

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

FRIED NO.

TO WHOM IT MAY CONCERN:

BOOK 57 PAGE 357

STATE OF IOWA

92 MAR 11 AM 10: 56

DALLAS COUNTY OF _

MICHELLEUTSLER RECORDER HADISON COUNTY, IOWA

The undersigned, first being duly sworn upon oath (or upon affirmation) deposes and states:

Fee \$15.00

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.

COMPARED

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 Paul and Mary K. Clutter were served on February 10, 1992, with Notice of Forfeiture on the following described property:

The West 56 feet of Lot Seven (7), in Block Eight (8), of Hartman & Young's Addition to the Town of St. Charles, Madison County, Iowa, and locally known as 209 W. Main Street, St. Charles, Iowa.

That more than thirty (30) days have passed and the terms of curing their deault on the real estate contract with Daniel and Jana L. Hodges were not complied with.

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) have (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') 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.

arles H. Tayen les H. Fager, Attorney Affiant

and swom to (or affirmed) before me by the said Affiant this 11th day of March

......Notary Public in and for said County.

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 454.3; R.C.P. 60, 60.1 and 62. Suggested: That Personal Service could not and cannot be made upon , a copy of said Notice in the State of lows; that on the... _ 19_ _day of _ mail addressed to said (party) (parties) at their last known mailing address, to-wift

Code Chapter 656

RECORDER'S CERTIFICATE

MADISON STATE OF IOWA, COUNTY OF

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 11th day of March, 19 92. <u>llth_day_of_</u> said Notice to be served as shown by the Notice, on the...

P-567



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

PAUL CLUTTER							
u and each of you are hereby notifi	ied:				19 9 1	_ , and e	xecuted by
		Apri	1_9_				
The written contract dated	T. Hode	res	(1)	tter			<u> </u>
endors, and Paul Clucter							s Vendees,
ne sale of the following described r The West 56 feet of Lo x Young's Addition to and locally known as 2	09 W. M	ain S	in St. tre	Block Eight Charles, Ma et, St. Char	(8), adison cles, l	of Har County Owa,	tman , Iowa,
and locally known as a not been complied with in the folio	wing particu	ılars:		6200 navi	ments		800.00
not been complied with in the following the complete with in the following the complete the comp	quent s	ix mo	ntn.	r 2300 bal			155.00
(a) Paragraph 1, Delin (b) Paragraph 3, Real	estate	taxes	no	, paru Ingurance			150.00_
(b) Paragraph 3, Real (c) Paragraph 6, Fail	ure to m	iainte	1111	Illegazano			105 00
(d)					Tota	1 \$ 2	105.00
(=)	-144	the narti	ies in (default, within 30 (days after	the comp	6160 service
(d) (2) The contract shall stand forfer the terms	2291NU D9318	ne in del	fault. 8	ind in addition pay	the reaso	mable cos	SEZ OI SALAUIA
(2) The contract shall stand forfe this notice, shall perform the terms	aud commo	113 111 00			050 7	of the Co	te of lowa is
s notice. (3) The amount of attorney feet (not to exceed	s claimed by § \$50.00). P	y the Ve ayment	ndors of the	pursuant to Secti attorney fees is	on 656./ (not requir	ed to con	nply with this
tice in order to prevent forfeiture.			9	Jani 1	Vorte	700	
•			- 4	1 1	1	1	
				and Hor	Successors	in Interesti	
				vendors (gr ←)	<i></i>	4.7.	. 0.0-
			Ву	Uh	week_		Their Attorney
		•		ss: Po Box	151	0	
			Addre	ss: Yo Pok		7/0	v/3
				<u> Dallas</u>	(cator	74 X	<u> </u>
hapter 656, The Code							
The undersigned hereby acknow a copy at the time and place set or	i-d-s dua t	imelv st	nd lea:	OF SERVICE al service of this i mes. Date of Service	notice, no	acknowl Place	edge receipt of Satisface
				OF SERVICE		- Lange	
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STATE OF IOWA.		SS .					••
County ofMADISON		_)				. •	
The undersigned, first being du obverse side hereof on each of the copy of said notice to each of said	ly sworn, up e persons to I persons at	oon oath whom the time	n depo said no and	oses and states to place is addressed place set opposite	hat he I, and nam I their res	served the below pective no	by delivering
Name	Month	Day	Year	or Township	 	inty	
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Paul Clutter		3					
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			Paul	D. WEICH, Sh	CTITI (A		-
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				Craig Busch,	Deputy	u of	
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	leworn to bel		-,				<u> </u>
Subscribed in my presence and	sworn to be		.,				
Subscribed in my presence and	I sworn to be	-	-,				
				Notary Public			
19				Notary Public			
19 SHERIFF FEES				Notary Public			
SHERIFF FEES SERVICE \$15.00				Notary Public			
SHERIFF FEES		£ 2 5 5 1		Notary Public			



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NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

u and each of you are hereby no	tified:				03	d avantad bu
		pril	9		, 19 <u>.91 </u>	ла өхөситөа ру
		dges	<u> </u>			·
Daniel Hodges and Diendors, and Paul Clutte	r and Mar	<u>.y. K.</u>				_, as Vendees
he sale of the following describe he West 56 feet of L Young's Addition to nd locally known as not been complied with in the fo	the Town 209 W. Ma	ain St	tree	t, St. Charl	es, Iowa,	artman ty, Iowa,
(a) Paragraph 1, Del	inquent	taxe:	2 11C	C Pul-u	ents 	155.00 150.00
(c) Paragraph 6, Fai	lure to	maint	aın	insurance	_	
(d) (2) The contract shall stand for					Total \$	2105.00
(2) The contract shall stand for his notice, shall perform the terms notice. (3) The amount of attorney feed on the following form the exception of the except	es claimed by ed \$50.00). P		auit, c	pursuant to Section attorney fees is not attorney fees in the section of the sect	s 656 7 of the (Code of lowa isomply with this
		1	, 3v	Charle H.	tayen	
			addre	ss: Po Box	250	Their Attorney
Ann The Order				Dallas Co	nter JA So	203
upter 658, The Code						
				OF SERVICE	MADISÕ WII FBB	N COUNTY SHERIFF NTERSET, 109/A
The undersigned hereby acknow copy at the time and place set of	vledge due, ti pposite their (meły and respectiv	d lega ve nar	I service of this not nes. Date of Service	MANUSON WII ice, and acknow	n county sherter nterset, lowa
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SEE PAUL CLUFTER SERVICE FOR FEES