



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.

Compare

FILED NO. 2251
BOOK 123 PAGE 171

1987 MAY 11 PH 3:12

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee \$30.00

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 but was void, stands forfeited and cancelled and is of no force and effect whatsoever.



Leonard M. Flander
Leonard M. Flander Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 11th day of May, 19 87

Beth Flander
Beth Flander, Notary Public in and for The State of Iowa.

The space as indicated above, is reserved to conveniently "teller" for special situations and to set forth facts to sustain notice by publication or for both of such purposes. See Section 654.3; R.C.P. 40, 40.1 and 42. 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 11th day of May, 19 87.

Mary E. Welty
Shirley L. Henry
Recorder
Deputy

THE IOWA STATE BAR ASSOCIATION

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



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: GEORGE D. SCHMID and MARY K. SCHMID
R. R. 1, Box 129, Winterset, Iowa 50273

You and each of you are hereby notified:

(1) The terms of the written contract dated January 29, 19 81, and executed by Ronald Eugene Tolley and Sherry Ann Tolley as Vendors, and George D. Schmid and Mary K. Schmid as Vendees,

for the sale of the following described real estate: The East Half (1/2) of the Northeast Quarter (1/4) of Section Twenty-two (22) and the West Half (1/2) of the West Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-three (23) in Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa

has not been complied within the following specific particulars:

- (a) \$3,000.00 due on February 1, 1987; and
- (b) Interest in the sum of \$5,850.00 due on February 1, 1987
- (c)
- (d)

\$ 3,000.00
5,850.00

Total \$ 8,850.00

(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, 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.

Ronald Eugene Tolley

Sherry Ann Tolley

Vendors (or Successors in Interest).

By *Leonard M. Flander*
Leonard M. Flander, Flander and [unclear] Attorney
Address: 223 East Court Avenue
P. O. Box 67
Winterset, Iowa 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
<u><i>Mary K. Schmid</i></u>	<u>4-9-87</u>	<u>Winterset Iowa</u>
<u><i>for George D. Schmid</i></u>	<u>4-9-87</u>	<u>Winterset Iowa</u>

RETURN OF SERVICE — Personal

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 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:

Persons Served	Day	Month	Year	City, Town or Township	County	State
Mary Schmid	09	04	87	Winterset	Madison	Iowa

Danny L. White
 DANNY L. WHITE

Subscribed in my presence and sworn to before me by the affiant 10 April, 1987

Beth Flander
 Beth Flander, Notary Public in the above State.

Service Iowa \$ 15.00
 Copies _____ \$ _____
 Mileage 14 \$ _____
 Total \$ 15.00

RETURN OF SERVICE — Leaving Copy

STATE OF Iowa ,
 County of Madison

ss.

The undersigned, being first duly sworn, upon oath deposes and states that on 9 April 1987, he served the notice on the reverse side on George Schmid at his ~~residence~~ dwelling house in the City, ~~Town or Township~~ Winterset in Madison County, Ia., ~~and which place was not a rooming house, hotel, club or apartment building,~~ by ~~then~~ delivering a copy of the notice to Mary Schmid, wife of George Schmid a person residing there who was then at least eighteen years old.

Danny L. White
 DANNY L. WHITE

Subscribed in my presence and sworn to before me by the affiant 10 April, 1987

Beth Flander
 Beth Flander, Notary Public in the above State.



THE IOWA STATE BAR ASSOCIATION

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



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: GEORGE D. SCHMID and MARY K. SCHMID

R. R. 1, Box 129, Winterset, Iowa 50273

ROD JONES (Tenant), R. R. 1, Winterset, Iowa 50273

You and each of you are hereby notified:

(1) The terms of the written contract dated January 29, 1981, and executed by Ronald Eugene Tolley and Sherry Ann Tolley

as Vendors, and George D. Schmid and Mary K. Schmid

_____ , as Vendees,

for the sale of the following described real estate: The East Half (1/2) of the Northeast Quarter (1/4) of Section Twenty-two (22) and the West Half (1/2) of the West Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-three (23) in Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa

has not been complied within the following specific particulars:

(a)	\$3,000.00 due on February 1, 1987; and	<u>\$ 3,000.00</u>
(b)	Interest in the sum of \$5,850.00 due on February 1, 1987	<u>5,850.00</u>
(c)		<u> </u>
(d)		<u> </u>
Total		\$8,850.00

(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, 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.

Ronald Eugene Tolley

Sherry Ann Tolley
Vendors (or Successors in Interest)

Chapter 656, The Code

By *Leonard M. Flander*
Leonard M. Flander, Flander and Casper
Address: 223 East Court Avenue
P. O. Box 67
Winterset, Iowa 50273-0067
Tele: (515) 462-4912

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
<u>George D. Schmid</u>	<u> </u>	<u> </u>
<u>Mary K. Schmid</u>	<u> </u>	<u> </u>
<u><i>Rod Jones</i></u> Rod Jones	<u>3-24-87</u>	<u>Winterset, Ia.</u>

Waiver of Mediation

Case # 3-326-E



IOWA FARMER/CREDITOR
MEDIATION SERVICE

MEDIATION WAIVER

I (We) George + Mary Schmid do agree to waive mediation rights as prescribed by law (654.2A).

I (We) understand that this waiver releases the creditor(s) listed below from their obligation to mediate and allows them to initiate a proceeding to enforce a debt against agriculture property which is real estate under Chapter 654, to forfeit a contract to purchase agricultural property under Chapter 656, to enforce a secured interest in agricultural property under 554, or to otherwise garnish, levy on, execute on, seize, or attach agricultural property.

Borrower's Signature George Schmid

Creditor's Name Ronald Sherry Tolley

Address RR1 Box 129
WINTERSET, IA

Address 1/2 Leonard Flander
Box 67
Winter set, Ia

Borrower's Signature Mary K. Schmid

Address R.R.1 Box 129
Winter set, Iowa
50273

50273-0067

Borrower's Signature _____

Address _____

Date 3-16-87

REQUEST FOR MEDIATION

Comes now Ronald Eugene Tolley and Sherry Ann Tolley (hereinafter referred to as "Creditor"), pursuant to Iowa Code Section 654A.6 dealing with mandatory mediation proceedings and hereby requests mediation with the Farm Mediation Service,

This Notice is filed with the Farm Mediation Service as required by Iowa Code Section 654A.1(4) by delivery of this Notice by certified mail, return receipt requested.

Creditor states they seek to forfeit pursuant to Iowa Code Chapter 656 the real estate sales contract, dated January 29, 1981 between the undersigned as contract vendor and George D. Schmid and Mary K. Schmid, as contract vendees, upon real estate located in Madison County, Iowa, and hereby requests mandatory mediation and an initial mediation meeting within the time period set forth in Iowa Code Section 654A.8. The contract vendees last known address is R. R. 1 Box 129, Winterset, Iowa 50273.

Ronald Eugene Tolley
Sherry Ann Tolley

By *Leonard M. Flander*
Leonard M. Flander
Flander and Casper
223 East Court Avenue
P. O. Box 67
Winterset, Iowa 50273-0067
Tele: (515) 462-4912

P 014 026 246

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Iowa Farmer/Creditor Mediation Service	
Street and No. 315 East 5th, Suite 4	
P.O., State and ZIP Code Des Moines, Iowa 50309	
Postage	\$ 22
Certified Fee	75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.67
Postmark for Date	10-17-87

PS Form 3800, Feb. 1982

PS Form 3811, July 1983 447-845	SENDER: Complete items 1, 2, 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fee and check box(es) for service(s) requested.
	1. <input type="checkbox"/> Show to whom, date and address of delivery.
	2. <input type="checkbox"/> Restricted Delivery.
3. Article Addressed to: Iowa Farmer/Creditor Mediation Service 315 East 5th, Suite 4 Des Moines, Iowa 50309	
4. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	Article Number P 014 026 246
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee X	
6. Signature - Agent X B Brown	
7. Date of Delivery 3-5-87	
8. Addressee's Address (ONLY if requested and fee paid)	
DOMESTIC RETURN RECEIPT	