



Book 2018 Page 3017

Document 2018 3017 Type 04 004 Pages 4

Date 10/23/2018 Time 10:40:18AM

Rec Amt \$22.00 Aud Amt \$5.00

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)

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

Taxpayer Information: (Name and complete address)

Jacob M. Harris, 305 N West Street, Earlville, IA 52041

Return Document To: (Name and complete address)

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

Grantors:

Jacob M. Harris
Leann Harris

Grantees:

Cathy Sue Hoeger

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.

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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.

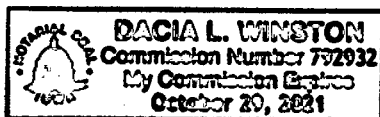
That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee's(s') rights in such contract in accordance with Code Chapter 656.

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 October 23, 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 9-17-18 TIME 3:41 pm

TO: Cathy Sue Hoeger

You and each of you are hereby notified:

1. The written contract dated December 18, 2014, and executed by Jacob M. Harris and Leann Harris as vendors, and Cathy Sue Hoeger as vendees, recorded on December 22, 2014, in the office of the Delaware County Recorder, recorded as document reference number Book 2014, Page 3208, for the sale of the following described real estate:

That part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty Six (26), Township Eighty Nine (89) North, Range Four (4), West of the Fifth Principal Meridian described as commencing thirty (30) rods South of the Northeast corner of said Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), and running thence West one hundred eighty (180.0) feet, thence South one hundred sixty three (163.0) feet, thence East one hundred eighty (180.0) feet, thence North one hundred sixty three (163.0) feet to the point of beginning, except the North ninety seven (97.0) feet of the East one hundred forty three (143.0) feet thereof.

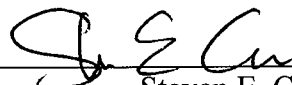
has not been complied with in the following particulars:

- | | |
|--|-------------------------|
| (a) only \$141.48 of the \$411.00 due for September 1, 2018 payment was made | \$ <u>269.52</u> |
| (b) | \$ _____ |
| (c) | \$ _____ |
| (d) | \$ _____ |
| Total | \$ <u>269.52</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.

Jacob M. Harris, Vendor

Leann Harris, 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

JACOB HARRIS AND LEANN HARRIS
VS
CATHY SUE HOEGER

Case Number: HOEGER,CATHY
Civil Number: 18-000476
Date Received: 09/17/2018 @ 15:41
Date Printed: 09/19/2018 @ 8:39

STATE OF IOWA
DELAWARE COUNTY

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

To: HOEGER,CATHY SUE at 816 E HOWARD ST MANCHESTER, IA 52057
on 09/19/2018 @ 07:05 Type of Service: PERSONAL
Remarks:

Fees:

Service Fees:	30.00
Mileage:	1.00
Copies:	0.00
Total:	31.00

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: /S/ DEPUTY MIKE WILSON

Paid By:
Date:
Check #: