

THE IOWA STATE BAR ASSOCIATION
Official Form No 176

Jerrold B. Oliver ISBA # 04132

FOR THE LEGAL EFFECT OF THE USE OF
THIS FORM, CONSULT YOUR LAWYER

60-652

FILED 20.00

FILED NO 004265

FILED \$ 1.00

BOOK 63 PAGE 894

CERTIFIED
RECORDED
COMPALED

2000 MAY 12 PM 3:00

3:00 PM
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

Preparer Information Jerrold B. Oliver, P.O. Box 230, Winterset, Iowa 50273, (515) 462-3731

Individual's Name Street Address City Phone



AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

SPACE ABOVE THIS LINE
FOR RECORDER

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.

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 cancelled and is of no force and effect whatsoever.

Robert P. Allen

Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 11th day of May, 2000



Jerrold B. Oliver

Notary Public in and for the State of Iowa.

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. Suggested: That Personal Service could not and cannot be made upon _____ and _____ in the State of Iowa; that on the _____ day of _____, a copy of said Notice was sent by ordinary mail addressed to said (party) (parties) at their last known mailing address, to-wit: _____

Iowa Code Chapter 656

RETURN OF SERVICE

The within Notice of Forfeiture of Real Estate Contract received the 7th day of April, 2000, 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 served a Notice of Forfeiture of Real Estate Contract on Marty J. Houseman, at 317 E. South St., Winterset, IA 50273, who is at least 18 years of age, on April 8, 2000.

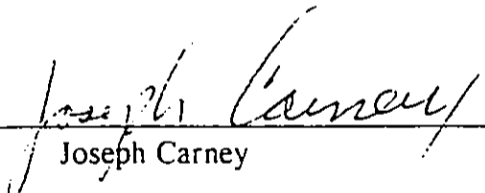
FEES:

Service \$ 20.00

MEMO AND AFFIDAVIT OF SERVICE

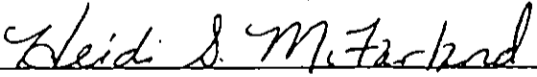
STATE OF IOWA :
 :SS
MADISON COUNTY :

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

Subscribed and sworn to before me by Joseph Carney on this 11th day of April, 2000.



Notary Public in and for the State of Iowa

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Jerrold B. Oliver ISBA # 04132

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Individual's Name Street Address City Phone



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

SPACE ABOVE THIS LINE
FOR RECORDER

TO:
Marty Houseman
317 E. South St.
Winterset, IA 50273

You and each of you are hereby notified:

(1) The written contract dated December 18, 1995, and executed by
Robert P. Allen, Single,
as Vendors, and
Marty J. Houseman

as Vendees, for the sale of the following described real estate:
SEE EXHIBIT "A" ATTACHED HERETO.

has not been complied with in the following particulars:

- | | |
|---|-----------------------------|
| (a) Failure to pay real estate taxes assessed against said real estate | <u>3,442 00</u> |
| (b) Failure to provide insurance as provided in paragraph 6 of the contract | <u> </u> |
| (c) | <u> </u> |
| (d) | <u> </u> |
| Total | <u>3,442.00</u> |

(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.

Robert P. Allen

Vendors
(or Successors in Interest)

By Jerrold B. Oliver
Jerrold B. Oliver Their Attorney -
Address: P.O. Box 230, Winterset, Iowa 50273

Chapter 656, The 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.

EXHIBIT "A"

Commencing at a point 22 feet West of the Northeast Corner of Lot Four (4) in Block Twenty-five (25) of the Original Town of Winterset, and running thence South 75 feet, thence East 5 1/2 feet, thence South 57 feet, thence West 5 1/2 feet, thence North 27 feet, thence West 11 feet, thence North 30 feet, thence West 11 feet, thence North 75 feet, thence East 22 feet to the point of beginning; subject to easement to John Fosher recorded in town Lot Deed Record 35, Page 229 of the records of Madison County, Iowa; AND the North 75 feet of the West One-third (1/3) of Lot Four (4) in Block Twenty-five (25) of the Original Town of Winterset, Madison County, Iowa, and all equipment located on said real estate,