



Document 2011 2696

Book 2011 Page 2696 Type 03 014 Pages 8

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Rec Amt \$42.00 Aud Amt \$5.00

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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)

Mark L. Smith, POB 230, Winterset, IA 50273, Phone: (515) 462-3731

Taxpayer Information: (Name and complete address)

Lynn and Michael Kellner, 1211 - 6th Street, Boonville, MO 65233

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

Mark L. Smith, POB 230, Winterset, IA 50273, Phone: (515) 462-3731

Grantor:

N/A

Grantee:

N/A

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 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.

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.

Mark L. Smith Affiant

Signed and sworn to (or affirmed) before me on 11th day of October, 2011, by Mark L. Smith


Carol Kiernan, 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: Nathaniel D. McVay and Sabrina K. McVay, 329 S. 5th Ave., Winterset, IA 50273

You and each of you are hereby notified:

(1) The written contract dated April 27, 2010, and executed by
Lynn Kellner and Michael Kellner
as Vendors, and
Nathaniel D. McVay and Sabrina K. McVay

_____ as Vendees,
(insert recording data) recorded the 28th day of April, 2010, in the office of the
MADISON County Recorder, recorded as document reference number
Book 2010, Page 936 for the sale of the following described real estate:

The South Sixty (60) feet of Lot Seven (7) and one-half of the alley East of the South 60 feet of
Lot Seven (7) in Block Five (5) of West Addition to the Town of Winterset, Madison County,
Iowa.

has not been complied with in the following particulars:

- | | |
|-------------------------------|----------------------------|
| (a) Final balloon payment due | \$ _____ |
| (b) under contract on 4/1/11 | \$ <u>77,419.18</u> |
| (c) | \$ _____ |
| (d) | \$ _____ |
| Total | \$ <u>77,419.18</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.

Lynn Kellner

Michael Kellner Vendors
(or Successors in Interest)

By Mark L. Smith
Mark L. Smith Their Attorney -

Address: POB 230, Winterset, IA 50273

RETURN OF SERVICE

The within Notice of Forfeiture of Real Estate Contract received by me the 8th day of September, 2011, and I certify that I served the same on the person(s) named below by delivering a copy thereof to said person(s) personally at the time and place set opposite his name:

I certify that I served, on September 10, 2011, a Notice of Forfeiture of Real Estate Contract, on Sabrina McVay, personally and on Nathaniel McVay, by serving Sabrina McVay, at their place of residence, 329 South 5th Avenue, Winterset, IA 50273..

FEES:

Service: \$40 .00

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA :
:SS
MADISON COUNTY :

The undersigned, first being duly sworn upon oath, deposes and states that he served the attached notice or document on each of the persons named above by delivering a copy of said notice or document to each of said persons at the time and place set out above opposite their respective names:

Joseph Carney

Joseph Carney

Subscribed and sworn to before me by Joseph Carney on this 32 day of September 2011..

Carol Kiernan

Notary Public in and for the State of Iowa





NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: PALISADES COLLECTION, LLC, c/o CT Corporation System, Registered Agent
500 East Court Avenue, Des Moines, IA 50309

You and each of you are hereby notified:

(1) The written contract dated April 27, 2010, and executed by
Lynn Kellner and Michael Kellner

as Vendors, and
Nathaniel D. McVay and Sabrina K. McVay

_____ as Vendees,
(insert recording data) recorded the 28th day of April, 2010, in the office of the
MADISON County Recorder, recorded as document reference number
Book 2010, Page 936 for the sale of the following described real estate:

The South Sixty (60) feet of Lot Seven (7) and one-half of the alley East of the South 60 feet of
Lot Seven (7) in Block Five (5) of West Addition to the Town of Winterset, Madison County,
Iowa.

has not been complied with in the following particulars:

(a) Final balloon payment due	\$ _____
(b) under contract on 4/1/11	\$ <u>77,419.18</u>
(c)	\$ _____
(d)	\$ _____
Total	\$ 77,419.18

(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.

Lynn Kellner

Michael Kellner Vendors
(or Successors in Interest)

By Mark L. Smith
Mark L. Smith Their Attorney -

Address: POB 230, Winterset, IA 50273

RETURN OF SERVICE

The within Notice of Forfeiture of Real Estate Contract received by me the 22nd day of September, 2011, and I certify that I served the same on the person(s) named below by delivering a copy thereof to said person(s) personally at the time and place set opposite his name:

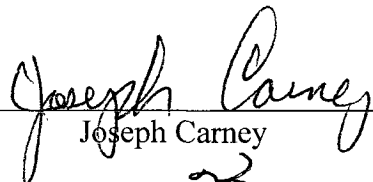
I certify that I served, on September 23, 2011, a Notice of Forfeiture of Real Estate Contract on Palisades Collection, LLC by serving CT Corporation Systems, Registered Agent for Palisades Collection, LL, by serving Sarah Adams, personally, at 500 East Court Avenue, Des Moines, IA 50309.

Service: \$70.00

MEMO AND AFFIDAVIT OF SERVICE


STATE OF IOWA :
:SS
MADISON COUNTY :

The undersigned, first being duly sworn upon oath, deposes and states that he served the attached notice or document on each of the persons named above by delivering a copy of said notice or document to each of said persons at the time and place set out above opposite their respective names:



Joseph Carney

Subscribed and sworn to before me by Joseph Carney on this 23 day of September, 2011..



Notary Public in and for the State of Iowa





NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: MADISON COUNTY MEMORIAL HOSPITAL, c/o Mary Corkrean, President of the Board of Directors
621 West Mills Street, Winterset, IA 50273

You and each of you are hereby notified:

(1) The written contract dated April 27, 2010, and executed by
Lynn Kellner and Michael Kellner
as Vendors, and
Nathaniel D. McVay and Sabrina K. McVay

_____ as Vendees,
(insert recording data) recorded the 28th day of April, 2010, in the office of the
MADISON County Recorder, recorded as document reference number
Book 2010, Page 936 for the sale of the following described real estate:

The South Sixty (60) feet of Lot Seven (7) and one-half of the alley East of the South 60 feet of
Lot Seven (7) in Block Five (5) of West Addition to the Town of Winterset, Madison County,
Iowa.

has not been complied with in the following particulars:

- | | |
|-------------------------------|----------------------------|
| (a) Final balloon payment due | \$ _____ |
| (b) under contract on 4/1/11 | \$ <u>77,419.18</u> |
| (c) | \$ _____ |
| (d) | \$ _____ |
| Total | \$ <u>77,419.18</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.

Lynn Kellner

Michael Kellner

Vendors
(or Successors in Interest)

By

Mark L. Smith

Mark L. Smith

Their Attorney -

Address: POB 230, Winterset, IA 50273

RETURN OF SERVICE

The within Notice of Forfeiture of Real Estate Contract received by me the 22nd day of September, 2011, and I certify that I served the same on the person(s) named below by delivering a copy thereof to said person(s) personally at the time and place set opposite his name:

I certify that I served, on September 23, 2011, a Notice of Forfeiture of Real Estate Contract on Madison County Memorial Hospital, by serving Mary Corkrean, personally, President of the Board of Directors of the Madison County Memorial Hospital, at 621 West Mills Street, Winterset, IA 50273.

FEES:

Service: \$25.00

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA :
:SS
MADISON COUNTY :

The undersigned, first being duly sworn upon oath, deposes and states that he served the attached notice or document on each of the persons named above by delivering a copy of said notice or document to each of said persons at the time and place set out above opposite their respective names:

Joseph Carney

Joseph Carney

Subscribed and sworn to before me by Joseph Carney on this 23 day of September 2011..

Carol Kiernan

Notary Public in and for the State of Iowa

