

Recorded: 10/16/2024 at 9:49:38.0 AM
County Recording Fee: \$62.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$65.00
Revenue Tax: \$0.00
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2024 PG: 2602

**RECORDER'S COVER SHEET
AFFIDAVIT OF COMPLIANCE
WITH NON-JUDICIAL FORECLOSURE of
MORTGAGE PURSUANT TO IOWA CODE §655A**

Preparer Information:

Wesley B. Huisinga
P.O. Box 2107
Cedar Rapids, IA 52406
319-365-9461

When recorded, return document to:

Wesley B. Huisinga
P.O. Box 2107
Cedar Rapids, IA 52406
319-365-9461

Send Tax Information To:

Farmers Savings Bank
Attention: Randy Ludwig, Vice President
205 Main Street
PO Box 127
Colesburg, Iowa 52035

Legal Descriptions:

The South one half (S /2) of Lot One (1), Block four (4), Colony Addition to
Colesburg, Delaware County, Iowa, according to Corrected and Amended Plat of
Incorporated Town of Colesburg recorded in Book 1 Plats, Pages 73-86

Grantor: Randy L. Funk Estate and Breigha Louise Funk

Grantee: Farmers Savings Bank

**AFFIDAVIT OF COMPLIANCE
WITH NON-JUDICIAL
FORECLOSURE OF MORTGAGE
PURSUANT TO IOWA CODE §655A**

STATE OF IOWA)
)ss
COUNTY OF LINN)

I, Wesley B. Huisinga, being first duly sworn on this 15th day of October, 2024, depose and state:

1. That I am the Attorney representing Farmers Savings Bank, the Mortgagee named in the Notice of Right to Cure Default and Non-Judicial Foreclosure of Mortgage pursuant to Iowa Code §655A, copies of which are attached hereto.

2. That attached hereto is a true and accurate copy of the Notice of Right to Cure and Notice of Non-Judicial Foreclosure prepared in accordance with Iowa Code §655A.3.

3. That pursuant to my direction and under my supervision, I caused the attached Notice of Right to Cure Default and Notice of Non-Judicial Foreclosure of Mortgage, pursuant to Iowa Code §655A, to be served in accordance with Iowa Code §655A.4 and Iowa Code 654.4A upon the Mortgagor Breigha Louise Funk, and upon all known and unknown heirs and claimants of the Mortgagor, Randy L. Funk, deceased. Attached hereto and by this reference incorporated herein are proofs of personal service upon the following:

Breigha Louise Funk, Mortgagor (personal service on September 13, 2024)
Parties in Possession, (Dilligent search by Delaware Sheriff on August 27, 2024)
State of Iowa, Attorney General (personal service on August 26, 2024)
State of Iowa, Department of Human Services (personal service on August 26, 2024)
State of Iowa, Delaware County Attorney (personal service on August 27, 2024)
Estate of Randy L. Funk (personal service upon Linda K. Putz, Adminstrator of Estate)

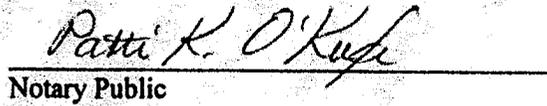
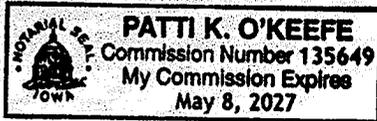
4. That as of the date of the filing of this Affidavit, none of the parties served, as referenced above, have either cured the defaults described in the attached Notice of Right to Cure Default, as required by Iowa Code §655A.5, or filed of record a rejection of the attached Notice of Non-Judicial Foreclosure of Mortgage as required by Iowa Code §655A.6.

This Affidavit is made as supporting proof, record and notice, pursuant to Iowa Code §§655A.7 and 655A.8, that the real estate mortgage recorded on the 18 day of May, 2017, in Book 2017 at Page 1387 of the records of the Delaware County Recorder, as described in the attached Notice of Right to Cure Default and Notice of Non-Judicial Foreclosure has been fully and finally foreclosed pursuant to the procedures set forth in Iowa Code §655A, and that title to the real estate described in the foreclosed mortgage is now held in the name of the holder of said mortgage, namely, **Farmers Savings Bank**.



Wesley B. Huisinga ID No. A10003670
SHUTTLEWORTH & INGERSOLL, PLC
235 6th St. S.E.
Cedar Rapids, IA 52401-2107
(319) 365-9461 Phone/(319) 365-8564 Fax
wbh@shuttleworthlaw.com
ATTORNEYS FOR FARMERS SAVINGS BANK

Subscribed, sworn and acknowledged before me by Wesley B. Huisinga, this 15th day of October, 2024.



Notary Public

**NOTICE OF RIGHT TO CURE DEFAULT(S) and
NON-JUDICIAL FORECLOSURE OF MORTGAGE
PURSUANT TO IOWA CODE 655A**

TO:

Estate of Randy Lynn Funk
c/o Linda K. Putz, Administrator
311 East Union Street
Edgewood, IA 52042

Breigha Louise Funk
508 Jackson Street
Colesburg, IA 52035

State of Iowa
Department of Human Services
Hoover Building
1305 E Walnut Street
Des Moines, IA 50319

State of Iowa
c/o Iowa Attorney General
Hoover Building
1305 E Walnut Street
Des Moines, IA 50319

State of Iowa
c/o Delaware County Attorney
County Courthouse
301 E Main Street
Manchester, IA 52057

Parties in Possession
149 Main Street
Colesburg, IA 52035

You and each of you are hereby notified:

1. The written mortgage dated May 12, 2017, executed by Randy L. Funk and Breigha Louise Funk, husband and wife, as Mortgagors, and delivered in favor of Farmers Savings Bank Mortgagee, recorded on the 18 day of May, 2017, in Book 2017 at Page 1387 of the records of the Delaware County Recorder, encumbering the following described real estate:

The South one half (S ½) of Lot One (1), Block four (4), Colony Addition to Colesburg, Delaware County, Iowa, according to Corrected and Amended Plat of Incorporated Town of Colesburg recorded in Book 1 Plats, Pages 73-86

have not been complied with in the following particulars:

- (a) Failure to pay monthly payments due June 12, July 12 and August 12, 2024 , totaling \$881.60;
- (b) Failure to Pay Real Estate Taxes for fiscal Year 2022-2023, sold at tax sale for \$963.00 plus accruing interest
- (c) Failure to pay late fees in the amount of \$14.76; and
- (d) Failure to pay cost of forced place insurance advanced by Farmers Savings Bank in the amount of \$2,524.58.

(e) **Total Amount Required to Cure Defaults** **\$4,383.94, plus**
accruing interest on unredeemed tax sale

2. **WITHIN THIRTY (30) DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR REJECTION ON THE MORTGAGEE, FARMERS SAVINGS BANK, IN THE MANNER PROVIDED IN SECTION 655A.4. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THE REJECTION.**

IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE WITHIN THE THIRTY (30) DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE FORECLOSURE IS COMPLETE, THE DEBT SECURED BY THE MORTGAGED PROPERTY WILL BE EXTINGUISHED.

3. **Service of any rejection of this notice pursuant to Iowa Code §655A.6 may be mailed or e-mailed to Mortgagee at:**

wbh@shuttleworthlaw.com

or

**Farmers Savings Bank
c/o Wesley B. Huisinga
Shuttleworth & Ingersoll, PLC
235 6th Street SE
PO Box 2107
Cedar Rapids, IA 52406-2107**

FARMERS SAVINGS BANK



**Wesley B. Huisinga
SHUTTLEWORTH & INGERSOLL, PC
235 6th Street SE
PO Box 2107
Cedar Rapids, IA 52406-2107
Phone: 319-365-9461
Direct phone: 319-731-2204
ATTORNEY FOR FARMERS SAVINGS BANK**

Wesley B Hulsinga

Plaintiff/Petitioner

Case No.:

vs.

Breigha Louise Funk

Defendant/Respondent

AFFIDAVIT OF SERVICE OF
Notice of Right to Cure Defaults

Received by STEPHANIE NEWBY, on the 11th day of September, 2024 at 10:56 PM to be served upon Breigha Louise Funk at 621 Van Buren Rd, Stoneville, Rockingham County, NC 27048. On the 13th day of September, 2024 at 10:38 AM, I, STEPHANIE NEWBY, SERVED Breigha Louise Funk at 621 Van Buren Rd, Stoneville, Rockingham County, NC 27048 in the manner indicated below:

INDIVIDUAL SERVICE, by personally delivering 1 copy(ies) of the above-listed documents to Breigha Louise Funk.

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS: I delivered the documents to Breigha Louise Funk with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a black-haired white female contact 45-55 years of age, 5'4"-5'6" tall and weighing 140-160 lbs with a tattoo.

Service Fee Total: \$105.00

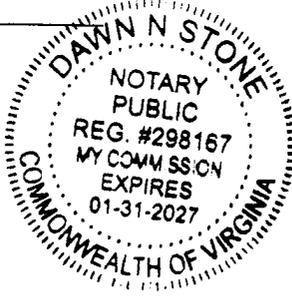
Per 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

NAME: Stephanie Newby N/A
STEPHANIE NEWBY Server ID # Date 9/13/2024

Notary Public: Subscribed and sworn before me on this 13th day of September in the year of 2024
Personally known to me / or identified by the following document:

Number/Reference: 298167
Type:
Notary Public for State of: Va.
Commission Expiration: 1-31-2027

Dawn N. Stone
Notary Public (Legal Signature)



REF: 31080-12-Funk



Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

FARMERS SAVINGS BANK
VS

ESTATE OF RANDY LYNN FUNK; BREIGHA LOUISE FUNK;
STATE OF IOWA - DEPARTMENT OF HUMAN SERVICES;
STATE OF IOWA - IOWA ATTORNEY GENERAL; STATE OF
IOWA - DELAWARE COUNTY ATTORNEY; AND PARTIES IN
POSSESSION

Case Number: FUNK - 149 MAIN ST

Civil Number: 24-000555

Date Received: 08/27/2024 @ 09:13

Date Printed: 08/30/2024 @ 14:12

STATE OF IOWA
DELAWARE COUNTY

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I hereby certify that a Diligent Search was made to serve a copy of:

NOTICE OF RIGHT TO CURE DEFAULT(S)
NON-JUDICIAL FORECLOSURE OF MORTGAGE

To: DILIGENT SEARCH
PARTIES IN POSSESSION at 149 MAIN ST COLESBURG, IA 52035
on 08/27/2024 @ 19:45 Type of Service: DILIGENT SEARCH

Remarks: UPON SERVICE ATTEMPT AT 149 MAIN ST, COLESBURG, RESIDENCE APPEARED EMPTY.
CHECKED WITH POST OFFICE AND PREVIOUS TENANTS HAD RECENTLY MOVED FROM
RESIDENCE PROVIDING FORWARDING ADDRESS.
NO PARTIES IN POSSESSION.

Fees:

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

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: IS/ DEPUTY MITCHEL KNIPPER

Paid By:
Date:
Check #:

AFFIDAVIT OF SERVICE

FARMERS SAVINGS BANK

Plaintiff/Petitioner,

vs.

ESTATE OF RANDY LYNN FUNK, et al.

Defendant/Respondent.

Received by Absolute Serving on 08/23/2024 to be served upon:

STATE OF IOWA c/o IOWA ATTORNEY GENERAL'S OFFICE

STATE OF IOWA
COUNTY OF POLK ss.

I, Julia McMahon, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On 08/26/2024 at 09:10 AM, I served the within NOTICE OF RIGHT TO CURE DEFAULT(S) AND NON-JUDICIAL FORECLOSURE OF MORTGAGE PURSUANT TO IOWA CODE 655A on STATE OF IOWA c/o IOWA ATTORNEY GENERAL'S OFFICE at 1305 E WALNUT ST , Des Moines, IA 50319 in the manner indicated below:

CORPORATE SERVICE: I served the same on the above company, corporation, government official, etc, by delivering a copy to the person named and described below at the address shown above. :

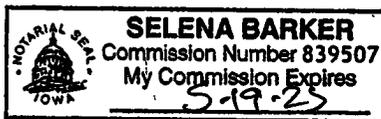
NAME: ED BULL @ IOWA ATTORNEY GENERAL'S OFFICE TITLE/RELATION: DEPUTY ATTORNEY GENERAL, DESIGNATED FOR SERVICE

Fee For Service: \$75.00

Sworn to and subscribed before me on this 26th day of August, 2024 by an affiant who is personally known to me or produced identification,

[Handwritten Signature]

NOTARY PUBLIC



X *[Handwritten Signature]*

Julia McMahon
Independent Contractor for:

Absolute Serving
680 18th Street
Des Moines, IA 50314

Atty File#: FARMERS SAVINGS - Our File# 45888

AFFIDAVIT OF SERVICE

FARMERS SAVINGS BANK

Plaintiff/Petitioner,

vs.

ESTATE OF RANDY LYNN FUNK, et al.

Defendant/Respondent.

Received by Absolute Serving on 08/23/2024 to be served upon:

STATE OF IOWA c/o IOWA DEPARTMENT OF HUMAN SERVICES

STATE OF IOWA
COUNTY OF POLK ss.

I, **Julia McMahon**, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On 08/26/2024 at 09:10 AM, I served the within **NOTICE OF RIGHT TO CURE DEFAULT(S) AND NON-JUDICIAL FORECLOSURE OF MORTGAGE PURSUANT TO IOWA CODE 655A** on **STATE OF IOWA c/o IOWA DEPARTMENT OF HUMAN SERVICES** at **1305 E WALNUT ST , Des Moines, IA 50319** in the manner indicated below:

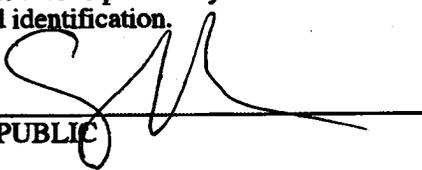
CORPORATE SERVICE: I served the same on the above company, corporation, government official, etc, by delivering a copy to the person named and described below at the address shown above. :

NAME: ED BULL @ IOWA ATTORNEY GENERAL'S OFFICE TITLE/RELATION: DEPUTY ATTORNEY GENERAL, DESIGNATED FOR SERVICE

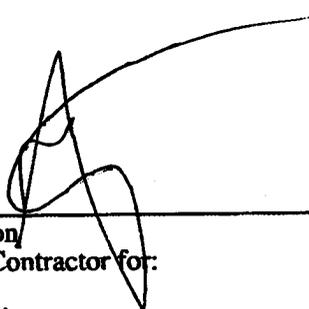
Comments/Prev Attempts: **IOWA DEPT OF HUMAN SERVICES OFFICE IS NO LONGER AT 1305 E WALNUT ST, DES MOINES, DIRECTED TO LUCAS STATE OFFICE BUILDING BUT THEIR OFFICE IS UNDER REMODEL, SO SPOKE WITH ADMIN ON PHONE AND THEY DIRECTED THE PAPERS FOR THEIR DEPARTMENT TO ALSO GO TO THE ATTORNEY GENERAL'S OFFICE FOR THIS MATTER, AND ED BULL CONFIRMED HE COULD ACCEPT SERVICE ON IOWA DHS BEHALF FOR THE STATE AS WELL**

Fee For Service: \$20.00

Sworn to and subscribed before me on this 26th day of August, 2024 by an affiant who is personally known to me or produced identification.



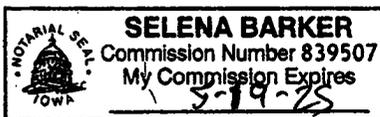
NOTARY PUBLIC

X 

Julia McMahon/
Independent Contractor for:

Absolute Serving
680 18th Street
Des Moines, IA 50314

Atty File#: **FARMERS SAVINGS - Our File# 45887**



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

**FARMERS SAVINGS BANK
VS**

**ESTATE OF RANDY LYNN FUNK; BREIGHA LOUISE FUNK;
STATE OF IOWA - DEPARTMENT OF HUMAN SERVICES;
STATE OF IOWA - IOWA ATTORNEY GENERAL; STATE OF
IOWA - DELAWARE COUNTY ATTORNEY; AND PARTIES IN
POSSESSION**

Case Number: **FUNK - 149 MAIN ST**
Civil Number: **24-000555**
Date Received: **08/27/2024 @ 09:13**
Date Printed: **08/30/2024 @ 14:12**

**STATE OF IOWA
DELAWARE COUNTY**

}

I hereby certify that I served a copy of:

**NOTICE OF RIGHT TO CURE DEFAULT(S)
NON-JUDICIAL FORECLOSURE OF MORTGAGE**

**To: ESTATE OF RANDY LYNN FUNK at 311 E UNION ST EDGEWOOD, IA 52042
on 08/27/2024 @ 19:00 Type of Service: OFFICIAL**

By substitute service on:

**LINDA PUTZ - ADMINISTRATOR at 311 E UNION ST EDGEWOOD IA 52042
Relationship/Title: ADMIN Legal Age:**

Remarks:

Fees:

Service Fees:	30.00
Mileage:	20.10
Copies:	0.00
Total:	50.10

**JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY**

By: IS/ DEPUTY MITCHEL KNIPPER

Paid By:
Date:
Check #: