

Document 2007 1877

Book 2007 Page 1877 Type 03 014 Pages 8

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Rec Amt \$42.00 Aud Amt \$5.00

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LISA SMITH, COUNTY RECORDER  
MADISON IOWA

**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)

James R. Cook, P.C., 2910 Grand Avenue, Des Moines, Ia 50312, Phone: (515) 284-5737

**Taxpayer Information:** (name and complete address)

James R. Cook, P.C.

**Return Document To:** (name and complete address)

James R. Cook, P.C., 2910 Grand Avenue, Des Moines, Ia 50312, Phone: (515) 284-5737

**Grantors:**

Leslie Cooper

**Grantees:**

**Legal Description:** See Page 2

**Document or instrument number of previously recorded documents:** \*\*\*Document Number  
TE\*\*\*

**AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT**

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.

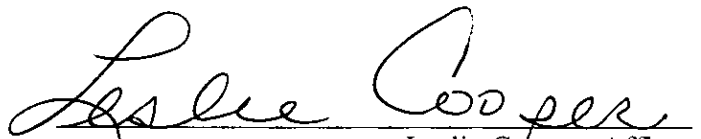
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

That the default(s) mentioned in said Notice 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 retaken possession of said real estate following the expiration of said 30 day period.

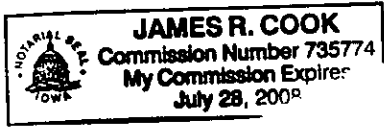
That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee's(s) rights in such contract in accordance with Code Chapter 656.

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 canceled and is of no force and effect whatsoever.

  
\_\_\_\_\_  
Leslie Cooper, Affiant

Signed and sworn to (or affirmed) before me on 3rd day of May, 2007, by Leslie Cooper.



James R. Cook  
James R. Cook, Notary Public

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



### NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Terry Ventling and Wanda Ventling, Husband and Wife, and all persons claiming an interest in the real property

You and each of you are hereby notified:

(1) The written contract dated December 13, 2005, and executed by Leslie Cooper as Vendors, and Terry Ventling and Wanda Ventling, Husband and Wife

Madison as Vendees, (insert recording data) recorded the 2nd day of November, 2006 in the office of the Madison County Recorder, recorded as document reference number Book 2006, Page 4576 for the sale of the following described real estate:

Replat of Lot 21 (3.06 acres), Polo Pointe 2, Section 24, Township 77, Range 26, Madison County, Iowa.

*855 AM  
3-24-07  
R.D.M  
135ct  
POLO POINTE*

has not been complied with in the following particulars:

- (a) Contract payment November, 2006 \$ 8,500.00
  - (b) Contract payment December, 2006 \$ 3,500.00
  - (c) Contract payment January, 2007 \$ 3,500.00
  - (d) See Addendum I \$ \_\_\_\_\_
- Total \$ 31,000.00

(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.

Leslie Cooper  
Leslie Cooper

By James R. Cook  
James R. Cook, P.C. Their Attorney -  
Address: 2910 Grand Avenue, Des Moines, Iowa  
50312

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.

## Addendum

### Addendum 1

- a. Contract payment February, 2007
- b. 8,500.00

- a. Contract payment March, 2007
- b. 3,500.00

- a. Contract payment April, 2007
- b. 3,500.00-

**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
_____	_____	_____
_____	_____	_____
_____	_____	_____

**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
Terry and Wanda Ventling						

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

\_\_\_\_\_  
Notary Public in and for said County and State

**AFFIDAVIT OF  
RETURN OF SERVICE**

STATE OF IOWA )

POLK COUNTY )

CASE NAME: **NOTICE OF FORFEITURE  
OF REAL ESTATE CONTRACT**

I, the undersigned, being duly sworn on oath, do hereby depose and state that I received the **NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT, ADDENDUM**

On the 23 day of March, 2007; that on 24 day of March, 2006, at 8:55 am

I served the same on the within name Terry Ventling  
at 1329 Pointe Court, **CUMMING, IOWA**

by delivering a true and identical copy of each such item in the following manner:

- X   I served the same by delivering a copy thereof to the above personally.
- I served the same on the above person at the person's dwelling house or usual place of abode, by there delivering a copy thereof to a member of the family, or a manager, clerk, proprietor or custodian named and described below, a person who was then at least eighteen years old, who resides at this address.
- I served to above company, corporation, etc., by delivering a copy to the person named and described below. Said service was made at the address shown below, if any otherwise at the above address.

Service Fee	_____	Located at	_____
Mileage	_____		
Service Charge	_____	Remarks	_____
Filing Fee	_____		_____

Total Charges : \$30.00

By: Robert D Miller  
C Miller Investigations, Inc

Subscribed and sworn to before by the said Robert Miller  
This the 26 day of March, 2007

RMiller  
Notary Public for the State of Iowa

IOWA NOTORIAL SEAL  
BECKY MILLER  
COMMISSION number 735016  
My commission expires 6-16-2008

**AFFIDAVIT OF  
RETURN OF SERVICE**

STATE OF IOWA )

POLK COUNTY )

CASE NAME: **NOTICE OF FORFEITURE  
OF REAL ESTATE CONTRACT**

I, the undersigned, being duly sworn on oath, do hereby depose and state that I received the **NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT, ADDENDUM**

On the 23 day of March, 2007; that on 24 day of March, 2006, at 8:55 am

I served the same on the within name Wanda Ventling  
at 1329 Pointe Court, **CUMMING, IOWA**

by delivering a true and identical copy of each such item in the following manner:

- \_\_\_\_\_ I served the same by delivering a copy thereof to the above personally.
- X   I served the same on the above person at the person's dwelling house or usual place  
of abode, by there delivering a copy thereof to a member of the family, or a  
manager, clerk, proprietor or custodian named and described below, a person who  
was then at least eighteen years old, who resides at this address.
- \_\_\_\_\_ I served to above company, corporation, etc., by delivering a copy to the person  
named and described below. Said service was made at the address shown below, if  
any otherwise at the above address.

Service Fee	_____	Located at	_____
Mileage	_____		
Service Charge	_____	Remarks	Terry Ventling
Filing Fee	_____		_____

Total Charges : \$5.00

By: Robert W Miller  
C Miller Investigations, Inc

Subscribed and sworn to before by the said Robert Miller  
This the 26 day of March, 2007

R Miller  
Notary Public for the State of Iowa

IOWA NOTORIAL SEAL  
BECKY MILLER  
COMMISSION number 735016  
My commission expires 6-16-2008