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THIS INSTRUMENT PREPARED BY: Philip D. Brooks
Moyer & Bergman, PLC, 2720 1st Ave. NE, PO Box 1943, Cedar Rapids, IA 52406-1943 (319) 366-7531

AFFIDAVIT IN SUPPORT OF ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE AGREEMENT PURSUANT TO IOWA CODE §654.18

STATE OF IOWA)
) ss:
COUNTY OF LINN)

TO WHOM IT MAY CONCERN:

The undersigned, Philip D. Brooks, first being duly sworn upon oath, proposes and states:

1. That I am the attorney for Heritage Bank, f/k/a Delhi Savings Bank of Delhi, Iowa ("Heritage").

2. That on September 23, 1997, Heritage sent by certified mail to Telease Financial Services, Delhi Insurance Agency, Inc., Rahe's Machinery Repair, Palas Custom Fencing, and Volga Fence Supplies, at their last known address, a copy of the Notice of Alternative Nonjudicial Voluntary Foreclosure Agreement Pursuant to Iowa Code §654.18, together with receipts for certified mail attached; which notice and receipts are by this reference made a part of this Affidavit as if set forth fully herein.

3. That Telease Financial Services, Delhi Insurance Agency, Inc., Rahe's Machinery Repair, Palas Custom Fencing, and Volga Fence Supplies constitute all of the junior lienholders on the real estate, referred to in the notices, at the time of the service of the Notice of Alternative Nonjudicial Voluntary Foreclosure Agreement Pursuant to Iowa Code §654.18.

4. That, as shown by the receipts for certified mail, more than 30 days have passed since service of such notice.

5. That none of the junior lienholders have chosen to exercise their rights of redemption to the real estate.

6. That none of the parties upon whom such Notice of Alternative Nonjudicial Voluntary Foreclosure Agreement Pursuant to Iowa Code §654.18 was so served, was at the time of services 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 mandatory thereof or supplementary thereto.

7. That this affidavit is made as supporting proof, record of notice, that the mortgages referred to in the Notice of Alternative Nonjudicial Voluntary Foreclosure Agreement Pursuant to Iowa Code §654.18 are now foreclosed and that all rights that Telease Financial Services, Delhi Insurance Agency, Inc., Rahe's Machinery Repair, Palas Custom Fencing, and Volga Fence Supplies as junior lienholders have in the real estate are now extinguished.

Philip D. Brooks

Subscribed and sworn to before me by Philip D. Brooks this 29th day of October, 1997.

DARLA D. GOLDEN
MY COMMISSION EXPIRES
11-28-2000

Notary Public in and
for the State of Iowa

NOTICE OF
ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE AGREEMENT
PURSUANT TO IOWA CODE §654.18

To: Telease Financial Services, Delhi Insurance Agency, Inc., Rahe's Machinery Repair, Palas Custom Fencing, and Volga Fence Supplies, Junior Lienholders

You are notified that on the 5th day of September, 1997, Randy J. Nefzger a/k/a Randy Nefzger and Kristine M. Nefzger a/k/a Kristine Nefzger, husband and wife ("Mortgagors"), and Heritage Bank, f/k/a Delhi Savings Bank of Delhi, Iowa ("Mortgagee") entered into an Alternative Nonjudicial Voluntary Foreclosure Agreement ("Agreement") pursuant to Iowa Code §654.18. A copy of the Agreement is attached as Exhibit "A." Pursuant to Iowa Code §654.18, this Agreement will extinguish all right, title, and interest you may have in the following described property located in Delaware County, Iowa:

SEE ATTACHED EXHIBIT "B" FOR LEGAL DESCRIPTION

(the "Real Estate").

You have thirty (30) days from the date of the mailing of this Notice to exercise any rights of redemption. See Iowa Code §654.18.2. If you fail to so redeem, your lien shall be removed from the Real Estate.

HERITAGE ~~BANK~~, DELHI, IOWA

By: _____

Philip D. Brooks LI0000578
Stephen C. Nelson LI0004007
MOYER & BERGMAN, P.L.C.
2720 First Avenue NE
PO Box 1943
Cedar Rapids, IA 52406-1943
Telephone: (319) 366-7331
Fax: (319) 366-3668

ATTORNEYS FOR HERITAGE BANK

F:\WP\PDB\HERITAGE\HERITBNK.NOT 9/23/97 9:09am Tue

THIS INSTRUMENT PREPARED BY: Philip D. Brooks
Moyer & Bergman, PLC, 2720 1st Ave. NE, PO Box 1943, Cedar Rapids, IA 52406-1943, (319) 366-7331

ALTERNATIVE NONJUDICIAL VOLUNTARY FORECLOSURE AGREEMENT PURSUANT TO IOWA CODE §654.18

THIS AGREEMENT is made and entered into by and between Randy J. Nefzger a/k/a Randy Nefzger and Kristine M. Nefzger a/k/a Kristine Nefzger, husband and wife, (the "Mortgagors") and Heritage Bank f/k/a Delhi Savings Bank of Delhi, Iowa, (the "Mortgagee"),

RECITALS

A. The Mortgagors and the Mortgagee executed two (2) certain Real Estate Mortgages, the first dated May 6, 1994, and filed May 19, 1994, in Book 123, L.M., Page 125, in the records of the Delaware County Recorder ("Mortgage #1") which contained an open end feature and secured credit in the amount of $70,000.00. The second Mortgage dated May 9, 1996, and filed of record May 21, 1996, in Book 129, L.M., Page 236, in the records of the Delaware County Recorder ("Mortgage #2) contained an open end feature and secured credit in the amount of $89,898.41. Copies of Mortgage #1 and Mortgage #2 are attached and cumulatively form Exhibit "A." Each of the Promissory Notes identified herein are attached as Exhibit "B."

B. The Mortgagors granted Mortgagee mortgaged liens in the following described property located in Delaware County, Iowa:

SEE ATTACHED EXHIBIT "C" FOR LEGAL DESCRIPTION,

(the "Real Estate").

C. Mortgagors are now in default in the performance of the Promissory Notes and Mortgage #1 and Mortgage #2.

EXHIBIT "A"

D. Mortgagors and Mortgagee desire to avoid the costs and expenses of a judicial foreclosure and desire to proceed with a nonjudicial foreclosure.

NOW, THEREFORE, Mortgagors and Mortgagee mutually agree as follows:

1. Mortgagors and Mortgagee elect to follow the alternative nonjudicial voluntary foreclosure procedure outlined in Iowa Code §654.18.

2. Mortgagors shall convey to Mortgagee all Mortgagors' right, title and interest in the Real Estate subject to the Mortgage. Upon execution of this agreement, Mortgagors shall execute and deliver to Mortgagee a Warranty Deed, a copy of which is attached as Exhibit "D."

3. Mortgagee shall accept Mortgagors' conveyance of the Real Estate and waives any right to a deficiency or other claims against the Mortgagors arising from the Mortgage and the Note.

4. Mortgagors acknowledge receipt of duplicate copies of the "Disclosure and Notice of Cancellation" attached as Exhibit "E." Mortgagors further acknowledge that they have read the Disclosure and Notice of Cancellation, have been afforded the opportunity to confer with legal counsel and understand their rights thereunder.

5. Mortgagee shall be entitled to immediate access to the Real Estate for the purpose of maintaining and protecting the Real Estate.

6. Mortgagee shall file this agreement with the Delaware County Recorder to place of record the notice of their election to use the alternative nonjudicial voluntary foreclosure procedure under Iowa Code §654.18.

7. The parties acknowledge that until the completion of the foreclosure pursuant to §654.18 of the Iowa Code, Mortgagee shall hold the Real Estate subject to liens of record at the time of the conveyance by Mortgagors. However, the mortgage lien of the Mortgagee shall remain prior to liens which were junior to the Mortgage at the time of conveyance by Mortgagors to Mortgagee and may be foreclosed as provided otherwise by law.

8. Mortgagee shall not report to a credit bureau that Mortgagors are delinquent on the Mortgage. However, Mortgagee may report that this foreclosure procedure was used.

9. Mortgagors acknowledge that this agreement is entered into voluntarily by them and without any fraud, misrepresentation, duress or undue influence whatsoever or any misunderstanding on the part of Mortgagee and is not given in preference against any creditors of Mortgagors.

10. Mortgagors assign to Mortgagee all hazard insurance policies now in effect on the Real Estate and Mortgagors further assign to Mortgagee the right to receive payment of any claim payable under the terms of the hazard insurance, including any premium refund now or later payable.

11. This agreement shall bind the personal representatives, heirs, successors and assigns of the parties.

Entered and agreed to this 5 of September, 1997.

"MORTGAGEE"
HERITAGE BANK, DELHI, IOWA

By _____
Tamara L. Danover, President

"MORTGAGORS"

_____
Randy J. Nefzger
a/k/a Randy Nefzger

_____
Kristine M. Nefzger
a/k/a Kristine Nefzger

STATE OF IOWA, COUNTY OF Linn, ss:

This instrument was acknowledged before me on September 5, 1997, by Randy J. Nefzger a/k/a Randy Nefzger and Kristine M. Nefzger a/k/a Kristine Nefzger, husband and wife.

_____
Notary Public in and
for the State of Iowa

STATE OF IOWA, COUNTY OF Linn, ss:

This instrument was acknowledged before me on September 5, 1997, by Tamara L. Danover, President of Heritage Bank, Delhi, Iowa.

_____
Notary Public in and
for the State of Iowa

F:\USERS\DARLA\WP\PDB\HERITAGE\HERITAGE.ALT 9/4/97 11:14am Thu

P 077 731 409

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail *(See reverse)*

Sent to: Telease Financial Services	
Street & Number: PO Box 4708	
Post Office, State, & ZIP Code: Syracuse, NY 13221-4708	
Postage	$ 1.47
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 3.92
Postmark or Date	

PS Form **3800**, April 1995

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Telease Financial Service
PO Box 4708
Syracuse, NY 13221-4708

4a. Article Number: P 077 731 409

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

PS Form **3811**, December 1994 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

P 077 731 411

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail *(See reverse)*

Sent to: Palas Custom Fencing	
Street & Number: 507 Butler Street	
Post Office, State, & ZIP Code: Volga, IA 52077	
Postage	$ 1.47
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 3.92
Postmark or Date	

PS Form **3800**, April 1995

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Palas Custom Fencing
507 Butler Street
Volga, IA 52077

4a. Article Number: P 077 731 411

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery: 09-25-97

5. Received By: *(Print Name)*
Theresa S. Palas

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X Theresa S. Palas

PS Form **3811**, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 077 731 413

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail *(See reverse)*

Sent to Volga Fence Supplies	
Street & Number 507 Butler Street	
Post Office, State, & ZIP Code Volga, IA 52077	
Postage	$ 1.47
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 3.92
Postmark or Date	

PS Form **3800**, April 1995

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Volga Fence Supplies
507 Butler Street
Volga, IA 52077

4a. Article Number
P 077 731 413

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
09-25-97

5. Received By: *(Print Name)*
Theresa S. Palas

6. Signature: *(Addressee or Agent)*
X Theresa S. Palas

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 077 731 412

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail *(See reverse)*

Sent to Rahe's Machinery Repair	
Street & Number 618 Third Street SE	
Post Office, State, & ZIP Code Dyersville, IA 52040	
Postage	$ 1.47
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 3.92
Postmark or Date	1997

PS Form **3800**, April 1995

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Rahe's Machinery Repair
618 Third Street SE
Dyersville, IA 52040

4a. Article Number
P 077 731 412

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
9/24/97

5. Received By: *(Print Name)*
Paul Rahe

6. Signature: *(Addressee or Agent)*
X Paul Rahe

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 077 731 410

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail *(See reverse)*

Sent to Delhi Insurance Agency	
Street & Number 601 1st Street	
Post Office, State, & ZIP Code Traer, IA 50675	
Postage	$ 1.47
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 3.92
Postmark or Date	SEP 24 1997

PS Form **3800**, April 1995

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Delhi Insurance Agency
601 1st Street
Traer, IA 50675

Attn: John Bauch

4a. Article Number
P 077 731 410

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
9.24.97

5. Received By: *(Print Name)* Vicki Pecenka

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

PS Form **3811**, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.