Document 2007 777

Book 2007 Page 777 Type 03 014 Pages 5

Date 2/23/2007 Time 11:17 AM

Rec Amt \$27.00 Aud Amt \$5.00

INDX ANNCL SCAN

LISA SMITH, COUNTY RECORDER MADISON IOWA

CHEK

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

Return Document To: (Name and complete address)

Phil Watson, P.C. 535 E. Army Post Rd. PO BOX 35393 Des Moines, IA50315

**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

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## 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 <b>Notice of Forfeiture of Real Estate Contract</b> , <b>attached</b> , <b>together with return(s) of service thereof</b> ; which Notice and return(s) are by this reference made a part of this affidavit as if set forth herein; that by reason of such relationship the facts herein stated are within the personal knowledge of such affiant.	hereto as fully
That the parties served, as shown by said returns, included all parties in possession of said real estate at the time of service notice.	of said
This affidavit replaces the affidavit of forfeiture recorded on October 6, 2006 in Book 2006 Page 4154, Madison C Records, and corrects the acknowledgment of service attached thereto.	ounty
	<del>-</del> -
	*-
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 ventor by anyone; and that therefore the terms and conditions as to which there is and has been a default have not been performed 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 a that vendor(s) (has) (nave) retaken possession of said real estate following the expiration of said 30 day period.	l within
That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee's(s') rights in such c in accordance with Code Chapter 656.	ontract
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upor 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 of them in any way entitled to any rights under the Soldiers' and Sailors' Civil Relief Act or similar act or acts amendatory the supplementary thereto.	or any
That this affidavit is made as supporting proof, record and notice, that the contract referred to in said Notice of Forfeiture is not and void, stands forfeited and cancelled and is of no force and effect whatsoever.	) <u> </u>
	Affiant
Signed and sworn to (or affirmed) before me on February 22, 2007, by Phil Watson	

ALISSA J. HAYES Commission Number 733949
My Commission Expires
April 13, 2008

Notary Public

•	The	spac	e as	indica	ted a	bove, i	s rese	erved	to cor	rvenie	ently	"tailor	for	special	situal	tions	and to	set	forth '	facts to	susta	in no	tice by	publi	cation	or for
both	of	such	purp	oses.	See	Sectio	n 656	6.3; F	R.C.P.	60,	60.1	and	62.	Sugge	sted:	That	Perso	onal	Servic	e could	not	and	canno	t be	made	upon
	_									and											in th	e Sta	ate of	lowa;	that	on the
		_ day	/ of				·		, a co	py of	said	Notic	e wa	as sent	by or	dinary	/ mail	addr	essed	to said	(party	/) (pa	rti <b>e</b> s) a	at thei	r last	known
maili	ng a	ddres	s, to-v	vit:																						

Iowa Code Chapter 656



# NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

oClV1.			
TO: Poverty Ridge, L.L.C., Cara Glenn, and W	Javna A. Glenn		
10. Toverty Ridge, L.L.C., Cara Olemi, and w	aviic A. Oleilii		· <del>- · · ·</del>
You and each of you are hereby notified:	May 27	2005	, , , , ,
(1) The written contract datedArthur A. Smith	Iviay 27	1 2003	, and executed by
			<del></del>
as Vendors, and Poverty Ridge, L.L.C., Cara Glenn, and Wayn	e A. Glenn		
			as Vendees,
(insert recording data) recorded the 31st day of	May, 2005	-	, in the office of the
Madison County R	Recorder, recorded as doc		
	sale of the following desc		
The South 1/2 of Lot 8 and the South 1/2 of L			أ نسب بعومه
	ot /, all ill block 6, or i	ine Original Te	wii i iat oi
Bevington, Madison County, Iowa.			,
Also personal property and equipment			
has not been complied with in the following particu	lare.		
(a) July and August payments	iais.	¢	1.935.42
(b) Late charges on contract		Ψ <u> </u>	34.46
(c) July and August note payments (ci	ross collateralized)	<u>*</u>	1.290.28
(d) Late charges on note	oss conateranzeu)	<u> </u>	32.40
Edit Time Bro on Hotel		Total \$	769.00
(e) Amount to redeem from tax sale		Total	4.061.56.
(2) The contract shall stand forfeited u	inless=the=parties=in=de	efault;~within~3	
completed service of this notice, shall perform th			
reasonable costs of serving this notice.			
(3) The amount of attorney fees claimed	by the Vendors pursuant	t to Section 656	6.7 of the Code of
lowa 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	э.		
	Arthur A. Smith		
			· · · · ·
	-0/	/ 1.	Vendors
			or Successors in Interest)
	By	~ War	
	Phil Watson	0 . 5 . 5	Their Attorney -
		y Post Rd., Des	s Moines, IA
	50315	<u></u>	<del></del>
Charter 656. The Code			

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.

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175 NOTICE OF FORFEITURE Revised June 2005

#### ACKNOWLEDGMENT OF SERVICE

may)			of Servi		Place of Servi N. Warren Ave., Beving	
Cara Glenn Poyerty Ridge, L.L.C.					I. Warren Ave., Bevington, IA	
By: Cara Glenn, member	··· MEMO:	ΔΝΠ-Δ	FFIDAVI	COF SERVIC	E	
STATE OF IOWA		}		OF GERVIO		-
County of		{	SS.			
delivering a copy of said not	n each of the	person	is to who	m said notice		med below, by
on the obverse side hereof o delivering a copy of said noti	n each of the	person	is to who	m said notice		med below, by
on the obverse side hereof o delivering a copy of said not names, to-wit:	n each of the ice to each of	person f said p	is to who ersons a	m said notice t the time and	I place set opposite the	med below, by heir respective
on the obverse side hereof o delivering a copy of said not names, to-wit:	n each of the ice to each of	person f said p	is to who ersons a	m said notice t the time and	I place set opposite the	med below, by heir respective
on the obverse side hereof o delivering a copy of said not names, to-wit:	n each of the ice to each of	person f said p	is to who ersons a	m said notice t the time and	I place set opposite the	med below, by heir respective
on the obverse side hereof o delivering a copy of said not names, to-wit:	Month	person f said p	year	m said notice t the time and City Town or Township	County	med below, by heir respective
on the obverse side hereof o delivering a copy of said not names, to-wit:	Month	person f said p	year	m said notice t the time and City Town or Township	County	med below, by heir respective

#### IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

CASE NO .:

#### AFFIDAVIT OF SERVICE

Arti		mit	

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 hearby 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 29 May of Phochs, 2006 by an affiant who is personally known to me of produced identification.

NOTARY PUBLIC

CORY FEES
Commission Number 736911
My Commission Expires

Julia Roberts
Attorney's Choice
2041 NW 1-5th Street
Clive; IA 50325
515.314.2248

Atty File#: - Our File# 1811