

AFFIDAVIT IN SUPPORT OF FORFEITURE
OF LEASE-BUSINESS PROPERTY

2138

FILED NO. _____
BOOK 38 PAGE 390

1988 MAY 20 AM 10:45

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee \$50.00

COMPLETED

TO WHOM IT MAY CONCERN:

STATE OF IOWA)
 : SS:
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 Lease-Business Property, hereto attached, together with returns of service thereof; which Notice and returns 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, and all those entitled to service pursuant to Iowa Code, Section 656.2(1981).

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 by said vendees, 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 vendors have retaken possession of said real estate following the expiration of said 30 day period.

That the Lease-Business Property mentioned in said Notice specifically provides for the forfeiture of the vendees 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.

Paul Boosalis
Paul Boosalis, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 10th day of May, 1988.



James E. Keen
Notary Public in and for said County.

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 the said Recorder's Office by the party or parties causing said Notice to be served as shown by the Notice, on the 20 day of May, 1988.

Mary E. Welty
Recorder

NOTICE OF FORFEITURE
OF LEASE-BUSINESS PROPERTY

TO: Angelo Nikas (d/b/a Paul's Pizza & Steak House) & Stravroula Nikas, his wife
103 North First Street
Winterset, Iowa 50273

and

Giorgos Botis (d/b/a Paul's Pizza & Steak House)
Dodekanesoy 25
Greece 9922277

and

United States Attorney
115 U.S. Courthouse
Des Moines, Iowa 50309

and

District Director of Internal Revenue Service
210 Walnut Street
Des Moines, Iowa 50309

and

Edwin Meese, United States Attorney General
Department of Justice
Washington, D.C. 20530

and

Farmers & Merchants State Bank
P.O. Box 29
Winterset, Iowa 50273

and

PYA Monarch, Inc.
2500 Dixon
Des Moines, Iowa 50316

You and each of you are hereby notified:

1. That the written lease dated January 8, 1983, and executed by Paul Boosalis and Zafiria (Loula) Boosalis, husband and wife, as Landlords, and Angelo Nikas and Giorgos (George) Botis, as Tenants, for the leasing of the following described real estate, situated in Madison County, Iowa:

The North One-Half (½) of the South Two Thirds (2/3) of Lot Six (6) in Block Seventeen (17) of the Original Town of Winterset, Madison County, Iowa, excepting therefrom the East 62 feet of the South 10 feet thereof, and also excepting the East 10 feet of the North 12 feet thereof conveyed to the City of Winterset for alley purposes.

has not been complied with in respect to the terms and conditions of said lease in the following specific particulars:

RECEIVED
MADISON COUNTY SH
WINTERSET, IOWA
J. Z. P.
ll
MAR 17 1983

- (a) The 1985-1986 Fiscal Year real estate taxes in the sum of \$1,460.00 and the 1st half of the 1986-1987 Fiscal Year real estate taxes in the sum of \$770.00 are past due and delinquent, thereby resulting in their being now past due and delinquent the total real estate tax amount of \$2,230.00, plus penalties and costs. TOTAL SUM NEEDED TO BRING REAL ESTATE TAXES CURRENT IS \$ 2,230.00.
- (b) (i) The regular monthly rental payments in the sum of \$315.00 called for in said lease to be made on the 10th day of January thru November, 1984, by the Tenants therein were each \$5.00 deficient in amount, and the regular monthly rental payment in the sum of \$315.00 to be made on December 10, 1984, has not been made, resulting in there being now past due and delinquent for the year 1984 the total rental sum of \$370.00.
- (ii) The regular monthly rental payment in the sum of \$330.00 called for in said lease to be made on the 10th day of January, 1985, by the Tenants therein was \$20.00 deficient in amount; the regular monthly rental payments in the sum of \$330.00 called for in said lease to be made on the 10th day of March thru May and July thru November, 1985, by the Tenants therein were each \$10.00 deficient in amount; and the regular monthly rental payments in the sum of \$330.00 to be made on the 10th day of February, June, and December, 1985, have not been made, resulting in there being now past due and delinquent for the year 1985 the total rental sum of \$1,100.00.
- (iii) The regular monthly rental payments in the sum of \$345.00 called for in said lease to be made on the 10th day of January, March thru May, and July thru December, 1986, by the Tenants therein were each \$25.00

deficient in amount, and the regular monthly rental payments in the sum of \$345.00 to be made on the 10th day of February and June, 1986, have not been made, resulting in there being now past due and delinquent for the year 1986 the total rental sum of \$965.00.

(iv) The regular monthly rental payments in the sum of \$360.00 called for in said lease to be made on the 10th day of January thru October, 1987, by the Tenants therein were each \$40.00 deficient in amount, and the regular monthly rental payments in the sum of \$360.00 to be made on the 10th day of November and December, 1987, have not been made, resulting in there being now past due and delinquent for the year 1987 the total rental sum of \$1,120.00.

(v) The regular monthly rental payments in the sum of \$375.00 called for in said lease to be made on the 10th day of January thru March, 1988, by the Tenants therein have not been made, resulting in there being now past due and delinquent for the year 1988 the total rental sum of \$1,125.00.

TOTAL SUM NEEDED TO BRING LEASE RENTAL PAYMENTS CURRENT IS \$4,680.00

2. The said lease will stand forfeited and cancelled as by its terms and provisions it may be, unless the parties (i.e., Tenants) in default within thirty (30) days after the completed service of this notice, shall perform the said terms and conditions in default, and in addition pay the reasonable costs of serving this notice.

3. Copy of the within Notice of Forfeiture of Lease-Business Property is being served on the United States of America for the reason that it is the holder of the following Federal Tax Lien:

Department of the Treasury--Internal Revenue Service,
By Dorothy O. Smith, Chief Collection Branch to George
Eatis, dated Apr. 3, 1984, filed May 2, 1984 in Tax Lien
Rec. 7, page 373. Recites in part: As provided by sections
6321, 6322 and 6323 of the Internal Revenue Code, notice is
given that there is a lien in favor of the United States on
all property and rights to property belonging to this tax
payer for: Kind of Tax, 1040; Tax Period Ended, 12/31/81;
Date of Assessment 080183; Last Day for Refiling 083189;
Unpaid Balance of Assessment, \$1,843.57; Total \$1,843.57.

4. Copy of the within Notice of Forfeiture of Lease-Business

Property is being served on Farmers & Merchants State Bank for the reason that it is the holder of the following two mortgages:

- (1) Evangelos Nikas and Stavroula Nikas, individually and as husband and wife, to Farmers & Merchants State Bank, dated Oct. 28, 1986, filed Nov. 18, 1986 in Mtg. Rec. 146, page 769. Consideration: \$24,250.00. Mortgages: Other land and all right, title and interest in and to the brick wall located on the North One-half of the South 2/3rds of Lot 6 in Block Seventeen in the Original Town of Winterset, Madison County, Iowa, commencing at a point 50 feet East of the Southwest corner thereof and running thence East 20 feet, thence North 10 feet, and all other wall or walls located on that part of the North 2/3rds of Lot 6 which adjoins the above described real estate.
- (2) Evangelos Nikas and Stavroula Nikas, Individually and as husband and wife, to Farmers & Merchants State Bank, dated Oct. 7, 1987, filed Oct. 8, 1987 in Mtg. Rec. 149, page 70. Consideration: \$20,500.00. Mortgages: (Same real estate as described in Mtg. Rec. 146, page 769).


5. Copy of the within Notice of Forfeiture of Lease-Business

Property is being served on PYA Monarch, Inc. for the reason that it is the holder of the following judgment:

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY
PYA/Monarch, Inc. Plaintiff vs. George Botis, and
Angelo Nikas, d/b/a Paul's Pizza & Steak House, Defendants.
Law No. 22953, Docket 49, page 272. Docket shows judgment
against Angelo Nikas on Feb. 1, 1988 in the sum of \$2,194.30
with interest at the rate of 10% from Oct. 19, 1987, plus
costs and \$350.00 attorney fees. Costs unpaid.

Paul Boosalis
Zafiria (Loula) Boosalis

LANDLORDS

By: 
George L. Lind, Landlord's Attorney
111 High Avenue East
Oskaloosa, Iowa 52577
Telephone: (515) 673-8428

RETURN OF SERVICE—Company or Corporation

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 17th day of March, 1988, and on the 17th day of March, 1988, I served the same upon the Farmers & Merchants State Bank

by reading the same to Jim Mease, he being the President of said corporation or company, or by offering to read the same to him, which he waived, and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

FEES:
 Service \$ 10.00
 Copies \$ 1.05
 Mileage \$ 11.05
 Total \$ 22.10

See 7th Plaintiff's Petition 04/01/88

Paul D. Welch
 of Paul D. Welch Madison County
 By _____ Deputy.

OFFICERS RETURN OF SERVICE

STATE OF IOWA, MADISON County, ss.

Notice of Forfeiture of Lease-Business Property
 The attached ~~notice with copy of Petition attached~~ received this 17th day of March, 1988, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective name.

Name of Defendants	Month	Day	Year	Township	County	State
<u>Stravroula Nikas</u>	<u>March</u>	<u>18th</u>	<u>1988</u>	<u>Center</u>	<u>Madison</u>	<u>Iowa</u>
<u>Angelo Nikas</u>	<u>March</u>	<u>19th</u>	<u>1988</u>	<u>Center</u>	<u>Madison</u>	<u>Iowa</u>

Paul D. Welch Sheriff
MADISON County, Iowa

By *Ken Burk* Deputy Sheriff

FEES
 Service \$ 15.00
 Copies \$ _____
 Notary \$ _____
 Mileage \$ 2.10
 Total \$ 17.10

See 7th Plaintiff's Petition 04/01/88

Registered article Envoi recommandé		<input checked="" type="checkbox"/> Letter Lettre	<input type="checkbox"/> Print Imprime	<input type="checkbox"/> Other Autre
<input type="checkbox"/> Insured parcel Cette article valeur déclarée		Insured value Valeur déclarée		
Office of origin OSKALOOSA IOWA 52577		Date of posting / Date de dépôt MAR 16 1988		
Address (Name of firm) GIBSON BROTHERS 100 E. BARKER ST. GRACE		Post office / Bureau de poste 43560F844		
Name and address of recipient GRACE 9922277		Country of destination IOWA 1929 ARCYRUBCLIS		
<p>The postal must be signed by the sender or by a person authorized to do so by virtue of the regulations of the country of destination, or, if those regulations so provide, by the employer of the office of destination, and returned by the first mail carrier to the sender.</p> <p>Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le permettent, par l'employeur de l'office de destination, et retourné par le premier courrier de retour au destinataire.</p>				
The article mentioned above was duly delivered L'article mentionné ci-dessus a été dûment livré		Date		
Signature of the addresser <i>[Signature]</i>		Signature of the employee of the office of destination <i>[Signature]</i>		

Rec'd
5/10/88

All Entries MUST be in Ball Point or Typed

REGISTERED NO. 12935601844	POSTMARK OF OSAKA IOWA IA MAR 16 1988 USPO
Reg. Fee \$ 3.00	Special Delivery \$
Handling Charge \$	Return Receipt \$ 70
Postage \$	Restricted Delivery \$
Post Office Completion	Receipt \$
Customer Completion (Please Print)	Int'l <input checked="" type="checkbox"/>
FROM Geo. J. D. M. D.	<input type="checkbox"/> With Postal Insurance \$25,000 Domestic Ins. Limit
TO 16171 Ave S Catalpa Wagoner Okla 74707	
	ZIP CODE
	ZIP CODE

PS FORM 3806 RECEIPT FOR REGISTERED MAIL (Customer Copy)
Apr. 1985 (See Information on Reverse)

Madison County Sheriff's Office
220 N. 1st Ave.
Winterset, Iowa 50273

Paul & Sons #1308

Date Served:
March 17/18/19, 1988

IN THE CASE OF
Paul Boosalis et al
vs
Angelo Nikas et al

Service \$ 50.00
Copies \$
Mileage \$ 6.30
TOTAL \$ 56.30

Fees must be paid before the return of Notice.

Paul D. Wick,
Sheriff of Madison County, Iowa
Ken Burk Deputy

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt will be placed in the return box. For additional services, see the back of this card. For additional fees, see the back of this card. For additional services, see the back of this card. For additional fees, see the back of this card. For additional services, see the back of this card. For additional fees, see the back of this card.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: *U.S. Attorney General*
15 U.S. Courthouse
Des Moines, IA 50309

Article Number: *1072934740*

Type of Service:
 Registered
 Certified
 Insured
 COD
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee: _____

6. Signature - Agent: *Patricia E. Schellman*

7. Date of Delivery: *3-17-88*

8. Addressee's Address (ONLY if requested and fee paid): _____

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt will be placed in the return box. For additional services, see the back of this card. For additional fees, see the back of this card. For additional services, see the back of this card. For additional fees, see the back of this card.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: *Mr. Dir - 1A5*
210 Walnut St
Des Moines, Ia 50309

Article Number: *1072934239*

Type of Service:
 Registered
 Certified
 Insured
 COD
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee: _____

6. Signature - Agent: *B. Kulk*

7. Date of Delivery: *3/17/88*

8. Addressee's Address (ONLY if requested and fee paid): _____

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt will be placed in the return box. For additional services, see the back of this card. For additional fees, see the back of this card. For additional services, see the back of this card. For additional fees, see the back of this card.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: *John W. Weese, Jr.*
Dept. of Justice
Washington, DC 20530

Article Number: *1072934741*

Type of Service:
 Registered
 Certified
 Insured
 COD
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee: _____

6. Signature - Agent: *Patricia E. Schellman*

7. Date of Delivery: *MAR 25 1988*

8. Addressee's Address (ONLY if requested and fee paid): _____

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt will be placed in the return box. For additional services, see the back of this card. For additional fees, see the back of this card. For additional services, see the back of this card. For additional fees, see the back of this card.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: *PVA Monard, Inc*
2500 Dixon
Des Moines, Ia 50316

Article Number: *1072934738*

Type of Service:
 Registered
 Certified
 Insured
 COD
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee: _____

6. Signature - Agent: *Patricia E. Schellman*

7. Date of Delivery: *3-17-88*

8. Addressee's Address (ONLY if requested and fee paid): _____

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268