



Document 2017 2581

Book 2017 Page 2581 Type 03 014 Pages 6

Date 8/17/2017 Time 10:22:05AM

Rec Amt \$32.00 Aud Amt \$5.00

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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK



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)

Corkrean Development, Inc., 65 Jefferson, Winterst, IA 50273

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

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

Grantors:

Corkrean Development, Inc.

Grantees:

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.

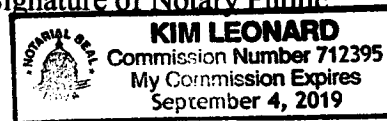
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled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

Mark L. Smith, Attorney
Corkrean Development, Inc., Affiant

Signed and sworn to (or affirmed) before me on 8/16/17, by Corkrean Development, Inc.'s Attorney Mark L. Smith

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.

ACCEPTANCE OF SERVICE

The undersigned, Brad Wheeler, hereby accepts and acknowledges due, timely and legal service of the foregoing Notice of Forfeiture of Real Estate Contract on behalf of himself and his wife, TammyEmerson-Wheeler, and acknowledges receipt of a copy thereof at Indianola, Iowa, on this 15 day of July, 2017.

A handwritten signature in cursive script, appearing to read "Brad Wheeler", is written above a horizontal line.

Brad Wheeler



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Brad Wheeler and Tammy Emerson-Wheeler; U.S. Attorney Kevin Vanderschel

You and each of you are hereby notified:

- The written contract dated May 30, 2014, and executed by Corkrean Development, Inc. as vendors, and Brad Wheeler and Tammy Emerson-Wheeler as vendees, recorded on June 2, 2014, in the office of the Madison County Recorder, recorded as document reference number Book 2014, Page 1274, for the sale of the following described real estate:
Lot One (1) of Arbor Park, Plat One (1), an Addition to the City of Winterset, Madison County, Iowa.

has not been complied with in the following particulars:

(a) Failed to make June 1, 2017, balloon payment	\$ <u>155,358.74</u>
(b)	\$ _____
(c)	\$ _____
(d)	\$ _____
Total	\$ <u>155,358.74</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

Corkrean Development, Inc., Vendor
(or Successors in Interest)

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

P.O. BOx 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.

RETURN OF SERVICE

In the Iowa District Court For MADISON COUNTY

Case Name: CORKREAN DEVELOPMENT INC
vs
BRAD WHEELER ET AL

Case No.: Sheriff's File No.: 17018021
Notice rec'd : 6/8/2017

STATE OF IOWA POLK COUNTY } SS.

I certify that I served a copy of : NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT
to US ATTORNEY KEVIN VANDERSCHEL Type of service: OFFICIAL(CITY/STATE/FED)
by delivering a copy to: taylor sellers
a person at least 18 years of age described as

Address of service: 110 E COURT Ave US COURTHOUSE ANNEX SUITE 286 DES MOINES, IA
50309

Date and time of service: 6/9/2017 8:40 AM
Trips:

Reason: ,

FEES:

MILEAGE FEE (\$1.07)
PROCESSING FEE (\$15.00)
Total:\$16.07

BILL McCARTHY Sheriff

Polk County, Iowa

94617

JORDAN, OLIVER, WALTERS & SMITH P.C.
ATTORNEYS AT LAW
P.O. BOX 230
WINTERSSET, IA 50273

DATE 6/20/17 72-314/739

PAY TO THE ORDER OF Polk Co Sheriff \$16.07

Sixteen and 07/100 DOLLARS

FARMERS & MERCHANTS BANK

FOR Carol Kieran

#094617# #073903147# 35 888 7#



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