



Document 2014 952

Book 2014 Page 952 Type 03 014 Pages 5

Date 4/23/2014 Time 1:25 PM

Rec Amt \$27.00 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 #176

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Joseph W. Coppola III, 4201 Westown Parkway - Suite 250, West Des Moines, IA 50266, Phone: (515)
283-1801

Taxpayer Information: (Name and complete address)

Ashley Ridout, 1854 305th Street, Lorimor, Iowa 50149

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

Ashley Ridout, 1854 305th Street, Lorimor, Iowa 50149

Grantors:

Joseph W. Coppola III

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 POLK, 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.

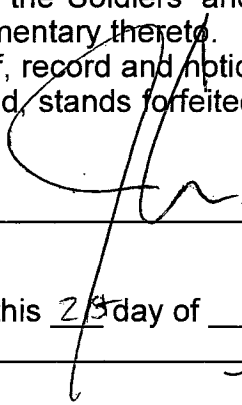
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

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.

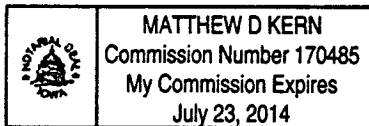
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled 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 canceled and is of no force and effect whatsoever.



Joseph W. Coppola III, Affiant

Signed and sworn to (or affirmed) before me this 28 day of April, 2014,
by Joseph W. Coppola III





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.



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Michael J. Gallagher and Michaelle M. Gallagher, husband and wife, and Occupants of
825 N. 14th Avenue, Winterset, Iowa 50273

You and each of you are hereby notified:

(1) The written contract dated May 24, 2011, and executed by
Ashley J. White n/k/a Ashley J. Ridout and Marc A. Ridout, wife and husband,
as vendors, and Michael J. Gallagher and Michaelle M. Gallagher, husband and wife,

as vendees, recorded the 24th day of May, 2011, in the
office of the Madison County Recorder, recorded as document reference number
Book 2011 at Page 1328, for the sale of the following described real estate:

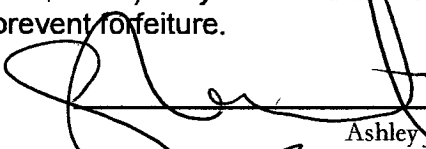
Lot 3 in Block 5 in Birchwood Estates Plat No. 1, an Official Plat, now included in and forming a part of the City of
Winterset, Madison County, Iowa.

has not been complied with in the following particulars:


- | | |
|---|-----------------------------|
| (a) Failure to comply with Balloon Payment due February 1, 2014 | \$ <u>211,403.04</u> |
| (b) | \$ _____ |
| (c) | \$ _____ |
| (d) | \$ _____ |
| Total | \$ <u>211,403.04</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.



Ashley J. Ridout, Vendor



Marc A. Ridout, Vendor
(or Successors in Interest)

By _____
Joseph W. Coppola III, Attorney
ICIS PIN No: AT0000312

Address: 4201 Westown Parkway - Suite 250, West Des
Moines, IA 50266

Chapter 656. The Iowa Code
NOTE: If the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., applies to this communication, attach Form No. 172, Notice of Validation of Debt.

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR

MADISON COUNTY

CASE NAME: SUBSTITUTE

MARC A RIDOUT

VS

MICHAEL GALLAGHER
MICHAELLE GALLAGHER

CASE NO: 14 NOTICE 002

NOTICE RECEIVED: 03/10/2014

STATE OF: IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF FORFEITURE OF R

- Petition and Original Notice
- Modification/Application and Notice
- Order to Show Cause
- Order Filed
- Writ
- Other

Served GALLAGHER, MICHAEL J

by Serving GALLAGHER, MICHAELLE
at 825 N 14TH AV
WINTERSET, IA 50273
on 03/10/2014 at 18:40

NOTE:(Diligent Search, etc.)

Service : 25.50
 Mileage : 4.85
 Trust/Copy : 0.00
 MISC. : 0.00
 TOTAL : 30.35

PAID

CRAIG BUSCH, SHERIFF
MADISON County, IOWA

MAR 1 X 2014

Donald Kinney

BY *Donald Kinney* DONALD KINNEY, DEPUTY
Signature

Title

Fees charged to/paidby Atty/Party: MARC RIDOUT

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR

MADISON COUNTY

CASE NAME: PERSONNAL

MARC A RIDOUT

VS

MICHAEL GALLAGHER
MICHAELLE GALLAGHER

CASE NO: 14 NOTICE 002

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MADISON COUNTY

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- Modification/Application and Notice
- Order to Show Cause
- Order Filed
- Writ
- Other

Served GALLAGHER, MICHAELLE M at 825 N 14TH AV on 03/10/2014 18:40
WINTERSET, IA 50273

Service : 0.00
 Mileage : 0.00
 Trust/Copy : 0.00
 MISC. : 0.00
 TOTAL : 0.00

PAID

CRAIG BUSCH, SHERIFF
MADISON County, IOWA

MAR 1 X 2014

BY *[Signature]*

[Signature]
DONALD KINNEY, DEPUTY
Signature

Title

Fees charged to/paidby Atty/Party: MARC RIDOUT