

COMPUTER   
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FILED NO. **1249**

BOOK **2004** PAGE **1249**

(PAGE 1249)

**2004 MAR 23 PM 4:13**  
(4:13 PM)

REC \$ 15.00  
AUD \$ 5.00  
R.M.F. \$ 1.00  
5.00

MICKI UTSLER  
RECORDER

MADISON Phone \_\_\_\_\_  
IOWA  
SPACE ABOVE THIS LINE  
FOR RECORDER

Preparer Information John E. Casper, 223 E. Court Avenue, Winterset, (515) 462-4912  
Individual's Name Street Address City



Eugene Farlow  
Patricia Farlow  
501 E. Benton  
Winterset, IA 50273

### NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: James Scheffers and Christina Scheffers  
619 East Buchanan Street, Winterset, Iowa 50273

You and each of you are hereby notified:

(1) The written contract dated June 5, 1998, and executed by  
Eugene H. Farlow and Patricia M. Farlow  
as Vendors, and  
James Scheffers and Christina Scheffers

(insert recording data) recorded the 16th day of October 1998, in the office of the  
Madison County Recorder in Book 62, Page 735

as Vendees, for the sale of the following described real estate:  
Lot Eight (8) in Block Four (4) of Danforth's Addition to the Original Town of Winterset, Madison County, Iowa

has not been complied with in the following particulars:

- (a) Failure to pay the February 1, 2004 monthly 228.02
  - (b) installment payment in the sum of \$228.02. \_\_\_\_\_
  - (c) \_\_\_\_\_
  - (d) \_\_\_\_\_
- Total** 228.02

(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.

Eugene H. Farlow

Patricia M. Farlow

Vendors  
(or Successors in Interest)

By John E. Casper

Their Attorney -

Address: John E. Casper  
223 East Court Avenue, P.O. Box 67  
Winterset, Iowa 50273-0067

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.

**ACKNOWLEDGMENT OF SERVICE**

The undersigned hereby acknowledge due, timely and legal service of this notice, and acknowledge receipt of a copy at the time and place set opposite their respective names.

|                              | Date of Service          | Place of Service       |
|------------------------------|--------------------------|------------------------|
| <u>James D Scheffers</u>     | <u>February 19, 2004</u> | <u>Winterset, Iowa</u> |
| <u>Christina J Scheffers</u> | <u>February 19 2004</u>  | <u>Winterset, Iowa</u> |
| _____                        | _____                    | _____                  |
| _____                        | _____                    | _____                  |

**MEMO AND AFFIDAVIT OF SERVICE**

STATE OF IOWA }  
 County of Madison } SS.

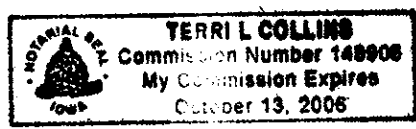
The undersigned, first being duly sworn, upon oath deposes and states that (he)(she) served the notice on the obverse side hereof on each of the persons to whom said notice is addressed, and named below, by delivering a copy of said notice to each of said persons at the time and place set opposite their respective names, to-wit:

| Name                | Month | Day | Year | City Town or Township | County  | State |
|---------------------|-------|-----|------|-----------------------|---------|-------|
| James Scheffers     | 02    | 19  | 04   | Winterset             | Madison | Iowa  |
| Christina Scheffers | 02    | 19  | 04   | Winterset             | Madison | Iowa  |
|                     |       |     |      |                       |         |       |
|                     |       |     |      |                       |         |       |

Elisha R Busch

Subscribed in my presence and sworn to before me by said affiant this 19th day of February, 2004.

TERRI L COLLINS



Notary Public in and for said County and State

Preparer Information John E. Casper, 223 E. Court Avenue, Winterset, (515) 462-4912  
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.

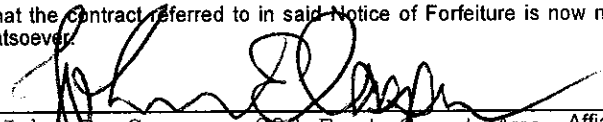
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

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.

  
John E. Casper, 223 East Court Ave. Affiant  
P.O. Box 67, Winterset, Iowa 50273

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 23rd day of March, 2004.



  
Elisha R. Busch  
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