Mike Carr

DELAWARE COUNTY IOWA
FILED
2002 JAN -4 PM 4:21
BOOK 2002 PAGE 56
DELORIS HELMSON
DELAWARE CO. RECORDER
26.00

Shelley A. Dugan, Conveyance Examiner, Phone (515) 962-1461
Natural Resources Conservation Service, 515 N. Jefferson St., Suite G, Indianola, Iowa 50125

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

NRCS-LTP-21
3-95
OMB No. 0578-0013

SUBORDINATION AGREEMENT AND LIMITED LIEN WAIVER

OMB DISCLOSURE STATEMENT

Public reporting burden for this collection of information is approximately (15) minutes per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture Clearance Officer OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0578-0013), Washington, D.C. 20503.

EMERGENCY WATERSHED PROTECTION PROGRAM
Agreement No.75-6114-0-0093

This Subordination Agreement and Limited Lien Waiver, effective on the date executed, is signed by Farmers State Bank ("Subordinating Party") who hereby grants, to extent specified in part II of this document, the following Subordination and Limited Lien Waiver to the United States of America (United States) by and through the Natural Resources Conservation Service (NRCS). The property described below is encumbered with an Emergency Watershed Protection Floodplain (EWP-FP) easement which includes a grant to the United States of a right of access to the easement area.

The easement area is located in the County of Delaware and the State of Iowa and is identified as follows:

Easement Area. The property encumbered by the EWP-FP easement is described on a Plat of Survey by Steven M. Bruner, recorded September 10, 2001, at Book 2001, Page 3251, in the office of the Delaware County Recorder. A reduced copy of said Plat of Survey is attached hereto as Exhibit A and incorporated herein by this reference.

PART I- GENERAL TERMS

A. Authority. This Subordination and Limited Lien Waiver is acquired by the United States under the authority of Title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3837 *et seq.*) or 16 U.S.C. Section 2203, as amended, and 7 U.S.C. Section 428a.

B. Purposes. This Subordination and Limited Lien Waiver is required by the United States in connection with its acquisition of an easement over the property described above to ensure that the easement area is maintained to promote wetland functions and values.

C. Duration of Easement and this Subordination and Limited Lien Waiver. The easement and subordination agreement and limited lien waiver shall continue in perpetuity.

PART II - SUBORDINATION AND LIMITED LIEN WAIVER

The Subordinating Party: (1) subordinates its interest in the property described herein to the easement of the United States for the same property which is conveyed to the United States in the EWP-FP easement; (2) acknowledges that the property which contains the easement area is burdened by the right of access granted to the United States in the easement and agrees that this right of access shall be superior to any rights of the Subordinating Party; (3) subordinates its interest in the property to the purposes of the program and any easement practices adopted pursuant to such purposes; and (4) agrees that the United States may make payments in connection with the easement deed without regard to any lien or claim that the Subordinating Party may have with respect to any person with an interest in the easement area, unless an assignment of such payment has been made to the Subordinating Party on a form approved by the United States.

This Subordination and Waiver: (1) binds the Subordinating Party and its heirs, agents, assigns, and successors with respect to the interests that the Subordinating Party and such other persons have, or may have, in the property or against any person having an interest in the property; and (2) inures in favor of the United States and its agents, successors, or assigns of any kind.

Farmers State Bank, by:

Gene R. Neighbor, Executive Vice-President

JANUARY 3, 2002
Date

State of IOWA)
)ss
County of LINN)

On this 3RD day of JANUARY, 20 02, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gene R. Neighbor, to me known to be the identical person named in and who executed the foregoing instrument, and who, being by me duly sworn, did say that he is the Executive Vice-President of said corporation; and that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that he, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it voluntarily executed.

Notary public in and for said State

NANCY L. MARTH
Commission Number 185343
My Comm. Exp. 7-1-02

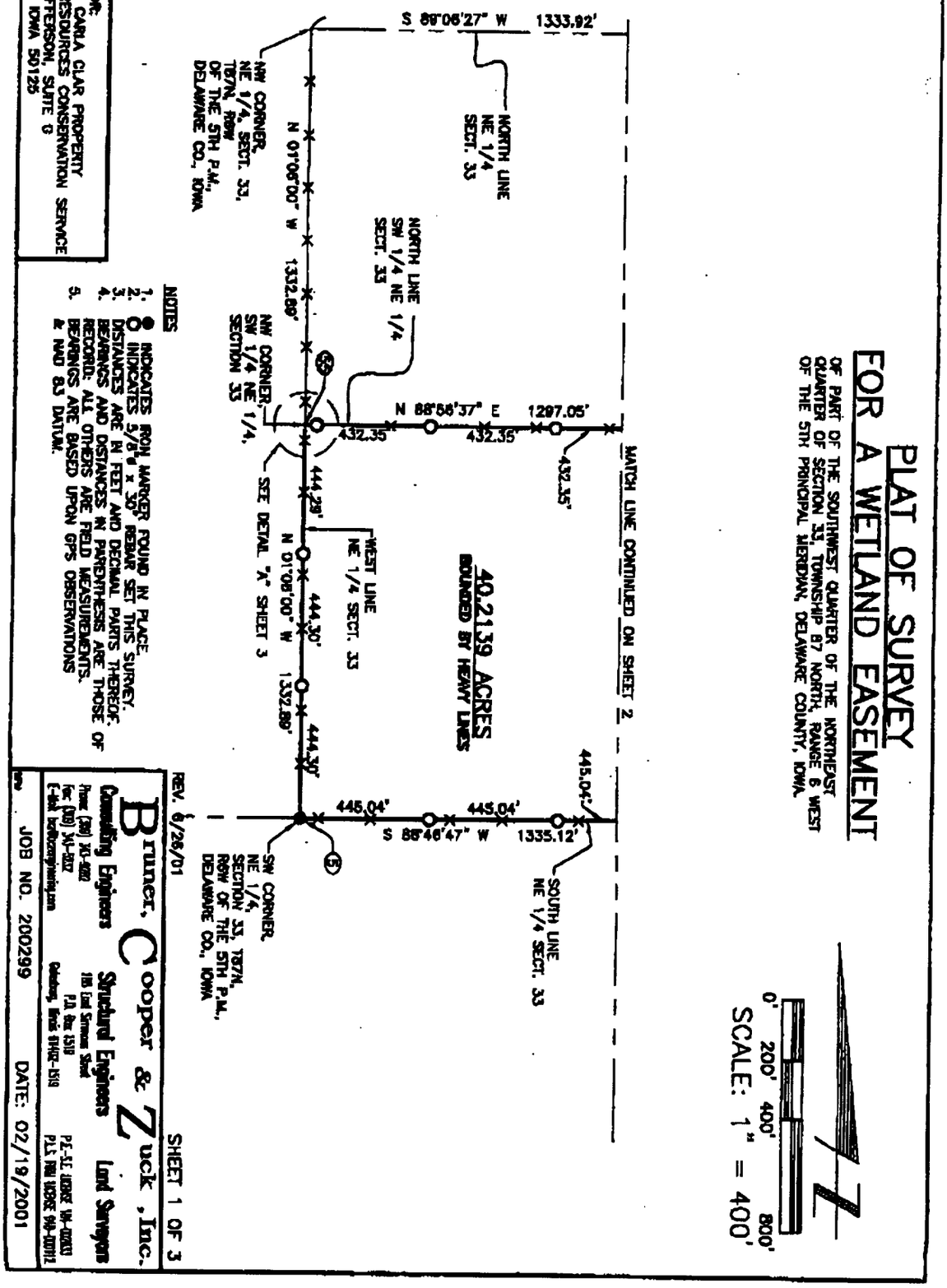
Notarial Acknowledgement in accordance with Iowa Code is required.

EXHIBIT A - Page 1 of 3

PREPARED BY: BRUNER, COOPER & ZUCK, INC., 188 EAST SIMMONS STREET, GALESBURG, IL 61402-1519 (309) 343-9282

PLAT OF SURVEY
FOR A WETLAND EASEMENT

OF PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 87 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA.



PREPARED FOR:
ROBERT & CARLA CLAR PROPERTY
NATURAL RESOURCES CONSERVATION SERVICE
515 N. JEFFERSON, SUITE G
INDIANOLA, IOWA 50125

NOTES

1. ● INDICATES IRON MARKER FOUND IN PLACE
2. ○ INDICATES 5/8"ø x 30" REBAR SET THIS SURVEY.
3. DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.
4. BEARINGS AND DISTANCES IN PARENTHESIS ARE THOSE OF RECORD; ALL OTHERS ARE FIELD MEASUREMENTS.
5. BEARINGS ARE BASED UPON GPS OBSERVATIONS & NAD 83 DATUM.

REV. 6/26/01

Bruner, Cooper & Zuck, Inc.
Consulting Engineers Structural Engineers Land Surveyors
188 East Simmons Street
P.O. Box 1519
Galesburg, Illinois 61402-1519
Phone: (309) 343-9282
Fax: (309) 343-9287
E-Mail: bczinc@galesburg.com
PE-LS LICENSE NO. 081-000130
PLS RENEWAL DATE 11-30-2002

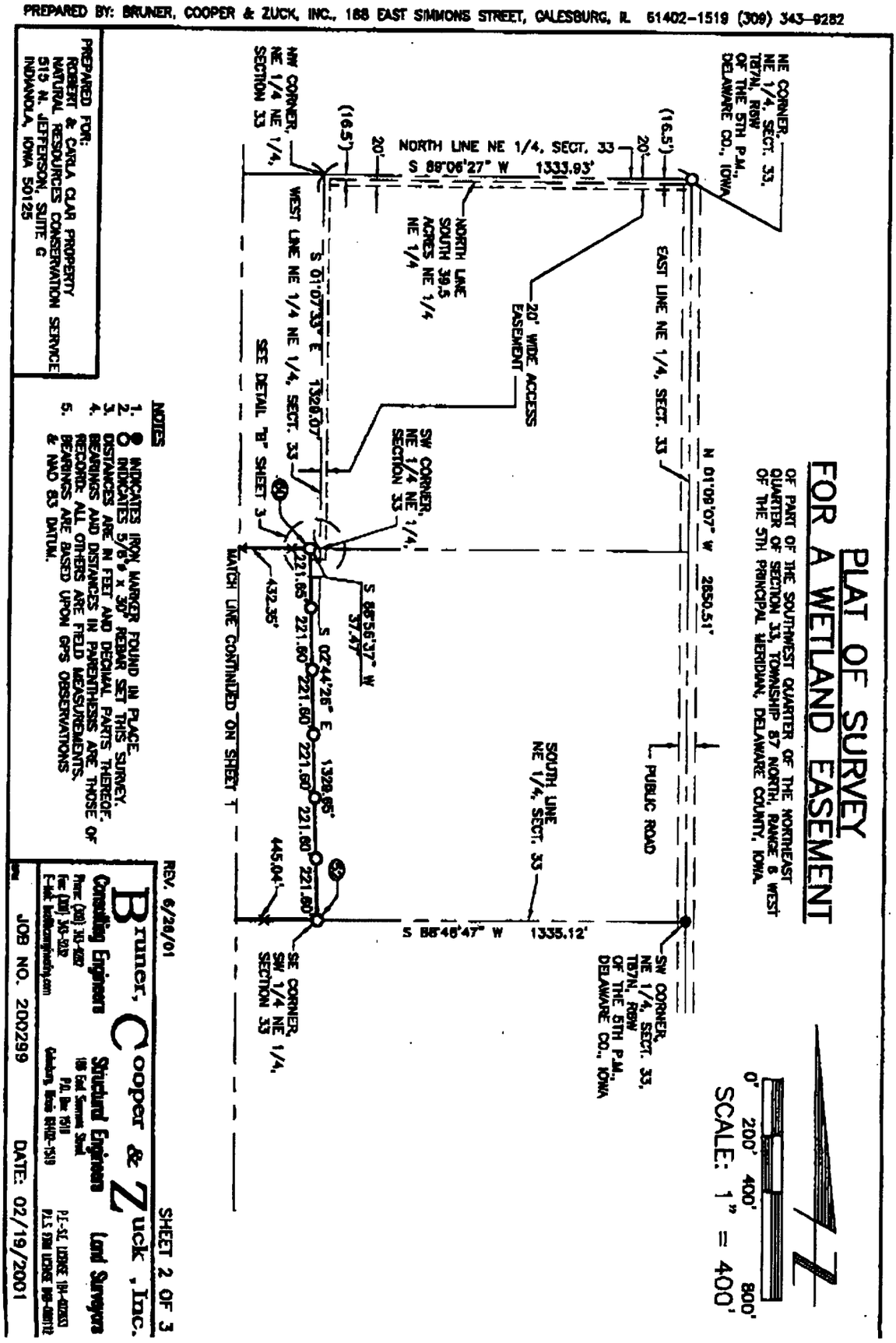
JOB NO. 200299 SHEET 1 OF 3

DATE: 02/19/2001

PREPARED BY: BRUNER, COOPER & ZUCK, INC., 188 EAST SIMMONS STREET, GALESBURG, IL 61402-1519 (309) 343-9282

PLAT OF SURVEY
FOR A WETLAND EASEMENT

OF PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 87 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA.



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NATURAL RESOURCES CONSERVATION SERVICE
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REV. 6/28/01

SHEET 2 OF 3

Bruner, Cooper & Zuck, Inc.
Consulting Engineers Structural Engineers Land Surveyors
188 East Simmons Street
P.O. Box 1519
Galesburg, Illinois 61402-1519
Phone: (309) 343-9282
Fax: (309) 343-9283
E-Mail: bcz@bcz-engineering.com
P.E.-S.E. LICENSE 184-002553
P.L.S. FIRM LICENSE 184-000112

JOB NO. 200299 DATE: 02/19/2001

PREPARED BY: BRUNER, COOPER & ZUCK, INC., 186 EAST SIMMONS STREET, GALESBURG, IL 61402-1519 (309) 343-9282

LEGAL DESCRIPTION

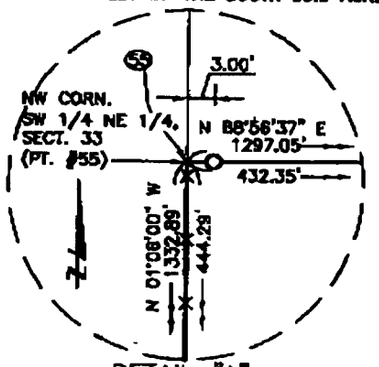
PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 87 NORTH, RANGE 6 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE N 01°06'00" W ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 1332.89 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE N 88°56'37" E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 1297.05 FEET; THENCE S 02°44'28" E A DISTANCE OF 1329.85 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE S 88°46'47" W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 1335.12 FEET TO THE POINT OF BEGINNING, AND CONTAINING 40.2139 ACRES, MORE OR LESS, AND INCLUDING AN ACCESS EASEMENT DESCRIBED AS FOLLOWS:

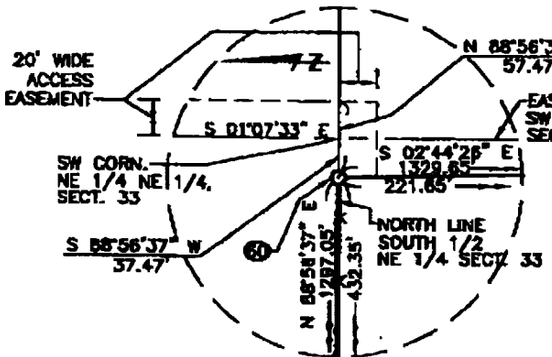
A 20 FOOT WIDE STRIP OF LAND LYING SOUTH OF, AND ADJACENT TO, THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33 THAT IS S 88°56'37" W A DISTANCE OF 37.47 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE N 88°56'37" E ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 57.47 FEET TO A POINT OF TERMINATION.

ALSO, THE NORTH 20 FEET OF THE SOUTH 39.5 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; ALSO, THE WEST 20 FEET OF THE SOUTH 39.5 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33.



DETAIL "A"
NO SCALE



DETAIL "B"
NO SCALE

POINT NUMBER	GEOGRAPHIC COORDINATES		METRIC COORDINATES	
	LATITUDE N	LONGITUDE W	NORTH	EAST
5	42°18'10.23139"	91°32'53.41952"	1091034.28206	1660921.56229
52	42°18'10.20739"	91°32'35.65201"	1091042.94821	1661328.41517
60	42°18'23.33859"	91°32'36.08880"	1091447.76158	1661309.03747
55	42°18'23.39854"	91°32'53.35052"	1091440.47289	1660913.78902

NAD 83

IOWA NORTH, 1401,
NAD 83

PREPARED FOR:
ROBERT & CARLA CLAR PROPERTY
NATURAL RESOURCES CONSERVATION SERVICE
515 N. JEFFERSON, SUITE G
INDIANOLA, IOWA 50125

REGISTERED LAND SURVEYOR
STEPHEN M. BRUNER
No. 10626
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. I FURTHER STATE THAT THIS CERTIFICATION APPLIES TO SHEETS 1 THROUGH 3 OF THIS DOCUMENT.

STEPHEN M. BRUNER

DATE: FEBRUARY 19, 2001 REG. NO. 10626
MY REGISTRATION RENEWAL DATE IS DECEMBER 31, 2002.

REV. 6/26/01 SHEET 3 OF 3

Bruner, Cooper & Zuck, Inc
Consulting Engineers Structural Engineers Land Surveyors
Phone (309) 343-9282
Fax (309) 343-5331
E-Mail: bcz@bczengineering.com
186 East Simmons Street
P.O. Box 1519
Galesburg, Illinois 61402-1519
P.E.-S.E. LICENSE 184-002853
P.L.S. FIRM LICENSE 045-00011

JOB NO. 200299 DATE: 02/19/2001