Compared

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BOOK 31 PAGE 501

1977 JUN 30 PM 4:33

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 4.50
2pgs.

# AFFIDAVIT

STATE OF IOWA :
: ss
MADISON COUNTY :

I, Jerry D. Austin, being first duly sworn on oath, state that Carolyn H. Austin and myself were the sellers in a real estate contract dated August 6, 1976, entered into with Bruce A. Wolken and Irene E. Wolken, buyers, for the sale of the following-described real estate:

> A tract of land commencing at a point 112 feet South of the Southwest corner of Block Eight (8) in the Original Town of East Peru, and running thence South 82 feet, thence East 10 rods, thence North 82 feet, thence West 10 rods to the point of beginning, and being a part of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Eleven (11), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa.

I further state that a Notice of Forfeiture of Real Estate Contract was served on the said Bruce A. Wolken and Irene E. Wolken on December 23, 1976, at Winterset, Iowa, as shown by the Acceptance of Service on the Notice of Forfeiture, which is attached hereto.

I further state that Bruce A. Wolken and Irene E. Wolken did not perform the terms and conditions of the contract in default within thirty (30) days of December 23, 1976, and that said contract has therefore been forfeited.

Dated this 27 day of June, 1977.

Jerry D. Austin
Jerry D. Austin

MARIE E. HAYNES
Iowa
NOTARIAL SEAL

Subscribed and sworn to before me by Jerry D. Austin this 27 day of June, 1977.

Marie E. Haynes
Notary Public in and for the State of Iowa

IOWA STATE BAR ASSOCIATION
Official Form No. 8 (Trade-Mark Registered State of Iowa, 1967)

OR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

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# NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: BRUCE A. WOLKEN and IRENE A. WOLKEN

You and each of you are hereby notified:

(1) That the written contract dated August 6, 1976, and executed by Jerry D. Austin and Carolyn H. Austin as Vendors and Bruce A. Wolken and Irene E. Wolken as Vendees for the sale of the following described real estate:

A tract of land commencing at a point 112 feet South of the Southwest corner of Block Eight (8) in the Original Town of East Peru, and running thence South 82 feet, thence East 10 rods, thence North 82 feet, thence West 10 rods to the point of beginning, and being a part of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Eleven (11), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa.

has not been complied with, in respect to the terms and conditions of said contract in the following specific particulars:

| | | |
|---|---|---|
| (a) | Vendees have not paid the monthly payments due on said contract in the amount of $50 each, due on or before August 15, 1976, September 15, 1976, October 15, 1976, and November 15, 1976, and December 15, 1976. | ✓ |
| (b) | | |
| (c) | | 250.00 |
| (d) | | |
| | **Total** | 250.00 |

(2) That said contract will stand forfeited and cancelled as by its terms and provisions it may be, unless the parties in default* within 30 days after the completed service of this notice, shall perform the said terms and conditions in default, and in addition pay the reasonable costs of serving this notice.

*If service of this notice is by publication rather than by personal service, use a fixed date. The Title Standards Committee, so far, has not come to an agreement as to whether Code Sections 656.2 and 656.3 permit any procedure other than the use of a fixed date.

CHAPTER 656
CODE OF IOWA

Jerry D. Austin and Carolyn H. Austin
Vendors (or Successors in Interest)

By Jerrold B. Oliver
Jerrold B. Oliver Their Attorney—
Address: WEBSTER, JORDAN, OLIVER & WALTERS
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273

Please type or print names under signatures as per Section 335.2 Code of Iowa

## ACKNOWLEDGEMENT OF SERVICE

The undersigned, on the date hereinafter set forth, hereby acknowledge due, timely and legal service of the foregoing notice, and acknowledge receipt of copy thereof at the time and place set opposite our respective names.

| | Date of Service | Place of Service |
|---|---|---|
| X Bruce Allen Wolken | 12-23-76 | Winterset, Ia. |
| X Irene E. Wolken | 12-23-76 | Winterset, Ia |
| | | |
| | | |