principal and interest and late fees due under the terms of the Installment Real Estate Contract as of December 18, 2023, is \$119,515.46 plus \$16.23 per diem thereafter. In this event it is your obligation to pay Gregory Shahan and Melissa Shahan the entire accelerated balance plus interest, late fees and collection costs.



Gregory Shahan, Vendor
3216 N. 1st Street
Winterset, IA 50273



Melissa Shahan, Vendor
3216 N. 1st Street
Winterset, IA 50273

AFFIDAVIT OF SERVICE

Case:	Court:	County:	Job: 10119783
Plaintiff / Petitioner: Gregory Shahan, Vendor Melissa Shahan, Vendor		Defendant / Respondent: Chandra Rumbaugh, David Boylan	
Received by: Iowa Process Service		For: Flander Rosien, P.C.	
To be served upon: Chandra Rumbaugh			

I, Justin Hubbell, 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 informed said person of the contents herein

Recipient Name / Address: Chandra Rumbaugh, 415 East Jefferson Street, Winterset, IA 50273
Manner of Service: Authorized, Dec 31, 2023, 6:00 pm CST
Documents: Notice of Forfeiture of Real Estate Contract and Notice of Intent to Accelerate Entire Contract Balance (Received Dec 19, 2023 at 12:00am CST)

Additional Comments:

1) Served: Dec 31, 2023, 6:00 pm CST at 415 East Jefferson Street, Winterset, IA 50273 received by Chandra Rumbaugh. Age: 35; Ethnicity: Caucasian; Gender: Female; Weight: 130; Height: 5'3"; Hair: Brown; When serving Chandra, She provided the correct address for David Boylan.

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

/s/Justin Hubbell 01/02/2024
 Justin Hubbell Date

Iowa Process Service
 1604 Country Club Rd
 Indianola, IA 50125

Halee Ann Rice
 Notary Public
01/02/2024 02/18/2024
 Date Commission Expires



AFFIDAVIT OF SERVICE

Case:	Court:	County:	Job: 10119825
Plaintiff / Petitioner: Gregory Shahan, Vendor Melissa Shahan, Vendor		Defendant / Respondent: Chandra Rumbaugh, David Boylan	
Received by: Iowa Process Service		For: Flander Rosien, P.C.	
To be served upon: David Boylan			

I, Justin Hubbell, 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 informed said person of the contents herein

Recipient Name / Address: David Boylan, 225 Hart Avenue, Des Moines, IA 50315

Manner of Service: Authorized, Jan 1, 2024, 12:47 pm CST

Documents: Notice of Forfeiture of Real Estate Contract and Notice of Intent to Accelerate Entire Contract Balance (Received Dec 19, 2023 at 12:00am CST)

Additional Comments:

1) Unsuccessful Attempt: Dec 29, 2023, 4:18 pm CST at 4302 Southwest 5th Street, Des Moines, IA 50315
There is no 4302 SW 5th Street.

2) Served: Jan 1, 2024, 12:47 pm CST at 225 Hart Avenue, Des Moines, IA 50315 received by David Boylan.

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

/s/Justin Hubbell 01/02/2024
Justin Hubbell Date

Iowa Process Service
1604 Country Club Rd
Indianola, IA 50125

Halee Ann Rice
Notary Public
01/02/2024 02/18/2024
Date Commission Expires

