# ATTACHMENT TO REAL ESTATE CONTRACT

On February 25, 1977, Victor H. Billhorn and G. Eileen Billhorn (husband and wife) Sellers, and, Larry D. Diercksen and Susan Schiess Diercksen, A.K.A. Susan E. Diercksen (husband and wife) Buyers, entered into a Real Estate Contract, filed in the Office of the Delaware County Recorder March 10, 1977, Book 101, Page 133.

NOW THEREFORE, The Sellers herein understand that Buyer is obtaining financing through FmHA Guaranteed Loan Program and do hereby consent to the assignment of the Real Estate Purchase Contract by Vendee as security for the FmHA Guaranteed Loan(s). This consent shall also be binding on any heirs or assigns of Vendors.

In consideration of loan(s) to be made or insured by the United States of America, acting by and through the Administrator of the Farmers Home Administration (hereinafter referred to as the "Government"), pursuant to the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921) or Title V of the Housing Act of 1949 (42 U.S.C. 1471), to Larry D. Diercksen and Susan E. Diercksen (hereinafter referred to as the "Borrower") which loan is to be secured wholly or partly by an Assignment of Real Estate Contract granted by the borrower to the Guaranteed Loan Lender (Farmers & Merchants Savings Bank, Manchester, IA) on the following described real estate in the County of Delaware, State of Iowa, to-wit:

(See attached)

The undersigned for themselves, their heirs, executors, administrators, and assigns, hereby agree that in the event the borrower shall make a default under his contract with the undersigned for the purchase of the above described real estate, dated the 27th day of February, 1977, and recorded on the 10th day of March, 1977 in Book 101, Page 133, of the Delaware County Recorder, the undersigned shall, at least ninety (90) days prior to the exercise of their right of cancellation of said contract, give written notice by certified mail, to Farmers and Merchants Savings Bank, Manchester, Iowa, informing the Farmers and Merchants Savings Bank of said default and of their intention to cancel said contract not less than ninety (90) days thereafter, unless said default is removed prior to said date. Sellers do hereby agree to permit the FmHA Guaranteed Loan Lender or its assignees to make payment in full of the Real Estate Purchase Contract in the event of default in the Real Estate Purchase Contract or the guaranteed loan(s).

Sellers or assignees thereof shall not make future advances to or on behalf of Buyer except for taxes, insurances, costs needed to protect the security, or reasonable foreclosure costs.

Dated: May 22, 1990

Larry D. Diercksen
Larry D. Diercksen (BUYERS)

Victor H. Billhorn
Victor H. Billhorn (SELLERS)

Susan E. Diercksen
Susan E. Diercksen (BUYERS)

G. Eileen Billhorn
G. Eileen Billhorn (SELLERS)

mr

FILE No. 15-2731
RECORDING FEE $ 20.00
TRANSFER FEE $

FILED FOR RECORD THE 22 DAY OF May, 19 90 AT 3:43 O'CLOCK P. M. BOOK 126 PAGE 150

STATE OF IOWA, DELAWARE COUNTY
Joan Sheppard, Recorder
LD

STATE OF IOWA )
) SS:
COUNTY OF Delaware )

On this 22nd day of May, 19 90, before me, the undersigned, a Notary Public, personally appeared Larry D. Diercksen & Susan E. Diercksen to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Rosemary Drees

Rosemary Drees Notary Public

NOTARIAL SEAL IOWA
ROSEMARY DREES
My Commission Expires
7/30/90

STATE OF IOWA )
) SS:
COUNTY OF Delaware )

On this 22nd day of May, 19 90, before me, the undersigned, a Notary Public, personally appeared Victor H.Billhorn & G. Eileen Billhorn to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Rosemary Drees

Rosemary Drees Notary Public

NOTARIAL SEAL IOWA
ROSEMARY DREES
My Commission Expires
7/30/90

Real Estate Description for Billhorn-Diercksen Contract

describing the following real estate located in Delaware County, Iowa, to wit:

All that part of the Southwest Quarter (SW 1/4) of Section Eighteen (18), Township Eighty-Eight (88) North, Range Five (5), West of the Fifth (5th) P. M. as lies East of the West Eighty (80)acres thereof, and the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4), and the North One-Third (1/3) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Eighteen (18), Township Eighty-Eight (88) North, Range Five (5) West of the Fifth (5th) P. M., containing One Hundred Twenty-Three (123) acres, more or less, according to government survey.

The West Eighty (80) acres of the Southwest (SW) Fractional Quarter of Section Eighteen (18), Township Eighty-Eight (88) North, Range Five (5), West of the Fifth P. M., excepting 31/100 of an acre conveyed to the State of Iowa for highway purposes by deed dated August 5, 1930, and recorded in the records of said County in Deed Book 68, page 173, subject to all public highways, right-of-ways and easements, except that portion deeded to the Iowa Highway Commission by deed dated April 17, 1974 and recorded in Book 95, page 188 in the Office of the Recorder of Delaware County Iowa, and legally described as follows:

All that part of the Southwest (SW) Fractional Quarter (1/4) of said Section Eighteen (18) lying westerly of a line beginning at a point 72. 4 feet easterly of the Northwest (NW) corner of said Southwest (SW) Fractional Quarter (1/4), on the North (N) line thereof; thence S0 degrees 08 to 1/2' West (W), 167. 6 feet to a point on a present fence line; thence South (S) 8 degrees 55' East (E), 439. 7 feet to a point on a present fence line; thence S0 degrees 20 1/2' West (W), 1421. 3 feet; thence South (S) 12 degrees 34' West (W), 307. 0 feet; thence S0 degrees 20 1/2 West (W), 332. 4 feet to a point 62. 8 feet Easterly of the Southwest (SW) corner of said Southwest (SW) Fractional Quarter (1/4), on the the South (S) line thereof; containing 6. 93 acres, more or less, including 2. 33 acres, more or less, in present established road. This area is a parcel of land located in Section Eighteen (18), Township Eighty-Eight (88), Range Five (5) West (W) of the Fifth P. M., Delaware County, Iowa, as shown on Right of Way Plat attached hereto as Exhibit A, and by reference made a part hereof, and likewise recorded in Book 95, page 188,

and further, except the following described area, to wit:

That part of the Northwest Quarter (NW 1/4) of the Southwest Fractional Quarter (SW Fr 1/4) of Section Eighteen (18), Township Eighty-Eight (88) North, Range Five (5), West of the

Fifth Principal Meridian described as commencing at a point South 87 degrees 54' East Seventy-Two and Four-Tenths (72. 4) feet from the Northwest (NW) corner of said Northwest Quarter (NW 1/4) of the Southwest Fractional Quarter (SW Fr 1/4) running thence South (S) 87 degrees 54' East (E) Four Hundred-Forty and Eight Tenths (440. 8) feet, thence South (S) 1 degree 58' West (W) Five Hundred Forty-Three and Four-Tenths (543. 4) feet, thence North (N) 87 degrees 54' West (W) Three Hundred Eighty and Twenty-Two One Hundredths (380. 22) feet, thence North (N) 8 degrees 55' West (W) Three Hundred Eighty and Thirty-Three One-Hundredths (380. 33) feet, thence North (N) 0 degrees 8' 30" East (E) One Hundred Sixty-Seven and Six-Tenths (167. 6) feet to the point of beginning, according to the recorded plat thereof and subject to highways and easements of record, and including all right. title, and interest of grantors ( except the proceeds therefrom already received by grantors) in and to the proposed right-of-way of Primary Iowa Highway #13 and the right-of-way of Primary Highway #13 existing along the West (W) side of said premises including any and all reversionary interests therein grantors or their heirs, successors and assigns now or may ever have therein, and as delineated on the plat dated 8-5-74 by A. H. Miller and recorded in Book 3, page 32 in the Office of the Recorder of Delaware County, Iowa, and further subject to the covenants, provisions and conditions contained in same deed dated October 15, 1974, recorded in Book 96, page 197 in the Office of the Recorder of Delaware County, Iowa.

All of the above described premises constituting approximately 191. 07 acres, more or less.