Book 2010 Page 498
Document 2010 498 Type 05 002 Pages 1
Date 2/23/2010 Time 9:38:27AM
Rec Amt $9.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

ENV. (R) This Instrument Was Drafted By (Alan R. Besler, Fidelity Bank & Trust, P.O. Box 277, Dyersville, IA 52040 (563)875-7157

ASSIGNMENT OF PURCHASER'S EQUITY IN CONTRACT FOR THE SALE OF REAL ESTATE

In consideration of a loan in the amount of Five Hundred Thirty One Thousand Seven Hundred Twenty & no/100 dollars($531,720.00) made by Fidelity Bank & Trust (hereinafter referred to as "Bank"), to the undersigned Nathan J. Freeze and Courtney B. Freeze, husband and wife (hereinafter referred to as "Borrower"), of Hopkinton , on this 12th , day of February , 2010 , the Borrower hereby assigns, transfer and conveys to Bank all of the equity, title and interest in and to the following described real estate:

The East one-half (E1/2) of the Southeast Quarter (SE1/4) of Section Eleven (11), and the West one-half (W1/2) of the Southwest Quarter (SW1/4) of Section Twelve (12), Township Eighty Seven (87) North, Range Four (4), West of the Fifth P.M., except the right of way of the Chicago, Milwaukee and St. Paul Railroad.

together with all equity, title and interest in and to the contract or purchase covering the above described real estate, from which contract dated March 5th , 2004 , recorded in the Office of the Recorder of Delaware County, Iowa in Book 2004 Page 1059 as Document Number _____ on the 1st day of April , 2004 .

It is agreed by the Borrower that this Assignment shall have the same force and effect as a Real Estate Mortgage on the above described real estate, and that the undersigned hereby mortgage, pledging all of their equity, title and interest in and to the above described real estate and all the rights as Buyers under the above described real estate contract as security only for the loan set out above.

It is further agreed by the Borrower that this Assignment shall stand as security for any renewals, extensions of substitutions of the original obligation set out above, for any obligation owed to the bank on the date of this Assignment, and for any subsequent or future advances to the undersigned made by the Bank at its option.

It is also agreed by the Borrower that in the event of any default by the Borrower under the terms of the above described Real Estate Contract, Bank or its successor in interest is authorized to make payments on behalf of the undersigned that may be due of said Real Estate Contract or to take any other steps to protect its equity, and that any advancement made by the Bank for this purpose shall also be secured by this Assignment. The Borrower further agrees to immediately notify Bank of any Notice of Forfeiture, or Foreclosure of the above described Real Estate Contract served upon the undersigned and to execute any and all instruments that may be required by the Bank to protect its interest as assignee under this Assignment.

In the event of a breach of any of the above warranties or agreements, the Borrower agrees to indemnify and save the Bank harmless against all claims, demands, loss and liability howsoever arising out of the Contract and to pay the Bank upon demand, the balance unpaid on the Contract and, in the event of suit, all costs and reasonable attorney fees.

Dated this 12th day of February , 2010 .

Nathan J. Freeze

Courtney B. Freeze

STATE OF IOWA DELAWARE County, ss.

On this 12th day of February , A.D. 2010 , before me, the undersigned, a Notary Public in and for IOWA, personally appeared Nathan J. Freeze and Courtney B. Freeze, husband and wife to me known to be the persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

WITNESS my hand and notarial seal the day and year last above written.

Alan R. Besler

Notary Public in and for DELAWARE County, Iowa

NOTARIAL SEAL IOWA
ALAN R. BESLER
Commission Number 748595
My Comm. Exp. 10-24-10