



Document 2011 2595

Book 2011 Page 2595 Type 03 014 Pages 8  
Date 10/03/2011 Time 11:23 AM  
Rec Amt \$42.00 Aud Amt \$5.00

INDX ✓  
ANNO ✓  
SCAN  
CHEK

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 H. Ginkens, 12257 University Avenue, Suite 200, Clive, IA 50325, Phone: (515) 255-8680

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

Valley Bank, 1290 Copper Creek Road, Pleasant Hill, Iowa 50327

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

Aaron H. Ginkens, 12257 University Avenue, Suite 200, Clive, IA 50325, Phone: (515) 255-8680

**Grantor:**

Valley Bank

**Grantee:**

**Legal description:** See 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 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 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.

●

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 H. Ginkens*  
\_\_\_\_\_  
Affiant

Signed and sworn to (or affirmed) before me on 23rd day of September, 2011 by Aaron H. Ginkens



*Erica White*  
\_\_\_\_\_  
Erica 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



### NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Chris Putney and Dawn Eslinger, 705 E. Madison Street, Winterset, Iowa 50273

You and each of you are hereby notified:

(1) The written contract dated September 1, 2006, and executed by  
Timothy M. Sullivan and Carol J. Sullivan  
as Vendors, and  
Chris Putney and Dawn Eslinger

(insert recording data) recorded the 6th day of September, 2006 as Vendees,  
Madison County Recorder, recorded as document reference number  
Book 2006 Page 3664 for the sale of the following described real estate:

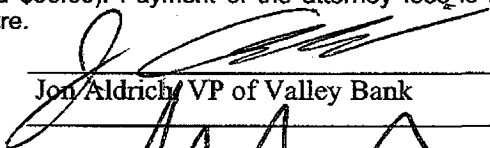
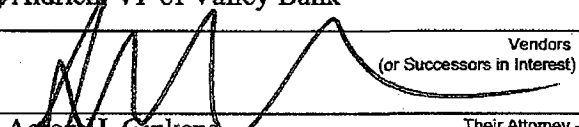
Lot Two (2) of Replat of Lot 3 in Helen McCall Huntoon Addition Plat No. 3, City of Winterset,  
Madison County, Iowa.

has not been complied with in the following particulars:

(a) February 2010 Payment	\$	<u>1,330.00</u>
(b) March 2010 Payment	\$	<u>1,330.00</u>
(c) April 2010 Payment	\$	<u>1,330.00</u>
(d) See Addendum 1	\$	
<b>Total</b>	<b>\$</b>	<b><u>7,550.00</u></b>

(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.

  
 \_\_\_\_\_  
 Jon Aldrich, VP of Valley Bank  
 \_\_\_\_\_  
 Vendors  
 (or Successors in Interest)  
 By   
 \_\_\_\_\_  
 Aaron H. Ginkens Their Attorney -  
 Address: 12257 University Avenue, Suite 200,  
Clive, Iowa 50325

Chapter 656, The Code

NOTE: If the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., applies to this communication, attach Form No. 172, Notice of Validation of Debt.

## Addendum

### Addendum 1

- a. May 2010 Payment
- b. 1,330.00
  
- a. June 2010 Payment
- b. 1,330.00
  
- a. Late Fees
- b. 900.00
  
- a. Abandonment of Premises
- b. 0.00

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CASE NO.:

AFFIDAVIT OF SERVICE

Timothy M. Sullivan and Carol J. Sullivan

Plaintiff/Petitioner,

vs.

Chris Putney and Dawn Eslinger

Defendant/Respondent.

Received by Attorney's Choice on 08/03/2011 to be served upon:

Dawn Eslinger Putney

STATE OF IOWA COUNTY OF POLK ss.

I, Brett McCormick, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On 08/23/2011 at 01:34 PM, I served the Notice of Forfeiture of Real Estate Contract dated September 1, 2006; Notice of Forfeiture of Real Estate Contract dated August 20, 2008 on Dawn Eslinger Putney at 523 S 18th Street, West Des Moines, IA 50265 in the manner indicated below:

INDIVIDUAL SERVICE: I served the same by delivering a copy thereof to the above person personally.

Description of person served:

Sex: Female - Age: 30's - Skin: White - Hair: Lt. Brown - Height: 5'6 - Weight: 230

Fee For Service: \$35.00

Sworn to and subscribed before me on this 16th day of September, 2011

by an affiant who is personally known to me or produced identification.

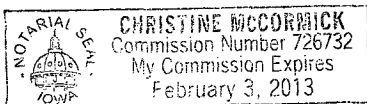
NOTARY PUBLIC

[Handwritten signature]

X [Handwritten signature] \_\_\_\_\_

Independent Contractor for:

Attorney's Choice 2041 NW 145th Street Clive, IA 50325 515.314.2248 Atty File#: - Our File# 42998



IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CASE NO.:

AFFIDAVIT OF SERVICE

Timothy M. Sullivan and Carol J. Sullivan

Plaintiff/Petitioner,

vs.

Chris Putney and Dawn Eslinger

Defendant/Respondent.

Received by Attorney's Choice on 08/03/2011 to be served upon:

Internal Revenue Service

STATE OF IOWA COUNTY OF POLK ss.

I, Brett McCormick, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On 08/12/2011 at 09:54 AM, I served the Notice of Forfeiture of Real Estate Contract dated September 1, 2006; Notice of Forfeiture of Real Estate Contract dated August 20, 2008 on Internal Revenue Service at 210 Walnut Street, Des Moines, IA 50309 in the manner indicated below:

CORPORATE SERVICE: I served the same on the above company, corporation, government official, etc, by delivering a copy to the person named and described below at the address shown above. :

NAME: Amanda Neitz TITLE/RELATION: authorized to accept service

Description of person served:

Sex: Female - Age: 25-35 - Skin: White - Hair: Blonde - Height: 5'6 - Weight: 170

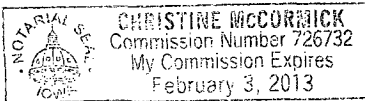
Fee For Service: \$35.00

Sworn to and subscribed before me on this

16th day of September, 2011

by an affiant who is personally known to me or produced identification.

NOTARY PUBLIC



X [Signature] Brett McCormick

Independent Contractor for:

Attorney's Choice 2041 NW 145th Street Clive, IA 50325 515.314.2248 Atty File#: - Our File# 42996

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CASE NO.:

AFFIDAVIT OF SERVICE

Timothy M. Sullivan and Carol J. Sullivan

Plaintiff/Petitioner,

vs.

Chris Putney and Dawn Eslinger

Defendant/Respondent.

Received by Attorney's Choice on 08/03/2011 to be served upon:

Chris Putney

STATE OF IOWA
COUNTY OF POLK ss.

I, Brett McCormick, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On 08/23/2011 at 01:34 PM, I served the Notice of Forfeiture of Real Estate Contract dated September 1, 2006; Notice of Forfeiture of Real Estate Contract dated August 20, 2008 on Chris Putney at 523 S 18th Street, West Des Moines, IA 50265 in the manner indicated below:

I served the same on the above person by substitute service, delivering a copy to the spouse of the above person at the address listed above after determining that the spouse lives at the above person's dwelling house or usual place of abode.:

NAME OF SPOUSE: Dawn Eslinger Putney

Description of person served:

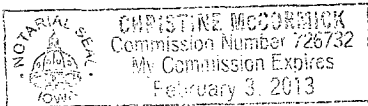
Sex: Female - Age: 30's - Skin: White - Hair: Lt. Brown - Height: 5'6 - Weight: 230

Fee For Service: \$10.00

Sworn to and subscribed before me on this 16th day of September, 2011

by an affiant who is personally known to me or produced identification

NOTARY PUBLIC



X
Brett McCormick
Independent Contractor for:

Attorney's Choice
2041 NW 145th Street
Clive, IA 50325
515.314.2248
Atty File#: - Our File# 42995

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CASE NO.:

AFFIDAVIT OF SERVICE

Timothy M. Sullivan and Carol J. Sullivan

Plaintiff/Petitioner,

vs.

Chris Putney and Dawn Eslinger

Defendant/Respondent.

Received by Attorney's Choice on 08/03/2011 to be served upon:

United States Attorney

STATE OF IOWA COUNTY OF POLK ss.

I, Brett McCormick, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On 08/05/2011 at 10:59 AM, I served the Notice of Forfeiture of Real Estate Contract dated September 1, 2006; Notice of Forfeiture of Real Estate Contract dated August 20, 2008 on United States Attorney at 110 East Court Ave, Des Moines, IA 50309 in the manner indicated below:

CORPORATE SERVICE: I served the same on the above company, corporation, government official, etc, by delivering a copy to the person named and described below at the address shown above. :

NAME: Natalia Bafia TITLE/RELATION: authorized to accept service

Description of person served: Sex: Female - Age: 30's - Skin: White - Hair: Black - Height: 5'6 - Weight: 150

Fee For Service: \$35.00

Sworn to and subscribed before me on this 16th day of September, 2011 by an affiant who is personally known to me or produced identification.

NOTARY PUBLIC

[Handwritten signature]

X [Handwritten signature] Independent Contractor for: Attorney's Choice 2041 NW 145th Street Clive, IA 50325 515.314.2248 Atty File#: - Our File# 42997

