



Document 2018 2184

Book 2018 Page 2184 Type 03 014 Pages 4

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Rec Amt \$22.00 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)

James W. Mailander, 694 Main Street, P.O. Box 305, Anita, IA 50020, Phone: (712)
762-3844

Taxpayer Information: (Name and complete address)

T & S Property Services, LLC, 1459 White Pole Road, PO Box 518, Adair, Iowa 50002

Return Document To: (Name and complete address)

James W. Mailander, 694 Main Street, P.O. Box 305, Anita, IA 50020

Grantors:

T & S Property Services, LLC

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 CASS, 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.

* The Notice of Forfeiture of Real Estate Contract was mailed to Jessica T. McMichael and John R. Butler at their last known mailing address: 124 E. Filmore Street, Winterset, Iowa 50273 on the 17th day of May, 2018. This Notice was also published in the Madisonian News on May 23rd, May 30th and June 6, 2018, as shown on the attached Proof of Publication.

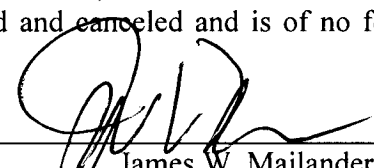
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

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.

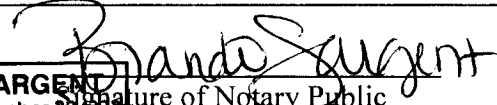

That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee's(s') rights in such contract in accordance with Code Chapter 656.

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.


James W. Mailander, Affiant

Signed and sworn to (or affirmed) before me on July 2, 2018, by James W. Mailander


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: Jessica T. McMichael and John R. Butler, 124 E Filmore, Winterset, Iowa 50273

You and each of you are hereby notified:

- The written contract dated February 26, 2010, and executed by T & S Property Services, LLC as vendors, and Jessica T. McMichael and John R. Butler as vendees, recorded on February 26, 2010, in the office of the Madison County Recorder, recorded as document reference number Book 2010, Page 404, for the sale of the following described real estate:
The East 54 feet of Lot One (1), in Block Two (2), of Center Addition to Winterset, Madison County, Iowa.

Also known as 124 E. Filmore Street, Winterset, Iowa 50273

has not been complied with in the following particulars:

(a) All past due payments and interest	\$ <u>29,475.42</u>
(b)	\$ _____
(c)	\$ _____
(d)	\$ _____
Total	\$ <u>29,475.42</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 \$ 0.00 (not to exceed \$50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

_____, Vendor

By: Timothy A. Schafer, Manager/Member, Vendor
(or Successors in Interest)

By 
James W. Mailander, Attorney
ICIS PIN No: AT0004942

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.

STATE OF IOWA

SS

MADISON COUNTY

AFFIDAVIT OF PUBLICATIONS

TED GORMAN being duly sworn says he is publisher of WINTERSET MADISONIAN a once weekly paper of

eral circulation, published in Winterset, Iowa, and that notice, a copy which is annexed and made part hereof s correctly published in said paper.

or the period 3 consecutive weeks, the last publication thereof being

on the 6 day of June 20 18

Jud Gorman
subscribed and sworn to before me this

7 day of June 20 18

Notice Of Forfeiture Of Real Estate Contract

To: Jessica T. McMichael and John R. Butler

124 E. Filmore, Winterset, Iowa 50273

You and each of you are hereby notified:

1. The written contract dated February 26, 2010, and executed by T & S Property Services, LLC as vendors, and Jessica T. McMichael and John R. Butler as vendees, recorded on February 26, 2010, in the office of the Madison County Recorder, recorded as document reference number Book 2010, Page 404, for the sale of the following described real estate:
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Also known as 124 E. Filmore Street, Winterset, Iowa 50273
has not been complied with in the following particulars:
(a) All past due payments and interest

Total \$29,475.42

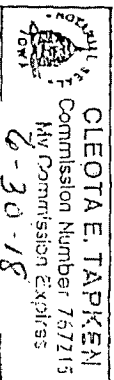
2. The contract shall stand forfeited unless the parties in default, within 30 days after the completed service of this notice, shall perform the terms and conditions in default, and in addition pay the reasonable costs of serving this notice.
3. The amount of attorney fees claimed by the Vendors pursuant to Section 656.7 of the Code of Iowa is \$0.00 (not to exceed \$50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

Vendor By: Timothy A. Schaler, Manager/ Member, Vendor
(or Successors in Interest)
By: James W. Mailander, Attorney
ICIS PIN No: AT00004942
694 Main Street, PO Box 305
Anita, Iowa 50020

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.

39-41

Fee \$ 27.20
18.29
63.78



NOTARY PUBLIC
In and for Madison County