

128-91



COMPUTER
RECORDED
COMPARED

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

FILED NO. 2036

TO WHOM IT MAY CONCERN:

BOOK 131 PAGE 177

STATE OF IOWA

Fee \$15.00

93 FEB 12 PM 2: 23

COUNTY OF POLK } ss:

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

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.

Mike Sprau
MIKE SPRAU, Manager
MANAGER
Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 10 day of February, 19 93

Lee P Hook
Lee P Hook
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 93.

Michelle Utsler
Michelle Utsler
Recorder
Shirley H. Henry
Shirley H. Henry, Deputy

PAGE INVESTIGATIONS
Affidavit of service

THORP CREDIT
VS
RICHARD LATTIG

Service for: LEE HOOK

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
ORDER FOR HEARING
PETITION
NOTICE TO QUIT AND NOTICE TO CURE
VERIFICATION
FINANCIAL STATEMENT OF NET WORTH
FORCIBLE ENTRY DETAINER
NOTICE OF GARNISHMENT
ORDER FOR APPEARANCE & EXAMINATION

APPEARANCE AND ANSWER FORM
THIRTY DAY NOTICE TO QUIT
JURY DEMAND
INJUNCTION
ORDER TO SHOW CAUSE
XX NOTICE OF REAL ESTATE FORFEITURE
AFFIDAVIT
SUBPOENA
EXHIBITS

I received these documents on the 06 day of January , 1993, and on the 09 day of January , 1993 at 02:25 o'clock PM. I served the same on the within named RICHARD LATTIG at 8210 PLAZA LN. city of DES MOINES in POLK county Iowa by delivering a true and identical copy of such items in this manner:

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

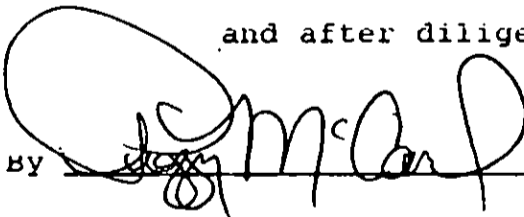
-- I served the same on the above person by sub-serving who is over the age of 18 years and is a resident of the above persons usual place of abode. relationship to the above person is

-- 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 :

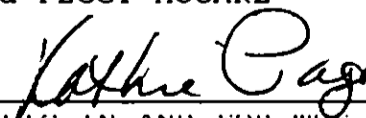
FEE \$20.00
MILEAGE 0.00
LOCATE 0.00
O.FEES 0.00
TOTAL \$20.00

BY 



subscribed and sworn to before me by the said PEGGY MCCARL on this 11 day of January , 1993

Invoice #: 3654


NOTARY PUBLIC IN AND FOR THE STATE OF IOWA



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: RICHARD B. LATTIG, a single person

You and each of you are hereby notified:
(1) The written contract dated November 17, 19 87, and executed by

as Vendors, and Thorp Credit, Inc.

Richard B. Lattig, as Vendees,
for the sale of the following described real estate: The East Half (E 1/2) of the Northwest Quarter
(NW 1/4) and the West Half (W 1/2) of the Northeast Quarter (NE 1/4) and the Northeast Quarter
(NE 1/4) of the Northeast Quarter (NE 1/4) in Section Twenty (20), Township Seventy-four (74)
North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

has not been complied with in the following particulars:

(a) failure to pay the entire unpaid balance of principal plus	
(b) interest due on or before April 1, 1992, as follows: Principal	<u>\$60,508.05</u>
(b) Interest through 3/31/92	<u>2,479.28</u>
(b) Interest as of 12/31/92	<u>5,104.40</u>
Total	\$68,091.73 *

(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.

*Plus accruing interest at \$18.23/day commencing January 1, 1993

THORP CREDIT, INC.

By: [Signature] (Vendors (or Successors in Interest))
LEE P. HOOK Their Attorney—
Address: P.O. Box 9130
Des Moines, IA 50306-9130

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
_____	_____	_____
_____	_____	_____
_____	_____	_____