

BK: 7533 PG: 360
Recorded: 2/22/2010 at 10:12:05.577 AM
Fee Amount: \$29.00
Revenue Tax:
Joan McCalmant RECORDER
Linn County, Iowa
Unique Doc ID: 1987598

FOR RECORDER'S USE ONLY

Prepared By: Dawn Barrett, Loan Administrative Assistant, CEDAR RAPIDS BANK AND TRUST COMPANY, 500 1ST AVENUE NE STE 100, CEDAR RAPIDS, IA 52401, (319) 862-2728

RECORDATION REQUESTED BY:

CEDAR RAPIDS BANK AND TRUST COMPANY, 500 1ST AVENUE NE STE 100, CEDAR RAPIDS, IA 52401

WHEN RECORDED MAIL TO:

Cedar Rapids Bank and Trust Company, 500 1st Avenue NE Ste 100, P.O. Box 789, Cedar Rapids, IA 52406-0789



MODIFICATION OF MORTGAGE

The names of all Grantors (sometimes "Grantor") can be found on page 1 of this Modification. The names of all Grantees (sometimes "Lender") can be found on page 1 of this Modification. The property address can be found on page 2 of this Modification. The legal description can be found on page 2 of this Modification. The parcel identification number can be found on page 2 of this Modification. The related document or instrument number can be found on page 1 of this Modification.

THIS MODIFICATION OF MORTGAGE dated February 8, 2010, is made and executed between Town Center Cedar Properties, L.L.C., an Iowa limited liability company (referred to below as "Grantor") and CEDAR RAPIDS BANK AND TRUST COMPANY, whose address is 500 1ST AVENUE NE STE 100, CEDAR RAPIDS, IA 52401 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated March 4, 2008 (the "Mortgage") which has been recorded in Linn County, State of Iowa, as follows:

Recorded in the office of the Linn County Recorder on 4-10-2008 in Book 6954, Page 49-64.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property located in

**MODIFICATION OF MORTGAGE
(Continued)**

Loan No: 1019921860

Page 2

Linn County, State of Iowa:

See "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 60, 64 Miller Avenue SW, Cedar Rapids, IA 52404. The Real Property parcel identification number is See attached Exhibit A.

MODIFICATION. Lender and Grantor hereby modify the Mortgage as follows:

The legal description is hereby deleted in its' entirety and replaced with the following Exhibit "A".

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Mortgage does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED FEBRUARY 8, 2010.

GRANTOR ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THIS MODIFICATION OF MORTGAGE AND ALL OTHER DOCUMENTS RELATING TO THIS DEBT.

GRANTOR:

TOWN CENTER CEDAR PROPERTIES, L.L.C.

By: 

Michael D. Frantz, Managing Member of Town Center Cedar Properties, L.L.C.

LENDER:

CEDAR RAPIDS BANK AND TRUST COMPANY

X 

Gary M. Becker, Senior Vice President

MODIFICATION OF MORTGAGE
(Continued)

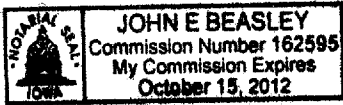
Loan No: 1019921860

Page 3

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Iowa)
) SS
COUNTY OF Johnson)

On this 17th day of February, A.D., 2010, before me, the undersigned Notary Public in said County and State, personally appeared **Michael D Frantz, Managing Member of Town Center Cedar Properties, L.L.C.**, to me personally known, who being by me duly sworn, did say that he or she is a member or designated agent of said limited liability company, and that the instrument was signed and sealed on behalf of the limited liability company by authority of the limited liability company and the member or designated agent acknowledged the execution of the instrument to be the voluntary act and deed of the limited liability company by it and by the member or designated agent voluntarily executed.



John Beasley
Notary Public in the State of Iowa

MODIFICATION OF MORTGAGE
(Continued)

Loan No: 1019921860

Page 4

LENDER ACKNOWLEDGMENT

STATE OF IOWA)
) SS
COUNTY OF LINN)

On this 17TH day of FEBRUARY, A.D., 20 10, before me, the undersigned Notary Public in said County and State, personally appeared **Gary M Becker** and known to me to be the **Senior Vice President**, authorized agent for **CEDAR RAPIDS BANK AND TRUST COMPANY** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of **CEDAR RAPIDS BANK AND TRUST COMPANY**, duly authorized by **CEDAR RAPIDS BANK AND TRUST COMPANY** through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of **CEDAR RAPIDS BANK AND TRUST COMPANY**.

By Dawn P. Barrett

Residing at CEDAR RAPIDS, IA

Notary Public in and for the State of IOWA

My commission expires 10-7-11



TOWN CENTER CEDAR PROPERTIES, LLC

EXHIBIT "A"

Legal Description

UNITS 1 THROUGH 15 BUILDING A, DEMING CONDOMINIUMS, CEDAR RAPIDS IOWA, TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN AND TO THE COMMON AREAS AND FACILITIES APPURTENANT THERETO, ALL AS APPEARS OF RECORD AND ON LAND DESCRIBED IN THE DECLARATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, LINN COUNTY, IOWA, ON DECEMBER 22, 2003, IN VOL. 5514, BEGINNING AT PAGE 638, AS MAY BE AMENDED.

AND

UNITS 1 THROUGH 15 BUILDING B, DEMING CONDOMINIUMS, CEDAR RAPIDS IOWA, TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN AND TO THE COMMON AREAS AND FACILITIES APPURTENANT THERETO, ALL AS APPEARS OF RECORD AND ON LAND DESCRIBED IN THE DECLARATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, LINN COUNTY, IOWA, ON DECEMBER 22, 2003, IN VOL. 5514, BEGINNING AT PAGE 638, AS MAY BE AMENDED.