COMPARED

FILED NO. 803
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1971 JUN 10 PM 2:39

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee $3 506 M.M.

SUBORDINATION AGREEMENT

NOW on this 26 day of May, 1971, WAYNE THOMAS and CAROL H. THOMAS, husband and wife, owners of the Option to Repurchase the hereinafter described real estate, being hereinafter referred to as the REPURCHASERS, and FIRST FEDERAL STATE BANK of Des Moines, Iowa, hereinafter referred to as the LENDOR, and

WHEREAS, NIOL E. THOMAS and ALICE M. THOMAS, have executed or are about to execute a mortgage to the LENDOR on the following described real estate to-wit:

IND. ✓
REC. ✓
PAGE ✓

A tract of land commencing at a point 709 feet East of the Southwest corner of the Northwest Quarter (¼) of Section Five (5) in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, and running thence North 126 feet, thence East 120 feet, thence South 126 feet, thence West 120 feet to the point of beginning, and

WHEREAS, the REPURCHASERS on May 19, 1954, did convey the subject real estate to NIOL E. THOMAS and ALICE M. THOMAS by a certain Warranty Deed recorded May 21, 1954 in Book 87 at Page 102 of the records of the Recorder of Madison County, Iowa, and the said REPURCHASERS did specifically reserve during their lives the right to repurchase the subject real estate severally or jointly at fair market value after same is offered for resale by NIOL E. THOMAS and ALICE M. THOMAS, and

WHEREAS, the LENDOR is willing to make a certain loan to NIOL E. THOMAS and ALICE M. THOMAS and accept a mortgage on the subject real estate to secure said loan providing that the REPURCHASERS

will specifically and unconditionally subordinate their right to repurchase the subject real estate, and

WHEREAS, it is a condition precedent to obtaining subject loan that the LENDOR shall accept a mortgage upon the subject real estate hereinbefore described and shall be prior and superior to the repurchase rights of the REPURCHASERS, and

NOW, therefore in consideration of the premises and valuable consideration, receipt of which is hereby acknowledged and in order to induce the LENDOR to make the loan above referred to, it is agreed as follows:

That the REPURCHASERS acknowledge and hereby intentionally waive, relinquish and subordinate the priority and superiority of their right to repurchase the subject property hereinbefore mentioned from NIOL E. THOMAS and ALICE M. THOMAS in favor of the lien or charge upon such real estate of the mortgage in favor of the LENDOR, and that they understand that in reliance upon and in consideration of this waiver, relinquishment and subordination, specific loans and advances are being and will be made, and is part and parcel thereof, specific monetary and other obligations are being and will be entered into by the LENDOR and NIOL E. THOMAS and ALICE M. THOMAS which would not be made or entered into but for such reliance upon this waiver, relinquishment and subordination.

That this agreement shall inure to the benefit and shall be binding upon the legal heirs, devisees, successors and assigns of the parties.

Niol E. Thomas
NIOL E. THOMAS

Wayne D. Thomas
WAYNE THOMAS

Alice M. Thomas
ALICE M. THOMAS

Carol H. Thomas
CAROL H. THOMAS

FIRST FEDERAL STATE BANK

By Richard G. Manning
Richard G. Manning,
Assistant Vice President

NO CORPORATE SEAL

STATE OF IOWA)
COUNTY OF POLK) ss:

On this 26 day of May, 1971, before me, a Notary Public in and for Polk County, Iowa, personally appeared Wayne Thomas, Carol H. Thomas, Niol E. Thomas and Alice M. Thomas, 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.

EUGENE R. SCHLUEFARTH * NOTARIAL SEAL * Iowa

Eugene R. Schluefarth
Notary Public in and for Polk County
Iowa

STATE OF IOWA)
COUNTY OF POLK) ss:

Be it remembered, that on this 8th day of June, 1971, before, the undersigned, a Notary Public in and for Polk County, Iowa, personally appeared before me, Richard G. Manning, being to me personally known, who being by me duly sworn did on oath depose and say that he is the Assistant Vice-President of said First Federal State Bank. That the seal affixed to said instrument is the seal of said Bank and that said instrument was signed and sealed by authority of the Board of Directors of said Bank and the said Richard G. Manning, as acknowledged the execution thereof to be the voluntary act and deed of said Bank by it voluntarily executed.

GEORGE W. MONTGOMERY * NOTARIAL SEAL * IOWA

George W. Montgomery
Notary Public in and for Polk County
Iowa