

Return: Kenneth Johnson-431 28th-DM, Ia. 50312

IOWA STATE BAR ASSOCIATION  
Official Form No. 116

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

FILED NO. 1894

BOOK 129 PAGE 545

92 FEB 12 AM 11:36

MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA  
Fee \$15.00



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

TO WHOM IT MAY CONCERN:

STATE OF IOWA

COUNTY OF POLK } ss:

INST # 051616  
RECORDING FEE 15.00  
AUDITOR FEE \_\_\_\_\_

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.

Kenneth Johnson  
KENNETH A. JOHNSON Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 5th day of February, 19 92



Gayla J. Frohwein  
GAYLA J. FROHWEIN 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 12 day of February, 19 92.

Michelle Utsler  
Shirley L. Perry  
Recorder  
Deputy

PAGE INVESTIGATIONS  
Affidavit of Service

THOMAS & DOROTHY SCOTT  
VS  
DARRELL E. REED

Service For: KEN JOHNSEN  
Law #:

STATE OF IOWA  
POLK COUNTY :

I, the undersigned, being first duly sworn on oath, depose and state that I am over the age of 18 years, and that I received and served the following documents :

- |                                    |                                    |
|------------------------------------|------------------------------------|
| ORIGINAL NOTICE                    | APPEARANCE AND ANSWER FORM         |
| ORDER FOR HEARING                  | THIRTY DAY NOTICE TO QUIT          |
| PETITION                           | JURY DEMAND                        |
| NOTICE TO QUIT AND NOTICE TO CURE  | INJUNCTION                         |
| VERIFICATION                       | ORDER TO SHOW CAUSE                |
| FINANCIAL STATEMENT OF NET WORTH   | X NOTICE OF REAL ESTATE FORFEITURE |
| FORCIBLE ENTRY DETAINER            | AFFIDAVIT                          |
| NOTICE OF GARNISHMENT              | SUBPOENA                           |
| ORDER FOR APPEARANCE & EXAMINATION | X EXHIBITS                         |

I received these documents on the 26 day of December , 1991, and on the 27 day of December , 1991 at 10:10 o'clock Am. I served the same on the within named DARRELL REED at R.R. #1 city of ST. CHARLES in POLK county Iowa by delivering a true and identical copy of such items in this manner:

I served the same by delivering a copy thereof to the above personally.

X I served the same on the above person by sub-serving PEGGY who is over the age of 18 years and is a resident of the above persons usual place of abode. Relationship to the above person is CO-OCCUPANT

I served the same on the above person by sub-serving who is over the age of 18 years and isn't a resident of the above persons usual place of abode. Relationship to the above person is

I served the same on the above company, corporation, etc., by delivering a copy to whose position is and who is over the age of 18 years.

I attempted service on and after diligent investigation found that :

FEE	\$20.00
MILEAGE	21.00
LOCATE	0.00
O. FEES	0.00
TOTAL	\$41.00

By

*[Handwritten signature]*  
*[Notary Seal]*

JIM YOUNG

Subscribed and sworn to before me by the said on this 29 day of December , 1991

Invoice #: 8106

*Kathie Page*  
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA



### NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Darrell E. Reed  
R.R. 1  
St. Charles, IA 50240

You and each of you are hereby notified:

(1) The written contract dated August 1, 19 91, and executed by  
Thomas H. Scott and Dorothy L. Scott, husband and wife,  
as Vendors, and Darrell E. Reed, as Vendees,

for the sale of the following described real estate:

The North Fractional Half of the Northeast Quarter (NE $\frac{1}{2}$ ) of the  
Northeast Quarter (NE $\frac{1}{2}$ ) of Section Four (4) in Township Seventy-  
five (75) North, Range Twenty-six (26) West of the 5th P.M.,  
Madison County, Iowa, (Filed at the Madison County Recorder's Office at  
Book 129, Page 130)

has not been complied with in the following particulars:

(a) Failure to pay November, 1991, and December, 1991, contract payments (2 x \$339.26)	<u>678.52</u>
(b) Attorney Fees	<u>50.00</u>
(c) Service fees (estimated)	<u>41.00</u>
(d)	<u>          </u>

**Total**      769.52

(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.

THOMAS H. SCOTT

DOROTHY L. SCOTT

Vendors (or Successors in Interest)

By *Kenneth A. Johnson*  
KENNETH A. JOHNSON      Their Attorney -

Address: 431 - 28th Street

Des Moines, IA 50312

Chapter 656, The Code

244-1250

#### ACKNOWLEDGEMENT 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
_____	_____	_____
_____	_____	_____
_____	_____	_____