# AFFIDAVIT IN SUPPORT OF VOLUNTARY NONJUDICIAL FORECLOSURE OF REAL ESTATE MORTGAGE

TO WHOM IT MAY CONCERN:

STATE OF IOWA

SS

MADISON COUNTY:

The undersigned being first duly sworn upon oath, deposes and states:

That the relationship of the undersigned to this transaction appears from the notices to potential lienholders of election to utilize alternative nonjudicial voluntary foreclosure procedure hereto attached, which notices 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 pursuant to Section 654.18(e.), Code of Iowa, the undersigned, on the 6th day of November, 1989, personally mailed to each of the following named junior lienholders a Notice To Lienholders Of Election To Utilize Alternative Nonjudicial Voluntary Foreclosure Procedure, by certified mail, return receipt requested, each such Notice being mailed in a sealed envelope with proper postage thereon, addressed to the said junior lienholders respectively, at their last known Post Office addresses, by depositing the same on said date in a United States Post Office mail receptacle in said County, to-wit:

State of Iowa c/o A. Zane Blessum Madison County Attorney Winterset, IA 50273

State of Iowa c/o Honorable Thomas Miller Attorney General of Iowa Second Floor, Hoover State Office Building Des Moines, IA 50319

Janice Weeks Madison County Clerk of Court Madison County Courthouse Winterset, IA 50273

Madison County, Iowa c/o Joan Welch, Auditor Madison County Courthouse Winterset, IA 50273 FILED NO. 1290 BOOK 55 PAGE 505

89 DEC 20 PH 2: 29

MARY E. WELTY RECORDER MADISON COUNTY, IOWA Fee \$45.00

I further state that in addition to notifying the State of Iowa as provided in Section 654.18(e.), Code of Iowa, the undersigned also served the State of Iowa with Notice To Lienholders Of Election To Utilize Alternative Nonjudicial Voluntary Foreclosure Procedure in the manner provided by Sections 613.8 and 613.9, Code of Iowa, by serving a copy of said Notice upon the Madison County Attorney, and by sending a copy of said Notice by certified mail to the Attorney General of Iowa at Des Moines, Iowa.

Compared

That more than thirty (30) days have passed since the mailing by certified mail of such notices; that more than thirty (30) days have passed since serving the notice on the State of Iowa in the manner set forth in Section 613.8 and 613.9, Code of Iowa.

That none of the holders of junior liens against the following described real estate, to-wit:

PAGE

4

#2. Affidavit In Support Of Voluntary Nonjudicial Foreclosure Of Real Estate Mortgage.

> The North 80 Feet of Lot One (1) in Block Eleven (11) of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa,

have redeemed the real estate from the holder of the Mortgage described in said notices.

That the mortgagors under the real estate mortgage described in said notices have executed an agreement to utilize alternative nonjudicial voluntary foreclosure procedure pursuant to Section 654.18, Code of Iowa. Pursuant to Section 654.18(f.), Code of Iowa, the mortgagors were furnished along with the written Agreement To Utilize Alternative Nonjudicial Voluntary Foreclosure Procedure Pursuant To Section 654.18, 1989 Code of Iowa, a completed form in duplicate, captioned "Disclosure and Notice of Cancellation". That neither of the mortgagors cancelled this transaction.

That neither the mortgagors, nor none of the parties upon whom Notice To Lienholders Of Election To Utilize Alternative Nonjudicial Voluntary Foreclosure Procedure was so served, at the time of the service of said notice upon them, or at the time of making this Affidavit, was or is 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 mortgage dated May 11, 1988, and recorded May 11, 1988, in the Office of the Recorder of Madison County, Iowa, in Book 150, Page 296, and rerecorded on June 9, 1988, in the Office of the Recorder of Madison County, Iowa, in Book 150, Page 430, is now foreclosed and title to the real estate described therein is held in the name of the holder of said mortgage instrument, namely, United States Of America, acting through the Farmers Home Administration, United States Department Of Agriculture.

> Anthony R. Putz County Supervisor United States Of America acting through the Farmers Home Administration United States Department Of Agriculture

Subscribed and sworn to before me by the said affiant this 2004 day of December, 1989.

> in and for Notary Public

State of Iowa.

TO: State of Iowa c/o A. Zane Blessum Madison County Attorney 113 N. John Wayne Drive P.O. Box 309 Winterset, Iowa 50273

You are hereby notified that Danny W. Lenze and Amanda Lenze, who are the Mortgagors under a certain Real Estate Mortgage dated May 11, 1988, and recorded May 11, 1988, in the Office of the Recorder of Madison County, Iowa, in Book 150, Page 296, and rerecorded on June 9, 1988, in the Office of the Recorder of Madison County, Iowa, in Book 150, Page 430, of the following described real estate situated in Madison County, Iowa, to-wit:

The North 80 Feet of Lot One (1) in Block Eleven (11) of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa,

are now in default under the terms of the Mortgage and the obligation it secures, and that said Mortgagors have agreed with the undersigned, United States of America acting through the Farmers Home Administration, United States Department of Agriculture, who is the holder of said Mortgage, to utilize alternative nonjudicial voluntary foreclosure procedure pursuant to Iowa Code Section 654.18.

You are further notified that, as a possible holder of a junior lien against the above described real estate, which you may hold by virtue of a judgment filed March 6, 1989, in the case of the State of Iowa v. Dan Lenze, Criminal No. 2334, Docket 6, Page 454, Office of the Clerk of the Iowa District Court For Madison County, you have thirty (30) days from November 6, 1989, the date of mailing of this notice to you, in which to exercise any right of redemption you may have with respect to the real estate. You may exercise any such right of redemption by payment to the undersigned, at 209 E. Madison, Box 231, Winterset, Iowa 50273, of the amount of the debt secured by the above described Mortgage at the time of your redemption, which debt at the time this notice is mailed totals \$46,041.13, plus interest at the rate of \$1.26 per day from and after October 2, 1989, plus any future advancements by the undersigned made and secured in accordance with the terms of the Mortgage, and any protective advancements made by the undersigned pursuant to Iowa Code Chapter 629.

You are further notified that if you fail to redeem the above described property your lien shall be removed from the property.

MORTGAGEE

United States of America acting through the Farmers Home Administration United States Department of

Agriculture

Anthony Ry. Putz County Supervisor

TO: State of Iowa c/o Honorable Thomas Miller Attorney General of Iowa 2nd Floor, Hoover State Office Bldg. Des Moines, Iowa 50319

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United States of America acting through the Farmers Home Administration United States Department of Agriculture

Anthony R. Putz County Supervisor

TO: Janice Weeks
Madison County Clerk of Court
Madison County Courthouse
Winterset, Iowa 50273

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TO: Madison County, Iowa c/o Joan Welch, Auditor Madison County Courthouse Winterset, Iowa 50273

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Anthony R. Putz

County Supervisor

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TO: State of Iowa
c/o A. Zane Blessum
Madison County Attorney
113 N. John Wayne Drive
P.O. Box 309
Winterset, Iowa 50273

You are hereby notified that Danny W. Lenze and Amanda Lenze, who are the Mortgagors under a certain Real Estate Mortgage dated May 11, 1988, and recorded May 11, 1988, in the Office of the Recorder of Madison County, Iowa, in Book 150, Page 296, and rerecorded on June 9, 1988, in the Office of the Recorder of Madison County, Iowa, in Book 150, Page 430, of the following described real estate situated in Madison County, Iowa, to-wit:

The North 80 Feet of Lot One (1) in Block Eleven (11) of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa,

are now in default under the terms of the Mortgage and the obligation it secures, and that said Mortgagors have agreed with the undersigned, United States of America acting through the Farmers Home Administration, United States Department of Agriculture, who is the holder of said Mortgage, to utilize alternative nonjudicial voluntary foreclosure procedure pursuant to Iowa Code Section 654.18.

You are further notified that, as a possible holder of a junior lien against the above described real estate, which you may hold by virtue of a judgment filed March 6, 1989, in the case of the State of Iowa v. Dan Lenze, Criminal No. 2334, Docket 6, Page 454, Office of the Clerk of the Iowa District Court For Madison County, you have thirty (30) days from November 6, 1989, the date of mailing of this notice to the Attorney General of the State of Iowa, or thirty (30) days from November 6, 1989, the date on which this notice was served on the County Attorney of Madison County, Iowa, in which to exercise any right of redemption you may have with respect to the real estate. You may exercise any such right of redemption by payment to the undersigned, at 209 E. Madison, Box 231, Winterset, Iowa 50273, of the amount of the debt secured by the above described Mortgage at the time of your redemption, which debt at the time this notice is mailed totals \$46,041.13, plus interest at the rate of \$1.26 per day from and after October 2, 1989, plus any future advancements by the undersigned made and secured in accordance with the terms of the Mortgage, and any protective advancements made by the undersigned pursuant to Iowa Code Chapter 629.

You are further notified that if you fail to redeem the above described property your lien shall be removed from the property.

#### MORTGAGEE

United States of America acting through the Farmers Home Administration United States Department of

Agriculture

Anthony/R. Putz County Supervisor

### ACCEPTANCE OF SERVICE

The undersigned hereby accepts and acknowledges due, timely and legal service of the foregoing notice and acknowledges receipt of copy thereof on the date hereof at Winterset, Iowa.

Dated November 6, 1989.

A. Zane Blessum Madisón County Attorney

513