

Document 2009 1443

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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA



## 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)

Jerrold B. Oliver, P.O. Box 230, Winterset, IA 50273, Phone: (515) 462-3731

**Taxpayer Information:** (Name and complete address)

*Richard L. Walters  
26 S. Compass Dr.  
FT. Lauderdale, FL 33308*

**Return Document To:** (Name and complete address)

Jerrold B. Oliver, P.O. Box 230, Winterset, IA 50273, Phone: (515) 462-3731

**Grantor:**

Jerrold B. Oliver

**Grantee:**

*Public*

**Legal description:** Sec Page 2

**Document or instrument number of previously recorded documents:**



### AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

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

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.

● Personal service could not be and can not be made on Tracy Baysinger in the State of Iowa. On March 30, 2009, a copy of Notice of Forfeiture was sent by ordinancy mail to Tracy Baysinger at her last known address: 2311 Norwood Ave., Winterset, IA 50273.

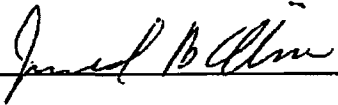
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

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.

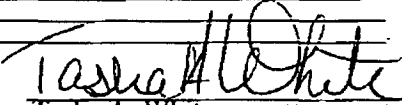
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled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

  
\_\_\_\_\_  
Affiant

Signed and sworn to (or affirmed) before me on 7th day of May, 2009, by Jerrold B. Oliver



  
\_\_\_\_\_  
Tasha A. White, 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

STATE OF IOWA  
SS:  
Madison County

**AFFIDAVIT OF PUBLICATION**

**NOTICE OF FORFEITURE  
OF REAL ESTATE CONTRACT**

TO: Tracy Baysinger

You and each of you are hereby notified:

(1) The written contract dated September 27, 2007, and executed by Richard L. Walters and Roberta L. Walters as Vendors, and Tracy Baysinger as Vendees, recorded the 2nd day of October, 2007, in the office of the Madison County Recorder, recorded as document reference number Book 2007, Page 3705 for the sale of the following described real estate:

A tract of land located in part of the Northeast 1/4 of the Northeast 1/4 (NE1/4 NE1/4) of Section 8, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at an iron pin found at the North 1/4 corner of said Section 8; thence S00°24'53" W a distance of 449.54' to a cut "X" found at the point of beginning; thence S00°24'53" W a distance of 547.63' to an iron pin; thence N89°18'26" W a distance of 752.67' to an iron pin; thence N00°06'47" E a distance of 693.60' to an iron pin; thence S78°23'42" E a distance of 770.97' to an iron pin; to the point of beginning. Containing 10.78 acres including 1.01 acres of county road right-of-way of easement.

Note: The real estate is described as being located in the NE1/4 of the NE1/4; the real estate is located in the NE1/4 of the NW1/4

has not been complied with in the following particulars:

(a) Principal and unpaid interest **\$138,573.64**  
Total **\$138,573.64**

(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 \$0.00 (not to exceed \$50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

Richard L. Walters  
Roberta L. Walters  
Vendors

By Jerrold B. Oliver  
P.O. Box 230  
Winterset, IA 50273

TED GORMAN being duly sworn says he is publisher of WINTERSET MADISONIAN a once weekly paper of general circulation, published in Winterset, Iowa, and that the notice, a copy which is annexed and made part hereof, was correctly published in said paper.

for the period 3 consecutive weeks, the last publication thereof being

on the 1 day of April, 2009.

*Ted Gorman*

Subscribed and sworn to before me this

2 day of April, 2009.

*Vickie L. Polk*

NOTARY PUBLIC  
in and for Madison County



Fee \$ 57.18