

Document 2008 3310

Book 2008 Page 3310 Type 03 014 Pages 6
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Rec Amt \$32.00 Aud Amt \$5.00

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LISA SMITH, COUNTY RECORDER
MADISON IOWA

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

Preparer Information:

Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273 515/462-3731

Taxpayer Information: *Mark & Stacy Morrison*
520 W. Fremont
Winterset, Ia 50273

✓ **Return Address**

Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273

Grantors:

SEE PAGE 2

Grantees:

SEE PAGE *X4*

Legal Description: SEE PAGE *X4*

Document or instrument number if applicable:

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 deposes or 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.

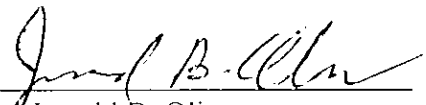
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

That the default(s) mentioned in said Notice 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 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.



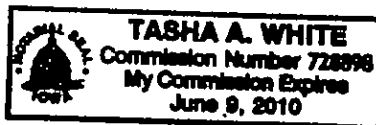
Jerrold B. Oliver

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 7th day of November, 2008, by
Jerrold B. Oliver.

Tasha A. White

Notary Public in and for said State of Iowa





NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Matthew Songer and Dezeræ Songer
204 E Grade St., Winterset, IA 50273

You and each of you are hereby notified:

(1) The written contract dated December 17, 2003, and executed by
Mark Marean and Stacy Marean
as Vendors, and
Matthew Songer and Dezeræ Songer

_____ as Vendees,
(insert recording data) recorded the 2nd day of January, 2004, in the office of the
Madison County Recorder, recorded as document reference number
Book 2004, Page 3 for the sale of the following described real estate:

Lot Four (4) in Block Sixteen (16) of Jones' Addition to the Original Town of Winterset, Madison
County, Iowa

has not been complied with in the following particulars:

- | | | | |
|--------------|---|-----------|------------------|
| (a) | See computation of delinquent taxes and monthly payments attached | \$ | <u>15,285.38</u> |
| (b) | | \$ | _____ |
| (c) | | \$ | _____ |
| (d) | | \$ | _____ |
| Total | | \$ | 15,285.38 |

(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 \$ 0.00 (not to exceed \$50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

Mark Marean and Stacy Marean

Vendors
(or Successors in Interest)
By Jerrold B. Oliver
Jerrold B. Oliver, AT0005825 Their Attorney
Address: PO BOX 230, Winterset, IA 50273

NOTICE OF FORFEITURE
MAREAN - SONGER CONTRACT

Total monthly payments due by Vendees 1/15/2004 through 9/15/2008	\$20,702.97
Total property taxes due by Vendees	<u>\$ 2,898.46</u>
Total due by Vendees	\$23,601.43
Less total paid by Vendees	<u>\$ 8,316.05</u>
Total amount delinquent	\$15,285.38

RETURN OF SERVICE

The within Notice of Forfeiture of Real Estate Contract, attache, receive this 23rd day of September, 2008, and I certify that I served the same on the person(s) named below by delivering a copy thereof to said person(s) personally at the time and place set opposite his or her name:

I certify that I serviced on September 24, 2008, a Notice of Forfeiture on Matthew Songer, by serving at his usual place of abode, Matthew Songer, at 2366 Holliwell Bridge Rd., Winterset, Iowa 50273. I served Dezerae Songer at her usual place of abode be serving Matthew Songer, at 2366 Holliwell Bridge Rd., Winterset, Iowa 50273, who is at least 18 years of age, and who resides with Dezerae Songer.

FEES:

Service: \$40.00

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA :
 :SS
MADISON COUNTY :

The Undersigned, first being duly sworn upon oath, deposes and states that he served the attached notice or document on each of the persons named above by delivering a copy of said notice or document to each of said persons at the time and place set above opposite their respective names.

Joseph Carney
Joseph Carney

Subscribed and sworn to before me by Joseph Carney on this 26th day of September, 2008.

Tasha A. White
Notary Public in and for the State of Iowa

