

59-731

IOWA STATE BAR ASSOCIATION
Official Form No. 116

FOR THE LEGAL EFFECT OF THE USE
OF THIS FORM, CONSULT YOUR LAWYER

MADDEN REALTY
5909 GRAND AVE.
DES MOINES, IA 50312

COMPUTER
RECORDED
COMPARED



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

FILED NO. 2056

BOOK 60 PAGE 72

95 FEB 14 AM 9:31

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

TO WHOM IT MAY CONCERN:

STATE OF IOWA

COUNTY OF POLK

REC \$ 15.00
AUD \$ _____
R.M.F. \$ 1.00

ss:

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.

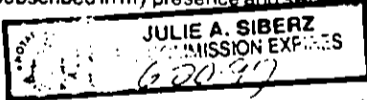
That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee's(s)' rights in such contract in accordance with Code Chapter 656.

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.

Rm Madden Jr
ROBERT M. MADDEN, JR. Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 8th day of February, 19 95



Julie A. Siberz
JULIE A. SIBERZ 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 _____, 19 _____, 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

RECORDER'S CERTIFICATE

STATE OF IOWA, COUNTY OF Madison, ss:

The undersigned Recorder in and for said County in the State aforesaid, hereby certifies that the foregoing affidavit together with Notice and returns thereto attached was filed in the said Recorder's Office by the party or parties causing said Notice to be served as shown by the Notice, on the 14 day of February, 19 95.

Michelle Utsler
Recorder

Betty M. Nibilo
Deputy

Notice of Declaration of Forfeiture and Cancellation of Contract

To ESTATE OF JOHN P. WAKEFIELD ~~for JOHN P. WAKEFIELD,~~ LILLIAN WAKEFIELD ^{EXE.} ~~Contract purchaser.~~
150 CENTER ST TRURO, IOWA SERVE AT 5650 N.W. 57th Ave. Johnston, Iowa
 To ESTATE OF JOHN P. WAKEFIELD ~~Party in possession.~~

You and each of you are hereby notified that the written contract dated the 27th day of April
19.94 and executed by CONNIE L. HARRINGTON as seller, and
 AND ASSIGNED TO JOHN P. WAKEFIELD on the 22nd of November, 1994
R.M. MADDEN CONSTRUCTION, INC. ROBERT M. MADDEN, JR. PRESIDENT

as buyer, for the sale of the following described real estate located in Polk County, Iowa, to-wit:

Lot WEST EIGHT(8) FEET OF LOT FIVE (5) AND ALL OF LOT SIX (6) IN
BLOCK (1) OF HULLS ADDITION TO THE TOWN OF TRURO, IOWA

has not been complied with in the following particulars:

You are delinquent under the terms of said contract in that you have failed to pay or to comply with the terms of the contract as follows:

A. <u>HOUSE PAYMENTS</u>	<u>495.22</u>
B. <u>TAXES</u>	<u>50.00</u>
C. <u>NOTICE</u>	<u>25.00</u>
D. <u>FED TAX LIEN SEARCH</u>	<u>21.00</u>
<u>INSURANCE</u>	<u>Total 179.00</u>

You and each of you are further notified that said contract will stand forfeited and cancelled ^{\$770.22} unless within thirty (30) days after the completed service of this notice you perform all of the terms and conditions of said contract now in default as herein set forth herein and in addition pay the reasonable costs of serving this notice.

Service of this notice is made pursuant to the provisions of Chapter 656 of the 1971 Code of Iowa. When said contract is forfeited and cancelled, you will be forever stopped and barred from having, asserting or claiming any right, title or interest in or to the said real estate or any part thereof, and the undersigned will demand that you quit and surrender possession of said premises.

You are further notified not to remove, deface or destroy any improvement now on said premises.

Dated at Des Moines, Iowa, JANUARY 6, 1995, 19.95

Robert M. Madden, Jr.
ROBERT M. MADDEN, JR.

ACKNOWLEDGMENT OF SERVICE

The Undersigned, on the date specified herein hereby acknowledge due, timely and legal service of the foregoing notice, and acknowledge receipt of a copy thereof at the time and place set out herein.

	Date	Place
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

AFFIDAVIT OF PROOF OF SERVICE

STATE OF IOWA)
) ss.
COUNTY OF POLK)

The undersigned being duly sworn on oath deposes and states that I am a citizen and resident of said county of Polk, State of Iowa, over 21 years of age and not related to either of the within-named parties; that I do certify and make return that I served the attached:

- ORIGINAL NOTICE:
PETITION:
ORDER:
SUBPOENA:
X OTHER: NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

ON: The Estate of John P. Wakefield
the:

That I served the same by delivering a copy thereof:

to the above-named person personally.

X to the above-named person at the above-named person's dwelling house or usual place of abode, which was NOT a rooming house, hotel, club or apartment building, by delivering a copy thereof to an individual named below, a person residing therein at least eighteen years of age;

to the above-named person at the above-named person's dwelling house or usual place of abode which WAS a rooming house, hotel, club or apartment building, by delivering a copy thereof to an individual named below, a person residing therein at least eighteen years of age;

to the above-named company, corporation, etc. by delivering a correct copy thereof at the time and place set out below:

Name: Lillian Wakefield
Relationship: Executor of the Estate
Address: 5650 NW 57th Avenue, Johnston, IA
Date: 1/7/95
Time: 8:30 am

[Signature of Russ Casson, III]
Russ Casson, III



Subscribed and sworn to before me this 7th day of January 1995.

[Signature of Linda J. Casson]
Linda J. Casson
Notary Public - State of Iowa

Service Fee: \$46.00