

STATE OF NEBRASKA } ss  
SALINE COUNTY

Entered in numerical index and filed on  
record, the 17 day of December  
20, 07 at 9:00'clock AM. and recorded  
in Book 359 of Records Page 717-719

Loan No. F-110114

*Jinda Kartanek*  
County Clerk

**SUBORDINATION AGREEMENT**

THIS AGREEMENT made as of the 5<sup>th</sup> day of December, 2007, between Midwest Bank, N.A., (hereinafter referred to as the "Undersigned"), and AXA Equitable Life Insurance Company, a New York corporation having its principal place of business at 1290 Avenue of the Americas, Twelfth Floor, New York, New York 10104, (hereinafter referred to as the "Lender").

**WITNESSETH:**

**WHEREAS**, HRW Land, a Nebraska Partnership, have applied to the Lender for a loan in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND and NO/100 DOLLARS (\$175,000.00), to be evidenced by a Note in that amount of even date herewith and secured by a mortgage, deed of trust or security deed of even date herewith (hereinafter referred to as the "Mortgage") covering the following premises situate in Saline County, Nebraska:

See Attached Legal Description

**WHEREAS**, the Undersigned is the holder of the following mortgage, lease, contract of sale, judgment or other encumbrance (hereinafter referred to as the "Encumbrance"):

Subject to Agricultural Deed of Trust With Future Advances executed by Harvey N, and Sandra, K, Milton, husband and wife; Robert A. and Shirley K. Milton, husband and wife; Wayne H. and Lorraine C. Milton, husband and wife, Trustor to Michael J. Murphy, Attorney, Trustee and Norwest Agricultural Credit, 1110, Beneficiary dated May 16, 1990 and filed May 17, 1990 in Book 242 Page 195-199 in the amount of \$550,000.00. Assignment to Wells Fargo Bank South Dakota filed January 25, 2001 in Book 296 Page 234-235. Assignment to Midwest Bank, N.A filed November 24, 2003 in Book 324 Page 470. Subordination Agreement filed December 31, 1992 in Book 252 Page 446-449 wherein Norwest Agricultural Credit, Inc. agrees to subordinate its lien in favor of The Equitable Life Assurance Society of the United States. Subject to Subordination Agreement (Fixtures) dated December 29, 1992 and filed December 31, 1992 in Book 252 Page 454 wherein Norwest Agricultural Credit, Inc. agrees to subordinate its covering One Amarillo Gearhead and One Western Land Roller Turbine Pump in favor of Equitable Agri-Business, Inc.

**WHEREAS**, to induce the Lender to make said loan, the Undersigned has agreed with the Lender to subordinate to the lien of the Mortgage all right, title and interest of the Undersigned, including the Encumbrance, in and to all or any part of said premises;

**NOW, THEREFORE**, in consideration of the premises and of the sum of One Dollar (\$1.00) paid by the Lender to the Undersigned at or before delivery of this Agreement, the receipt of which is hereby acknowledged, the Undersigned ~~hereby covenants and agrees with the Lender that the Encumbrance and any and all of the rights, options, liens and charges therein contained or created thereunder or thereby and a further right, title and interest of the Undersigned in said premises shall be and shall continue to be subject and subordinate in lien to the lien of the Mortgage and to any extensions, renewals and modifications thereof, to the~~



Exhibit "A"

Legal Description

That part of the Southwest Quarter of Section 13, Township 8 North, Range 1 East of the 6<sup>th</sup> P.M., Saline County, Nebraska, lying North of the railroad right of way, except a tract described as follows: Commencing at the SW corner of said Southwest Quarter, thence on an assumed bearing of N00°00'00"E and on the West line of said Southwest Quarter, 502.12 feet to the point of beginning; said point also being on the Northerly right of way line of the Burlington Northern Railroad; thence continuing on the aforesaid bearing and on the West line of said Southwest Quarter, 363.0 feet; thence N88°24'00"E 325.0 feet; thence S00°28'52"E, 82.79 feet; thence N87°02'50"E, 205.07 feet; thence S04°13'44"E, 259.94 feet to a point on said Northerly railroad right of way line; thence S85°46'23"W and on said Northerly railroad right of way line 551.03 feet to the point of beginning.

No.	Gen.	Num.	Paged	
# 44	✓	✓	✓	
Register of Deeds				

From and Return to:  
Bottorf & Maser, Law Offices  
P. O. Box 348  
Sutton, NE 68979-0348  
Fee: \$ 15.50 paid