

51-357

THE IOWA STATE BAR ASSOCIATION
Official Form No. 116

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

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AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

FILED NO. 2545
BOOK 52 PAGE 267
93 APR 12 PM 4:01
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

TO WHOM IT MAY CONCERN:

REC \$ 15.00
AUD \$ -

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.

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.

Lewis H. Jordan
Lewis H. Jordan Affiant
Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 12th day of April, 1993
Carol Kiernan
Carol Kiernan 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 12th day of April, 1993.

Michelle Utsher
Michelle Utsher Recorder

*The Iowa State Bar Association
This Printing November, 1990

THE IOWA STATE BAR ASSOCIATION
Official Form No. 115

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



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

MAR 08 83

TO: Gary Rogers and Glenda J. Rogers
608 East South Street
Winterset, IA 50273

4109.00
K.S.

You and each of you are hereby notified:

(1) The written contract dated September 2, 19 83, and executed by Alan V. Anthony, Paula J. Anthony, Jack W. Anthony and Judy L. Anthony as Vendors, and Gary Rogers and Glenda J. Rogers as Vendees,

for the sale of the following described real estate: Commencing at the Northeast corner of Lot 1 in Block 31,, Original Town Plat of the City of Winterset, Madison County, Iowa, thence W along the N property line 66 ft. to the W side of Lot 1, thence S along the W side of Lot 1, 73 ft, th. E 44 ft, thence S 12 ft, thence E 22 ft, to the E line of Lot 1, thence N along the E line of Lot 1 85 ft. to the place of beginning; and an easement comm. at a point 73 ft. S and 34 ft. E of the NW corner of Lot 1 in Block 31 of the Original Town of Winterset, Madison Co., Iowa, thence SE on a straight line to the SE corner of said Lot 1, thence N on the East line thereof 47 ft, thence W 72 ft, thence North 72 feet, thence West 10 feet to the POB

has not been complied with in the following particulars:

- (a) You have failed to make the payments due in June, July, August, September,
 - (b) October, November and December of 1992, and January, February and March,
 - (c) of 1993 at \$1150 per month \$11,500.00
 - (d)
- Total \$11,500.00

(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.

ALAN V. ANTHONY

Vendors (or Successors in Interest)
By Lewis H. Jordan Their Attorney—
Address: Jordan, Oliver & Walters
Post Office Box 230
Winterset, IA 50273
Telephone: 515/462-3731

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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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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
Gary Rogers						
Glenda J. Rogers	March	9th	1993	Winterset	Madison	Iowa
Glenda J. Rogers	March	9th	1993	Winterset	Madison	Iowa

Paul D. Welch, Sheriff Madison County

Ken Burk, Deputy

Subscribed in my presence and sworn to before me by said affiant this _____ day of _____, 19____.

Notary Public in and for said County and State

SHERIFF FEES
SERVICE \$15.00
MILEAGE 2.70
TOTAL \$17.70

PAID
MAR 10 93
Vendor Atty
[Signature]

210 : 03