



Document 2011 409

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Fee Amount: \$69.00

Revenue Tax:

LISA SMITH RECORDER

Madison County, Iowa

INDX ✓  
ANNO ✓  
SCAN  
CHEK

Prepared by: Eric J. Eide, 3 N 17<sup>th</sup> St., Suite 2, Fort Dodge, IA 50501 - (515) 576-2434  
Return to: Eric Eide, 3 N 17<sup>th</sup> St., Suite 2, Fort Dodge, IA 50501  
Tax Address Statement: First Federal Savings Bank, 825 Central Avenue, Fort Dodge, IA 50501

**AFFIDAVIT IN SUPPORT OF NONJUDICIAL FORECLOSURE**

**RE:** Parcel "B" located in the South Half (1/2) of the Southeast Quarter (1/4) of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more precisely described as follows: Commencing at the South Quarter Corner of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence North 00°14'32" East 661.40 feet along the West line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1) to the Point of Beginning; thence continuing North 00°14'32" East 637.29 feet to the Northwest Corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1); thence South 88°37'56" East 1025.70 feet along the North line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1); thence South 00°14'31" West 637.07 feet; thence North 88°38'41" West 1025.70 feet to the Point of Beginning containing 15.001 acres.

AND

Parcel "E" located in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa more precisely described as follows: Beginning at the Northeast Corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence South 00°00'00" West 628.21 feet along the

East line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section One (1); thence North 88°38'41" West 371.66 feet; thence North 00°13'40" East 630.65 feet to the North line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1); thence South 88°15'26" East 369.22 feet to the Point of Beginning containing 5.351 acres including 2.061 acres of U.S. Highway 169 right of way.

**TO WHOM IT MAY CONCERN:**

**STATE OF IOWA** )  
 )  
 )**ss.**  
**COUNTY OF WEBSTER** )

The undersigned, first being duly sworn upon oath deposes and states:

1. That I am the attorney for First Federal Savings Bank of Iowa ("First Federal") and that by reason of such relationship the facts herein stated are within the personal knowledge of such Affiant.

2. That First Federal is the current holder of two Mortgages against the above-referenced real estate, the first being recorded in the office of the Madison County Recorder on January 28, 2002 in Book 2002, Page 419, AND the second recorded on September 27, 2007 in Book 2007, Page 3642.

3. Attached hereto as Exhibit A is a copy of the Notice of Nonjudicial Foreclosure that was served on the following described persons required by Iowa Code Chapter 655A, as shown by the attached Proofs of Service:

	<u>Party</u>	<u>Status</u>	<u>Service Method</u>
(i)	Dale M. Hartsook	Mortgagor	Acceptance; see attached <u>Exhibit B</u>
(ii)	Veridian Credit Union	Junior Lienholder	Personal; see attached <u>Exhibit C</u>

4. That said Dale M. Hartsook is a single person, and has been at all material times in these proceedings.

5. That, as shown by the attached Acceptance of Service and Return of Service, more than thirty (30) days have passed since the service of the last of said Notices.

6. That the defaults mentioned in said Notice have not been cured nor performed nor paid in any amount by said Mortgagor, 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 thirty (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; nor has the Mortgagor or anyone served a Notice of Rejection of Nonjudicial Foreclosure pursuant to Iowa Code §655A.6.

7. That none of the persons upon whom such Notice of Nonjudicial Foreclosure 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.


8. The above-described real estate is not occupied or otherwise in the possession of any person.

9. The above-described real estate is not used for an agricultural purpose as defined in Iowa Code §535.13.

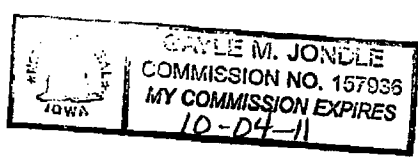
10. Prior to initiating the procedure established pursuant to Iowa Code Chapter 655A, a Notice of Right to Cure was given to the Mortgagor as required by Iowa Code §654.2D, a copy of which Notice is attached hereto as Exhibit D.


11. That this Affidavit is made as supporting proof, record and notice, that the Mortgages referred to in said Notice of Nonjudicial Foreclosure are now foreclosed pursuant to Iowa Code Chapter 655A.

12. Pursuant to Iowa Code §655A.8, First Federal has acquired and succeeded to all interest of the Mortgagor in the above-referenced real estate; all liens which are inferior to the lien of the foreclosed Mortgages are extinguished, and the indebtedness secured by the foreclosed Mortgages is extinguished.

  
Eric J. Eide

Subscribed in my presence and sworn to before me by the said Affiant this 3rd day of February, 2011.



  
Notary Public

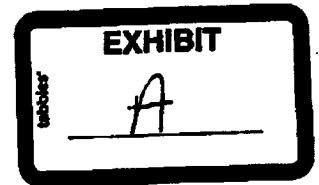
**RECORDER'S CERTIFICATE**

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 said Recorder's Office by the party or parties causing said Notice to be served as shown by the Notice, on the \_\_\_\_ day of January, 2011.

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Recorder



Prepared by: Eric J. Eide. 3 North 17<sup>th</sup> St., Suite 2, Fort Dodge, IA 50501 (515) 576-2434  
Return to: Eric J. Eide. 3 North 17<sup>th</sup> St., Suite 2, Fort Dodge, IA 50501  
Tax Address: N/A

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### **NOTICE OF NONJUDICIAL FORECLOSURE**

**TO:** Dale M. Hartsook  
1625 Court Street NE  
Salem, OR 97301

**FROM:** First Federal Savings Bank of Iowa  
825 Central Avenue  
Fort Dodge, IA 50501

Pursuant to Iowa Code Chapter 655A, First Federal Savings Bank of Iowa, (hereafter referred to as "First Federal"), hereby notifies you that you are in default (i) on that Mortgage with Next Home Mortgage as mortgagee dated January 25, 2002 and filed for record on January 28, 2002 in Book 2002, page 419 (the "First Mortgage"); which First Mortgage was assigned to First Federal by assignment recorded July 27, 2010 in the Office of the Madison County, Iowa Recorder in Book 2010, Page 1716; and (ii) on that Mortgage you executed and delivered to First Federal, dated September 21, 2007 and which was recorded September 27, 2007 in the Office of the Madison County, Iowa Recorder in Book 2007, Page 3642 (the "Second Mortgage"). These Mortgages constitute first and second liens on the real estate described as follows:

Parcel "B" located in the South Half (1/2) of the Southeast Quarter (1/4) of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more precisely described as follows: Commencing at the South Quarter Corner of Section One (1), Township Seventy-seven (77) North,

Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence North 00°14'32" East 661.40 feet along the West line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1) to the Point of Beginning; thence continuing North 00°14'32" East 637.29 feet to the Northwest Corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1); thence South 88°37'56" East 1025.70 feet along the North line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1); thence South 00°14'31" West 637.07 feet; thence North 88°38'41" West 1025.70 feet to the Point of Beginning containing 15.001 acres.

AND

Parcel "E" located in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa more precisely described as follows: Beginning at the Northeast Corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence South 00°00'00" West 628.21 feet along the East line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section One (1); thence North 88°38'41" West 371.66 feet; thence North 00°13'40" East 630.65 feet to the North line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1); thence South 88°15'26" East 369.22 feet to the Point of Beginning containing 5.351 acres including 2.061 acres of U.S. Highway 169 right of way.

You have not complied with the terms of the Mortgages by failing to make payments in the following amounts on the following dates:

<u>Date</u>	
8/15/2009 – 10/15/2010	\$13,639.77
LATE CHARGES DUE	<u>\$225.00</u>
<b>TOTAL DUE</b>	<b>\$13,864.77</b>

Unless within thirty days after this Notice is served upon you, you perform the terms of the Mortgages with which you have not complied, or file with the Madison County, Iowa Recorder a rejection of this Notice pursuant to Iowa Code §655A.6 and serve a copy of the rejection upon First Federal, the Mortgages will be foreclosed.

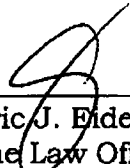
**WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED BY THE 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 THE 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.**

The postal address where the above rejection may be served is: First Federal Savings Bank of Iowa, Attn. Rick Wagner, 825 Central Ave., Fort Dodge, IA 50501.

Dated this 4 day of November, 2010.

By \_\_\_\_\_

  
Eric J. Eide  
The Law Office of Eric J. Eide, P.L.C.  
3 North 17<sup>th</sup> St., Suite 2  
Fort Dodge, IA 50501  
Telephone: (515) 576-2434  
Fax: (888) 775-4578  
E-Mail: eric@eidelaw.com

ATTORNEY FOR FIRST FEDERAL

Original: served  
Copies to: Veridian Credit Union



**ACCEPTANCE OF SERVICE**

**RE:** Parcel "B" located in the South Half (1/2) of the Southeast Quarter (1/4) of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more precisely described as follows: Commencing at the South Quarter Corner of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence North 00°14'32" East 661.40 feet along the West line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1) to the Point of Beginning; thence continuing North 00°14'32" East 637.29 feet to the Northwest Corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1); thence South 88°37'56" East 1025.70 feet along the North line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1); thence South 00°14'31" West 637.07 feet; thence North 88°38'41" West 1025.70 feet to the Point of Beginning containing 15.00] acres.  
[See page 2 for additional legal description.]

Service of the attached Notice of Nonjudicial Foreclosure, is hereby accepted and acknowledged and a true copy thereof received by me at Windsor Heights, Iowa, on this 28 day of December, 2010.

  
Dale M. Hartsook



Additional Legal Description

Parcel "E" located in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa more precisely described as follows: Beginning at the Northeast Corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section One (1), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence South 00°00'00" West 628.21 feet along the East line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section One (1); thence North 88°38'41" West 371.66 feet; thence North 00°13'40" East 630.65 feet to the North line of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section One (1); thence South 88°15'26" East 369.22 feet to the Point of Beginning containing 5.351 acres including 2.061 acres of U.S. Highway 169 right of way.

# RETURN OF SERVICE

BLACK HAWK COUNTY SHERIFF OFFICE • 225 EAST 6TH STREET, WATERLOO, IA 50703 •

## IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

STATE OF IOWA                    )  
   ) SS  
 BLACK HAWK COUNTY         )

Docket No   
 Court No   
 Reference No

PLAINTIFF : FIRST FEDERAL SAVING BANK OF

vs.

DEFENDANT : HARTSOOK, DALE M

Name: <input type="text" value="VERIDIAN CREDIT UNION"/>		OTHER
Address <input type="text" value="1827 ANSBOROUGH AVENUE, WATERLOO, IA, 50701"/>		
<b>SERVICE INFORMATION</b>		
Document(s) <input type="text" value="NOTICE OF NONJUDICIAL FORECLOSURE"/>		
Status	<input type="text" value="SERVED"/>	Officer <input type="text" value="H9308 • WILLIAM HALL"/> Date <input type="text" value="11/10/2010"/> Time <input type="text" value="13:30"/>
Service	<input type="text" value="SUB-SERVICE"/>	By Serving <input type="text" value="BRICE ZESCHKE"/>
Location	<input type="text" value="1827 ANSBOROUGH AVE, WATERLOO"/>	
Comments	<input type="text"/>	Relationship <input type="text" value="COLLECTIONS REP"/> Race <input type="text"/> Sex <input type="text"/> Birth Date <input type="text"/>

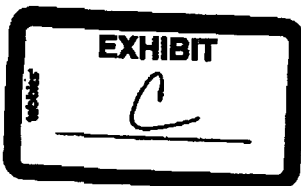
FEES					
Date	Item Name	Item Description	Charges	Receipts	Balance
11/09/2010	ADVANCE FEE CHECK	EIDE, ERIC J PLC		\$50.00	
11/15/2010	COPY FEE		\$0.50		
11/15/2010	MILEAGE		\$4.40		
11/15/2010	PROCESS		\$15.00		
			\$19.90	\$50.00	(\$30.10)

I certify above information to be true and correct. ANTHONY T THOMPSON, Sheriff, Black Hawk County, Iowa

*W Hall*

Deputy Sheriff or Designee

Date



NOTICE OF RIGHT TO CURE

October 9, 2009

Dale M Hartsook  
1083 US Hwy 69  
Winterset, IA 50273

Dear Dale,

This letter is to notify you that you are presently delinquent and in default on the payment of your promissory note obligation to First Federal Savings Bank of Iowa. To assist you in identifying the delinquent obligation, a copy of the promissory note upon which you are delinquent is being enclosed with this letter. In previous correspondence and loan documents this obligation has been referred to as Loan Number 07-30000702. This promissory note obligation is secured by a mortgage on real estate located in Madison County. This mortgage is dated September 21, 2007 and is a lien upon the real estate more particularly described as follows:

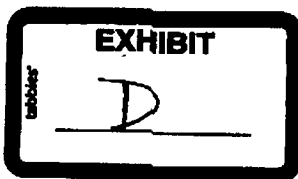
See Attached Addendum.

You have the right to cure your defaults. If you cure the defaults, you may continue to pay your obligation as if no default occurred. You have the right to cure your default by paying the TOTAL amount itemized below as your specific defaults:

August 15, 2009	\$ 821.71	Late Fee	\$ 30.00
September 15, 2009	\$ 556.64	<b>TOTAL DUE</b>	<b>\$ 1,408.35</b>

Thirty days from the date of this letter will be November 8, 2009. You will have until November 9, 2009 to cure the defaults itemized above and to pay to or tender the total amount of the default amounts itemized above to the Creditor, First Federal Savings Bank of Iowa, at the following address:

First Federal Savings Bank  
825 Central Avenue  
Fort Dodge, Iowa 50501  
Attn: Rick Wagner  
Collection Officer



Page 2

October 9, 2009

Dale M Hartsook,

**IF YOU DO NOT CURE THE DEFAULTS ITEMIZED ABOVE, FIRST FEDERAL SAVINGS BANK OF IOWA IS ENTITLED TO PROCEED WITH INITIATING A FORECLOSURE ACTION OR PROCEDURE.**

In the event that First Federal forecloses, you are hereby reminded that First Federal is entitled to collect in such proceedings all expenses of foreclosure, including, but not limited to reasonable attorney fees, cost of documentary evidence, abstracts and title reports.

Any attempted partial cure of your defaults in the form of payments to First Federal will be accepted and credited against the defaults. Acceptance of said partial cure payments which do not completely cure the above described delinquency will not prevent First Federal from being entitled to proceed with a foreclosure action.

Your mortgage requires that this notice inform you that you have the right to reinstate after acceleration and right to assert in the foreclosure proceedings the non-existence of a default or any other defense you have to acceleration and foreclosure.

This notice is being sent to you in an attempt to collect a debt and any information obtained as a result will be used for the purpose of collecting the debt.

Sincerely,

Rick Wagner  
Collection Officer

CC/file