



# 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.

~~CONFIDENTIAL~~  
FILED NO. 350  
BOOK 123 PAGE 472  
1987 AUG 28 AM 10:06  
MARY E. WELTY  
RECORDER  
MADISON COUNTY, IOWA  
Fee \$15.00  
INDEX   
REC   
PAGE

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.

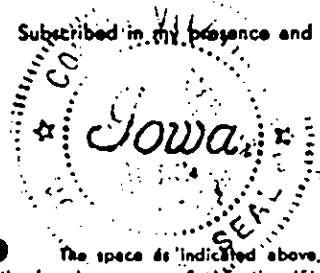
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled 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.

Leona Kalbach  
Leona Kalbach Affiant

Donald Kalbach  
Donald Kalbach Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 6 day of July 19 87



Connie Vitzthum  
Notary Public in and for The State of Iowa.

The space indicated above, is reserved to conveniently "fill in" 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 28 day of AUGUST, 1987

Mary E. Welty  
Recorder



# NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Dennis L. Kalbach and Judy A. Kalbach, husband and wife; United States of America acting by and through the Administrator of the Farmers Home Administration;

You and each of you are hereby notified:

(1) That the written contract dated March 14, 19 78, and executed by Donald R. Kalbach and Leona Kalbach

as Vendors and Dennis L. Kalbach and Judy A. Kalbach

for the sale of the following described real estate: \_\_\_\_\_ as Vendees

The Southwest Fractional Quarter (SW $\frac{1}{4}$ ) of Section Thirty (30), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M. and the South One (1) Rod of the Southwest Fractional Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the South One (1) Rod of the West One (1) Rod of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Thirty (30), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., subject to any easements of record, all in Madison County, Iowa.

has not been complied with, in respect to the terms and conditions of said contract in the following specific particulars:

(a) Total principal debt remaining		\$ 3,000.00
(b) Interest debt currently due		14,252.46
(c) Delinquent property taxes (paid by Vendor)		691.00
(d)		
	<b>total</b>	<b>\$17,943.46</b>

Compared  
FILED NO. 2296  
BOOK 123 PAGE 195  
1987 MAY 18 AM 11:42

IMP ✓  
REC ✓  
PAGE ✓

MARY E. WELTY  
RECORDER  
MADISON COUNTY, IOWA  
Fee \$40.00

(2) That said contract will stand forfeited and cancelled as by its terms and provisions it may be, unless the parties in default within 30 days after the completed service of this notice, shall perform the said terms and conditions in default, and in addition pay the reasonable costs of serving this notice.

Donald R. Kalbach  
Leona Kalbach  
Vendors (or Successors in Interest)

CHAPTER 656  
CODE OF IOWA

By W. E. Bump  
W. E. Bump Their Attorney-  
Address: 1311 North Second, Box 366  
Stuart, Iowa 50250

### ACKNOWLEDGEMENT OF SERVICE

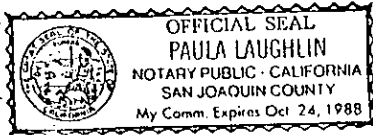
The undersigned, on the date hereinafter set forth, hereby acknowledge due, timely and legal service of the foregoing notice, and acknowledge receipt of copy thereof at the time and place set opposite our respective names.

<u>Dennis L. Kalbach</u>	_____	_____
<u>Judy A. Kalbach</u>	_____	_____
_____	_____	_____
_____	_____	_____

Please type or print names under signatures as per Section 335.2 Code of Iowa

STATE OF CALIFORNIA  
COUNTY OF San Joaquin ss.

On this 24th day of November, 1986, in the year before me, Paula Laughlin, a Notary Public, State of California, duly licensed and sworn, personally appeared Dennis Kalbach and Judy Kalbach, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as or on behalf of the corporation therein named and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.



IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the San Joaquin County of California, on the date set forth above in this certificate.

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty either express or implied as to the legal validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 28 — Acknowledgement to Notary Public — Corporation (C. C. Secs. 1190-1190.1) — (Rev. 1/83)

*Paula Laughlin*  
Notary Public, State of California  
My commission expires Dec. 24, 1988


Subscribed in my presence and sworn to before me by said affiant this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_, Notary Public in and for said County and State.

FEES	
Service - - - - -	\$ _____
Copies - - - - -	\$ _____
Mileage - - - - -	\$ _____
Total - - - - -	\$ _____

**RETURN OF SERVICE—Leaving Copy**

STATE OF IOWA,  
County of \_\_\_\_\_ } ss.

The undersigned, being first duly sworn, upon oath deposes and states that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, he served the notice on the obverse side hereof on \_\_\_\_\_ at his \_\_\_\_\_ dwelling house or usual place of abode in the City, Town or Township of \_\_\_\_\_ in \_\_\_\_\_ County, Iowa, and which place was not a rooming house, hotel, club or apartment building, by there delivering a copy thereof to \_\_\_\_\_ a person residing therein who was then at least eighteen years old.

Subscribed in my presence and sworn to before me by said affiant this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_, Notary Public in and for said County and State.

Note: For service by publication, see Code Section 656.3.