



Document 2010 2099

BK: 2010 PG: 2099 Type 03 014 Pages 6

Recorded: 9/3/2010 at 9:13:38.0 AM

Fee Amount: \$39.00

Revenue Tax:

LISA SMITH RECORDER

Madison County, Iowa

INDX ✓
ANNO ✓
SCAN
CHEK



AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

THE IOWA STATE BAR ASSOCIATION

Official Form No. 176

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Alexander M. Johnson, 666 Grand Avenue, Suite 2000, Des Moines, IA 50309-2510, Phone:
(515) 242-2400

Taxpayer Information: (Name and complete address)

Timothy and Carol Sullivan, 1130 - 62nd Street, West Des Moines, Iowa 50266

Return Document To: (Name and complete address)

Alexander M. Johnson, 666 Grand Avenue, Suite 2000, Des Moines, IA 50309-2510, Phone:
(515) 242-2400

Grantor:

Timothy M. Sullivan and
Carol J. Sullivan

Grantee:

Chris Putney
Dawn Eslinger

Legal description: Notice of Forfeiture of Real Estate Contract, Page. 3

Document or instrument number of previously recorded documents: 2006 3664



AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF POLK

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.

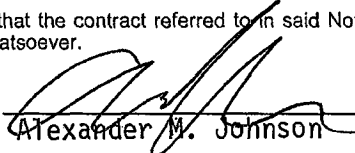
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

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) (has) (have) 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(s)' rights in such contract in accordance with Code Chapter 656.

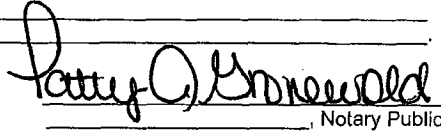
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled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


Alexander M. Johnson Affiant

Signed and sworn to (or affirmed) before me on August 31, 2010, by Alexander M. Johnson




Patty A. Gronewold, Notary Public

● The space as indicated above, is reserved to conveniently "tailor" 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 _____, _____, a copy of said Notice was sent by ordinary mail addressed to said (party) (parties) at their last known mailing address, to-wit: _____

Iowa Code Chapter 656



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Chris Putney and Dawn Eslinger, 705 E. Madison, Winterset, Iowa 50273

You and each of you are hereby notified:

(1) The written contract dated September 1, 2006, and executed by
Timothy M. and Carol J. Sullivan
as Vendors, and
Chris Putney and Dawn Eslinger

(insert recording data) recorded the 6th day of September, 2006, in the office of the
Madison County Recorder, recorded as document reference number
Book 2006 Page 3664 for the sale of the following described real estate:

Lot Two (2) of Replat of Lot 3 in Helen McCall Huntoon Addition Plat No. 3, City of Winterset, Madison County, Iowa.

has not been complied with in the following particulars:

(a) February 2010 Payment	\$	<u>1,330.00</u>
(b) March 2010 Payment	\$	<u>1,330.00</u>
(c) April 2010 Payment	\$	<u>1,330.00</u>
(d) See Addendum 1	\$	
Total	\$	<u>7,550.00</u>

(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.

Timothy M. Sullivan
Timothy M. Sullivan
Carol J. Sullivan
Carol J. Sullivan Vendors
(or Successors In Interest)

By Alexander M. Johnson Their Attorney -
Address: 666 Grand Avenue, Suite 2000,
Des Moines, IA 50309-2510

Chapter 656, The Code

NOTE: If the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., applies to this communication, attach Form No. 172, Notice of Validation of Debt.

Addendum

Addendum 1

- a. May 2010 Payment
- b. 1,330.00

- a. June 2010 Payment
- b. 1,330.00

- a. Late Fees
- b. 900.00

CASE NO.: NOTICE OF FORFEITURE OF R/E CO

AFFIDAVIT OF SERVICE

TIMOTHY M SULLIVAN, CAROL J SULLIVAN

Plaintiff/Petitioner,

vs.

CHRIS PUTNEY AND DAWN ESLINGER

Defendant/Respondent.

Received by Absolute Serving on 06/24/2010 to be served upon:

DAWN ESLINGER

STATE OF IOWA COUNTY OF POLK ss.

I, Julia Roberts, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On 06/24/2010 at 06:45 PM, I served the within NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT on DAWN ESLINGER at 705 E MADISON , WINTERSET, IA 50273 in the manner indicated below:

I served the same at the above person's dwelling house or usual place of abode(which place was not a rooming house, hotel, club, or apartment building) by substitute service, delivering a copy to the individual named below, which is a person residing therein who was then at least 18 years old.:

NAME: JONATHAN BOLIN TITLE/RELATION: CO-OCCUPANT

Fee For Service: \$10.00

Sworn to and subscribed before me on this 25th day of June, 2010

by an affiant who is personally known to me or produced identification.

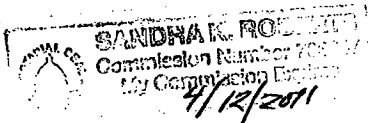
[Signature] NOTARY PUBLIC

X [Signature] Julia Roberts

Independent Contractor for:

Absolute Serving 692 17th Street Des Moines, IA 50314 1.877.868.0001

Atty File#: NOTICE OF FORFEITURE - Our File# 7595



CASE NO.: NOTICE OF FORFEITURE OF R/E CO

AFFIDAVIT OF SERVICE

TIMOTHY M SULLIVAN, CAROL J SULLIVAN

Plaintiff/Petitioner,

vs.

CHRIS PUTNEY AND DAWN ESLINGER

Defendant/Respondent.

Received by Absolute Serving on 06/24/2010 to be served upon:

CHRIS PUTNEY

STATE OF IOWA COUNTY OF POLK ss.

I, Julia Roberts, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On 06/24/2010 at 06:45 PM, I served the within NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT on CHRIS PUTNEY at 705 E MADISON , WINTERSET, IA 50273 in the manner indicated below:

I served the same at the above person's dwelling house or usual place of abode(which place was not a rooming house, hotel, club, or apartment building) by substitute service, delivering a copy to the individual named below, which is a person residing therein who was then at least 18 years old.:

NAME: JONATHAN BOLIN TITLE/RELATION: CO-OCCUPANT

Fee For Service: \$60.00

Sworn to and subscribed before me on this 25th day of June, 2010

by an affiant who is personally known to me or produced identification.

NOTARY PUBLIC

X

Julia Roberts

Independent Contractor for:

Absolute Serving 692 17th Street Des Moines, IA 50314 1.877.868.0001

Atty File#: NOTICE OF FORFEITURE - Our File# 7594

Notary Public Seal for Julia Roberts, dated 6/24/2010