

123-100



# AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN:

STATE OF IOWA  
COUNTY OF GUTHRIE } 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.

ROBIN KUHNS  
JENNIFER KUHNS

Compared

FILED NO. 1820  
BOOK 124 PAGE 221  
1988 APR -6 PM 2:56

MARY E. WELTY  
RECORDER  
MADISON COUNTY, IOWA  
Fee \$15.00

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.

Kathryn J. Donnelly  
Kathryn J. Donnelly Affiant



Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 6 day of April, 1988

Leonard Hartman  
LEONARD HARTMAN Notary Public in and for said County.

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 656.3; R.C.P. 60, 60.1 and 62. Suggested: That Personal Service could not and cannot be made upon \_\_\_\_\_ 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 6 day of April, 1988

Mary E. Welty  
Recorder



# NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

Exhibit "B"

TO: ROBIN KUHN and JENNIFER KUHN

1150  
AUG 5 1987

You and each of you are hereby notified:

(1) The terms of the written contract dated 13th day of June, 1987, and executed by WILLARD G. PARKISON and GLADYS I. PARKISON, Husband and Wife

as Vendors, and ROBIN KUHN and JENNIFER KUHN

as Vendees.

for the sale of the following described real estate:

A parcel of land described as commencing at the South Quarter (S $\frac{1}{4}$ ) Corner of Section Thirty-four (34), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, thence North 00°16' West (W) along the West (W) line of the Southeast Quarter (SE $\frac{1}{4}$ ) of said Section 34, 228.0 feet; thence N. 90°00' E. 507.0 feet; thence S00°16' E. 228.0 feet to the South line of the Southeast Quarter (SE $\frac{1}{4}$ ) of said Section 34; thence N.90°00' W. 507.0 feet to the point of beginning. has not been complied within the following specific particulars:

- (a) Failure to pay monthly payment due June 15, 1987. \$300.00
  - (b) Failure to pay monthly payment due July 15, 1987. \$300.00
  - (c) Interest accrued on delinquent amount to date. \_\_\_\_\_
  - (d) Failure to maintain insurance. \_\_\_\_\_
- Total \$600.00**

(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 \$ \_\_\_\_\_ (not to exceed \$50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

WILLARD G. PARKISON

Vendors (or Successors in Interest)

GLADYS I. PARKISON

By Leonard Hartman Their Attorney—

Address: 1312 North Second

Stuart, Iowa 50250

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
X <u>Robin Kuhns</u> ROBIN KUHN	<u>3-6-87</u>	_____
X <u>Jennifer Kuhns</u> JENNIFER KUHN	<u>3-6-87</u>	_____

**RETURN OF SERVICE — Personal**

STATE of Iowa ,

ss.

County of Madison

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
Robin Kuhns	6th	Aug	1987	Penn	Madison	Iowa
Jennifer	6th	Aug	1987	Penn	Madison	Iowa

Notary Public  
L. Zeutenhorst  
Vinterset, Iowa 50250  
Iowa 518-192-0570

*L. Zeutenhorst*  
L. Zeutenhorst, Chief Deputy

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

\_\_\_\_\_, Notary Public in the above State.

**FEES**

Service ..... \$ 15.00  
 Copies ..... \$ \_\_\_\_\_  
 Mileage ..... \$ 5.88  
 Total ..... \$ 20.88

*08/28/87  
Jennifer  
Kuhns  
Ally M*

**RETURN OF SERVICE — Leaving Copy**

STATE OF \_\_\_\_\_ ,

ss.

County of \_\_\_\_\_

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 \_\_\_\_\_ 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.

*Shirley Flatt  
1312 N. 2nd  
Stuart 50250*