

56-42
IOWA STATE BAR ASSOCIATION
Official Form No. 8A (Trade-Mark Registered, State of Iowa, 1987)

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



AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN:

STATE OF IOWA
COUNTY OF MADISON } 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.

FILED

2528

FILED NO. _____

BOOK 57 PAGE 442

92 APR 22 AM 8:39

Fee \$15.00

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

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); 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 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.

Leonard M. Flander
Leonard M. Flander Affiant



Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 21st day of April, 19 92

Beth Flander

Beth Flander Notary Public in and for said County.

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: _____

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 22 day of April, 19 92.

Michelle Utsler
Shirley H. Henry
Recorder
Deputy

8A. AFFIDAVIT IN SUPPORT OF FORFEITURE
OF REAL ESTATE CONTRACT
This Printing: January 11, 1987



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: THEODORE J. BORCHERDING AND PAMELA A. BORCHERDING
615 SOUTH 7TH AVENUE 615 SOUTH 7TH AVENUE
WINTERSET, IA 50273 WINTERSET, IA 50273

You and each of you are hereby notified:

(1) The written contract dated June 15, 19 90, and executed by
Joyce E. Stonehocker

as Vendors, and Theodore J. Borcharding and Pamela A. Borcharding, as Vendees,

for the sale of the following described real estate:

**The North 66 Feet of Lot Two (2) of Hutchings'
Addition to Winterset, Madison County, Iowa,**

has not been complied with in the following particulars:

(a) You have failed to pay the installment due on 575.00
March 15, 1992

(b) _____

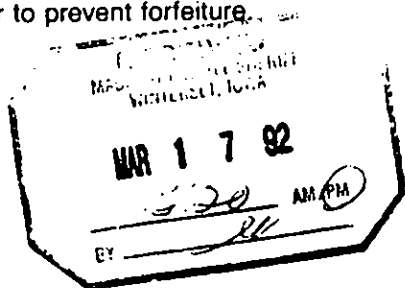
(c) _____

(d) _____

Total 575.00

(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.



Ava Lea Edwards

a/k/a Ava Lea Boyle
Vendors (or Successors in Interest)

By [Signature] Their Attorney—
Leonard M. Flander and Casper

Address: 223 East Court Avenue
P. O. Box 67
Winterset, IA 50273-0067

Tele: (515) 462-4912

Chapter 656, The Code

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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN OF SERVICE - Personal

STATE of IOWA }
County of MADISON } ss.

The undersigned first being duly sworn, upon oath deposes and states that he served the notice on the reverse side on each of the persons to whom the notice is addressed, and named below, by delivering a copy of the notice to each of the persons at the time and place set opposite their respective names:

Table with 7 columns: Persons Served, Day, Month, Year, City, Town or Township, County, State. Row 1: THEODORE J. BORCHERDING, 17th, March, 1992, Winterset, Madison, Iowa.

Paul D. Welch, Sheriff Madison County

Craig Busch, Deputy

Subscribed in my presence and sworn to before me by the affiant ... 19

Notary Public in the above State.

FEES

Service \$ 15.00
Copies \$
Mileage \$ 2.70
Total \$ 17.70

MAILED
MAR 18 92
Denda

RETURN OF SERVICE - Leaving Copy

STATE of IOWA }
County of MADISON } ss.

The undersigned, being first duly sworn, upon oath deposes and states that on March 17th 19 92 he served the notice on the reverse side on Pamela A. Borcherding at her usual dwelling house or usual place of abode in the City, town or township of Winterset in Madison County, Iowa, and which place was not a rooming house, hotel, club or apartment building, by there delivering a copy of the notice to Theodore J. Borcherding, husband

a person residing there who was then at least eighteen years old.

Paul D. Welch, Sheriff Madison County

Craig Busch, Deputy

Subscribed in my presence and sworn to before me by the affiant ... 19

Notary Public in the above State.