



Document 2016 1824

Book 2016 Page 1824 Type 03 014 Pages 4
Date 6/28/2016 Time 9:13:35AM
Rec Amt \$22.00 Aud Amt \$5.00

INDX
ANNO
SCAN
CHEK

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)

Mark L. Smith, POB 230, Winterset, IA 50273, Phone: (515) 462-3731

Taxpayer Information: (name and complete address)

Beverly J. Reinert. 115 NE Maple, Earlham, IA 50072

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

Mark L. Smith, POB 230, Winterset, IA 50273

Grantors:

Mark L. Smith

Grantees:

Legal Description: See Page 2

Document or instrument number of previously recorded documents: ***Document Number
TE***

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

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

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.

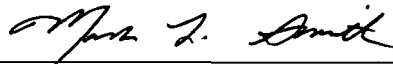
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

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.

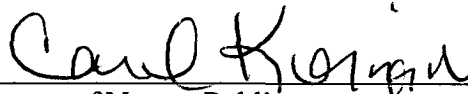
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled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

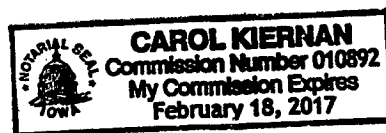


Mark L. Smith, Affiant

Signed and sworn to (or affirmed) before me on June 27, 2016, by Mark L. Smith.



Signature of Notary Public



RETURN OF SERVICE

The within Notice of Forfeiture of Real Estate Contract attached was received on the 3rd day of May, 2016, and I certify that I served the same on the person(s) named below by delivering a copy thereof to said person(s) personally at the time and place set opposite his name:

I certify that I served, on May 17, 2016, a Notice of Forfeiture of Real Estate Contract, on Robert E. Bevins, personally, at 250 NW 2nd Street, Earlham, IA 50072.

Service: \$90.00

for Robert

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA :

:SS

MADISON COUNTY :

The undersigned, first being duly sworn upon oath, deposes and states that he served the attached notice or document on each of the persons named above by delivering a copy of said notice or document to each of said persons at the time and place set out above opposite their respective names:

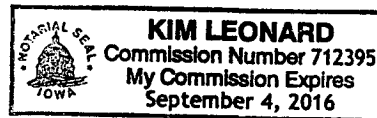
Joseph Carney

Joseph Carney

Subscribed and sworn to before me by Joseph Carney on this 18 day of May, 2016.

Kim Leonard

Notary Public in and for the State of Iowa





NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Robert E. Bevins

You and each of you are hereby notified:

1. The written contract dated October 13, 2014, and executed by Beverly J. Reinert
as vendors, and Robert E. Bevins
as vendees, recorded on October 14, 2014,
in the office of the Madison County Recorder, recorded as document reference
number Book 2014, Page 2574, for the sale of the following described real estate:

The East 45 1/2 feet of the West 91 feet of Lots Nine (9) and Ten (10) in Block Five (5) of the
Original Town of Earlham, Madison County, Iowa.

has not been complied with in the following particulars:

(a) Delinquent payments	\$ <u>5,515.00</u>
(b) Interest on delinquent payments thru 4/30/16	\$ <u>231.05</u>
(c) Negative Escrow Account	\$ <u>100.00</u>
(d)	\$ _____
Total	\$ <u>5,846.05</u>

- 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.
- 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.

_____, Vendor

Beverly J. Reinert, Vendor
(or Successors in Interest)

By *Mark L. Smith*
Mark L. Smith, Attorney
ICIS PIN No: AT0007354

POB 230, Winterset, IA 50273
Address

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.