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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 No. 176

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Jerrold B. Oliver, 101 1/2 W. Jefferson, Winterset, IA 50273, Phone: (515) 462-3731

Taxpayer Information: (Name and complete address)

James C. Eller, 3014 Mallard Avenue, Lorimor, IA 50149

Return Document To: (Name and complete address)

Jerrold B. Oliver, 101 1/2 W. Jefferson, Winterset, IA 50273

Grantors:

See attached

Grantees:

See attached

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/~~have~~ 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.

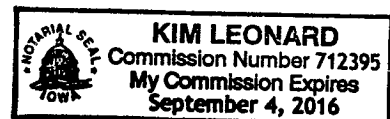
Jerrold B. Oliver

Jerrold B. Oliver, attorney for James C. Eller, Affiant

Signed and sworn to (or affirmed) before me on May 9, 2016, by Jerrold B. Oliver

Kim Leonard

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.

Addendum

Addendum 1

- a. July 2015 Payment
- b. 414.04

- a. August 2015 Payment
- b. 414.04

- a. September 2015 Payment
- b. 414.04

- a. October 2015 Payment
- b. 414.04

- a. November 2015 Payment
- b. 414.04

- a. December 2015 Payment
- b. 414.04

ACKNOWLEDGMENT OF SERVICE

The undersigned hereby acknowledge due, timely and legal service of this notice, and acknowledge receipt of a copy at the time and place set opposite their respective names.

	Date of Service	Place of Service
<u>Shonda Rogers</u>	<u>12-10-15</u>	<u>X</u>
<u>Scott Rogers</u>	<u>12-10-15</u>	<u>X</u>
_____	_____	_____
_____	_____	_____

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA, COUNTY OF _____

The undersigned, first being duly sworn, upon oath deposes and states that he served the notice on the obverse side hereof on each of the persons to whom said notice is addressed, and named below, by delivering a copy of said notice to each of said persons at the time and place set opposite their respective names, to-wit:

Name	Date	City and County	State

Signed and sworn to (or affirmed) before me this ____ day of _____, _____,
by _____.

Signature of Notary Public