

BK: 2016 PG: 780
Recorded: 4/1/2016 at 10:47:14.0 AM
Fee Amount: \$32.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

**AFFIDAVIT IN SUPPORT OF FORFEITURE
OF REAL ESTATE CONTRACT**

Preparer Information:

Bryan S. Witherwax
6205 Mills Civic Parkway, Suite 201
West Des Moines, Iowa 50266
(515) 224-5377

Taxpayer Information:

Elizabeth Foss n/k/a Elizabeth Reels
719 W. Filmore
Winterset, Iowa 50273

Return Document To:

Witherwax Law, P.C.
6205 Mills Civic Parkway, Suite 201
West Des Moines, Iowa 50266

Grantor:

Elizabeth Foss n/k/a Elizabeth Reels

Legal Description:

LOT FIVE (5) IN BLOCK ONE (1) OF RAIL ROAD ADDITION TO THE TOWN OF WINTERSET,
MADISON COUNTY, IOWA.

Document or instrument number of previously recorded documents:

Real Estate Contract recorded in Book 2009, Page 2160.

**AFFIDAVIT IN SUPPORT OF FORFEITURE
OF REAL ESTATE CONTRACT**

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF WARREN

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.

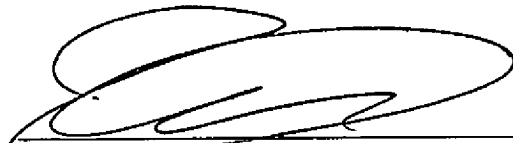
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

That the default(s) mentioned in said Notice has not 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 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.

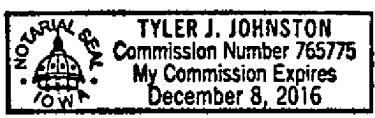
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled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



Bryan S. Witherwax, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 29th day of March, 2016.





Notary Public in and for the State of Iowa

**NOTICE OF FORFEITURE
OF REAL ESTATE CONTRACT**

TO:
Michael Amelia
Candace Amelia
901 E. Filmore
Winterset, Iowa 50273

You and each of you are hereby notified:

(1) The written contract dated on or around the 16th day of April, 2009, and executed by Elizabeth Foss n/k/a Elizabeth Reels as vendors, and Michael Amelia and Candace Amelia as vendees, recorded on July 6, 2009; in the office of the Madison County Recorder, recorded as Book 2009, Page 2160, (attached hereto as Exhibit A), for the sale of the following described real estate:

**LOT FIVE (5) IN BLOCK ONE (1) OF RAIL ROAD ADDITION TO THE
TOWN OF WINTERSET; MADISON COUNTY, IOWA.**

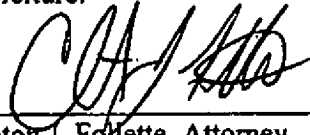
has not been complied with in the following particulars:

(a) Failure to pay balloon payment of Fifty-Seven Thousand and One-Hundred and Fifty Dollars minus payments received plus interest as required by April 16, 2009 Contract	\$ 57,150.00
(b) 6 months of Late Fees of Two Hundred and Ten Dollars	\$ 210.00
(c) Failure to Pay Land Taxes of Nine Hundred Dollars	\$ 900.00

Total \$ 58,260.00

(2) The contract shall stand forfeited unless the parties in default, within thirty (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 fifty dollars (\$ 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.

By 
Clinton J. Forfette, Attorney
Address:
6205 Mills Civic Parkway, Suite 201
West Des Moines, Iowa 50266

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.

AFFIDAVIT OF SERVICE

STATE OF IOWA)
COUNTY OF POLK)

Case No:
Date Received: 2/26/16

I, being first duly sworn, depose and say that I received and served:

- Original Notice
Petition
Jury Demand
Subpoena
Petition for Dissolution of Marriage
Order for Pretrial Conference and Discovery
Family Law Case Requirements Order
Notice of Termination of Tenancy
Confidential Information Form
Order Re: Mediation of Temporary Matters and Setting Hearing
X Notice of Forfeiture of Real Estate Contract Order
Application for Rule to Show Cause
Application for Hearing of Temporary Issues
Summons
Complaint
Verification of Account
Identification of Judgment Debtor, and Certificate Re: Military Service
Appearance and Answer
Notice of Non-judicial Foreclosure
Notice to Quit
Exhibit
Other
X Attachments

Person Served: Michael Amelia

Date Served: 2-27-16, 11:00 A.M./P.M.

901 E. Filmore St Winterset, IA
(Address)

Manner of Service

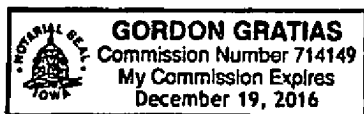
- Personally
Dwelling House, to person residing therein who was over the age of 18.
Apartment Building
Spouse, who lives at the dwelling house.
Corporation/State Official

NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVED

Wendy Young
Subscribed and sworn to me by Wendy Young
this 29 day of Feb, 2016.

Service Fee: 75

Notary Public for the State of Iowa



AFFIDAVIT OF SERVICE

STATE OF IOWA)
COUNTY OF POLK)

Case No:
Date Received: 21 26 16

I, being first duly sworn, depose and say that I received and served:

- Original Notice
Petition
Jury Demand
Subpoena
Petition for Dissolution of Marriage
Order for Pretrial Conference and Discovery
Family Law Case Requirements Order
Notice of Termination of Tenancy
Confidential Information Form
Order Re: Mediation of Temporary Matters and Setting Hearing
X Notice of Forfeiture of Real Estate Contract
Application for Rule to Show Cause
Application for Hearing of Temporary Issues
Summons
Complaint
Verification of Account
Identification of Judgment Debtor, and Certificate Re: Military Service
Appearance and Answer
Notice of Non-judicial Foreclosure
Notice to Quit
Exhibit
Other
X Attachments

Person Served: Candace Amelia

Date Served: 2-27-16 11:00 A.M./P.M.

901 E. F. Moore St. Winterset, IA
(Address)

- Manner of Service
X Personally
Dwelling House, to person residing therein who was over the age of 18.
Apartment Building
Spouse, who lives at the dwelling house.
Corporation/State Official

NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVED

Wendy Young
Subscribed and sworn to me by Wendy Young
this 29 day of Feb, 2016.

Service Fee: 75

Notary Public for the State of Iowa

