



Document 2024 2201

Book 2024 Page 2201 Type 06 009 Pages 6

Date 9/11/2024 Time 9:54:47AM

Rec Amt \$32.00

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BRANDY MACUMBER, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

**AFFIDAVIT IN SUPPORT OF NONJUDICIAL FORECLOSURE OF  
NONAGRICULTURAL PROPERTY**

Recorder's Cover Sheet

**Preparer Information:** Kathryn E. Walker, 208 N. 2<sup>nd</sup> Ave. W., Newton, IA 50208, Phone:  
(641) 792-3595 Fax: (641) 792-0289

**Taxpayer Information:** State Savings Bank, 4800 Mills Civic Parkway, Suite 100, West Des  
Moines IA 50265

*E* ✓ **Return Document To:** Kathryn E. Walker, Newton, IA 50208, *208 N. 2nd Ave. W.*

**Grantors:**  
See Page 2

**Grantees:**  
See Page 2

**Legal description:** See Page 2

**Document or instrument number of previously recorded documents:**

**AFFIDAVIT IN SUPPORT OF NONJUDICIAL FORECLOSURE OF  
NONAGRICULTURAL PROPERTY**

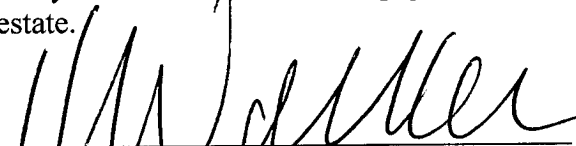
That the relationship of the undersigned to this transaction appears from the Notice of Nonjudicial Foreclosure, hereto attached, together with returns of service thereof; which affidavit as fully as if set forth herein; that by reason of such relationship the facts herein stated are within the personal knowledge of such affiant.

That the parties served, include any parties in possession. As shown by such returns, more than 30 days have passed since the service of such Notice.

That the default mentioned in said Notice has not been removed nor performed nor paid in any amount by said mortgagor(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 mortgagor or anyone; that the mortgagee has retaken possession of said real estate following the expiration of said 30 day period.


That none of the parties upon whom such Notice of Nonjudicial Foreclosure 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 mortgage referred to in said Notice of Nonjudicial Foreclosure has now been duly foreclosed and the mortgagee has succeeded to all interest of the mortgagor in the real estate.

  
\_\_\_\_\_  
Kathryn E. Walker, Affiant

Subscribed and sworn to before me this 6<sup>th</sup> day of September, 2024.



  
\_\_\_\_\_  
Notary Public in and for the State of Iowa

## NOTICE OF NONJUDICIAL FORECLOSURE

**TO: SILVER CREEK HOMES, INC and BARAD DEVELOPMENT, INC:**

**YOU AND EACH OF YOU ARE HEREBY NOTIFIED:**

1. The terms of one certain Promissory Note and Mortgage in the original principal sum of One Hundred Sixty-Two Thousand Seven Hundred and Fifty Dollars (\$162,750.00), dated July 13, 2022, and executed by Michael R. Adams, Jr. as President of Silver Creek Homes, Inc., as Mortgagor, in favor of State Savings Bank, as Mortgagees, covering the following described real estate:

Lot Nine (9) of Fox Bend Plat 1, an Official Plat, now included in and forming a part of the City of Patterson, Madison County, Iowa.

which Mortgage was recorded in Book 2022 at page 2146 of the Madison County, Iowa, records and has not been complied with in the following specific particulars:

a) Failure to make payments of final payment in the amount of \$207,157.58.

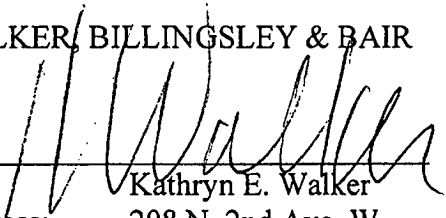
2. The above mortgage will be foreclosed unless the parties in default, within 30 days after the completed service of this notice, shall perform the terms and conditions in default or file with the Recorder of Madison County, Iowa, a rejection of this Notice pursuant to Section 655A.6 of the Code of Iowa, and in addition, serve a copy of the rejection upon the Mortgagee, State Savings Bank.

**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 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.**

WALKER, BILLINGSLEY & BAIR

By: \_\_\_\_\_



Kathryn E. Walker

Address:

208 N. 2nd Ave. W.  
Newton, IA 50208

Telephone:

(641) 792-3595

Fax:

(641) 792-0289

Email:

Beth@WalkLaw.com

ICIS PIN NO: AT0008220

ACCEPTANCE OF SERVICE

The undersigned, Allison Adams, Administrator for Michael Adams, Jr. Estate, President of Silver Creek Homes, Inc., being over the age of eighteen (18) years, hereby accepts due, legal and timely service of the attached Notice of Nonjudicial Foreclosure and acknowledges receipt of a copy thereof on this 6<sup>th</sup> day of August, 2024, in Polk County, Iowa.

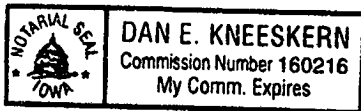


Allison Adams, Administrator for  
Michael Adams, Jr. Estate, President Silver  
Creek Homes, Inc.

Subscribed and sworn to before me by the said Allison Adams, this 6<sup>th</sup> day of August, 2024, at West Des Moines Polk County, Iowa.



Notary Public in and for the State of Iowa.



4-11-2029

**AFFIDAVIT OF SERVICE**

State of Iowa

County of Polk

Case Number: NOTICE8-6-24

Plaintiff:  
**STATE SAVINGS BANK**

vs.

Defendant:  
**SILVER CREEK HOMES, INC. AND BARAD DEVELOPMENT, INC.**


For:  
Walker, Billingsley & Bair  
208 N 2nd Ave W  
Newton, IA 50208

Received by Burris Process Serving, LLC on the 7th day of August, 2024 at 10:34 am to be served on **BARAD DEVELOPMENT, INC. C/O OLIVER BARDWELL, 16195 BOSTON PARKWAY, CLIVE, IA 50325.**

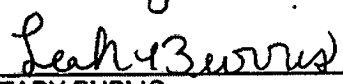
I, Kaela Balius, being duly sworn, depose and say that on the **8th day of August, 2024 at 3:29 pm, I:**

**PERSONALLY** served by delivering a true and correct copy of the **NOTICE OF NONJUDICIAL FORECLOSURE: SILVER CREEK HOMES, INC. AND BARAD DEVELOPMENT, INC. to OLIVER BARDWELL at 16195 BOSTON PARKWAY, CLIVE, IA 50325**, the said premises being the respondent's usual place of abode, within the State of Iowa.

I certify that I am over the age of 18, have no interest in the above action, and am a Process Server, in good standing, in the judicial circuit in which the process was served.

  
\_\_\_\_\_  
Kaela Balius  
Process Server

Subscribed and Sworn to before me on the 12<sup>th</sup>  
day of August, 2024

  
\_\_\_\_\_  
NOTARY PUBLIC



**Burrís Process Serving, LLC**  
699 Walnut Street  
Suite 400  
Des Moines, IA 50309  
(515) 978-8558

Our Job Serial Number: BPL-2024000664