



Document 2014 1500

Book 2014 Page 1500 Type 03 014 Pages 6

Date 6/25/2014 Time 1:10 PM

Rec Amt \$32.00 Aud Amt \$5.00

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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK



## 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)

David L Wetsch, 974 - 73rd Street, Ste 20, Des Moines, IA 50324, Phone: (515) 223-6000

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

Paul W. Davidson, P.O. Box 13066, Des Moines, IA 50310

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

David L Wetsch, 974 - 73rd Street, Ste 20, Des Moines, IA 50324, Phone: (515) 223-6000

**Grantors:**

Richard Lee Seiberling, II  
Erin Michele Seiberling n/k/a Hulse

**Grantees:**

Paul W. Davidson  
Marilyn J. Davidson

**Legal description:** See Page 2

**Document or instrument number of previously recorded documents:** BK 2012 PG 1545



## 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 ~~not~~ 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.

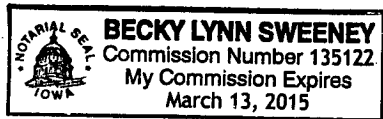
That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee's(s') rights in such contract in accordance with Code Chapter 656.

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.

\_\_\_\_\_  
DAVID L. WETSCH, Affiant

Signed and sworn to (or affirmed) before me this 23 day of June, 2014,  
by David L. Wetsch



*Becky Lynn Sweeney*  
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: Richard Lee Seiberling II and Erin Michele Seiberling n/k/a Hulse  
1421 Hwy 92, Winterset, IA 219 Hutchings, Winterset, IA

You and each of you are hereby notified:

(1) The written contract dated May 21, 2012, and executed by  
Paul W. Davidson and Marilyn J. Davidson, husband and wife  
as Vendors, and  
Richard Lee Seiberling II and Erin Michelle Seiberling, husband and wife

(insert recording data) recorded the 29th day of May, 2012, in the office of the  
Madison County Recorder, recorded as document reference number  
Book 2012 Page 1545 for the sale of the following described real estate:

Lot Five (5) and the West Half (1/2) of Lot Six (6) in Block Four (4) of W. A. JENKINS  
ADDITION to the Town of Winterset, Madison County, Iowa

has not been complied with in the following particulars:

- |   |                         |
|---|-------------------------|
| (a) Failure to maintain insurance as obligated under Par. 6 of Contract | \$ _____                |
| (b) requiring Sellers to force-place insurance                          | \$ <u>551.00</u>        |
| (c) Costs of servicing previous Notice of Forfeiture                    | \$ <u>80.00</u>         |
| (d)   | \$ _____                |
| <b>Total</b>  | <b>\$ <u>631.00</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 law 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.

\_\_\_\_\_  
David L. Wetsch  
Vendors  
(or Successors in Interest)

By [Signature]  
David L. Wetsch Their Attorney -  
Address: 974 - 73rd Street, Ste 20, Des Moines, IA  
50324

Chapter 656, The 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.

### NOTICE OF VALIDATION OF DEBT

DATE OF NOTICE: May 19, 2014

TO: (Name and address of each consumer) Richard Lee Seiberling II and Erin Michele Seiberling n/k/a Hulse  
1421 Hwy 92, Winterset, IA and 219 Hutchings, Winterset, IA, respectively

REGARDING: Real Estate Contract for 219 Hutchings, Winterset, Iowa  
Amount of debt: \$ 631.00  
Name of the creditor to whom the debt is owed: Paul W. Davidson and Marilyn J. Davidson

Unless you, within thirty days after receipt of this notice, dispute the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector. If you notify the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by the debt collector. Upon your written request within the thirty-day period, the debt collector will provide you with the name and address of the original creditor, if different from the current creditor.

The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.

Name and address of debt collector: David L. Wetsch  
Wetsch Abbott & Osborn PLC  
974 - 73rd Street, Suite 20  
Des Moines, IA 50324

**AFFIDAVIT OF  
RETURN OF SERVICE**

STATE OF IOWA

CASE #

POLK COUNTY

CASE NAME:

NOTICE OF FORFEITURE

I, the undersigned, being duly sworn on oath, do hereby depose and state that I received the **NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT**

On the 21 day of May, 2014; that on the 21 day of May, 2014 at 6:13pm

I served the same on the within name Erin Michele Seiberling n/k/a Hulse  
At 219 Hutchings, **WINTERSET, IOWA**

by delivering a true and identical copy of each such item in the following manner:

\_\_\_\_\_ I served the same by delivering a copy thereof to the above personally.

  X   I served the same on the above person at the person's dwelling house or usual place  
\_\_\_\_\_ of abode, by there delivering a copy thereof to a member of the family, or a manager,  
clerk, proprietor or custodian named and described below, a person who was then at  
least eighteen years old, who resides at this address.

\_\_\_\_\_ I served to above company, corporation, etc., by delivering a copy to the person  
named and described below. Said service was made at the address shown below, if  
any otherwise at the above address.

|                |       |            |                        |
|----------------|-------|------------|------------------------|
| Service Fee    | _____ | Located at | _____                  |
| Mileage        | _____ |            |                        |
| Service Charge | _____ | Remarks    | Richard Lee Seiberling |
|                | _____ |            | _____                  |

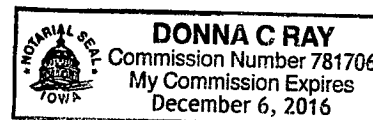
Total Charges: \$45.00

*PL*  
*5-27-14*

By: *Larry McCain*  
C Miller Investigations, Inc.

Subscribed and sworn to before by the said Larry McCain  
in Polk County, Iowa on this the 23 day of May, 2014

By: *Donna Clay*  
Notary Public for the State of Iowa



**AFFIDAVIT OF  
RETURN OF SERVICE**

STATE OF IOWA

CASE #

POLK COUNTY

CASE NAME:

NOTICE OF FORFEITURE

I, the undersigned, being duly sworn on oath, do hereby depose and state that I received the **NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT**

On the 21 day of May, 2014; that on the 21 day of May, 2014 at 6:13pm

I served the same on the within name Richard Lee Seiberling  
At Camper behind 903 E. Court Ave., **WINTERSSET, IOWA**

by delivering a true and identical copy of each such item in the following manner:

  X   I served the same by delivering a copy thereof to the above personally.

       I served the same on the above person at the person's dwelling house or usual place of abode, by there delivering a copy thereof to a member of the family, or a manager, clerk, proprietor or custodian named and described below, a person who was then at least eighteen years old, who resides at this address.

       I served to above company, corporation, etc., by delivering a copy to the person named and described below. Said service was made at the address shown below, if any otherwise at the above address.

|                |       |            |       |
|----------------|-------|------------|-------|
| Service Fee    | _____ | Located at | _____ |
| Mileage        | _____ |            |       |
| Service Charge | _____ | Remarks    | _____ |
|                | _____ |            | _____ |

Total Charges: \$45.00

*PP  
5-27-14*

By: *Larry McCain*  
C Miller Investigations, Inc.

Subscribed and sworn to before by the said Larry McCain  
In Polk County, Iowa on this the 23 day of May, 2014

By: *Donna Clay*  
Notary Public for the State of Iowa

