FILED NO. 1048
BOOK 37 PAGE 499

1986 NOV 21 PM 4:20

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee $25.00

IND ✓
REC ✓
FEE ✓

AFFIDAVIT SUPPORTING ALTERNATIVE,
NONJUDICIAL, VOLUNTARY FORECLOSURE

STATE OF IOWA :
:ss
MADISON COUNTY:

I, G. Stephen Walters, after first being duly sworn upon oath, depose and state as follows:

1. Prior to July 29, 1986, Katharine L. Winjum expressed a desire to convey the following described real property to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, in full satisfaction of the Mortgage held by it against the said real property:

> The North Half ($N\frac{1}{2}$) of Lot Eight (8) and the North Half ($N\frac{1}{2}$) of the East 38 feet of Lot Seven (7) in Block Twenty-eight (28) of the Original Town of Winterset, Madison County, Iowa.

2. I have continuously been the attorney representing the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, in completing this transaction between it and Katharine L. Winjum pursuant to Iowa Code sections 654.16, dealing with Alternative, Non-Judicial, Voluntary Foreclosure.

3. On July 29, 1986, the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, and Katharine L. Winjum, entered into an Agreement for alternative, non-judicial, voluntary foreclosure, pursuant to Iowa Code Section 654.16, which Agreement was recorded July 30, 1986, in Book 53, commencing on page 163, in the office of the Madison County, Iowa, Recorder. At the time that Mortgagor Katharine L. Winjum signed the said written Agreement, the Mortgagee supplied her with a completed form in duplicate, captioned "Disclosure and Notice of Cancellation", which was attached to the said written Agreement, and in at least ten point boldface type.

4. On July 29, 1986, pursuant to the above-described written Agreement, Mortgagor Katharine L. Winjum conveyed to the Mortgagee all of her interest in the real property subject to the Mortgage through a Warranty Deed, recorded July 30, 1986, in Book 53, commencing on page 166, in the office of the Madison County, Iowa, Recorder. On July 29, 1986, the

Mortgagee, the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, mailed by certified mail, a nctice of the election to follow alternative, nonjudicial, voluntary foreclosure, to all junior lienholders as of the date of the conveyance, as established by the Affidavit of Mailing Notice, with attached Notice, copies of which are attached hereto and incorporated herein by this reference. None of the junior lienholders named in the attached Affidavit of Mailing Notice exercised any rights of redemption within thirty days after the giving of the said Notice by Certified Mail, and none of the said junior lienholders have attempted to exercise the said rights of redemption to the date of this Affidavit Supporting Alternative, Nonjudicial, Voluntary Foreclosure in November of 1986.

5. Subsequently, a question was raised as to whether or not the typeface included in the Disclosure and Notice of Cancellation dated July 29, 1986, and attached to the Agreement recorded July 30, 1986, in Book 53, commencing on page 163 in the office of the Madison County, Iowa, Recorder, was boldface type. In order to eliminate this question, and relinquish any remaining interest in the real property which might subsequently be raised by it, Mortgagor Katharine L. Winjum executed a Quit Claim Deed to the United States of America, acting through the Farmers Home Administration, dated October 21, 1986, and recorded October 22, 1986, in Book 53, commencing on Page 304, in the office of the Madison County, Iowa, Recorder. In order to acknowledge that she had, in fact, received a Disclosure and Notice of Cancellation that was undoubtedly in at least ten point boldface type, a copy of a Disclosure and Notice of Cancellation was attached to and incorporated into the said Quit Claim Deed, along with a Waiver of Homestead Exemption. Both the Disclosure and Notice of Cancellation and the Waiver of Homestead Exemption were typed on a word processing system in our law office, designed to produce type that is boldface type, and the type on these two documents is boldface type, at least ten points in size, produced by the said word processing system.

6. Despite receiving a Disclosure and Notice of Cancellation dated July 29, 1986, and a second Disclosure and Notice of Cancellation dated October 21, 1986, in duplicate, and described above, Mortgagor Katharine L.

Winjum did not cancel the above-described transaction within five business days from either of these dates through execution of the said Disclosure and Notice of Cancellation, and has not cancelled it to the date of this Affidavit Supporting Alternative, Nonjudicial, Voluntary Foreclosure in November of 1986.

G. Stephen Walters

Subscribed and sworn to before me by the said G. Stephen Walters on this 21 day of November, 1986.

Kim Mathes
Notary Public in and for State of Iowa

KIM MATHES
Iowa
NOTARIAL SEAL

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY
(Small Claims)

WEBSTER, JORDAN, OLIVER & WALTERS FARMERS & MERCHANTS BANK BLDG. P. O. BOX 230 WINTERSET, IOWA 50273, PLAINTIFF, v. KATHY WINJUM 816 BARTON DEXTER, IOWA 50070, DEFENDANT.	:	S. C. No. 4646 AFFIDAVIT OF MAILING NOTICE

STATE OF IOWA :
:ss
MADISON COUNTY :

The undersigned, after first being duly sworn upon oath, deposes and states that on the 29th day of July, 1986, he personally mailed to each of the following named persons a Notice, a true copy of which Notice is attached hereto and incorporated herein by this reference, by certified mail, each such Notice being mailed in a sealed envelope with proper postage thereon, addressed to the said persons respectively, at their last known post office addresses, by depositing the same on said date in a United States Post Office mail receptacle in said County, to-wit:

Kenneth Pashek
R. R. 2
Van Meter, Iowa 50261

Central Iowa Sanitation, which is
Creston Sanitation, Inc., d/b/a
Central Iowa Sanitation
Robert J. Marguart, Registered Agent
710 E. Monroe
Creston, Iowa 50801

Winterset Veterinary Clinic, a/k/a
Ken Henrichsen d/b/a Winterset Veterinary Clinic,
now known as Winterset Veterinary Center
315 E. Madison
Winterset, Iowa 50273

Madison County Memorial Hospital
300 Hutchings
Winterset, Iowa 50273

G. Stephen Walters

CAROL KNAPP Iowa NOTARIAL SEAL

Subscribed and sworn to before me by the said G. Stephen Walters on this 29th day of July, 1986.

Carol Knapp
Notary Public in and for State of Iowa

NOTICE

TO: Junior Lienholders under Alternative Non-Judicial Voluntary Foreclosure Procedure as set forth at I.C.A. § 654.16 et seq. (Senate File 577, § 44, Acts of 71st General Assembly of Iowa, 1985).

You are hereby notified that an Agreement has been executed between the United States of America, acting through the Farmers Home Administration (hereinafter "FmHA"), and Katharine L. Winium, an unmarried person, husband and wife (hereinafter "Borrowers"), by the terms of which Borrowers have elected to convey to FmHA in satisfaction of indebtedness, pursuant to I.C.A. § 654.16 et seq., the following described real estate:

The North Half (½) of Lot Eight (8) and the North Half (½) of the East 38 feet of Lot Seven (7) in Block Twenty-eight (28) of the Original Town of Winterset, Madison County, Iowa.

This notice is provided to you as junior lienholder, as of the date of said conveyance, by certified mail, pursuant to I.C.A. § 628.29, to inform you of your right to redeem the above described real property within 30 days of the date of mailing of this notice.

You are further notified that unless you exercise the right of redemption as set forth at I.C.A. § 628.29 within 30 days of the date of mailing of this notice, your lien upon the above described real property will be terminated and foreclosed as provided at I.C.A. § 654.16(2).

Anthony R Petty
COUNTY SUPERVISOR/STATE DIRECTOR
Farmers Home Administration
(Address)

Mailed by certified mail on 29th day of July, 1986.