

57-470

THE IOWA STATE BAR ASSOCIATION
Official Form No. 116

ISBA# 04132 Jordan, Oliver & Waters
Winterset, Iowa

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



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

FILED NO. 1042

TO WHOM IT MAY CONCERN:

STATE OF IOWA

COUNTY OF MADISON

SS:

REC \$ 15.00

AND L.

R.M.F. \$ 1.00

BOOK 60 PAGE 528

95 OCT 13 PM 3:47

MICHELLE UTOLIN
RECORDER
MADISON COUNTY, IOWA

The undersigned, first being duly sworn upon oath ~~for purposes of this affidavit~~ XXXXXXXXXXXX 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.

COMPUTER
RECORDED
COMPALED

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)~~ (has) 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 vendee or anyone; that vendor(s) ~~(has)~~ (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 658.

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.

Jerrold B. Oliver
Jerrold B. Oliver Affiant

Subscribed in my presence and sworn to ~~before me~~ before me by the said Affiant this 13th day of October, 19 95.



Kathy D. Nicholl
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 13th day of October, 19 95.

Michelle Utolin
Recorder

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

INTERNAL REVENUE SERVICE RECEIVED
 JOURNAL SEP 11 1995
 Distr. Dir.-Des Moines, IA (Special Procedures)

TO:
 RANDY D. BRAYTON AND MARY K. BRAYTON
 DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE

You and each of you are hereby notified:

(1) The written contract dated February 18, 19 92, and executed by PATRICK F. CORKREAN AND NANCY M. CORKREAN, Husband and Wife; and MARY A. CORKREAN, Single, as Vendors, and RANDY D. BRAYTON AND MARY K. BRAYTON, as Vendees for the sale of the following described real estate:

The South Half (S 1/2) of Lot One (1) of Helen McCall Huntoon Addition, Plat No. One (1) to the City of Winterset, Madison County, Iowa

has not been complied with in the following particulars:

(a) Failure to pay the payments due on 1/1/95, 2/1/95, 3/1/95, 4/1/95, 5/1/95, 6/1/95, 7/1/95, 8/1/95 and 9/1/95 in the amount of \$300.00 each	5,400.00
(b) Failure to pay property taxes payable in the fiscal year beginning 7/1/93	2,648.00
(c) Failure to pay property taxes payable in the fiscal year beginning 7/1/94	2,546.00
Total	10,594.00

(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 \$ -0- (not to exceed \$50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

Mary A. Corkrean
 Patrick F. Corkrean

Nancy M. Corkrean Vendors (or Successors in Interest)

By Jerrold B. Oliver Their Attorney

Address: Jordan, Oliver & Walters, P.C.
 P.O. Box 230, Winterset, IA 50273

Chapter 656, The Code

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.

Des Moines, Iowa	Date of Service	Place of Service
SEP 11 1995		

Chief, Special Procedures Staff

115 NOTICE OF FORFEITURE Revised November, 1990

THE IOWA STATE BAR ASSOCIATION Official Form No. 118 ISBA# 04137 Jordan, Oliver & Walters Winterset, Iowa

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: RANDY D. BRAYTON AND MARY K. BRAYTON DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE

You and each of you are hereby notified:

(1) The written contract dated February 18, 1992, and executed by PATRICK F. CORKREAN AND NANCY M. CORKREAN, Husband and Wife; and

MARY A. CORKREAN, Single, as Vendors, and RANDY D. BRAYTON AND MARY K. BRAYTON, as Vendees

for the sale of the following described real estate:

The South Half (S 1/2) of Lot One (1) of Helen McCall Huntoon Addition, Plat No. One (1) to the City of Winterset, Madison County, Iowa

has not been complied with in the following particulars:

Table with 2 columns: Description of failure and Amount. (a) Failure to pay payments due on 1/1/95, 2/1/95, 3/1/95, 4/1/95, 5/1/95, 6/1/95, 7/1/95, 8/1/95 and 9/1/95 in the amount of \$600.00 each - 5,400.00; (b) Failure to pay property taxes payable in the fiscal year beginning 7/1/93 - 2,648.00; (c) Failure to pay property taxes payable in the fiscal year beginning 7/1/94 - 2,546.00; Total - 10,594.00

(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 \$ -0- (not to exceed \$50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

Mary A. Corkrean Patrick F. Corkrean

Nancy M. Corkrean Vendors (or Successors in Interest)

By Jerrold B. Oliver Their Attorney

Address: Jordan, Oliver & Walters, P.C. P.O. Box 230, Winterset, IA 50273

Chapter 656, The Code

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.

Signature table with columns: Name, Date of Service, Place of Service. Randy D. Brayton, 9-7-95, 703 W. Court; Mary K. Brayton, 9-7-95, 703 W. Court