

130-243

THE IOWA STATE BAR ASSOCIATION
Official Form No. 118

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



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

FILED NO. 3092

BOOK 131 PAGE 612

93 JUN -7 AM 11:29

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

TO WHOM IT MAY CONCERN:

RED \$ 20.00
AUD \$ _____

STATE OF IOWA

ss:

COUNTY OF MADISON

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.

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) (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)~~ (has) (have) retaken possession of said real estate following the expiration of said 30 day period.

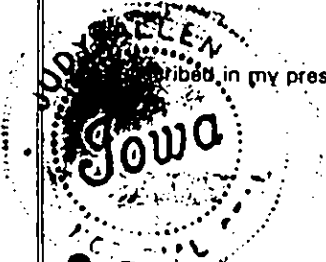
That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee's(s') rights in such contract in accordance with Code Chapter 656.

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.

Thomas H. Scott
Affiant

Subscribed, in my presence and sworn to (or affirmed) before me by the said Affiant this 4th day of June, 1993.
Judy Allen
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 _____, 199____, 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 7 day of June, 1993.

Betty M. Nublo
Deputy
Recorder

130-243

THE IOWA STATE BAR ASSOCIATION
Official Form No. 115



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

FOR THE LEGAL EFFECT OF THE USE OF
THIS FORM, CONSULT YOUR LAWYER
MADISON COUNTY
WINTERSET, IOWA
APR 26 1993
BY S. J. [Signature] (A.M./P.M.)

TO:
THOMAS FINDLEY and KARLA FINDLEY
R.R. 1, BOX 150
ST. CHARLES, IA 50240

You and each of you are hereby notified:

(1) The written contract dated APRIL 1, 19 92, and executed by
THOMAS H. SCOTT and DOROTHY L. SCOTT, husband and wife
as Vendors, and
THOMAS FINDLEY and KARLA FINDLEY, husband and wife

as Vendees, for the sale of the following described real estate:
See Attached Exhibit "A"

has not been complied with in the following particulars:

(a) Failure to pay December, 1992 rent	180
(b) Failure to pay Jan. 1993 - April, 1993 rent	1,360
(c) Attorney fees	50
(d) Service fees - estimated	21
Total	1,611

(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 [Signature] Their Attorney
Address: 113 N. John Wayne Drive
Winterset, IA 50273

Chapter 656, Title 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
_____	_____
_____	_____
_____	_____

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CALFS Release 1.0 11/92

115 NOTICE OF FORFEITURE
Revised November, 1990

MEMO AND AFFIDAVIT OF SERVICE

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 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
Karla Findley	April	26th	1993	South	Madison	Iowa

Craig Busch

Craig Busch

Subscribed in my presence and sworn to before me by said affiant this 26th day of April, 1993.

THOMPSON
 Iowa
 SHERIFF FEES
 SERVICE \$10.00
 MILEAGE 11.34
 TOTAL \$21.34

Lois E. Thompson

Lois E. Thompson

Notary Public in and for said County and State

PAID

JUN 01 93

Vendors Atty

EXHIBIT "A"

The North Fractional Half of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Four (4) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa