



Book 2018 Page 2992

Document 2018 2992 Type 04 004 Pages 6
Date 10/19/2018 Time 12:29:52PM
Rec Amt \$32.00

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)

Timothy T. Schloss, 118 West Mission Street, Strawberry Point, IA 52076, Phone: (563)
933-2029

Taxpayer Information: (Name and complete address)

WJ Randy Willie, PO Box 388, Strawberry Point, Iowa 52076

Return Document To: (Name and complete address)

Randy Willie, PO Box 388, Strawberry Point, Iowa 52076

Grantors:

Randy D. Willie

Grantees: *William H Hepker*
Marie L Hepker

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 CLAYTON, 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.

*

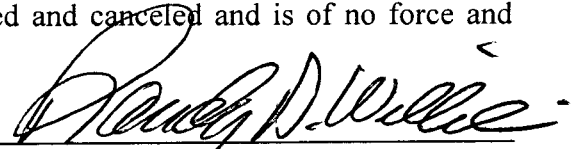
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

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.

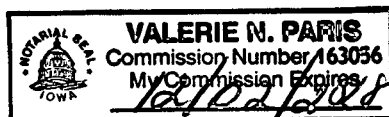
That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled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


Randy D. Willie, Affiant

Signed and sworn to (or affirmed) before me on October 19, 2018 by Randy D. Willie


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.

Return of Substitute Service
IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

KIMBERLY D WILLIE AND RANDY E WILLIE
VS
WILLIAM H HEPKER JR AND MARIE L HEPKER

Case Number: **HEPKER**
Civil Number: **18-000428**
Date Received: **08/24/2018 @ 10:52**
Date Printed: 08/28/2018 @ 16:02

STATE OF IOWA
DELAWARE COUNTY

}

I hereby certify that I served a copy of:
NOTICE OF FORFEITURE OF RE CONTRACT

To: HEPKER,WILLIAM. at DELAWARE CO SHERIFF - 304 E DELAWARE ST MANCHESTER, IA 52057
on 08/28/2018 @ 15:52 Type of Service: SPOUSE AWAY FROM RESIDENCE

By substitute service on:

HEPKER,MARIE at DELAWARE CO SHERIFF - 304 E DELAWARE ST MANCHESTER IA 5205
Relationship/Title: SPOUSE Legal Age:

Remarks:

Fees:

Service Fees:	20.00
Mileage:	0.00
Copies:	0.00
Total:	20.00

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: **/S/ CIVIL DEPUTY JUDY LEE**

Paid By:
Date:
Check #:



RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 8-24-18 TIME 10:52 AM

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: William H. Hepker, Jr., 206 E. Maple Street, Edgewood, Iowa 52042

You and each of you are hereby notified:

1. The written contract dated August 14, 2018, and executed by Randy D. Willie and Kimberly D. Willie as vendors, and William H. Hepker, Jr. and Marie L. Hepker as vendees, recorded on August 16, 2018, in the office of the Delaware County Recorder, recorded as document reference number Book 2018 Page 2314, for the sale of the following described real estate:

Lots Five (5) and Six (6), Block One (1), Densmore's Addition to Edgewood, Iowa, according to plat recorded in Book 1, Page 53

has not been complied with in the following particulars:

- | | |
|---|----------------|
| (a) Fail to install a new metal roof on house prior to 6/1/2018 | \$ _____ |
| (b) | \$ _____ |
| (c) | \$ _____ |
| (d) | \$ _____ |
| Total | \$ 0.00 |

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.

Kimberly D. Willie
Kimberly D. Willie, Vendor

Randy D. Willie
Randy D. Willie, Vendor
(or Successors in Interest)

By _____, Attorney

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

KIMBERLY D WILLIE AND RANDY E WILLIE
VS
WILLIAM H HEPKER JR AND MARIE L HEPKER

Case Number: HEPKER
Civil Number: 18-000428
Date Received: 08/24/2018 @ 10:52
Date Printed: 08/28/2018 @ 16:01

STATE OF IOWA
DELAWARE COUNTY

}

I hereby certify that I served a copy of:

NOTICE OF FORFEITURE OF RE CONTRACT

To: HEPKER,MARIE at DELAWARE CO SHERIFF - 304 E DELAWARE ST MANCHESTER, IA 52057

on 08/28/2018 @ 15:52

Type of Service: PERSONAL/AWAY FROM RESIDENCE

Remarks:

Fees:

Service Fees:	30.00
Mileage:	16.35
Copies:	0.00
Total:	46.35

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: /S/ CIVIL DEPUTY JUDY LEE

Paid By:
Date:
Check #:



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 8-24-18 TIME 10:52 AM

TO: Marie L. Hepker, 206 E. Maple Street, Edgewood, Iowa 52042

You and each of you are hereby notified:

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| (b) | \$ _____ |
| (c) | \$ _____ |
| (d) | \$ _____ |
| Total | \$ 0.00 |

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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.

Kimberly D. Willie
Kimberly D. Willie, Vendor

Randy D. Willie
Randy D. Willie, Vendor
(or Successors in Interest)

By _____, Attorney

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.