

FILED NO. **4324**
BOOK **2003** PAGE **4324**
(PAGE 4324)
2003 JUL 23 AM 7:58
7:58am
MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

REC \$ **20.00**
AUD \$ **5.00**
R.M.F. \$ **5.00**

COMPUTER
RECORDED
COMPARED

Preparer Information **Dean R. Nelson, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2267**
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.

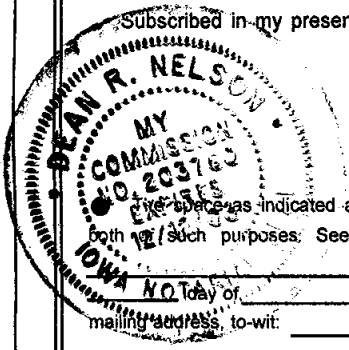
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled 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. Lehigh Clay Properties, Ltd.,
an Iowa Partnership

By Richard McHose
(Richard McHose) Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 21st day of July, 2003.

Dean R. Nelson
(Dean R. Nelson)
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 or 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 Dean R. Nelson, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2267

Individual's Name

Street Address

City

Phone

SPACE ABOVE THIS LINE
FOR RECORDER



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO:

Marion J. Wilkins

Loretta A. Wilkins

1247 - 200th Street

1247 - 200th Street

Dexter, Iowa 50070

Dexter, Iowa 50070

You and each of you are hereby notified:

(1) The written contract dated November 27, 1998, and executed by Lehigh Clay Properties, Ltd. an Iowa Partnership

as Vendors, and

Marion J. Wilkins and Loretta A. Wilkins, husband and wife,

as Vendees, for the sale of the following described real estate:

The E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 76 North, Range 29 West of the 5th P.M.,
Madison County, Iowa,

has not been complied with in the following particulars:

(a) You have failed to pay the monthly payment due 03-27-03 in

(b) the amount of \$916.00 and the monthly payment due

(c) 05-27-03 in the amount of \$916.00 for a total of

(d) You have failed to pay the real estate taxes due 09-30-02

and taxes due 03-31-03 plus penalty in the amount of

Total

\$2,748.00

1,227.00

\$3,975.00

(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 \$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.

Lehigh Clay Properties, Ltd., an Iowa Partnership

Vendors
(or Successors in Interest)

By

Dean R. Nelson

Their Attorney -

Address: P.O. Box 370

Earlham, Iowa 50072

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.

RETURN OF SERVICE


STATE OF IOWA)
) SS
MADISON COUNTY)

The undersigned, being first duly sworn, upon oath deposes and states that the attached Notice of Forfeiture of Real Estate Contract came into my hands on June 17, 2003, and I served the same on Marion J. Wilkins at his dwelling house at 1247 – 200th Street, Dexter, Iowa 50070, on June 17, 2003, by delivering a copy thereof to Loretta A. Wilkins, a person residing therein who was then at least eighteen years of age.

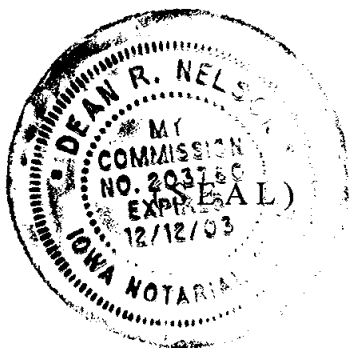


Doug Buchan

Subscribed and sworn to before me and in my presence by the said Doug Buchan this 25th day of June, 2003.



Dean R. Nelson
Notary Public in and for the State of Iowa.



RETURN OF SERVICE


STATE OF IOWA)
) SS
MADISON COUNTY)

The undersigned, being first duly sworn, upon oath deposes and states that the attached Notice of Forfeiture of Real Estate Contract came into my hands on June 17, 2003, and I served the same on Loretta A. Wilkins on June 17, 2003, by delivering a copy thereof to Loretta A. Wilkins at 1247 – 200th Street, Dexter, Iowa 50070, in Jackson Township, County of Madison, State of Iowa.



Doug Buchan

Subscribed and sworn to before me and in my presence by the said Doug Buchan this 25th day of June, 2003.



Dean R. Nelson
Notary Public in and for the State of Iowa.

