



Document 2011 2874

Book 2011 Page 2874 Type 04 004 Pages 2 Date 10/28/2011 Time 8:52 AM

Rec Amt \$22.00

SCAN CHEK

INDXU ANNO

Preparer Information: ISBA #3981

Vereparer: + Keturn to:

Donald F. Neiman,

801 Grand Avenue, Suite 3700,

Des Moines, IA 50309-2727

(515) 246-5877

## AFFIDAVIT IN SUPPORT OF ALTERNATIVE NON-JUDICIAL VOLUNTARY FORECLOSURE

RE: The North 40 feet of Lots One (1) and Two (2) and the North 32 feet of Lots Three (3) and Four (4) in Block Four (4) of the Original Town of Winterset, Madison County, Iowa,

and

The South 92 feet of Lots One (1) and Two (2) and the South 100 feet of Lots Three (3) and Four (4) in Block Four (4) of the Original Town of Winterset, Madison County, Iowa,

(hereinafter the "Subject Real Estate");

TO WHOM IT MAY CONCERN:

STATE OF IOWA	)
	) ss.
COUNTY OF POLK	)

The undersigned, Donald F. Neiman, being first duly sworn on oath deposes and states as follows:

- 1. That he is a duly licensed and acting attorney at law in the State of Iowa with his business address at the firm of Bradshaw, Fowler, Proctor & Fairgrave, P.C., 801 Grand, Suite 3700, Des Moines, IA 50309-2727. The undersigned is the attorney for the Earlham Savings Bank.
- 2. That attached hereto is the following document: Agreement for Alternative Non-judicial Voluntary Foreclosure Procedure with attached Disclosure and Notice of Cancellation which was signed by the parties to the Agreement on October 20, 2011.
- 3. That a search of the real estate record of the recorder of Madison County, Iowa reflected that no other person or entities filed or maintain a lien on the Subject Real Estate as of 20<sup>th</sup> day of October, 2011, the date the Quit Claim Deed of conveyance by the Mortgagor to the Mortgagee was dated.

- 4. That none of the parties to the Agreement were 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 thereto or supplementary thereto.
- 5. That none of the parties to the Agreement were a minor, confined in the penitentiary or reformatory, or any state hospital for the mentally ill, or judicially judged incompetent, or mentally incapable of conducting a defense.
- 6. That the Mortgagor executed this Agreement for Alternative Non-judicial Voluntary Foreclosure Procedure and the Quit Claim Deed in Lieu of Foreclosure as his voluntary act and deed.
- 7. This Affidavit is made as supporting proof, record and notice, that the mortgage described in the Agreement for Alternative Non-judicial Voluntary Foreclosure Procedure and Election has been fully and finally foreclosed pursuant to the provisions set forth in Iowa Code §654.18. Title to the real estate described in the foreclosed Mortgage is held in the name of the holder of said Mortgage instrument, namely, Earlham Savings Bank.

DATED this \_\_zeth day of October, 2011.

Donald F. Neiman

Subscribed and sworn to before me this day of October, 2011.

NOTARY PUBLIC in and for the State of Iowa