

53-431



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.

COMPAR

FILED NO. 602
BOOK 57 PAGE 15
91 AUG 27 AM 10:23
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA
Fee \$15.00

IND.
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.

Gordon K. Darling
Gordon K. Darling Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 27th day of August 1991



Jane A. Dawson

Notary Public in and for The State of Iowa.

The space as 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 _____ 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 27th day of August, 1991

Michelle Utsler
Shirley H. Henry, Deputy
Recorder

IOWA STATE BAR ASSOCIATION
Official Form No. 115

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



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Steven W. Adams and Julie M. Adams, 408 4th St., West Des Moines, IA 50265, and To:
Steve Smith, 813 East Jefferson St., Winterset, IA 50273, party in possession.

You and each of you are hereby notified:
(1) The written contract dated February 19, 1987, and executed by
Jack E. Stevens and Mary Jean Stevens, Husband & Wife,
as Vendors, and Steven W. Adams and Julie M. Adams

, as Vendees,
for the sale of the following described real estate: Lot Six (6) in Block Twelve (12) of Loughridge
& Cassiday's Addition to the Town of Winterset, Madison County, Iowa, commonly known
as 813 East Jefferson St., Winterset, IA 50273, has not been complied with in the
following particulars:

Non payment of portion of payment due 4/1/91	\$ 130.00
Non payment of payment due 5/1/91	275.00
Non payment of payment due 6/1/91	275.00
Non payment of payment due 7/1/91	275.00
Non payment of real estate taxes, special assessment installment, interest and penalties through 7/31/91	757.00
Delinquent interest on contract pymts, 4/30/91 thru 6/30/91	10.10
Plus ongoing interest on payments from 7/1/91 @ 26¢ per day, and Plus tax penalties & interest beyond 7/31/91	Total: \$ 1,722.10

(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 of the Code of Iowa 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.

July 2, 1991

Jack E. Stevens and Mary Jean Stevens

Vendors (or Successors in Interest)
By Gordon K. Darling Their Attorney—
Gordon K. Darling
Darling & Darling
Address: 53 Jefferson St - PO Box 88
Winterset, IA 50273
515/462-2442

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.

<u>Steve J Smith</u>	Date of Service <u>7/2/91</u>	Place of Service <u>WINTERSSET, IOWA</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

IN THE IOWA DISTRICT COURT FIFTH JUDICIAL DISTRICT

AFFIDAVIT OF RETURN OF SERVICE

STATE OF IOWA)
POLK County)

RETURN OF SERVICE
 Personal
 Dwelling House
 Hotel, Boarding or Rooming House
 Corporation/Assoc.
 State Official

Case Name Stevens v Adams
Case Number _____
Notice received the 3rd day of July 1991

I, the undersigned, being first duly sworn on oath depose and state that I received and served a copy of the following:

- Petition and Original Notice Order Filed _____ (Date)
- Modification/Application and Notice Writ Filed _____ (Date)
- Order to Show Cause Other Notice of Forfeiture of Real Estate Contract

On the 6th day of July 1991, at 7:55 p.m, I served the same on

1 Steven W. Adams at 408 4th Street

2 Julie M. Adams at 408 4th Street

3 _____ at _____

in West Des Moines in Polk County, Iowa.

By serving _____ a person residing therein who was then at least 18 years old.

By serving _____ Title _____

Notes:

FEES	
Service-	\$ 17.00
Copies -	\$ _____
Mileage-	\$ 5.00
Other -	\$ _____
Total -	\$ 22.00

*\$22.00
pd at #96011
7/22/91*

SERVICE# 8542 ACCOUNT# ;-;

Teena Shineflew
Professional Independent Process Server

SUBSCRIBED AND SWORN TO BEFORE ME BY THE SAID Teena Shineflew

THIS 6th DAY OF July, 1991



Shelly Boatwright
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

PROCESS ASSOCIATES, 1100 Fleming Bldg, Des Moines, Iowa 50309 (515) 244-2488