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DELAWARE COUNTY IOWA
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BOOK 2003 PAGE 2451
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
16.00

Drafted by and return to: Bob Douglas, 666 Walnut Street, Suite 2500, Des Moines, Iowa 50309, (515)-288-2500

SUPPLEMENT TO MORTGAGE,

THIS SUPPLEMENT TO MORTGAGE (the "Supplement"), is made this 16th day of May, 2003 by Donald J. Pottebaum and Jean K. Pottebaum, husband and wife (hereinafter referred to as the "**Mortgagor**") for the benefit of Metropolitan Life Insurance Company (hereinafter referred to as the "**Mortgagee**.

WITNESSETH:

WHEREAS, the Mortgagor has previously granted a MORTGAGE, (the "Mortgage") to Iowa Bankers Mortgage Corporation dated May 28, 2002, filed May 29, 2002 in Book 2002, Page 2022, of the Delaware County Recorder's Office, to secure a loan in the amount of $1,285,000; and.

WHEREAS, Iowa Bankers Mortgage Corporation had assigned such mortgage along with other loan documents to Mortgagee in an Assignment of Mortgages and Loan Documents dated July 11, 2002, filed July 18, 2002 in Book 2002, Page 2630 of the Delaware County Recorder's Office; and

WHEREAS, the Mortgagors are acquiring additional real estate which is to be subject to the lien of the Mortgage;

NOW, THEREFORE, in and for the consideration set forth herein the Mortgagor and Mortgagee agree as follows:

1. Additional parcels of real estate are being acquired by the Mortgagors and are hereby being subjected to the lien of the Mortgage, and Mortgagees shall have a first mortgage lien on such additional real estate. The real estate is described on attached Exhibit A hereto.

3. All other terms of the Mortgage not modified herein shall remain in full force and effect.

IMPORTANT: READ BEFORE SIGNING. THE TERMS OF THIS AGREEMENT SHOULD BE READ CAREFULLY BECAUSE ONLY THOSE TERMS IN WRITING ARE ENFORCEABLE. NO OTHER TERMS OR ORAL PROMISES NOT CONTAINED IN THIS WRITTEN CONTRACT MAY BE LEGALLY ENFORCED. YOU MAY CHANGE THE TERMS OF THIS AGREEMENT ONLY BY ANOTHER WRITTEN AGREEMENT. THIS NOTICE APPLIES TO ALL AGREEMENTS AND OTHER LOAN DOCUMENTS TO WHICH BORROWER IS A PARTY.

#831972

IN WITNESS WHEREOF, Mortgagor and Mortgagee have executed and delivered this Supplement on the day and year first above stated.

In Witness Whereof said party of the first part has hereunto set their hand the day herein first written.

Donald J. Pottebaum

Jean K. Pottebaum

I UNDERSTAND THAT HOMESTEAD PROPERTY IS IN MANY CASES PROTECTED FROM THE CLAIMS OF CREDITORS AND EXEMPT FROM JUDICIAL SALE; AND THAT BY SIGNING THIS MORTGAGE, I VOLUNTARILY GIVE UP MY RIGHT TO THIS PROTECTION FOR THIS MORTGAGED PROPERTY WITH RESPECT TO CLAIMS BASED UPON THIS MORTGAGE.

Donald J. Pottebaum

Jean K. Pottebaum

State of Iowa)
) ss
County of Delaware)

On this 16th day of May, 2003, before me, the undersigned, a Notary Public in and for the State of Iowa, appeared Donald J. Pottebaum and Jean K. Pottebaum 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.

Linda R. Ash
Notary Public in and for said State

NOTARIAL SEAL IOWA
LINDA R. ASH
COMMISSION NUMBER 156629
My Comm. Exp. 6-28-05

EXHIBIT A

Legal Description
Marvin L. Helmrichs
South Portion

The East one-half (E ½) of Section Six (6), Township Eighty-nine North (T89N), Range Four West (R4W) of the 5th P.M., as indicated by the fence now running North and South through said Section on a line a little West of the centerline of said Section as originally surveyed and as shown by the plat recorded on March 9, 1934, in Town Plats Book 1, Page 148 thereof, in the records of the Recorder of Delaware County, Iowa, except the North two thousand four hundred fourteen and one-tenth (2,414.10) feet thereof, and also except the rights of way across said land of the Chicago, Milwaukee and St. Paul Railway and of the Chicago Great Western Railway, and further excepting the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) and further excepting that part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) lying South of the right of way of the Chicago Great Western Railway and West of the right of way of the Chicago, Milwaukee and St. Paul Railway,

And

Lot Fourteen (14) of Dunham's Subdivision in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Six (6), Township Eighty-nine North (T89N), Range Four West (R4W) of the 5th P.M., Delaware County, Iowa, except that part of said Lot Fourteen (14) described as commencing at a point 14 rods North of the center of the public highway on the East line of Hoag Avenue, in the former Town of Oneida, thence East 20 rods, thence North 40 rods, thence West 20 rods, thence South 40 rod to the point of beginning;

And

The North one-half (N ½) of Lot Three (3), all of Lots Four (4) to Fifteen (15), and the North one-half (N ½) of Lot Sixteen (16) in Block Two (2), and the North one-half (N ½) of Lot Three (3) and all of Lots Four (4) to Fifteen (15) in Block Three (3) of Hoag's Addition to the former Town of Oneida, Iowa, and all of Summit Avenue, and that part of Western Avenue lying North and West of a line drawn directly South from the Northwest corner of Lot Two (2), Block Three (3), to the Southern boundary of Western Avenue, and that part of Prospect Street lying North of the line extended from the Northeast Corner of Lot Two (2) Block Three (3) to the Northwest corner of Lot Seventeen (17), Block Two (2), except the South 25 feet thereof all being in Hoag Addition to the former Town of Oneida, Iowa, according to plat recorded in Book 1 Plats, Page 111;

And

All that part of the CMC Heartland Partners' (the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company Corridor) right of way lying in the East one-half (E ½) of the East one-half (E ½) of Section Six (6), Township Eighty-nine North (T89N),

Range Four West (R4W) of the 5th P.M., Delaware County, Iowa, being the 100 foot wide and 150 foot wide corridor lying northerly of a line drawn perpendicular through a point across said corridor, said point being the point of termination of the following described line:

> Beginning at the intersection of the centerline of County Highway D-13 and the centerline of the aforementioned Railroad Company's main track; thence northerly along a 1909.86 foot radius curve with a central angle of 19° 26'24" a distance of 648.0 feet; thence 315.2 feet along a tangent to the point of beginning,

And

Parcel C, part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) and part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Six (6), Township Eighty-nine North (T89N), Range Four West (R4W) of the 5th P.M., Delaware County, Iowa, subject to easements of record, per plat recorded in Book 7 Plats, Page 185,

And

All that part of the CMC Heartland Partners' (the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company corridor) right, title and interest lying in the South Half (S ½) of the Southeast Quarter (SE ¼) of Section Six (6), Township Eighty-nine North (T89N), Range Four West (R4W) of the 5th P.M., Delaware County, Iowa in a strip of land 100 feet in width being 50 feet on either side of the following described centerline;

> Beginning at the intersection of the centerline of County Highway D-13 and the centerline of the aforementioned Railroad Company's main track; thence northerly along a 1909.86 foot radius curve, with a central angle of 19°26'24", a distance of 648.0 feet; thence 315.2 feet along a tangent to the point of termination.

Also, including all 50 foot width property abutting and adjacent to said 100 foot wide strip; Excepting from the above parcel all that part lying South of the North line of the right of way of the Chicago Great Western Railway.

And

That part of Lot Fourteen (14) of Dunham's Subdivision to the former Town of Oneida, being in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Six (6), Township Eighty-nine North (T89N), Range Four West (R4W) of the 5th P.M., Delaware County, Iowa, described as starting from a point 14 rods North of the center of the public highway on the East line of Hoag Avenue, in the former Town of Oneida, thence East 20 rods, thence North 40 rods, thence West 20 rods, thence South 40 rods to the point of beginning,

Excepting,

That part of Lot Fourteen (14) of Dunham's Subdivision, being in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Six (6), Township Eight-nine North (T89N), Range Four West (R4W) of the 5th P.M., described as starting from a point which is 54 rods North of the centerline of the public highway, and 20 rods East of the East line of Hoag Avenue, in the former Town of Oneida, thence South 230 feet, thence West 230 feet, thence North 230 feet, thence East 230 feet to the point of beginning,

Also Excepting:

Parcel D, part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) and part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Six (6), Township Eighty-nine North (T89N), Range Four West (R4W) of the 5th P.M., Delaware County, Iowa, subject to easements of record, per plat recorded in Book 7 Plats, Page 185.

Also Excepting,

Parcel B in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Six (6), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth P.M., (formerly City of Oneida), Delaware County, Iowa, as recorded in Book 7 Plats, Page 133, Delaware County, records.

Also Excepting,

Parcel A, in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Six (6), Township Eighty-nine North (T89N), Range Four West (R4W) of the 5th P.M., being part of Lot Fourteen (14) of Dunham's Subdivision and part of vacated Summit Avenue, per plat recorded in Book 6 Plats, Page 198.

All of the above being subject to roadways and easements of record.