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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Return to: Lana Robison – JCG LAND SERVICES 1715 South G Ave Nevada, Iowa 50201 515-382-1698
Prepared By: Lana Robison – JCG LAND SERVICES 1715 South G Ave Nevada, Iowa 50201 515-382-1698

SUBORDINATION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Whereas, Fidelity Bank and Trust is the owner and holder of a Deed of Trust dated May 29, 2002, recorded in Book 2002 and Page 2196 in the office of the Recorder of Delaware County, Iowa said Deed of Trust being a lien upon the following described lands located in Delaware County in the State of Iowa:

The East Half (E ½) of the Southwest Quarter (SW ¼) and the West Half (W ½) of the Southeast Quarter (SE ¼), except commencing at the NE corner of the W ½ of the SE ¼ and running thence West 16 feet, thence Southeasterly to a point on the quarter-quarter line which is 16 feet South of the NE corner thereof, thence North 16 feet to the point of beginning, all in Section Six (6), Township Eighty-nine (89) North, Range Three (3) West of the 5th P.M., Delaware County, Iowa, subject to easements of record.

Whereas, the owner, Hilltop Pork, Inc, an Iowa Corporation of the above-described lands has granted to ITC Midwest LLC. on April 27, 2009, an easement upon, over, under and across the above described lands, together with the right to construct, reconstruct, maintain, operate, patrol, and remove facilities, fixtures, and equipment for its Corporate purposes, and the right of ingress to and egress from said facilities for the purpose of constructing, reconstructing, maintaining, operating, patrolling or removing said facilities, fixtures and equipment.

NOW, THEREFORE, in consideration of $0.00 in hand paid, receipt whereof is hereby acknowledged Fidelity Bank and Trust, hereby consents to said easement and the grants created thereby, and the use of the lands above described for the purposes recited in said instrument granting said easement and hereby acknowledges that the said lands are subject to said easement and the grants and use of said lands in connection therewith, and further acknowledges that said Deed of Trust shall, from and after this date be subject to said easement, and is junior and inferior to same, and the said Deed of Trust is hereby subordinated to said easement.

Dated this 1st day of February, 2010.

Fidelity Bank & Trust

By: _____

_____

FIDELITY BANK & TRUST CORPORATE SEAL DYERSVILLE, IOWA

STATE OF IOWA:

COUNTY: Dubuque

On this 1st day of February, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Nathan J. Freeze and Jason M. Heisler to me personally known, who being by me duly sworn, did say that they are the Vice President and Vice President, respectively, of said corporation, executing the within and foregoing instrument, That (no seal has been procured by the said) or (the seal affixed thereto is the seal of said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that the said Nathan J. Freeze and Jason M. Heisler as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Alan R. Besler

+ Notary Public in and for said County and State

NOTARIAL SEAL IOWA

ALAN R. BESLER
Commission Number 749595
My Comm. Exp. 10-24-10