



Document 2012 2805

Book 2012 Page 2805 Type 03 014 Pages 5

Date 9/19/2012 Time 10:59 AM

Rec Amt \$27.00 Aud Amt \$5.00

INDX

ANNO

SCAN

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK



## 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)

John P. Dollar AT0002132, 1601 22nd Street, Suite 300, West Des Moines, IA 50266, Phone:  
(515) 327-1000

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

John P. Dollar, 1601 22nd Street, Suite 300, West Des Moines, Iowa 50266



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

John P. Dollar AT0002132, 1601 22nd Street, Suite 300, West Des Moines, IA 50266, Phone:  
(515) 327-1000

**Grantor:**

John P. Dollar, Attorney

**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.

*John P. Dollar*  
Affiant

Signed and sworn to (or affirmed) before me on Sep 18, 2012, by John P. Dollar, Attorney



*Cathie J. Cave*  
Cathie J. Cave, 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: Joseph and Vicki Tory, 1306 North 7th Street, Winterset, Iowa 50273

You and each of you are hereby notified:

(1) The written contract dated June 29, 2009, and executed by  
James M. Dollar and Jeff Reiher  
as Vendors, and  
Joseph and Vicki Tory

\_\_\_\_\_ as Vendees,  
(insert recording data) recorded the 3rd day of August, 2009, in the office of the  
Madison County Recorder, recorded as document reference number  
2009 2448 for the sale of the following described real estate:

Lots One (1) and Two (2) of Replat of Lot 2 in HELEN MCCALL HUNTOON ADDITION Plat  
No. 3, City of Winterset, Madison County, Iowa

has not been complied with in the following particulars:

(a) Monthly Payment for July, 2012	\$ <u>800.00</u>
(b) Monthly Payment for August, 2012	\$ <u>800.00</u>
(c)	\$ _____
(d)	\$ _____
<b>Total</b>	<b>\$ <u>1,600.00</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.

\_\_\_\_\_  
James M. Dollar

\_\_\_\_\_  
Jeff Reiher

Vendors  
(or Successors in Interest)

By John P. Dollar  
John P. Dollar

Their Attorney -

Address: 1601 22nd Street, Suite 300, West Des  
Moines, Iowa 50266

# AFFIDAVIT OF SERVICE

STATE OF IOWA )  
 )  
COUNTY OF POLK )

Case No: \_\_\_\_\_  
Date Received: 8/15/12

I, being first duly sworn, depose and say that I received and served:

<input type="checkbox"/> Original Notice	<input type="checkbox"/> Application for Hearing of
<input type="checkbox"/> Petition	<input type="checkbox"/> Temporary Issues
<input type="checkbox"/> Jury Demand	<input type="checkbox"/> Summons
<input type="checkbox"/> Subpoena	<input type="checkbox"/> Complaint
<input type="checkbox"/> Petition for Dissolution of Marriage	<input type="checkbox"/> Verification of Account
<input type="checkbox"/> Order for Pretrial Conference and	<input type="checkbox"/> Identification of Judgment
<input type="checkbox"/> Discovery	<input type="checkbox"/> Debtor, and Certificate
<input type="checkbox"/> Family Law Case Requirements Order	<input type="checkbox"/> Re: Military Service
<input type="checkbox"/> Confidential Information Form	<input type="checkbox"/> Appearance and Answer
<input type="checkbox"/> Order Re: Mediation of Temporary Matters	<input type="checkbox"/> Notice of Non-judicial
<input type="checkbox"/> and Setting Hearing	<input type="checkbox"/> Foreclosure
<input checked="" type="checkbox"/> Notice of Forfeiture of Real Estate Contract	<input type="checkbox"/> Notice to Quit
<input type="checkbox"/> Order	<input type="checkbox"/> Exhibit _____
<input type="checkbox"/> Application for Rule to Show Cause	<input type="checkbox"/> Other _____
	<input type="checkbox"/> Attachments

Person Served: Joseph Tory

Date Served: 8-15-12 / 4:28 A.M./(P.M.)

1306 N. 7<sup>th</sup> St. Winterset, IA  
(Address)

Manner of Service

☐ Personally  
☐ Dwelling House, to person residing therein who was over the age of 18.  
☒ Apartment Building  
☒ Spouse, who lives at the dwelling house.  
☐ Corporation/State Official

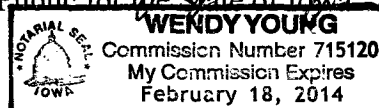
clerk Vicki Tory

NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVED

[Signature]  
Subscribed and sworn to me by Vicki Wilcoxon  
this 16 day of Aug, 2012.

Service Fee: 0

Wendy Young  
Notary Public for the State of Iowa



# AFFIDAVIT OF SERVICE

STATE OF IOWA )  
)  
COUNTY OF POLK )

Case No: \_\_\_\_\_  
Date Received: 8 / 15 / 12

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<input checked="" type="checkbox"/> Notice of Forfeiture of Real Estate Contract	<input type="checkbox"/> Notice to Quit
<input type="checkbox"/> Order	<input type="checkbox"/> Exhibit _____
<input type="checkbox"/> Application for Rule to Show Cause	<input type="checkbox"/> Other _____
	<input type="checkbox"/> Attachments

Person Served: Vicki Tory

Date Served: 8-15-12 1 4:28 A.M./~~P.M.~~

1306 N. 7th St. Winterset, IA  
(Address)

## Manner of Service

☒ Personally  
☐ Dwelling House, to person residing therein who was over the age of 18.  
☐ Apartment Building  
☐ Spouse, who lives at the dwelling house.  
☐ Corporation/State Official

## NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVED

Service Fee: \$150<sup>00</sup>

[Signature]  
Subscribed and sworn to me by Vicki Wilcoxon  
this 16 day of Aug, 2012.

[Signature]  
Notary Public for the State of Iowa

