

Contract 114-443

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN:

STATE OF IOWA
COUNTY OF POLK } 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.

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1987 JUN 26 AM 10:49
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee \$20.00

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) 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 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.

William D. Baker
William D. Baker Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 24th day of June, 19 87



Barbara L. Knapp

Notary Public In and for The State of Iowa.

The space as indicated above, is reserved to conveniently "tellor" 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 26 day of JUNE, 19 87

Mary E. Welty
Recorder



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

Benjamin M. Kelly
 TO Frances A. Kelly and any other parties in possession
 Route 1, Box 5
 Waukee, Iowa 50263

You and each of you are hereby notified:

(1) The terms of the written contract dated December 2, 1986, and executed by Leonard M. Flander, Conservator of Edith Bowles

as Vendors, and Benjamin M. Kelly and Frances A. Kelly as Vendees

for the sale of the following described real estate:

North Half (N 1/2) of the Southwest Quarter (SW 1/4) and the South Half (S 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4) of Section Twenty (20), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M.

has not been complied within the following specific particulars:

(a) March 1, 1986 payment:	<u>\$8,000</u>
(b) Costs of service:	<u>25</u>
(c) Attorney fees:	<u>50</u>
(d)	<u> </u>
	<u> </u>
	Total \$8,075

(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 The Code 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.

Ramsey Memorial Home
 vendors (or Successors in Interest)
William D. Baker
 William D. Baker, Their Attorney
 Address: 315 East 5th Street, Suite 3
Des Moines, Iowa 50309

Chapter 65, 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 name:

	Date of Service	Place of Service
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN OF SERVICE OF NOTICE

STATE OF IOWA, DALLAS COUNTY, SS:

I hereby certify and return that the hereto attached Notice of Forfeiture c
Real Estate Contract
came into my hands for service on the 7th day of January, 1987,
and on the 8th day of January, 1987, I served the same on
Benjamin M. Kelly by delivering a true and correct copy thereof to him
personally in the Township of Walnut, Dallas
County, Iowa.

And on the 8th day of January, 1987, I served the same
on Frances A. Kelly, at her dwelling-house or usual place of abode
in the Township of Walnut, Dallas County, Iowa,
by there delivering a true and correct copy thereof to Benjamin M. Kelly,
a person residing therein who was then more than eighteen years old.

Service \$ 15.00
Copy _____
Mileage 5.46
TOTAL \$ 20.46

Jerry L. Tiedeman
Sheriff, Dallas County, Iowa
By Mike Wilson Deputy

1/14/87 in my Plaintiff's Atty KH

L&M INVESTIGATION
AFFIDAVIT OF SERVICE

Ramsey Memorial Home
VS
Bennamin M & Frances A. Kelly

SERVICE FOR William Baker
CASE NO. _____

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
- NOTICE OF REAL ESTATE FORFEITURE
- _____ AFFIDAVIT
- _____ SUBPOENA
- _____ EXHIBITS

I received these documents on the 24 day of February, 19 87, and on the 5 day of March, 19 87 at 7:58 o'clock A m. I served the same on the within named Michael W. Hamilton at P.R. city of Macksburg in Madison county, Iowa by delivering a true and identical copy of such items in the following manner:

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 is not a resident of the above persons usual place of abode. Relationship to the above person is _____.

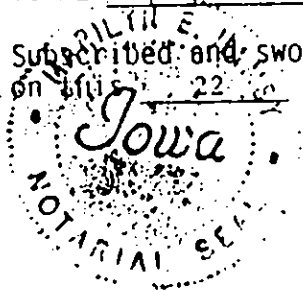
_____ I served the same on the above company, corporation, etc., by delivering a copy to _____ whose position is _____ and who is over the age of 18 years.

_____ I attempted service on _____ and after diligent investigation found that _____.

BY Curtis Conder

FEE	\$17.00
MILAGE	75.30
LOCATE	15.00 Tax .60
TOTAL	\$107.90

Subscribed and sworn to before me by the said _____ on this 22 day of June, 19 87.



Curtis Conder

Marilee E. Humphrey
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA