

THE IOWA STATE BAR ASSOCIATION
Official Form No. 116

ISBA# 04132 Jordan, Oliver & Walters
Winterset, Iowa

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

COMPUTER
RECORDED
COMPARED

REC \$ 22.00
AUDS 00
R.M.F. \$ 00

ss:

FILED NO. 3623

BOOK 133 PAGE 130

94 JUN 24 PM 4:03

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

The undersigned, first being duly sworn upon oath ~~to support and defend~~ 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) ~~not~~ 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(e)' 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.

Jerrold B. Oliver
Jerrold B. Oliver Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 24~~th~~ day of June, 1994.

Julia A. Snyder
Julia A. Snyder
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 24 day of June, 1994.

Michelle Utsler Recorder
Shirley H. Henry Deputy

~~23556~~

RETURN OF SERVICE

The within notice received this 23rd day of May, 1994, and I certify that I served the same on the person(s) named below by delivering a copy thereof to said person(s) personally at the time and place set opposite his or her name:

~~NOTIFIED~~
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

I certify that I served a copy of Notice of Forfeiture of Real Estate

Contract on

Becky Wright At RRI, Peru, IA 50222 on 5-23-94
(Name) (Address) (Date)
Served Steven H. Wright At RRI, Peru, IA 50222 on 5-23-94
thru Becky Wright, spouse on _____
At _____ on _____

FEES:

Service \$ 30.00
Copies \$ _____
Mileage \$ 10.00
40.00

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA :
:ss
MADISON COUNTY:

The undersigned, first being duly sworn upon oath, deposes and states that he served the attached notice or document on each of the persons named above by delivering a copy of said notice or document to each of said persons at the time and place set above opposite their respective names.

Joseph Carney
Joseph Carney

Subscribed and sworn to before me by Joseph Carney on this 2nd day of June, 1994.

Julia A. Snyder
Notary Public in and for the State of Iowa



THE IOWA STATE BAR ASSOCIATION
Official Form No. 115

ISBA # 02-32 Jordan, Oliver & Walters
Winterset, Iowa

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



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

FILED
94 JUN -2 PM 4:00
JAMES WELLS
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

TO:
STEVEN H. WRIGHT and BECKY WRIGHT
Rural Route One
Peru, Iowa 50222

You and each of you are hereby notified:
(1) The written contract dated March 29, 19 90, and executed by
Harry L. Meader III and Karen Meader, husband and wife
as Vendors, and
Steven H. Wright and Becky Wright

as Vendees, for the sale of the following described real estate:
See description of real estate attached hereto

has not been complied with in the following particulars:

(a) Buyers have not made the payments due on said Contract on 2/1/94,	1,000
(b) 3/1/94, 4/1/94 and 5/1/94 in the amount of \$250.00 each	0
(c)	0
(d) Buyers have failed to provide Sellers with evidence that the improvements on said property have been insured as required by Paragraph 6 of said Contract.	0
Total	1,000

(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.

Harry L. Meader III and Karen Meader

Vendors (or Successors in Interest)

By *James B. Oliver*
Herold B. Oliver Their Attorney -
Address: Jordan, Oliver & Walters

POB 230, Winterset, IA 50273

Chapter 656, The 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
_____	_____
_____	_____
_____	_____

A tract of land described as: Commencing at the Southeast Corner of the West One-half ($\frac{1}{2}$) of the Southeast Quarter ($\frac{1}{4}$) of Section Twenty-two (22), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., thence West 282 feet to the point of beginning, thence North 432 feet, thence West 500 feet, thence Southwesterly to a point 648 feet West of a point 32 feet North of the point of beginning, thence South to the South line of said West One-half ($\frac{1}{2}$) of said Southeast Quarter ($\frac{1}{4}$), thence East to the point of beginning.