



Document 2013 2852

Book 2013 Page 2852 Type 03 014 Pages 7
Date 9/25/2013 Time 10:12 AM
Rec Amt \$37.00 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 #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)

Don Houg, 2397 Carver Road, Winterset, IA 50273

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

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

Grantors:

Mark L. Smith

Grantees:

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, ss:

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.

- The North Half (N 1/2) of the South 118 feet of Lots Five (5) and Six (6) in Block Three (3) of Wilsey's Addition to the Town of Winterset, Madison County, Iowa.

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~~ not 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.

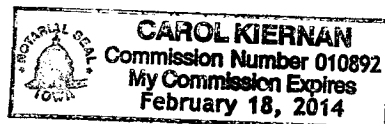
That this affidavit is made as supporting proof, record and notice, that the contract referred to in said Notice of Forfeiture is now null and void, stands forfeited and canceled and is of no force and effect whatsoever.

Mark L. Smith

Mark L. Smith, Affiant

Signed and sworn to (or affirmed) before me this 24 day of September 2013,
by Mark L. Smith

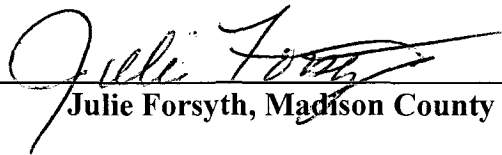
Carol Kiernan
Signature of Notary Public



- 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.

ACCEPTANCE OF SERVICE

The undersigned hereby accepts and acknowledges due, timely and legal service of the foregoing Notice of Forfeiture of Real Estate Contract attached and acknowledges receipt of a copy thereof at Winterset, Iowa on this 22nd day of August, 2013.



Julie Forsyth, Madison County Attorney



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Jacob Eugene Hepner, 715 S. 3rd Street, Winterset, IA 50273

State of Iowa, c/o Madison County Attorney

You and each of you are hereby notified:

(1) The written contract dated May 16, 2011, and executed by
Lanny L. Wenck and Sandra L. Wenck
as Vendors, and
Jacob Eugene Hepner

_____ as Vendees,
(insert recording data) recorded the 17th day of May, 2011, in the office of the
Madison County Recorder, recorded as document reference number
Book 2011, Page 1253 for the sale of the following described real estate:

The North Half (N 1/2) of the South 118 feet of Lots Five (5) and Six (6) in Block Three (3) of
Wilsey's Addition to the Town of Winterset, Madison County, Iowa.

has not been complied with in the following particulars:

- | | | |
|--|-----------------|-----------------|
| (a) October, November and December Payments @\$620.78 | \$ | <u>1,862.34</u> |
| (b) Taxes due Sept. 2012- (\$600.00 plus penalty & interest) | \$ | <u>600.00</u> |
| (c) | \$ | _____ |
| (d) | \$ | _____ |
| | Total \$ | 2,462.34 |

Plus Pen. & Int. on unpaid taxes

(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.

Lanny L. Wenck

Sandy L. Wenck

Vendors
(or Successors in Interest)

By

Mark L. Smith

Mark L. Smith

Their Attorney -

Address: POB 230, Winterset, IA 50273



Document 2013 433

Book 2013 Page 433 Type 03 014 Pages 3

Date 2/11/2013 Time 10:17 AM

Rec Amt \$17.00 Aud Amt \$5.00

INDX ✓
ANNO ✓
SCAN ✓
CHEK ✓

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

Recorder's Cover Sheet

Preparer Information:

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

Taxpayer Information:

Lanny L. and Sandra L. Wenck
2498 Carver Road
Winterset, IA 50273

✓ **Return Address**

Mark L. Smith
POB 230
Winterset, IA 50273

Grantors:

N/A

Grantees:

N/A

Legal Description: See Attached

Document or instrument number if applicable:

TO
Wenck
2-1513



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Jacob Eugene Hepner, 715 S. 3rd Street, Winterset, IA 50273

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as Vendors, and
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(a) October, November and December Payments @\$620.78	\$	<u>1,862.34</u>
(b) Taxes due Sept. 2012- (\$600.00 plus penalty & interest)	\$	<u>600.00</u>
(c)	\$	_____
(d)	\$	_____
	Total \$	2,462.34

Plus Pen. & Int. on unpaid taxes

(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.

Lanny L. Wenck

Sandy L. Wenck

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 was received on the 7th day of January, 2013, 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 January ¹²~~10~~, 2013, a Notice of Forfeiture of Real Estate Contract on Jacob Eugene Hepner, personally, at 715 S. 3rd Street, Winterset, Madison County, Iowa. by serving him personally at said address on said date.

FEES:

Service: \$40.00

Fee By Seller's Atty

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 15 day of January, 2013.

Carol Kiernan

Notary Public in and for the State of Iowa

