

Miscellaneous Record, No. 24, Madison County, Iowa

Michael Loftus

#1908

Filed for record the 6 day of July A.D.
1945 at 10:05 o'clock A.M.
Pearl E. Shetterly, RecorderTo
Paul Pershing et al

Fee \$2.00

NOTICE OF DECLARATION OF FORFEITURE AND CANCELLATION
OF CONTRACTTO PAUL PERSHING, SINGLE
BRADSTREET AND DUNN 516 R.V.L. Bldg
6809 Roseland DES MOINES IOWA

AND

LOUIS WILDIN
MRS LOUIS WILDIN
PATTERSON IOWA

You and each of you are hereby notified that at the expiration of thirty (30) days and completed service thereof, the undersigned will declare a forfeiture and cancellation of a Real Estate Contract, dated February 26, 1945, wherein Michael Loftus is the seller and Paul Pershing the purchaser of the following described real estate in Madison County to-wit:

"North One-half ($\frac{1}{2}$) of the Southwest Quarter ($\frac{1}{4}$), except a tract in the Northwest corner thereof described as follows: a tract bounded by and included within a line commencing at a point 16.27 rods south of the Northwest corner of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Fourteen (14), Township seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M.; running thence North to said Northwest corner immediately herein before described, thence East 16.27 rods, thence Southwest to the place of beginning; and the Southeast Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$), except one acre for school house in Northeast corner thereof; all in Section fourteen (14), Township seventy-six (76) North, Range twenty-six (26) West of the 5th P.M.; also a tract in Section fifteen (15), Township seventy-six (76) North, Range twenty-six (26) West of the 5th P.M.; described as a tract bounded by and included within a line commencing at a point thirty-three feet North of the Southeast corner of the Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of said Section fifteen (15), running thence North thirteen (13) rods and four (4) feet, thence West ten (10) rods, thence south thirteen (13) rods and four (4) feet, thence East ten (10) rods to the place of beginning, also the North Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$) of Section twenty-three (23), Township seventy-six (76) North, Range twenty-six (26) west of the 5th P.M.; all subject to existing Public Highways."

Said forfeiture and cancellation will be made on account of your failure to perform the agreement therein contained and especially by reason of failure to make payments of principal and interest when due as follows:

"Four Hundred Dollars (\$400.00) payable March 1st, 1945, or as soon as Merchantable title is furnished, and that merchantable title furnished on the 16th day of May, 1945."

That Louis Wildin and Mrs Louis Wildin are tenants of the said Paul Pershing.

Service of this notice is made pursuant to the provisions of the State of Iowa and unless within the said thirty (30) days you perform all of the terms, conditions, and obligations on your part now delinquent and in default under said contract, and make all payments of principal interest and other sums due, and pay reasonable costs of service hereof, and perform all conditions broken, fully as in said contract provided, said contract will become null and void, and you will be barred and forever estopped from having, asserting or claiming any right, title, or interest in or to the premises aforesaid or any part thereof.

Dated at Des Moines, Iowa, this 21st day of May, 1945.

Michael Loftus SELLER
Michael Loftus
692 19th St., Des Moines, Iowa.

RECEIVED
MAY 21 '45
Vane B. Overturff
Sherriff Polk Co.
STATE OF IOWA POLK COUNTY)SS RETURN OF SERVICE

I hereby certify and make return; that I received the within and attached notice on the 21st day of May 1945, and that on the 21st day of May 1945 I served the same on the within named defendant Paul Pershing, Single by delivering a true copy thereof, with copy of petition attached, to said Paul Pershing, Single in Des Moines, Polk County, Iowa (strike out if not attached)
(Name of City, Town or Twp) (Name County)

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A. H. BELCH PHOTO CO., DES MOINES, IOWA

Fees Notary .25
 Mileage .15
 County .50
 Total .90

John L. Streit Deputy Sheriff

Subscribed and sworn to before me this 21st day of May, 1945.
 H F Wood Notary Public, Polk County, Iowa
 Notary commission expires July 4, 1945.

Paid by Plt's Attorney

(Notarial Seal)

RETURN OF SERVICE OF NOTICE

State of Iowa Madison County)ss

The within Original Notice in the case of Michael Loftus Plaintiff VS Paul Pershing, single
 Bradstreet and Dunn 6809 Roseland, Des Moines, Iowa and Lew R. Wildin and Mrs Lew R. Wildin
 Defendant, in Madison County, Iowa, District Court, received this 22nd day of May, 1945,
 and I certify that I served the same on the defendant named below by delivering a copy of said
 Notice, with a ... to the said defendant personally at the time and place set opposite her
 respective names;

Name of Defendant	Month	Day	Year	Township or City	County	State
Mrs. <u>Lew R. Wildin</u>	May	28	1945	Crawford	Madison	Iowa

FEES

Service \$.75
 Copies \$.00
 Mileage \$3.30 Retained by
 Total \$4.05 Sheriff
 Paid by Atty for Plaintiff

Chas. H. Neidt
 Sheriff of Madison County, Iowa
 By Cecil A. Letz Deputy

STATE OF IOWA, Madison County)ss. RETURN OF ORIGINAL NOTICE No...

The within notice received this 22nd day of May, 1945, and I certify that on the 28 day of
 May, 1945, I served the same on the Defendant Lew R. Wildin at his dwelling house or usual place of
 abode in the City, Town or Township of Crawford in Madison County, State of Iowa, and which
 place was not a rooming house, hotel, club or apartment building, by there delivering a copy
 thereof to Mrs. Lew R. Wildin a person residing therein who was then at least eighteen
 years old.

Chas. H. Neidt, Sheriff
 Cecil A. Letz, Deputy
 Official Title

STATE OF IOWA POLK COUNTY)SS

I, Michael Loftus, being first duly sworn, state that I have caused a thirty (30) day
 Notice of forfeiture to be served upon Paul Pershing, purchaser and Louis Wildin and Mrs.
Louis Wildin, tenants in possession, and that more than thirty (30) days has lapsed since
 said notice was served and that said purchaser, Paul Pershing has not complied with the terms
 and conditions set out in said default, nor has he paid the reasonable costs of service of
 said notice.

Michael Loftus

NOTARIAL
 SEAL

Subscribed and sworn to by Michael Loftus this 30th day of June, 1945.

Tolbert C Moore Notary Public
 in and for Polk County

Leroy E. Garrison