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MICHELLE "MICKI" UTSLER, COUNTY RECORDER MADISON IOWA

1 Contelle Gent 4717 Gent DM 50312

This instrument was drafted by Jennifer Dreikosen of US Bank Loan Servicing (800)658-0886 C PO Box 3427, Oshkosh, WI 54903-9989

US Bank Loan Servicing (800)658-0886 C COMPARED SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**Deed Of Trust Subordination Agreement** 

Account No. 3000316594

This Agreement is made this 7 day of December, 2004, by and between US Bank National Association ND ("Bank") and Com Unity Lending ("Refinancer").

Bank is the beneficiary under a deed of trust (the "Junior Deed of Trust") dated 28th day of October, 2004, granted by Charles O Brose and Tamara L Brose, husband and wife ("Borrower"), and recorded in the office of the County Recorder, Madison County, Iowa, on Book 2004, Page 5585, as Document, encumbering the real property described therein (collectively, the "Property"). Refinancer is the beneficiary under a deed of trust (the DECEMBER , 20<u>0</u>, granted by the Borrower, and "Senior Deed of Trust") dated EBRUILLY 2 same office 20<u>45</u> recorded PACE 65, encumbering the property. To induce Refinancer to make a loan to BOOK JOAS. the Borrower secured by the Senior Deed of Trust, Bank has agreed to execute and deliver this Subordination Agreement.

ACCORDINGLY, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Bank hereby agrees with Refinancer that the lien of the Junior Deed of Trust on the Property is and shall be and shall remain fully subordinate for all purposes to the lien of the Senior Deed of Trust on the Property, to the full extent of all sums from time to time secured by the Senior Deed of Trust; provided, however, that the total indebtedness secured by the Senior Deed of Trust does not exceed \$167,500, exclusive of interest thereon, amounts advanced to protect the lien and priority of the Senior Deed of Trust, and costs of collection, and provided further, that this agreement shall not be effective until each other mortgage or other lien recorded against the property (other than the Senior Mortgage) and each judgment that is a lien against the Property shall be subordinated of record of the lien of the Senior Mortgage.

Legal Description: See Attached Legal Description Property Address 3149 190<sup>th</sup> Street, Prole, IA 50229

IN WITNESS THEREOF, this Subordination Agreement is executed on the day and year first above stated.

US Bank National Association ND

By: Joseph Bere

Title: Loan Operations Office

STATE OF <u>Wisconsin</u>
COUNTY OF <u>Winnebago</u>

The foregoing instrument was acknowledged before me this 7 day of December, 2004, by (name) Joseph Berenz, the (title) Loan Operations Officer of US Bank National Association ND, a national banking association, on behalf of the association.

Carol Mooney, Notary Public My Commission Expires: 9/16/07

Prepared by Jennifer Dreikosen

## EXHIBIT A

SITUATED IN THE COUNTY OF MADISON AND STATE OF IOWA:

PARCEL "B", LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION FIFTEEN, TOWNSHIP SEVENTY-SIX NORTH, RANGE TWENTY-SIX WEST OF THE 5TH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION FIFTEEN, TOWNSHIP SEVENTY-SIX NORTH, RANGE TWENTY-SIX WEST OF THE 5TH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA; THENCE SOUTH 85 DEGREES 57 MINUTES 56 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 15, 1322.60 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 15; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECT 15; 1146.36 FEET TO A POINT IN THE CENTERLINE OF AN UNPAVED COUNTY ROAD; THENCE NORTH 55 DEGREES 38 MINUTES 48 SECONDS EAST ALONG SAID ROAD CENTERLINE, 535.68 FEET; THENCE NORTH 41 DEGREES 29 MINUTES 10 SECONDS EAST ALONG SAID ROAD CENTERLINE, 1121.71 FEET; THENCE NORTH 54 DEGREES 08 MINUTES 59 SECONDS EAST ALONG SAID ROAD CENTERLINE, 165.33 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 18.607 ACRES, INCLUDING 1.490 ACRES OF COUNTY ROAD RIGHT-OF-WAY.

4500081586002000 Permanent Parcel Number: CHARLES O. BROSE AND TAMARA L. BROSE

3149 190TH STREET, PROLE IA 50229

Loan Reference Number : 20043011022080/3000316594 First American Order No: 6436628

Identifier: ELS