



Document 2010 2774

Book 2010 Page 2774 Type 03 014 Pages 6
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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)

Aaron M. Hubbard, 9902 Swanson Blvd., Clive, IA 50325, Phone: (515) 255-8750

Taxpayer Information: (Name and complete address)

Dennis Woods, P.O. Box 151, Norwalk, IA 50211

Return Document To: (Name and complete address)

Aaron M. Hubbard, 9902 Swanson Blvd., Clive, IA 50325, Phone: (515) 255-8750

Grantor:

Aaron M. Hubbard

Grantee:

Legal description: See Page 2

Document or instrument number of previously recorded documents: 2009-734



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 is 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.

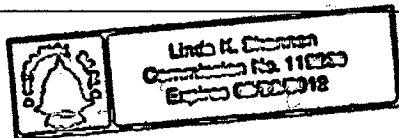
That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee's(s)' rights in such contract in accordance with Code Chapter 656.

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.

Aaron M. Hubbard
Affiant

Signed and sworn to (or affirmed) before me on 11-1-10, by Aaron M. Hubbard



Linda K. Shannon
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: Jimmie R. Downs, Spouse of Jimmie R. Downs, Parties in Possession

You and each of you are hereby notified:

(1) The written contract dated December 5, 2008, and executed by
Dennis Woods and Sharree Woods
as Vendors, and
Jimmie R. Downs

_____ as Vendees,
(insert recording data) recorded the 16th day of March, 2009, in the office of the
Madison County Recorder, recorded as document reference number
Book 2009; Page 734 for the sale of the following described real estate:

Lot 1 of Woods Addition, located in the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of
Section Twenty-five (25), Township Seventy-six (76) North, Range Twenty-six (26) West of the
5th P.M.

Contract was amended on August 3, 2008 in Book 2009; Page 2459.

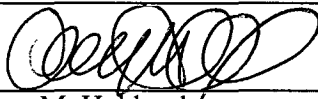
has not been complied with in the following particulars:

(a) Failure to pay Balloon payment	\$	<u>255,000.00</u>
(b) September 2010 taxes	\$	<u>2,400.00</u>
(c) July interest payment	\$	<u>2,000.00</u>
(d) August interest payment	\$	<u>2,000.00</u>
Total	\$	<u>261,400.00</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.

Dennis Woods

Vendors
(or Successors in Interest)
By 
Aaron M. Hubbard / Their Attorney -
Address: 9902 Swanson Blvd., Clive, Iowa 50323

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR

MADISON COUNTY

CASE NAME: Personal

WOODS,DENNIS
WOODS,SHARREE
VS

DOWNS,JIMMIE R
SPOUSE OF JIMMIE R DOWNS
PARTIES IN POSSESSION

CASE NO: 10NOTICE034

NOTICE RECEIVED: 09/17/10

STATE OF IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF FORFEITURE OF CONTR

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

Served DOWNS,JIMMIE R at 1012 N JOHN WAYNE DR on 09/20/10 12:30
WINTERSET, IA 50273

NOTE:(Diligent Search, etc.)

Special Instructions

SHERIFF FEES FOR JIMMIE R DOWNS, SPOUSE OF, AND PARTIES IN POSSESSION

Processing : 36.50
 Mileage : 1.00
 Trust/Copy : 0.00
 MISC. : 0.00
 TOTAL : 37.50

PAID

CRAIG BUSCH, SHERIFF
MADISON County, IOWA

OCT - 2 2010
BY Plaintiff's Atty

Craig Busch, Sheriff
SHERIFF CRAIG BUSCH

Signature Title

Fees charged to/paid by Atty/Party: AARON M. HUBBARD

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR

MADISON COUNTY

CASE NAME: Substitute

WOODS,DENNIS
WOODS,SHARREE
VS

DOWNES,JIMMIE R
SPOUSE OF JIMMIE R DOWNES
PARTIES IN POSSESSION

CASE NO: 10NOTICE034

NOTICE RECEIVED: 09/17/10

STATE OF: IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF FORFEITURE OF CONTR

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

Served SPOUSE OF JIMMIE R DOWNES

by Serving DOWNES,JIMMIE R
at 2002 WOODY CRT
PROLE, IA 50229
on 09/20/10 at 12:30

NOTE:(Diligent Search, etc.)

Special Instructions
 SEE JIMMIE R DOWNES SERVICE FOR ALL FEES DUE MADISON COUNTY SHERIFF

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

CRAIG BUSCH, SHERIFF
MADISON County, IOWA

Craig Busch, Sheriff

 SHERIFF CRAIG BUSCH
 Signature Title

~~Fees charged to/paid by Atty/Party: CRITELLI & HUBBARD, PC~~

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR

MADISON COUNTY

CASE NAME: Substitute

WOODS,DENNIS
WOODS,SHARREE

VS

DOWNES,JIMMIE R
SPOUSE OF JIMMIE R DOWNES
PARTIES IN POSSESSION

CASE NO: 10NOTICE034

NOTICE RECEIVED: 09/17/10

STATE OF: IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF FORFEITURE OF CONTR

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

Served PARTIES IN POSSESSION

by Serving DOWNES,JIMMIE R
at 1012 N JOHN WAYNE DR
WINTERSET, IA 50273
on 09/20/10 at 12:30

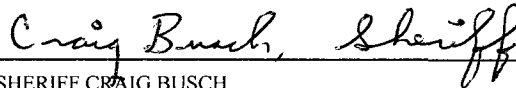
NOTE:(Diligent Search, etc.)

Special Instructions

SEE JIMMIE R DOWNES SERVICE FOR ALL FEES DUE MADISON COUNTY SHERIFF-

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

CRAIG BUSCH, SHERIFF
MADISON County, IOWA



SHERIFF CRAIG BUSCH

Signature

Title

Fees charged to/paid by Atty/Party: ~~CRITELLI & HUBBARD, PC~~