



Document 2023 2657

Book 2023 Page 2657 Type 03 014 Pages 7
Date 10/30/2023 Time 11:25:23AM
Rec Amt \$37.00 Aud Amt \$5.00

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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

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)

Kyle Kruidenier, 6601 Westown Pkwy, STE 200, West Des Moines, IA 50266, Phone: (515) 244-3500

Taxpayer Information: (name and complete address)

Maxwell Investments, LLC, 3026 235th St., St. Charles, IA 50240

Return Document To: (name and complete address)

Kyle Kruidenier, Sullivan & Ward, P.C., 6601 Westown Pkwy, STE 200, West Des Moines, IA 50266, Phone: (515) 244-3500

Grantors:

Maxwell Investments, LLC

Grantees:

Jerin E. Payne

Legal Description: See Page 2

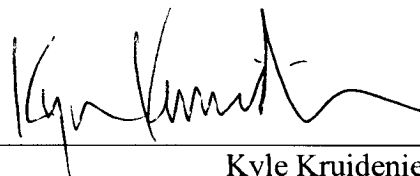
Document or instrument number of previously recorded documents:

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN: STATE OF IOWA, COUNTY OF DALLAS

The undersigned, first being duly sworn upon oath (or upon affirmation) deposes and states:

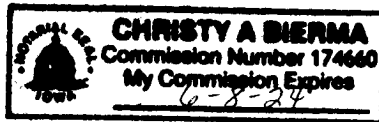
1. That Maxwell Investments, LLC as Seller, entered into a Real Estate Contract - Installments, dated July 31, 2021 with Jerin E. Payne, as Buyer, which contract was recorded with the Madison County Recorder on October 12, 2021 in Book 2021 at Page 4216.
2. That the Buyers defaulted on their obligations under the Real Estate Contract and Sellers caused a **Notice of Forfeiture of Real Estate Contract** to be served on the Buyer and Parties in Possession, **a copy of which is attached hereto, 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.
3. That the parties served included all parties in possession of said real estate at the time of service of said notice.
4. That, as shown by such returns, more than 30 days have passed since the service of such Notice.
5. That the default(s) mentioned in said Notice has 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 retaken possession of said real estate following the expiration of said 30 day period.
6. 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.
7. 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.
8. 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.



Kyle Kruidenier, Affiant

Signed and sworn to (or affirmed) before me on October 27, 2023, by Kyle Kruidenier.

Christy A. Berma, Notary Public
Notary Public in and for the State of Iowa.



Return of Service
IN THE IOWA COURT IN AND FOR MADISON COUNTY

SULLIVAN & WARD P.C.
VS
JERIN E PAYNE AND PARTIES IN POSSESSION

Case Number: **23NOTICE021**
Civil Number: **23-000298**
Date Received: **09/25/2023 @ 09:49**
Date Printed: **09/25/2023 @ 15:24**

STATE OF IOWA
MADISON COUNTY

}

I hereby certify that I served a copy of:
NOTICE OF FORFEITURE OF REAL ESTATE

To: **PAYNE, JERIN E at 515 S JOHN WAYNE DR, WINTERSET, IA 50273**
on **09/25/2023 @ 09:25** Type of Service: **PERSONAL**
Remarks:

Fees:

Service Fees:	30.00
Mileage:	6.55
Copies:	1.45
Total:	38.00

JASON BARNES, SHERIFF
MADISON COUNTY

By: **/s/ DEPUTY DONALD KINNEY**

Paid By: SULLIVAN & WARD P.C.
Date: 09/25/2023
Check #: 42887

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STATE OF IOWA
MADISON COUNTY

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I hereby certify that I served a copy of:
NOTICE OF FORFEITURE OF REAL ESTATE

To: PARTIES IN POSSESSION at 515 S JOHN WAYNE DR, WINTERSET, IA 50273
on 09/25/2023 @ 15:00 Type of Service: PERSONAL
Remarks:

Fees:

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

JASON BARNES, SHERIFF
MADISON COUNTY

By: **/S/ DEPUTY DONALD KINNEY**

Paid By: SULLIVAN & WARD P.C.
Date: 09/25/2023
Check #: 42887



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Jerin E. Payne
515 S. John Wayne Drive
Winterset, IA 50273

You and each of you are hereby notified:

1. The written contract dated on or about July 29, 2021, and executed by Maxwell Investments, LLC as vendor, and Jerin E. Payne as vendees, recorded on October 12, 2021, in the office of the Madison County Recorder, recorded in Book 2021 at Page 4216; for the sale of the following described real estate:

Lots Four (4), Five (5) and Six (6), in Block Seventeen (17) in T.D. Jones Addition to the City of Winterset, Madison County, Iowa

and locally known as: 515 S. John Wayne Drive, Winterset, Iowa 50273

has not been complied with in the following particulars:

- | | |
|---|-------------|
| a) September payment | \$ 3,400.00 |
| b) Unpaid property tax payments (4/2023 - 9/2023) | \$ 5,442.00 |
| c) Cost of Personal Service | \$ 58.00 |

Total Amount Due: \$ 8,900.00

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.

Kyle Kruidenier, Attorney for Vendor
ICIS PIN: AT0004492
Sullivan & Ward, P.C.
6601 Westown Parkway, Suite 200
West Des Moines, IA 50266-7733
(515) 244-3500



NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Parties in Possession
515 S. John Wayne Drive
Winterset, IA 50273

You and each of you are hereby notified:

1. The written contract dated on or about July 29, 2021, and executed by Maxwell Investments, LLC as vendor, and Jerin E. Payne as vendees, recorded on October 12, 2021, in the office of the Madison County Recorder, recorded in Book 2021 at Page 4216; for the sale of the following described real estate:

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and locally known as: 515 S. John Wayne Drive, Winterset, Iowa 50273

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| a) September payment | \$ 3,400.00 |
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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.

Kyle Kruidenier, Attorney for Vendor
ICIS PIN: AT0004492
Sullivan & Ward, P.C.
6601 Westown Parkway, Suite 200
West Des Moines, IA 50266-7733
(515) 244-3500