



Document 2014 1088

Book 2014 Page 1088 Type 03 014 Pages 4
Date 5/07/2014 Time 11:39 AM
Rec Amt \$22.00 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)

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

Taxpayer Information: (Name and complete address)

James C. Eller, 623 West Green, Winterset, IA 50273

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

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

Grantors:

Laura Jean Hunter

Grantees:

James C. Eller

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.

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 ~~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.

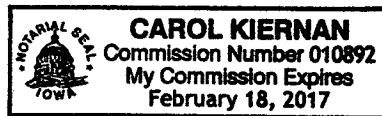
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled 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.

Jerrold B. Oliver
Jerrold B. Oliver, Affiant

Signed and sworn to (or affirmed) before me this 5 day of May 2014,
by Jerrold B. Oliver

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.



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Laura Jean Hunter, 422 N. 2nd Avenue, Winterset, IA 50273

You and each of you are hereby notified:

(1) The written contract dated January 6, 2009, and executed by James C. Eller as vendors, and Laura Jean Hunter

 as vendees, recorded the 7th day of January, 2009, in the office of the Madison County Recorder, recorded as document reference number Book 2009, Page 42, for the sale of the following described real estate:
The East Three (3) feet of Lot Two (2) and Lot One (1) in Block Nine (9) of Pitzer & Knight's Addition to the City of Winterset, Madison County, Iowa.

has not been complied with in the following particulars:

(a) Failure to pay the entire principle balance due on said Contract	\$ <u>99,695.53</u>
(b) Failure to pay interest owing through January 30, 2014	\$ <u>19,066.50</u>
(c)	\$ <u> </u>
(d)	\$ <u> </u>
Total	\$ <u>118,762.03</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 \$ 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 C. Eller, Vendor

, Vendor
(or Successors in Interest)

By *Jerrold B. Oliver*
Jerrold B. Oliver, Attorney
ICIS PIN No: AT0005825

Address: P.O. Box 230, Winterset, IA 50273

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.

to Joe Carnen 2-3-14

RETURN OF SERVICE

The within Notice of Forfeiture of Real Estate Contract, received the 3rd day of February, 2014, 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 or her name:

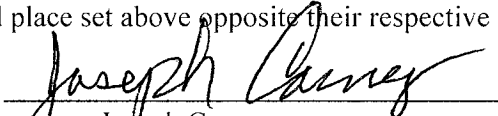
I certify that I served a Notice of Forfeiture of Real Estate Contract, on Laura Jean Hunter, by serving her personally at 422 N. 2nd Avenue, Winterset, IA 50273, on this 5^h day of February, 2014, who is at least 18 years of age.

FEES: Service \$ 40.00

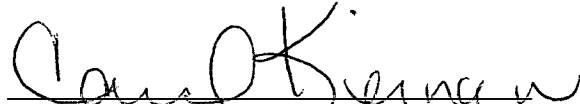
MEMO AND AFFIDAVIT OF SERVICE

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 above opposite their respective names.


Joseph Carney

Subscribed and sworn to before me by Joseph Carney on this 6th day of February, 2014.


Notary Public in and for the State of Iowa

