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MICHELLE UTSLER. COUNTY RECORDER MADISON IOWA

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### MODIFICATION TO MORTGAGE AND PARTIAL RELEASE

This Modification to Mortgage and Partial Release ("Modification"), is made this 13<sup>th</sup> day of FEBRUARY, 2006 among MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("Mortgagee"), and CORY J. LARK AND PATRICIA J. TOMA-LARK ("Borrower(s)") (collectively referred to herein as the "parties").

### **RECITALS**

This Modification is made with reference to the following facts:

A. The Borrower(s) made, executed, and delivered to HOME LOAN CENTER INC., DBA LENDING TREE LOANS ("Lender") and Mortgagee, that certain Mortgage dated JUNE 21, 2005, and recorded on, JUNE 23, 2005 in Book 2005, Page 2848, as Document No./Instrument No. 2005-2848, in the Official Records in the Office of the County Recorder of MADISON County, State of IOWA ("Mortgage"), as assigned to Mortgagee by Assignment of Mortgage dated N/A and recorded on N/A, in Book N/A, Page N/A, as Document No./Instrument No. N/A, securing a Note dated JUNE 21, 2005, in the principal amount of NINETY-EIGHT THOUSAND FOUR HUNDRED Dollars and O0/100 (\$98,400.00) in favor of the Mortgagee and legally describing the real property as follows:

Lots Nine (9), Ten (10), Eleven (11), and Twelve (12) of E. N. Fancher's Addition to the Town of Earlham, Madison County, Iowa.

B. The purpose of this Modification is to correct the legal description. At the time the above referenced Mortgage was recorded an incorrect legal description was inadvertently contained therein.

#### **TERMS OF MODIFICATION**

1. For value received, the parties hereto do hereby modify said Mortgage to provide that the legal description therein shall be as follows ("Secured Property"):

# Lots Eleven (11) and Twelve (12) and the North Twenty-one (21) Feet of Lot Ten (10), of Fancher's Addition to the Town of Earlham, Madison County, Iowa.

- 2. The Borrower(s) do(es) hereby mortgage, grant and convey the Secured Property to Mortgagee under the Mortgage together with power of sale subject to each and all of the terms and conditions of the Mortgage, including this Modification thereto.
- 3. The Borrower(s) and the Mortgagee do(es) hereby release without warranty to the person or persons legally entitled thereto, all the estate in and to any portion of the legal description first described hereinabove, which is not included within the description to the Secured Property.
- 4. The terms of the Mortgage, which are incorporated herein by reference, shall remain in full force and effect and be binding thereon to the extent they are not inconsistent with the provisions of this Modification. In the event of any inconsistency between the provisions of this Modification and the original Mortgage, the provisions of this Modification shall control. The Mortgage, herein modified, when signed by all parties hereto, shall constitute one Mortgage.
- 5. This Modification shall inure to and bind the heirs, devisees, successors and assigns of the parties hereto.
- 6. This Modification may be executed in counterparts, but shall be of no force and effect unless and until all parties to this Modification have duly executed this document.

IN WITNESS WHEREOF, the parties hereto have executed this Modification the day and year first above written.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

JEMNIFÉR GUIDICESSI ,

ASSISTANT VICE PRESIDENT

CORY J/ LARK, Borrower

PATRICIA J. TOMA-LARK, Borrower

(ALL SIGNATURES MUST BE ACKNOWLEDGED)

# CERTIFICATE OF ACKNOWLEDGMENT

STATE OF CALIFORNIA	)	
	)	ss.
COUNTY OF VENTURA	)	

On this 15 day of FEBRUARY, 2006, before me, NICOLE PETERS, Notary Public, personally appeared JENNIFER GUIDICESSI, personally known to me to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

NICOLE PETERS

Notary Public - Commission No. 1362997

Commission Expires: JUNE 29, 2006

NICOLE PETERS
Commission # 1362997
Notary Public - California
Ventura County
My Comm. Expires Jun 29, 2006

TYPE OF DOCUMENT:

DOCUMENT DATE:

Modification to Mortgage and Partial Release FEBRUARY 13, 2006

## CERTIFICATE OF ACKNOWLEDGMENT

STATE OF Towa
COUNTY OF Polk ) ss.
On this 7th day of March , 2006, before me, which he can be considered to the day of march , Notary Public, personally appeared to the on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  WITNESS my hand and official seal.  Notary Public - Commission No.: 174043  Commission Expires: 04-25-2009
CERTIFICATE OF ACKNOWLEDGMENT
STATE OF <u>Folk</u> )  COUNTY OF <u>Polk</u> )  ss.
On this 1th day of March, 2006, before me, large A. Ripperson, Notary Public, personally appeared Patricia T. Toma-lark, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

Notary Public - Commission No.: 174043 Commission Expires: 04-25-2009