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Date 1/09/2013 Time 8:13 AM

Rec Amt \$22.00 Aud Amt \$5.00

INDX ✓  
ANNO ✓  
SCAN

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)

Jerrold B. Oliver, P.O. Box 230, Winterset, IA 50273, Phone: (515) 462-3731

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

James A. Brooks, 1141 231 St. Place, Boone, IA 50036

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

Jerrold B. Oliver, P.O. Box 230, Winterset, IA 50273, Phone: (515) 462-3731

**Grantor:**

Jerrold B. Oliver

**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 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.

Jerrold B. Oliver Affiant

Signed and sworn to (or affirmed) before me on Jan 8, 2013, by Jerrold B. Oliver

Tasha A. 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: Timothy J. Glenn and Sarah J. Glenn

You and each of you are hereby notified:

(1) The written contract dated November 4, 2011, and executed by  
James A. Brooks and Julie J. Brooks  
as Vendors, and  
Timothy J. Glenn and Sarah J. Glenn

(insert recording data) recorded the 18th day of November, 2011, in the office of the  
Madison County Recorder, recorded as document reference number  
Book 2011, Page 3106 for the sale of the following described real estate:

Lot Five (5) in Block Two (2) of Danforth's Addition to the Town of Winterset, Madison County, Iowa

has not been complied with in the following particulars:

- |   |                    |
|---|--------------------|
| (a) Failure to make payments due on said Real Estate Contract | \$ <u>1,410.00</u> |
| (b)   | \$ _____           |
| (c)   | \$ _____           |
| (d)   | \$ _____           |
| <b>Total</b>  | <b>\$ 1,410.00</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 A. Brooks

\_\_\_\_\_  
Julie J. Brooks Vendors  
(or Successors in Interest)

By Jerrold B. Oliver Their Attorney -  
Address: PO BOX 230, Winterset, IA 50273

**ACKNOWLEDGMENT OF SERVICE**

The undersigned hereby acknowledge due, timely and legal service of this notice, and acknowledge receipt of a copy at the time and place set opposite their respective names.

	Date of Service	Place of Service
<i>[Signature]</i>	10/2/12	Winterset, IA
	10/2/12	Winterset, IA

**MEMO AND AFFIDAVIT OF SERVICE**

STATE OF IOWA }  
 County of \_\_\_\_\_ } SS.

The undersigned, first being duly sworn, upon oath deposes and states that (he)(she) served the notice on the obverse side hereof on each of the persons to whom said notice is addressed, and named below, by delivering a copy of said notice to each of said persons at the time and place set opposite their respective names, to-wit:

Name	Month	Day	Year	City Town or Township	County	State

Subscribed in my presence and sworn to before me by said affiant this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public in and for said County and State