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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

**Prepared By:**

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|---|---|---|
| (Name) | (Address) | (Telephone No.) |

**Return To:**

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|---|---|---|
| (Name) | (Address) | (Telephone No.) |

Form Approved – OMB No. 0560-0237

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**FSA-2319 IA** (10-30-08) | **U.S. DEPARTMENT OF AGRICULTURE** Farm Service Agency | Position 5

# AGREEMENT WITH PRIOR LIENHOLDER

1. **WHEREAS** *(a)* First State Bank

(Mortgagee) is the holder of a certain *(b)* Real Estate Mortgage

(Security Instrument) recorded in Book No. *(c)* 2009 Page *(d)* 3359 ,

of the *(e)* Recorder's Records of *(f)* Delaware

County;

2. **WHEREAS** Daniel John and Dawn Marie Moorman

(Mortgagor) is the owner of certain real estate described in the above listed security instrument; and

3. **WHEREAS**, Mortgagor has applied to the United States of America, United states Department of Agriculture, acting through the Farm Service Agency (Government), for a loan for the purpose of improving or purchasing and improving the real estate, to be secured by a mortgage, deed of trust, or other security instrument that will be subject to the Security Instrument held by or the benefit of Mortgagee;

4. **THEREFORE**, in consideration of the making of the loan by the Government, Mortgagee, for Mortgagee's self, heirs, executors, administrators, successors, and assigns does hereby agree:

*(a)* That the Mortgagee will not declare the Security Instrument to be in default and the indebtedness secured thereby will not be accelerated unless prior written notice has been provided to the Government by certified mail not less than *(1)* 45 *days prior to intended action, at the following address*:

*(2)* Farm Service Agency
200 South 12th Street
Manchester, IA 52057

DS 10-20-09

*(b)* That the Government may, at its option cure any monetary default by paying the amount of the Mortgagor's delinquent payments to the Mortgagee, or pay the obligation in full and the Mortgagee will assign the lien to the government.

*(c)* That should the Government commence liquidation proceedings and thereafter acquire the real estate covered by the Security Instrument, the Mortgagee will not declare the Security Instrument to be in non-monetary default.

*(d)* That to the extent the Security Instrument secures future advances, which have priority over the Government's security instrument, no advances for purposes other than taxes, insurance or payment on other prior liens will be made under any future advance feature of the Mortgagee's Security Instrument without the written consent of the Government.

*(e)* That this agreement includes consent to the Government for making or transferring loans and taking or retaining the related mortgage notwithstanding any provision of the Mortgage which prohibits a loan, mortgage or transfer without the Mortgagee's consent; and

*(f)* That should the Government obtain title to the property either by foreclosure or voluntary conveyance, the Mortgagee will grant consent so the Government may transfer the property subject to the prior lien notwithstanding any prohibition in the Mortgagee's security instrument the contrary.

5. **IN WITNESS WHEREOF,** Mortgagee has executed this Agreement by signing on the *(a)* 20th day of *(b)* October, *(c)* 2009.

BY *(d)* Dave Smith

TITLE *(e)* Sr VP

**6. ACKNOWLEDGMENT**

State of Iowa, County of Delaware
On this 20th day of October before me personally appeared Dave Smith toobe known to me to be the same person whose name is subscribed to the foregoing instrument and acknowledged that he signed and delivered the instrument as his free and voluntary act for the uses and purposes set forth
My commision expires:

2-19-2011

JOANN HEFFERNAN
Notarial Seal - Iowa
Commission # 221059
My Commission Expires 2-19-2011

Notary Public

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