

✓



Book 2018 Page 1648

Document 2018 1648 Type 04 004 Pages 6

Date 6/13/2018 Time 3:12:09PM

Rec Amt \$32.00 Aud Amt \$5.00

Entered for taxation 14th day
of June A D 2018
By Carol K. Becker Auditor
P. Hildbrand Deputy

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE 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)

Steven E. Carr, 117 S. Franklin Street, PO Box 333, Manchester, IA 52057, Phone: (563)
927-4164

Taxpayer Information: (Name and complete address)

Paul B. Roling and Sandra J. Roling, 116 W Butler Street, Manchester, IA 52057

Return Document To: (Name and complete address)

☒ Steven E. Carr, 117 S. Franklin Street, PO Box 333, Manchester, IA 52057

Grantors:

Paul B. Roling and Sandra J. Roling

Grantees:

Mike Butler and Sara Rans

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 DELAWARE, 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.

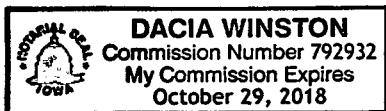
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled to any rights under the Soldiers' and Sailors' Civil Relief Act or similar act or acts amendatory thereof or supplementary thereto.

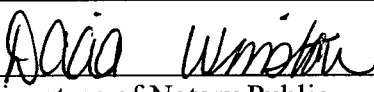
That this affidavit is made as supporting proof, record and notice, that the contract referred to in said Notice of Forfeiture is now null and void, stands forfeited and canceled and is of no force and effect whatsoever.



Steven E. Carr, Affiant

Signed and sworn to (or affirmed) before me on June 12, 2018, by Steven E. Carr





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

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 5-2-18 TIME 3:38pm

TO: Mike Butler and Sara Rans

You and each of you are hereby notified:

1. The written contract dated October 18, 2012, and executed by Paul B. Roling and Sandra J. Roling as vendors, and Mike Butler and Sara Rans as vendees, recorded on October 19, 2012, in the office of the Delaware County Recorder, recorded as document reference number Book 2012, Page 3557, for the sale of the following described real estate:

The North one hundred nine and sixty-six hundredths (109.66) feet of the West one hundred forty (140) feet of the following described real estate: All that part of Orchard Lot in Henry Acers' Addition to Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 1, described as commencing at the Southwest corner of said Lot, and running thence North along the East line of Franklin Street to a point nineteen (19) rods three (3) feet South of the Northwest corner of said Lot, thence East twenty six (26) rods, thence South to the South line of said Lot, thence West to place of beginning, excepting the East one hundred ten (110) feet thereof

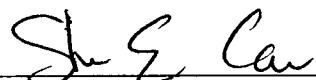
has not been complied with in the following particulars:

(a) Balance of balloon payment	\$ <u>64,354.25</u>
(b)	\$ _____
(c)	\$ _____
(d)	\$ _____
Total	\$ <u>64,354.25</u>

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 \$ 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.

Paul B. Roling, Vendor

Sandra J. Roling, Vendor
(or Successors in Interest)

By 
Steven E. Carr, Attorney
ICIS PIN No: AT001317

117 S. Franklin Street, PO Box 333,
Manchester, IA 52057

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 IN AND FOR DELAWARE COUNTY

PAUL B. ROLING AND SANDRA J. ROLING
VS
MIKE BUTLER AND SARA RANS

Case Number: **RANS,SARA**
Civil Number: **18-000234**
Date Received: **05/02/2018 @ 15:35**
Date Printed: 05/09/2018 @ 14:48

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

NOTICE OF FORFEITURE OF RE CONTRACT

To: **RANS,SARA at 313 S BREWER ST MANCHESTER, IA 52057**

on **05/07/2018 @ 12:30**

Type of Service: **PERSONAL**

Remarks:

Fees:

Service Fees:	30.00
Mileage:	2.00
Copies:	0.00
Total:	32.00

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: **/S/ DEPUTY KEITH ROWLEY**

Paid By:
Date:
Check #:



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Mike Butler and Sara Rans

You and each of you are hereby notified:

1. The written contract dated October 18, 2012, and executed by Paul B. Roling and Sandra J. Roling as vendors, and Mike Butler and Sara Rans as vendees, recorded on October 19, 2012, in the office of the Delaware County Recorder, recorded as document reference number Book 2012, Page 3557, for the sale of the following described real estate:

The North one hundred nine and sixty-six hundredths (109.66) feet of the West one hundred forty (140) feet of the following described real estate: All that part of Orchard Lot in Henry Acers' Addition to Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 1, described as commencing at the Southwest corner of said Lot, and running thence North along the East line of Franklin Street to a point nineteen (19) rods three (3) feet South of the Northwest corner of said Lot, thence East twenty six (26) rods, thence South to the South line of said Lot, thence West to place of beginning, excepting the East one hundred ten (110) feet thereof

has not been complied with in the following particulars:

(a) Balance of balloon payment	\$ <u>64,354.25</u>
(b)	\$ _____
(c)	\$ _____
(d)	\$ _____
Total	\$ <u>64,354.25</u>

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 \$ 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.

Paul B. Roling, Vendor

Sandra J. Roling, Vendor
(or Successors in Interest)

By 
Steven E. Carr, Attorney
ICIS PIN No: AT001317

117 S. Franklin Street, PO Box 333,
Manchester, IA 52057

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.

ACKNOWLEDGMENT OF SERVICE

The undersigned hereby acknowledge due, timely and legal service of this notice, and acknowledge receipt of a copy at the time and place set opposite their respective names.

	Date of Service <u>5-3-18</u>	Place of Service <u>117 S Franklin St, Manchester, IA</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA, COUNTY OF _____

The undersigned, first being duly sworn, upon oath deposes and states that he/she served the Notice of Forfeiture on each of the persons to whom said notice is addressed, and named below, by delivering a copy of said notice to each of said persons at the time and place set opposite their respective names, to-wit:

Name	Date	City and County	State

_____, Affiant

Signed and sworn to (or affirmed) before me on _____, by _____.

Signature of Notary Public