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Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2013-00026715

BK 14447 PG 538-541

FIRST AMENDMENT TO
ASSIGNMENT OF LEASES AND RENTS

Dated May @ 2nd 2012

Preparer Information:

Robert C. Thomson, Grefe & Sidney, PLC, 500 East Court Ave, Ste 200, Des Moines, IA 50309
(515-245-4300)

Return Document to: RETURN TO.

Robert C. Thomson, Grefe & Sidney, P.L.C., 500 East Court Avenue, Suite 200, Des Moines, IA
50309 (515-245-4300)

Name of Assignor: 3801 LLC

Name of Assignee: U.S. Bank National Association

Legal Description: See Exhibit A

**FIRST AMENDMENT
TO
ASSIGNMENT OF LEASES AND RENTS**

On this 2nd day of May, 2012, this First Amendment to Assignment of Leases and Rents ("Assignment") dated June 1, 2011 and previously recorded in the records of the Polk County Recorder on June 1, 2011 in Book 13866 at Page 455, is entered into by and between 3801 LLC (Borrower) and U.S. Bank National Association (Lender).

The Borrower and Lender desire to amend the terms of the Assignment as hereinafter provided to conform to the Construction Note dated the November 11, 2011, as amended November 22, 2011, and the Restatement and Conversion of Construction Note to Term Note dated May 1, 2012:

1. Paragraph 2.1(a) is amended as follows:

2.1 This Assignment is made for the purposes of securing:

2.1(a) The payment of the indebtedness (including any amendments, extensions, modifications, restatements or renewals) evidenced by (I) a certain Restatement and Conversion of Construction Note to Term Note of Borrower dated on even date herewith in the principal sum of Three Million One Hundred Fifty Thousand Dollars (\$3,150,000) (the "Note") and secured by a certain Mortgage, Security Agreement and Fixture Financing Statement, as amended (the "Mortgage"), encumbering the Property as hereafter may be further amended, extended, modified, or renewed and other Loan Documents having the meaning of Loan Documents or Mortgage as set forth in the Construction Loan Agreement dated June 1, 2011 by and between Borrower and Lender, as amended.

In all other respects the Assignment as originally entered into is here by reaffirmed.

IN WITNESS WHEREOF, Mortgagor has executed this First Amendment to Assignment of Leases and Rents as of the date first above written.

3801 LLC

By: Rich Eychaner, Manager

Rich Eychaner, Manager

STATE OF IOWA)
) ss
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this 2 day of May, 2012, by Rich Eychaner as manager of 3801 LLC.

NOTARY SEAL OF IOWA
MELISSA A. DENNIS
Commission Number 746386
My Commission Expires:
April 13, 2013

Melissa A. Dennis
Notary Public

Exhibit A
Legal Description

Lots 53 and 54 and the West 50 feet of Lots 34 and 35 in Block "P", AVIATION PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa AND

Lots 51 and 52 (except the West 7 feet) in Block "P" in Aviation Park, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa AND

The North 55 feet of the West 134.87 feet of Lots 46, 47, 48, 49 and 50, Block P, Aviation Park, Des Moines, Polk County, Iowa, except the North 20 feet thereof and except the West 7 feet thereof, and the South 105 feet of the West 134.87 feet of Lots 46, 47, 48, 49 and 50, Block P, Aviation Park, Des Moines, Polk County, Iowa, except the West 95.4 feet thereof and except the South 5.5 feet thereof AND

The North 20 feet of Lots 50 (except the West 7 feet), 49, 48, 47, 46 and the East 4 feet of Lot 46 (except the North 20 feet) and all of Lots 45, 44, 43 in Block "P", Aviation Park, an Official Plat, in the City of Des Moines, Polk County, Iowa; EXCEPT that part of said Lots 46, 45, 44 and 43 within the parcel of Douglas Avenue R.O.W. described as follows: Commencing at the SW corner of Section 19-79-24; thence North 89°42' East, 128.4 feet to the point of beginning; thence North 0°18' West, 38.0 feet; thence South 87°33' East, 41.65 feet; thence South 0°18' East, 0.5 feet; thence North 89°42' East, 30.4 feet along a line 35.5 feet from centerline, thence South 87°44'30" East, 56.1 feet; thence South 0°18' East, 33 feet to centerline; thence South 89°42' West, 128.0 feet to the point of beginning. All in Block "P", Aviation Park, an Official Plat, in the City of Des Moines, Polk County, Iowa; AND EXCEPT all that part of Lots 43 through 46 inclusive and the East 16 feet of Lot 47, Block "P", Aviation Park, an Official Plat, in the City of Des Moines, Polk County, Iowa, that lies within the following described line: Beginning at a point on the East line of said Lot 43, said point being 3 feet north of the Southeast corner thereof; thence North 87°44'30" West, a distance of 56.1 feet to a point on the West line of said Lot 44, said point being 5.50 feet North of the Southwest corner of said Lot 44; thence South 89°42' West a distance of 30.4 feet to a point that is 6.0 feet North of and normally distant from the South line of said Lot 46; thence North

0°18' West, a distance of 0.50 feet; thence North 87°33' West, a distance of 41.65 feet, to a point on the West line of the East 16 feet of said Lot 47; thence North along the West line of the East 16 feet of said Lot 47, a distance of 13.85 feet; thence Easterly, along a straight line, to a point on the East line of said Lot 43, said point being 13.25 feet North of the Southeast corner of said Lot 43; thence South along the East line of said Lot 43 to the point of beginning AND

The South 105 feet of the West 95.4 feet of Lots 47 to 50 inclusive, Block P, Aviation Park, Des Moines, Polk County, Iowa, except streets.