

THE IOWA STATE BAR ASSOCIATION
Official Form No 176

Jerrold B. Oliver ISBA # 04132

FILED FOR
THE 19 DAY OF Oct 2004
Joan Utsler
Debby Gorkuan

MICHELLE "MICKI" UTSLER, COUNTY RECORDER
MADISON IOWA

COMPUTER
RECORDED
COMPARED

Preparer Information Jerrold B. Oliver, P.O. Box 230, Winterset, (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.

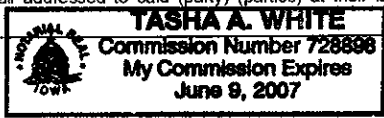
Jerrold B. Oliver
Jerrold B. Oliver Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 18th day of October, 2004.

Tasha A. White
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



Preparer Information Jerrold B. Oliver, P.O. Box 230, Winterset, (515) 462-3731
Individual's Name Street Address City Phone

SPACE ABOVE THIS LINE
FOR RECORDER



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Joel Coddington and Julianne Coddington

You and each of you are hereby notified:

(1) The written contract dated March 1, 2004, and executed by
Elliot Bade and Bonnie Bade
as Vendors, and
Joel Coddington and Julianne Coddington

as Vendees,
(insert recording data) recorded the 1st day of March, 2004, in the office of the
Madison County Recorder, recorded as document reference number
Book 2004, Page 870 ~~xxx~~ for the sale of the following described real estate:
See Exhibit "A" Attached.

Contract was amended by an amendment to the contract filed March 12, 2004 in Book 2004, Page 807 of the Recorder's office of Madison County, Iowa.

has not been complied with in the following particulars:

(a) June 1, 2004, payment has not been made	<u>350.00</u>
(b) July 1, 2004, payment has not been made	<u>350.00</u>
(c) August 1, 2004, payment has not been made	<u>350.00</u>
(d)	
Total	1,050.00

(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.

Elliot Bade

Bonnie Bade

Vendors
(or Successors in Interest)

By Jerrold B. Oliver

Their Attorney -

Address: Jerrold B. Oliver
P.O. Box 230, Winterset, IA 50273

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>X Noel Coddington</u>	<u>X 8-31-04</u>	<u>X TRURO, IA</u>
<u>X Julian Coddington</u>	<u>X 8-31-04</u>	<u>X TRURO, IA</u>
_____	_____	_____
_____	_____	_____

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA

County of _____ } 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

Subscribed in my presence and sworn to before me by said affiant this _____ day of _____, _____.

Notary Public in and for said County and State

EXHIBIT "A"

The Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) and the West Three-fourths (W 3/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Seven (7), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located in the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) and the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section Seven (7), containing 7.062 acres, as shown in Plat of Survey filed in Book 2, Page 632 on November 29, 1995, in the Office of the Recorder of Madison County, Iowa, AND EXCEPT Lots One (1) and Two (2) of Steve's Acres as shown in Plat and Certification filed in Book 142, Page 101, in the Office of the Recorder of Madison County, Iowa,