



Document 2015 3001

Book 2015 Page 3001 Type 03 014 Pages 6
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Rec Amt \$32.00 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)

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

Taxpayer Information: (Name and complete address)

James Leech and Linda Leech, 3395 218th Street, St. Charles, IA 50240

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

David L. Wetsch, 974 - 73rd Street, Suite 20, Des Moines, IA 50324

Grantors:

MELISSA GARTNER
JENNIFER HIRAKAWA

Grantees:

JAMES LEECH
LINDA LEECH

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 ~~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.

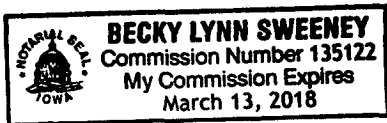
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled 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 7th day of October 2015,
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: Melissa Gartner and Jennifer Hirakawa
1839 FoxTrail, Winterset, IA 50273

You and each of you are hereby notified:

(1) The written contract dated April 20, 2015, and executed by James Leech and Linda Leech as vendors, and Melissa Gartner and Jennifer Hirakawa as vendees, recorded the ___ day of _____, _____, in the office of the _____ County Recorder, recorded as document reference number _____, for the sale of the following described real estate:

The Fractional South One-half of the Northeast Quarter of the Southeast Quarter of Section 36, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa;

Locally known as 3395 - 218th Street, St. Charles, Madison County, Iowa;

has not been complied with in the following particulars:

- | | |
|---|-----------------------------|
| (a) Failure to close real estate transaction on or before September 1, 2015 | \$ _____ |
| (b) by payment of balance due of \$593,000.00 | \$ <u>593,000.00</u> |
| (c) | \$ _____ |
| (d) | \$ _____ |
| Total | \$ <u>593,000.00</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.

James Leech, Vendor

Linda Leech, Vendor
(or Successors in Interest)

[Signature]

David L. Wetsch, Attorney

Address: 974 - 73rd Street, Suite 20
Des Moines, IA 50324

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.

NOTICE OF VALIDATION OF DEBT

DATE OF NOTICE: September 1, 2015

TO: (Name and address of each consumer) Melissa Gartner and Jennifer Hirakawa
1839 FoxTrail
Winterset, IA 50273

REGARDING: Purchase Agreement for 3395 - 218th Street, St. Charles, Iowa
Amount of debt: \$ 593,000.00
Name of the creditor to whom the debt is owed: James Leech and Linda Leech

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 Van Vliet & Pech, 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**

Received on the 1 day of September, 2015; served on the 7 day September, 2015 at 1:02pm

I served the same on the within name Melissa Gartner
At 1839 Fox Trail, **WINTERSSET, 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 _____ Remarks Jennifer Hirakawa white 5'10"
medium size 45 years old

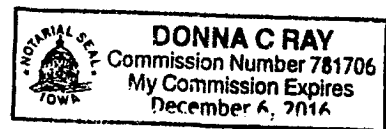
Service Charge _____

Total Charges: \$45.00

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

Subscribed and sworn to before by the said Larry McCain
In Polk County, Iowa on this the 10 day of September, 2015

By: *Donna Gray*
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**

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I served the same on the within name Jennifer Hirakawa
At 1839 Fox Trail, **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 _____ Remarks White 5'10" medium size 45 years old

Service Charge _____

Total Charges: \$5.00

*PD
9-11-15*

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

Subscribed and sworn to before by the said Larry McCain
In Polk County, Iowa on this the 10 day of September, 2015

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

