

Preparer name: G. STEPHEN WALTERS P.O. BOX 230 WINTERSET, IA 50278 CORDER MADISON COUNTY, 10WA

AFFIDAVIT CONCERNING MECHANIC'S LIEN

STATE OF IOWA		)
	SS	
MADISON COUNTY		)

- I, G. Stephen Walters, after first being duly sworn upon oath, state:
- 1. Marked Exhibit A, attached and incorporated are a Return of Service and attached Demand for Bringing Suit showing that the Demand for Bringing Suit was served on Archer Construction, Inc. on June 21, 2000.
- 2. Archer Construction Inc., failed, within 30 days after service on it of the said

  Demand for Bringing Suit to commence an action to enforce the Mechanic's Lien filed by it on

  June 1, 2000, in the office of the Madison County, Iowa, Clerk of Court.
- 3. By failing to commence an action to enforce the said Mechanic's Lien, a copy of which is attached to the Demand for Bringing Suit within 30 days after service on it of the said Demand for Bringing Suit, Archer Construction, Inc.'s Mechanic's Lien and all benefits deriving therefrom, were forfeited pursuant to Iowa Code Section 572.28.
- 4. This Affidavit has been prepared and filed by me as an attorney and agent for Ray A. Hartsook, who owns and occupies the said real property described in the Mechanic's Lien attached to the said Demand for Bringing Suit.
- 5. Through the above described forfeiture under Iowa Code Section 572.28, the Mechanic's Lien attached to the Demand for Bringing Suit is no longer a lien against the real property described in the said Mechanic's Lien.

G. Stephen Walters

Subscribed and sworn to before me by the said G. Stephen Walters on this day

\_\_\_, 2000.



## **RETURN OF SERVICE**

The within Demand for Bringing Suit, received the 21st day of June, 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 Demand for Bringing Suit, on Archer Construction, Inc., by serving Randall Archer, President of Archer Construction, Inc. at 3195 Cumming Rd., Cumming, Iowa 50061 on June 21, 2000.

FEES:

Service

\$ 30.00

#### MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA

:ss

**MADISON COUNTY** 

Subscribed and sworn to before me by Joseph Carney on this 22 day of June, 2000.

Notary Public in and for the State of Iowa

**EXHIBIT A** 

Copy to Ray 6/26/20

## **DEMAND FOR BRINGING SUIT**

TO: Archer Construction, Inc.

You are hereby notified as follows:

- 1. You filed a Mechanic's Lien in the office of the Madison County, Iowa, Clerk of Court, on June 1, 2000, a copy of which is attached and incorporated.
- 2. The real property described on the attached and incorporated Mechanic's Lien is owned by Ray Hartsook, also known as Ray A. Hartsook. Ray Hartsook, acting through his undersigned attorney and agent, G. Stephen Walters, is giving you this notice and Demand for Bringing Suit pursuant to Section 572.28 of the Code of Iowa.
- 3. You, as lienholder, are hereby notified that you are required to commence an action to enforce the attached Mechanic's Lien within 30 days after service on Archer Construction Inc. of this Demand for Bringing Suit, and that unless you commence such an enforcement action within this 30 day period, your Mechanic's Lien and all benefits deriving therefrom, shall be forfeited pursuant to Iowa Code Section 572.28.

JORDAN, OLIVER, & WALTERS, P.C.

G. Stephen Walters #05813

P.O. Box 230,

Farmers & Merchants Bank Bldg.

Winterset, Iowa 50273 Telephone: 515-462-3731

Fax: 515-462-3734

ATTORNEYS AND AGENTS FOR RAY HARTSOOK

Brettl. Anderson ISBA # 06436

# MECHANIC'S LIEN

STATE OF IOWA, MADISON COUNTY, ss:

I, the undersigned affiant, President of the Claimant, being duly sworn, depose and say that the following statement is true to the best of my knowledge and belief, and is made of my personal knowledge:

On the dates set forth in the Statement of Account attached as Exhibit "A", Archer Construction, Inc., (the "Claimant") furnished material or labor for, or performed labor upon, the building or land for improvement, alteration, or repair thereof, situated upon, or being identical with the following described real estate in Madison County, Iowa (the "Real Estate"):

See Attached

2000.

The items in Exhibit "A" were furnished pursuant to a contract made by the then owner of the Real Estate, the owner's agent, trustee, contractor, or subcontractor and were furnished by Claimant who is a (sub) contractor thereunder. These items were furnished beginning the 1st day of October, 1999, and ending on the 1st day of March, 2000, at the respective dates, amounts and prices stated in Exhibit "A", which is a true and just statement of account after allowing all credits.

The owner, agent or trustee of the Real Estate was then Ray Hartsook whose last known mailing address is 1081 U.S. Highway 169, Winterset, IA 50273, and Ray Hartsook whose last known mailing address is 1081 U.S. Highway 169, Winterset, IA 50273, is now the owner, agent or trustee of the Real Estate.

There is now due and owing to Claimant the principal sum of \$ 10,876.21 with interest thereon at 0% per annum from the 1st day of October, 1999, for which sum and interest, together with costs and attorney fees as provided by law, Claimant asserts a mechanic's lien against such building, improvement and the Real Estate.

Check here if this claim is being made by a person who has furnished labor or materials to a subcontractor, this box must be checked for the purpose of making the following certification:

The undersigned affiant hereby certifies that within thirty days after the above referred to labor or materials were first furnished, the principal contractor was notified in writing with a one-time notice containing the below claimant's name mailing address, and telephone number and the name of the subcontractor to whom the labor or materials were furnished.

Randall Archer, Affiant

Acting for Archer Construction, Inc., Claimant

Subscribed in my presence and sworn to before me by the above named Affirm this 24th day of May,

Brett I. Anderson, Notary Public in and for the said State of Iowa

PHONE NO. : 515 462 1366

#### EXHIBIT "A"

Parcel "C" located in the South Half of the Southeast Quarter of Section 1, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa, more precisely described as follows: Beginning at the Northwest Corner of the Southeast Quarter of the Southeast Quarter of Section 1, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; Thence South 88·15'26" East 731.48 feet along the North line of the Southeast Quarter of the Southeast Quarter of said Section 1; thence South 00:13'51" West 632.06 feet; thence North 88:38'41" West 1028.85 feet; thence North 00:14'31" East 637.07 feet to the North line of the Southeast the North line of the Southwest Quarter of the Southeast Quarter of said Section 1; thence South 88-37'56" East 297.37 feet to the Point of Beginning, containing 15.001 acres;

#### AND

Parcel "D" located in the Southeast Quarter of the Southeast Quarter of Section 1, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa, more precisely described as follows: Commencing at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 1, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence North 88·15'26" West 369.22 feet along the North line of the Southeast Quarter of said Section 1 to the Point of Beginning; thence South 00·13'40" West 630.65 feet; thence North 88·38'41" West 207.50 feet; thence North 00·13'51" East 632.06 feet to the North line of the Southeast Quarter of the Southeast the North line of the Southeast Quarter of the Southeast Quarter of said Section 1; thence South 88:15'26" East 207.50 feet to the Point of Beginning containing 3.007 acres:

subject to easements and restrictions of record.

DEED RECORD 137

MAY-73-7888 13:00

# ARCHER CONSTRUCTION, INC.

R. R. 1 - BOX 188 CUMMING, IA 50061 PHONE (515) 277-5115 MOBILE (515) 240-5115

	Invoice
DATE	INVOICE#

DATE	INVOICE#
4/18/00	1692

BILL TO	 	 		İ
RAY HARTSOOK	 	 	,, <del>• </del>	 ١
DESOTA, IA				
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		P.O. NO.	TERMS	PROJECT	
	and the second s		RATE	1 AMOUNT	
QUANTITY	PAYLESS CIRCLE B SOUTH CENTRAL LANDFILL WEST DES MOINES SAND FERGUSON AMERICAN CONCRETE JIM STOCKDALE WALLS & ALL J P PLUMBING PRO-SOURCE PELLA WINDOWS MICKEL ELEC & HTG MOEHL MILLWORK ALUMINUM PRODUCTS		44 300 201 1,286 1,40 6,94 4,52 2,35 2,98 4,30 1,77	1.06   131 06 4.90   44 90 3.50   300 50 300 50 300 50 308.87   1,280.30 7.32   1,497.32 6,77   6,945 77 8.00   4,528.00 2,352.41 3 29   2,983.29 4,300 00 14 79   1,774.79 22.05	
	LABOR HOURS LESS MATERIAL NOT USED LESS 1 HR PER EVERY 8 HRS WORKED PAYMENT RECEIVED		-30	30.00 33.90 -2,433.90 -37,479.66	
				:	

Paid by Shelock Hones

Total

\$11,926 21

10,87

P A

5159815981

96%

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Madison County Cler of Court Madison County Courthouse Winterset, Iowa 50273

Notice # 38886

RAY HARTSOOK 1081 US HIGHWAY 169 WINTERSET IA 50273