

Document 2009 646

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LISA SMITH, COUNTY RECORDER
MADISON IOWA

**AFFIDAVIT IN SUPPORT OF NONJUDICIAL FORECLOSURE OF NON-
AGRICULTURAL PROPERTY**
Recorder's Cover Sheet

✓MCA

Preparer Information:

Michael J. Cunningham, 2824 104th Street, Urbandale, (515) 278-4200

Taxpayer Information:

Community State Bank
Attn: Keith Welling
1401 N. Jefferson
Orchard Place
Indianola, Iowa 50125

✓**Return Address**

Michael J. Cunningham
2824 104th Street
Urbandale, Iowa 50322

Grantors:

Jack A. Gyles and Lacinda S. Gyles

Grantees:

Community State Bank

Legal Description: See Page 3

Document or instrument number if applicable:

**AFFIDAVIT IN SUPPORT OF NONJUDICIAL FORECLOSURE OF NON-
AGRICULTURAL PROPERTY**

STATE OF IOWA)
) ss.
COUNTY OF POLK)

The undersigned, Michael J. Cunningham, first being duly sworn on oath deposes and states:

That the relationship of the undersigned to this transaction appears from the Notice of Nonjudicial Foreclosure, pursuant to Iowa Code Section 655A together with returns of service thereof; which Notice and returns are by this reference made a part of this Affidavit as if set forth fully herein; that by reason of such relationship the facts herein stated are within the personal knowledge of such affiant.

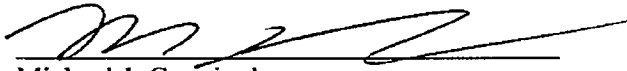
That the parties served, as shown by said returns, included all parties in possession of said real estate and junior lienholders of record at the time of service of said Notice.

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

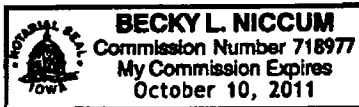
That the defaults mentioned in said Notice have not been removed nor performed nor paid in any amount; and that, therefore, the terms and conditions as to which there is and has been a default have not been performed within the 30 days mentioned in said Notice, nor at any time by anyone; nor has any sum been offered or tendered by said mortgagor or anyone.


That none of the parties upon whom such Notice of Nonjudicial Foreclosure was so served, was at the time of the 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 Mortgage referred to in said Notice of Nonjudicial Foreclosure has now been duly foreclosed and the mortgagee has succeeded to all interest of the mortgagor in the real estate.


Michael J. Cunningham

Subscribed and sworn to before me this 23rd day of February, 2009.




Notary Public for the State of Iowa

NOTICE OF NONJUDICIAL FORECLOSURE
PURSUANT TO IOWA CODE CHAPTER 655A

TO: Jack A. Gyles
LaCinda S. Gyles
3307 State Highway 92
Prole, Iowa 50229

You are hereby notified Community State Bank has elected to commence nonjudicial foreclosure proceedings because of the defaults under Mortgage and Promissory Note originally given to Community State Bank dated February 25, 2005 and recorded on February 25, 2005 in Book 2005, Page 822, and signed by Jack A. Gyles and LaCinda S. Gyles, husband and wife, covering the following described real estate located in Madison, Iowa:

A tract of land described as follows, to-wit: Commencing at the Southwest corner of Section Twenty-five (25), in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, thence North 0°59'13" East 973.04 feet, thence North 51°52'21" East 551.14 feet to the point of beginning (said point being on the North line of Iowa Highway #92), thence North 38°07'39" West 290.40 feet, thence North 51°52'21" East 203.84 feet, thence South 56°26'55" East 305.91 feet to the North line of Iowa High #92, thence South 51°52'21" West 300 feet to the point of beginning, containing 1.68 acres more or less

locally known as 3321 State Hwy 92, Prole, Iowa.

The defaults under the Mortgage and Promissory Note are as follows:

<u>Description</u>	<u>Amount</u>
1. You have failed to pay 5 monthly payments in the amount of \$439.06 per month	\$2,195.30
2. You have failed to pay late charges of \$109.75	\$109.75
3. You have failed to redeem the real estate from the Tax Sale held June 16, 2008	
TOTAL NECESSARY TO CURE DEFAULTS:	\$2,305.05 plus proof of redemption from delinquent Tax Sale


The above amounts necessary to cure the defaults under this mortgage loan should be paid, by certified funds, to:

Community State Bank
Attn: Keith Welling
1401 N. Jefferson
Orchard Place
Indianola, Iowa 50125

WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE, OR FILE WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED BY THE RULES OF CIVIL PROCEDURE FOR SERVICE OF ORIGINAL NOTICES. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THIS REJECTION.

IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE FORECLOSURE IS COMPLETE, THE DEBT SECURED BY THE MORTGAGED PROPERTY WILL BE EXTINGUISHED.

January 13, 2009
Date



Michael J. Cunningham, AT0001829
Howe, Cunningham & Lowe, P.L.C.
2824 104th Street
Urbandale, Iowa 50322

ATTORNEYS FOR COMMUNITY
STATE BANK

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR

MADISON COUNTY

CASE NAME: Substitute

COMMUNITY STATE BANK

vs

GYLES, JACK A

GYLES, LACINDA S

CASE NO: 09CN 50019.24

NOTICE RECEIVED: 01/15/09

STATE OF: IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE

- Petition and Original Notice
- Modification/Application and Notice
- Order to Show Cause
- Order Filed
- Writ
- Other

Served GYLES, JACK A

by Serving GYLES, LACINDA / SPOUSE
at 3307 STATE HWY 92
PROLE, IA 50229
on 01/22/09 at 13:00

NOTE:(Diligent Search, etc.)

Processing : 15.50
 Mileage : 12.13
 Trust/Copy : 0.00
 MISC. : 0.00
 TOTAL : 27.63

PAID

FEB - 4 2009
BY Plaintiff's Atty

CRAIG BUSCH, SHERIFF
MADISON County, IOWA

[Signature]
DEPUTY JIM ASCIONE
Signature

Title

Fees charged to/paid by Atty/Party: MICHAEL J CUNNINGHAM

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR

MADISON COUNTY

CASE NAME: Personal

COMMUNITY STATE BANK
VS
GYLES, JACK A
GYLES, LACINDA S

CASE NO: 09CN 50019.24

NOTICE RECEIVED: 01/15/09

STATE OF IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE


- Petition and Original Notice
- Modification/Application and Notice
- Order to Show Cause
- Order Filed _____
- Writ _____
- Other _____

Served GYLES, LACINDA S at 3307 STATE HWY 92 on 01/22/09 13:00
PROLE, IA 50229

NOTE: (Diligent Search, etc.)

Processing : 0.00
 Mileage : 0.00
 Trust/Copy : 0.00
 MISC. : 0.00
 TOTAL : 0.00

CRAIG BUSCH, SHERIFF
MADISON County, IOWA


 DEPUTY JIM ASCIONE
 Signature

Title

Fees charged to/paid by Atty/Party: MICHAEL J CUNNINGHAM