

57-67

THE IOWA STATE BAR ASSOCIATION
Official Form No. 176

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

INDEXED ✓
RECORDED ✓
COMPARED ✓

FILED NO. 3507

BOOK 61 PAGE 727

97 JUN 11 PH 3:32

REC. # 1500
AUG. S. 1.10
R.M.D. # 1.10

NICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

Preparer Information JOHN E. CASPER 223 EAST COURT AVENUE PO BOX 67 WINTERSSET IOWA 50273
Individual's Name Street Address City 462-4912 Phone

SPACE ABOVE THIS LINE
FOR RECORDER



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 (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.

Everett L. Ross
EVERETT L. ROSS AFFIANT

Violet Ross
VIOLET ROSS Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 11th day of June, 19 97.



John E. Casper
JOHN E. CASPER
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

THE IOWA STATE BAR ASSOCIATION
Official Form No. 175 ISBA# 01612

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

Preparer Information JOHN E. CASPER 223 EAST COURT AVENUE PO BOX 67 WINTERSET IA 50273
Individual's Name Street Address City 462-4912 Phone



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

SPACE ABOVE THIS LINE
FOR RECORDER

TO:
LORA LEA NEAL LORI STRAIN
305 SOUTH 16TH AVE 117 EAST HIGH ST
WINTERSET, IOWA 50273 WINTERSET, IOWA 50273

You and each of you are hereby notified:

(1) The written contract dated SEPTEMBER 17, 19 91, and executed by
EVERETT L. ROSS AND VIOLET ROSS
as Vendors, and
LORA LEA NEAL

as Vendees, for the sale of the following described real estate:

Lot Seven (7) Block Three (3) Jones Addition to the Town of
Winterset, Madison County, Iowa

has not been complied with in the following particulars:

- (a) Failure to pay property taxes owed to Madison Co. Treasurer \$3,949.00
 - (b) Failure to pay installment payments due on March 10, 1997 500.00
 - (c) and April 10, 1997, respectively, each in the sum of \$250.00
 - (d)
- Total \$4,449.00

(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.

Everett L. Ross
Everett L. Ross

Violet Ross
Violet Ross Vendors
(for Successors in Interest)

By _____
Their Attorney

Address: 317 South 1st
Winterset, Iowa 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.

	Date of Service	Place of Service
<u>LORA LEA NEAL <i>Lora Neal</i></u>	<u>MAY 5, 1997</u>	<u>WINTERSET, IOWA 50273</u>
<u>LORI STRAIN <i>Lori Strain</i></u>	<u>MAY 6, 1997</u>	<u>WINTERSET, IOWA 50273</u>

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA

County of _____ } SS.

The undersigned, first being duly sworn, upon oath deposes and states that he 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 _____, 19 ____.

Notary Public in and for said County and State

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9-17-91