



Document 2016 3943

Book 2016 Page 3943 Type 03 014 Pages 5

Date 12/21/2016 Time 10:18:02AM

Rec Amt \$27.00 Aud Amt \$5.00

INDX
ANNO
SCAN

LISA SMITH, 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)

James W. Mailander, 694 Main Street, P.O. Box 305, Anita, IA 50020, Phone: (712)
762-3844

Taxpayer Information: (Name and complete address)

Business Assistance Corporation, 1459 White Pole Road, Adair, Iowa 50002

Return Document To: (Name and complete address)

James W. Mailander, 694 Main Street, P.O. Box 305, Anita, IA 50020

Grantors:

Business Assistance Corporation

Grantees:

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 CASS, 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.

* The Notice of Forfeiture of Real Estate Contract was served by the Adair County Sheriff's Office on November 7th, 2016 on Katherien Larsen, and Kenneth Larsen served by substitute service to Katherien Larsen, and Parties in Possession was served by the Madison County Sheriff's Office on November 16th, 2016 by serving Harry Thibedeau, as shown on the attached Returns of Service.

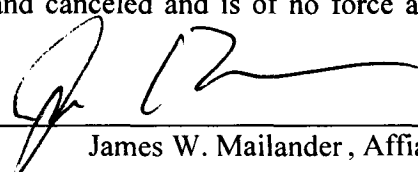
That, as shown by such returns, more than 30 days have passed since the service of such Notice.

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 not retaken possession of said real estate following the expiration of said 30 day period.

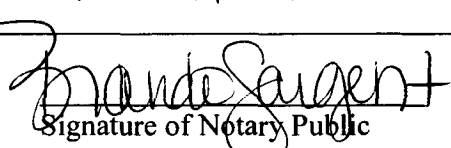
That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee's(s') rights in such contract in accordance with Code Chapter 656.

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.


James W. Mailander, Affiant

Signed and sworn to (or affirmed) before me on December 19, 2016, by James W. Mailander


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

TO: Kenneth D. Larsen and Katherien Ann Larsen, and Parties in Possession

You and each of you are hereby notified:

1. The written contract dated May 29, 2012, and executed by Business Assistance Corporation as vendors, and Kenneth D. Larsen and Katherien Ann Larsen as vendees, recorded on N/A, in the office of the N/A County Recorder, recorded as document reference number N/A, for the sale of the following described real estate:
Lots 3 and 4, Block 2, Bowlsby's Addition to Winterest, Madison County, Iowa.

Also known as 401 2nd Avenue S, Winterset, Iowa 50273

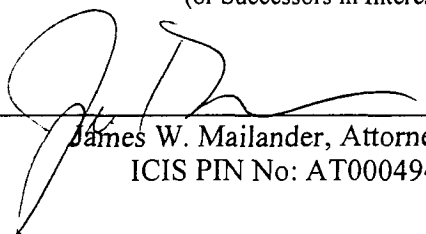
has not been complied with in the following particulars:

(a) All past due payments	\$ <u>19,838.01</u>
(b)	\$ <u> </u>
(c)	\$ <u> </u>
(d)	\$ <u> </u>
Total	\$ <u>19,838.01</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 \$ 0.00 (not to exceed \$50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

By: Susan R. Schafer, Secretary/Treasurer, Vendor

By: Timothy A. Schafer, President, Vendor
(or Successors in Interest)

By: 
James W. Mailander, Attorney
ICIS PIN No: AT0004942

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.

ADAIR COUNTY SHERIFF'S OFFICE

JEFF VANDEWATER, SHERIFF
302 E Iowa St
GREENFIELD, IA 50849

INVOICE

Date: 11/08/2016

(641) 743-2148

To: ATTORNEY JAMES W MAILANDER
MAILANDER LAW OFFICE
694 MAIN STREET, PO BOX 305
ANITA, IA 50020

Case Information:

BUSINESS ASSISTANCE CORPORATION	Case Number: 20161107-1
VS	Civil Number: 16-000363
KENNETH D LARSEN AND KATHERIEN ANN LARSEN AND	Date Received: 11/07/2016 @ 14:32
PARTIES IN POSSESSION	

Processes:

NOTICE OF FORFEITURE OF REAL ESTATE

Party Served	Date	Service Fee	Mileage	Copies	Other Fees	Total
LARSEN, KENNETH & KATHERIEN	11/07/2016	25.00	1.00	0.00	0.00	26.00

Substitute - Served on: LARSEN, KATHERIEN**Relationship:** SPOUSE

106 SE LINN ST, GREENFIELD, IA 50849

KATHERIEN LARSEN SERVED BY PERSONAL SERVICE; KENNETH LARSEN SERVED BY SUBSTITUTE SERVICE TO KATHERIEN LARSEN

Total Fees:	26.00
Total Payments:	0.00
Amount Due:	26.00

Due upon Receipt

Please Return with your Remittance

Case Number: **20161107-1**
Civil Number: **16-000363**
Date Invoiced: **11/8/2016**
Amount Due: **26.00**



*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR

MADISON COUNTY

CASE NAME: PERSONNAL

vs
KENNETH LARSEN

CASE NO: 16NOTICE017

NOTICE RECEIVED: 11/14/2016

STATE OF IOWA

MADISON COUNTY

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

- ☐ Petition and Original Notice
☐ Modification/Application and Notice
☐ Order to Show Cause

- ☐ Order Filed
☐ Writ
☐ Other

Served HARRY THIBEDEAU

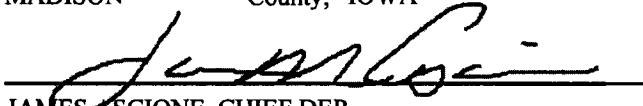
at 401 S 2ND AVE
WINTERSET, IA 50273

on 11/16/2016 09:05

living there

Service : 15.50
Mileage : 14.55
Trust/Copy : 0.00
MISC. : 0.00
TOTAL : 30.05

JASON BARNES, SHERIFF
MADISON County, IOWA


JAMES ASCIONE, CHIEF DEP

Signature

Title

Fees charged to/paidby Atty/Party: MAILANDER LAW OFFICE