

LISA SMITH, COUNTY RECORDER
MADISON IOWA

CORRECTED

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT



THE IOWA STATE BAR ASSOCIATION
Official Form No. 176

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Phil Watson , 535 E. Army Post Rd., Des Moines , IA 50315, Phone: (515) 287-7000

Taxpayer Information: (Name and complete address)

Arthur A. Smith
3361 280th St.
Truro, IA 50257-8037

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Return Document To: (Name and complete address)

Phil Watson, P.C.
535 E. Army Post Rd. PO Box 35393
Des Moines, IA 50315

Grantor:

Arthur A. Smith

Grantee:

Poverty Ridge, L.L.C.
Cara Glenn
Wayne A. Glenn

Legal description: See Page 2

Document or instrument number of previously recorded documents: Book 2005 Page 2457



AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF POLK

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.

● This affidavit replaces the affidavit of forfeiture recorded on October 6, 2006 in Book 2006 Page 4154, Madison County Records, and corrects the acknowledgment of service attached thereto.

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) (hāve) 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) (hāve) 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.

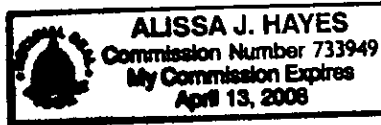
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled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

Phil Watson

Affiant

Signed and sworn to (or affirmed) before me on February 12, 2007, by Phil Watson



Alissa J. Hayes

Notary Public

● 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

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.

<u><i>Cara Glenn</i></u>	Date of Service	Place of Service
Cara Glenn	8/25/06	201 N. Warren Ave., Bevington, IA 50033
<u><i>Cara Glenn</i></u>	8/25/06	201 N. Warren Ave., Bevington, IA 50033
Poverty Ridge, L.L.C.		

By: Cara Glenn, member

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 _____, 2006.

Notary Public in and for said County and State

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

CASE NO.:

AFFIDAVIT OF SERVICE

Arthur A. Smith

Plaintiff/Petitioner,

vs.

Poverty Ridge, L.L.C., Cara Glenn, and Wayne A. Glenn

Defendant/Respondent.

Received by Attorney's Choice on 08/29/2006 to be served upon:

Wayne A. Glenn

STATE OF IOWA
COUNTY OF POLK SS.

I, Julia Roberts, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On 08/29/2006 at 02:25 PM, I served the within Notice of Forfeiture of Real Estate Contract on Wayne A. Glenn at 2600 Des Moines Street , Des Moines, IA 50317 in the manner indicated below:

I served the same at the above person's dwelling house or usual place of abode(which place was not a rooming house, hotel, club, or apartment building) by substitute service, delivering a copy to the individual named below, which is a person residing therein who was then at least 18 years old.:

NAME: Bob Lloyd TITLE/RELATION: Co-occupant

Fee For Service: \$35.00

Sworn to and subscribed before me on this
29th day of August, 2006
by an affiant who is personally known to
me or produced identification.

NOTARY PUBLIC

X
Julia Roberts
Attorney's Choice
2041 NW 145th Street
Clive, IA 50325
515.314.2248
Atty File#: - Our File# 1811

