



AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN:

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.

REC \$ 15.00
AUD \$ _____
R.M.F. \$ 1.00

FILED NO. 2911
BOOK 59 PAGE 197
94 APR 25 AM 10:58

COMPUTER
RECORDED
COMPARED

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

That, as shown by such returns, more than 30 days have passed since the service of such Notice.

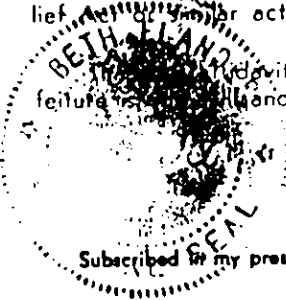
That the default(s) mentioned in said Notice ~~(s)~~ (have) not been removed nor performed nor paid in any amount by said vendee(s), nor by anyone; and that therefore the terms and conditions as to which there is and has been a default have not been performed within the 30 days mentioned in said Notice, nor at any time by anyone; nor has any sum been offered or tendered by said vendees or anyone; that vendor(s) have (has) 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)' 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 any similar act or acts amendatory thereof or supplementary thereto.

This affidavit is made as supporting proof, record and notice, that the contract referred to in said Notice of Forfeiture is null and void, stands forfeited and cancelled and is of no force and effect whatsoever.

Leonard M. Flander Affiant



Subscribed by my presence and sworn to (or affirmed) before me by the said Affiant this 21st day of April, 1994

Beth Flander

..... Beth Flander 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: _____

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 25 day of April, 1994.

Michelle Utsler Recorder
Shirley D. Henry Deputy

DEED RECORD 59

*Real Estate Contract
Unrecorded*

ENTERED

THE IOWA STATE BAR ASSOCIATION
Official Form No. 115

DATE 3-22-94 *kl*

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



ORIGINAL

RECEIVED
UNION COUNTY, IOWA

MAR 21 1994

**NOTICE OF FORFEITURE
OF REAL ESTATE CONTRACT**

JOHN COULTER, Sheriff

By *kl*

TO: RANDY CORNELISON
809 N. SYCAMORE
CRESTON, IOWA 50801

You and each of you are hereby notified:

(1) The written contract dated September 7, 19 93, and executed by
R. E. Eivins, Inc. and Robert Eivins
as Vendors, and Randy Cornelison

, as Vendees,

for the sale of the following described real estate:

Lots Forty-seven (47), Forty-eight (48), Forty-nine (49)
and Fifty (50), Original Town of Macksburg, Madison County, Iowa

has not been complied with in the following particulars:

(a) Failure to make payment due December 15, 1993	<u>\$200.00</u>
(b) Failure to make payment due January 15, 1994	<u>200.00</u>
(c) Failure to make payment due February 15, 1994	<u>200.00</u>
(d) Failure to make payment due March 15, 1994	<u>200.00</u>
Total	\$800.00

(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.

R. E. EIVINS, INC.

ROBERT EIVINS

Vendors (or Successors in Interest)

By *Leonard W. Flander* Their Attorney

Leonard W. Flander and Casper

Address: 223 East Court Avenue

P. O. Box 67

Winterset, IA 50273-0067

Tele: (515) 462-4912

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
_____	_____	_____
_____	_____	_____
_____	_____	_____

In the Iowa District Court for Union County

Case Name EIVINS VS CORNELISON DRETURN OF SERVICE

Type Of Service

Case No 94CORN033194

Notice recd. this date 03-21-94

STATE OF IOWA }
 } ss.
 UNION COUNTY }

- Personal 1
- Dwelling/Substitute 2
- Hotel/Boarding/Room House 3
- Corporation/Association 4
- Official(State/County/City) 5
- Spouse away from residence 6
- Other 7
- Diligent Search(not Served) 8

I certify that I (served)(attempted to serve) a copy of:

- Petition and Original Notice
- Modification/Application and Notice
- Order to Show Cause

- Order Filed
- Writ
- Other
- Subpoena

Type Code

at _____ on 03-21-94
 (ADDRESS) (DATE)

at _____ on _____

at _____ on _____

at _____ on _____

at _____ on _____

RANDY CORNELISON by MRS. R. CORNELISON at 809 N. SYCAMORE 2
 (NAME) (NAME) (ADDRESS)

on _____, (a person residing therein who was then at least 18yrs old)or(spouse away from residence).

by serving _____
 (COMPANY/GOVERNMENT UNIT NAME) (NAME)

on _____ at _____
 (TITLE) (DATE)

NOTES: (Diligent Search, ect)

ENTERED

DATE 3-23-94 K/L

John Coulter, Sheriff, Union CO, Iowa

BY: Steven M. Maitlen
 STEVEN M. MAITLEN DEPUTY

FEES:
 SERVICE 10.00
 MILAGE 1.00
 COPY _____
 TOTAL 11.00

(Fees) charged to/ (paid by atty)/party

Hlander & Casper

NOTE: copy of Original Notice, if served, must be attached to this form