

BK: 2018 PG: 3838
Recorded: 11/27/2018 at 8:37:20.0 AM
Pages 4
County Recording Fee: \$27.00
Iowa E-Filing Fee: \$3.50
Combined Fee: \$30.50
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

Prepared by: Rebecca L. Petig, Attorney at Law, P. O. Box 713, Grinnell, Iowa, 50112
Tel. No. 641-236-6128
Return document to: Rebecca L. Petig, Attorney at Law, P. O. Box 713, Grinnell, Iowa,
50112

**AFFIDAVIT IN SUPPORT OF FORFEITURE
OF REAL ESTATE CONTRACT
(IC 656.5)**

TO WHOM IT MAY CONCERN:

STATE OF IOWA, POWESHIEK COUNTY, ss:

The undersigned, first being duly sworn upon oath deposes and states:

1. Terry Schmidt entered into a contract with Rodney McFarland and Jennifer McFarland to sell real estate on July 8, 2013. The legal description for the property to be sold is set forth below:

Lot Twelve (12) of the Northwest Development-Plat 1, to the City of Winterset, Madison County, Iowa.

2. Rodney McFarland and Jennifer McFarland failed to perform the contract.

3. The contract contained a forfeiture provision as allowed by Chapter 656 of the Code of Iowa.

4. At the request of Terry Schmidt, the undersigned caused a Notice of Forfeiture of Real Estate Contract to be served on Rodney McFarland and Jennifer McFarland pursuant to Iowa Code Section 656.2.

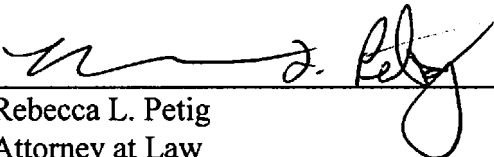
5. Acknowledgement of Service was received and is attached hereto as Exhibit "A" documenting service on October 22, 2018. There were no parties in possession other than those persons upon whom notice was served.

6. Rodney McFarland and Jennifer McFarland failed to perform the terms and conditions as to which there is default within 30 days of the date of service.

7. Rodney McFarland and Jennifer McFarland were not at the time of the service of the Notice of Forfeiture, nor are not now, in the military service or within the Armed Forces of the United States of America, or are they 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.

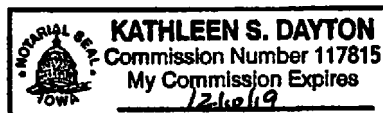
8. This affidavit shall serve as constructive notice to all parties of the due forfeiture and cancellation of the contract entered into and executed by the parties on July 8, 2013 and recorded on July 8, 2013 at Book 2013, Page 2015 in the records of the Madison County, Iowa, Recorder.

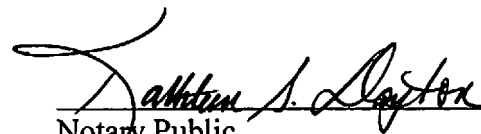
Dated this 26th day of November, 2018.



Rebecca L. Petig
Attorney at Law

This record was acknowledged before me on November 26, 2018 by Rebecca L. Petig.





Notary Public
My commission expires 12/10/19

Exhibit "A"

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT
(IC 656.2)

TO: RODNEY MCFARLAND
JENNIFER MCFARLAND

You and each of you are hereby notified that the written contract executed on July 8, 2013, by Terry Schmidt as Seller, and Jennifer McFarland and Rodney McFarland, as Buyers, for the sale of the following described real estate:


Lot Twelve (12) of Northwest Development - Plat 1, to the City of Winterset, Madison County, Iowa

has not been complied with, in respect to the terms and conditions of said contract in the following details:

Monthly payment on the first day of each month in the amount of Eight Hundred Fifty Dollars and No Cents (\$850.00) pursuant to Paragraph 1 of contract, and payment of real estate taxes pursuant to Paragraph 3 of contract.

The contract will be forfeited and cancelled unless the party in default, within thirty days after the completed service of this notice performs the terms and conditions in default, and, in addition, pays the reasonable cost of serving the notice.

Vendor claims attorneys fees pursuant to section 656.7 of the Code of Iowa in the amount of \$50.00. Payment of the attorneys fees is not required to comply with the notice and prevent forfeiture.


Rebecca Petig
Attorney at Law
Bierman & Bierman, P.C.
920 Main Street
P.O. Box 713
Grinnell, Iowa 50112
641-236-6128

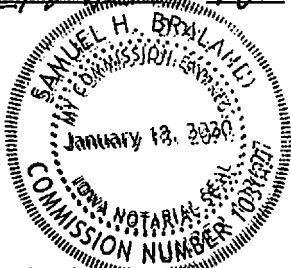
ACKNOWLEDGMENT OF SERVICE

The undersigned, on the date hereinafter set forth, hereby acknowledge due, timely and legal service of the Notice of Forfeiture of Real Estate Contract, and acknowledge receipt of a copy thereof.

Dated this 22nd day of October, 2018.

Jennifer McFarland
Jennifer McFarland

Subscribed in my presence and sworn to before me by Jennifer McFarland on this 22nd day of October, 2018.



Samuel H. Braland
Notary Public in and for Said State

The undersigned, on the date hereinafter set forth, hereby acknowledge due, timely and legal service of the Notice of Forfeiture of Real Estate Contract, and acknowledge receipt of a copy thereof.

Dated this 22nd day of October, 2018.

Rodney McFarland
Rodney McFarland

Subscribed in my presence and sworn to before me by Rodney McFarland on this 22nd day of October, 2018.



Samuel H. Braland
Notary Public in and for Said State