

124-89

IOWA STATE BAR ASSOCIATION
Official Form No. 116

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



AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

FILED NO. 1507

TO WHOM IT MAY CONCERN:

STATE OF IOWA

COUNTY OF DALLAS

COMPUTER REC \$ 15.00
RECORDED AUD \$ _____
COMPARED R.M.F. \$ 1.00

BOOK 132 PAGE 342

93 DEC 16 PM 4:24

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 and is of no force and effect whatsoever.

Teresa Lou Lenze
(Teresa Lou Lenze) Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 13th day of DECEMBER, 1993.

Dean R. Nelson
(Dean R. Nelson) 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 16 day of December, 1993.

Michelle Utsler
Recorder
Betty M. Niblo
Deputy

RECEIVED
FOR THE LEGAL EFFECT OF THE USE
OF THIS FORM IN IOWA
WINTERSSET, IOWA

1993



**NOTICE OF FORFEITURE
OF REAL ESTATE CONTRACT**

TO: James E. Davis
R. R. 1, Box 12
Dexter, IA 50070

By Neva J. Davis
R. R. 1, Box 12
Dexter, IA 50070

You and each of you are hereby notified:

(1) The written contract dated February 26, 1988, and executed by Teresa Lou Lenze, a single person, as Vendors, and James E. Davis and Neva J. Davis, husband and wife, as joint tenants with full rights of survivorship, and not as tenants in common, as Vendees, for the sale of the following described real estate:

A tract of land commencing 40 rods North of Southwest corner of the Northwest Fractional Quarter (NW $\frac{1}{4}$) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., thence East 185 ft, thence North 230 ft, thence West 185 ft, thence South 230 ft. to point of beginning,

has not been complied with in the following particulars:

- | | |
|---|----------|
| (a) You have failed to pay one-half of the payment due June 1, 1993, in the sum of \$151.99; the payment due July 1, 1993, in the sum of \$303.98; the payment due August 1, 1993, in the sum of \$303.98, for a total of ----- | 759.95 |
| (c) You have failed to pay real estate taxes due and payable in the 1990-1991 fiscal year, the 1991-1992 fiscal year, and the 1992-1993 fiscal year which taxes are delinquent | 2,007.00 |

Total 2,766.95.

(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.

Teresa Lou Lenze

Vendors (or Successors in Interest)

By Dean R. Nelson Their Attorney—

Address: P.O. Box 370

Earlham, IA 50072

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 MADISON }
County of _____ } 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. Rows include JAMES E DAVIS and NEVA J DAVIS.

Paul D. Welch, Sheriff
Madison County

by Wm L. Barreison, Deputy

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

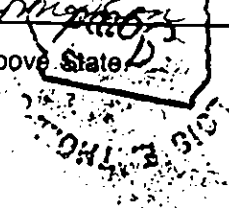
Luis E. Thompson, Notary Public in the above State

FEES

Service \$ 15.00
Copies \$
Mileage \$ 12.96
Total \$ 27.96

PAID

AUG 10 93
Vendor Atty



RETURN OF SERVICE - Leaving Copy

STATE of _____ }
County of _____ } ss.

The undersigned, being first duly sworn, upon oath deposes and states that on 19____ he served the notice on the reverse side on _____ at his/her _____ dwelling house or usual place of abode in the City, Town or Township of _____ in _____ County, _____, and which place was not a rooming house, hotel, club or apartment building, by there delivering a copy of the notice to _____ a person residing there who was then at least eighteen years old.

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

_____, Notary Public in the above State.