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LISA SMITH, COUNTY RECORDER MADISON COUNTY IOWA

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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.

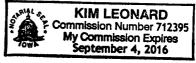
That this affidavit is made as supporting proof, record and notice, that the contract referred to in said Notice of Forfeiture is now null and void, stands forfeited and canceled and is of no force and effect whatsoever.

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

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

Oliver

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: Scott Capps and Amanda Capps, 221 S. 5th S	treet, Winterset, IA 50273
You and each of you are hereby notified:	
(1) The written contract dated	April 21, 2010 , and executed by
James C. Eller, Single	
as vendors, and Scott Capps and Amanda Capps	
as vendees, recorded the 28t	
	er, recorded as document reference number
Book 2010, Page 941 , for the sale of the follow	
Lot Four (4) in Block Four (4) of Gaff & Bevington's	Addition to the Original Town of Winterset,
Madison County, Iowa.	
has not been complied with in the following partic	ulare
has not been complied with in the following partic	•
(a) April 2015 Payment	\$ <u>414.04</u>
(b) May 2015 Payment	\$ <u>414.04</u>
(c) June 2015 Payment (d) See Addendum 1	\$414.04
(U)See Addendum I	Total \$ 3,726.36
	10tal \$
 (2) The contract shall stand forfeited unless t completed service of this notice, shall perform addition pay the reasonable costs of serving this (3) The amount of attorney fees claimed by t Code of lowa is \$ 0.00 (not to exceed required to comply with this notice in order to prevent.) 	the terms and conditions in default, and in notice. he Vendors pursuant to Section 656.7 of the \$50.00). Payment of the attorney fees is not
	bank (SM
	James C. Eller, Vendor
	James C. Eller, Veridor
	, Vendor
	(or Successors in Interest)
	1 1201
	By trust Pllm
	Jerrold B. Oliver, Attorney
	ICIS PIN No: AT0005825
Add	ress: P.O. Box 230, Winterset, IA 50273
Chapter 656. The Iowa Code NOTE: If the Fair Debt Collection Practices Act, 15 U.S attach Form No. 172, Notice of Validation of Debt.	.C. §§ 1692 et seq., applies to this communication,
© The lows State Bar Association 2013 IOWADOCS®	175 NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT Revised August 2013

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.

Showing Copys	ate of Service (12-/0-/5 (12-/0-/5	Place of Service	
M	EMO AND AFF	IDAVIT OF SERVICE	***************************************
the notice on the obverse	being duly swo side hereof on v, by delivering	rn, upon oath deposes and states that he each of the persons to whom said a copy of said notice to each of said po	notice is
Name	Date	City and County	State
			
Signed and sworn to (or at	ffirmed) before r	me this day of,	
		Signature of Notary Puk	olic