

This form is available electronically.

Form Approved – OMB No. 0560-0237

(See Page 2 for Privacy

Act and Public Burden Statements)

FSA-2319  
(12-08-08)

U.S. DEPARTMENT OF AGRICULTURE  
Farm Service Agency

Position 5

**AGREEMENT WITH PRIOR LIENHOLDER**

1. **WHEREAS** (a) \_\_\_\_\_

(Mortgagee) is the holder of a certain (b) \_\_\_\_\_

(Security Instrument) recorded in Book No. (c) \_\_\_\_\_ Page (d) \_\_\_\_\_ ,

of the (e) \_\_\_\_\_ Records of (f) \_\_\_\_\_

County; \_\_\_\_\_

2. **WHEREAS** \_\_\_\_\_

(Mortgagor) is the owner of certain real estate described in the above listed security instrument; and

3. **WHEREAS**, Mortgagor has applied to the United States of America, United States Department of Agriculture, acting through the Farm Service Agency (Government), for a loan for the purpose of improving or purchasing and improving the real estate, to be secured by a mortgage, deed of trust, or other security instrument that will be subject to the Security Instrument held by or the benefit of Mortgagee;

4. **THEREFORE**, in consideration of the making of the loan by the Government, Mortgagee, for Mortgagee's self, heirs, executors, administrators, successors, and assigns does hereby agree:

(a) That the Mortgagee will not declare the Security Instrument to be in default and the indebtedness secured thereby will not be accelerated unless prior written notice has been provided to the Government by certified mail not less than

(1) \_\_\_\_\_ days of the intended action, at the following address:

(2) \_\_\_\_\_

(b) That the Government may, at its option cure any monetary default by paying the amount of the Mortgagor's delinquent payments to the Mortgagee, or pay the obligation in full and the Mortgagee will assign the lien to the Government.

(c) That should the Government commence liquidation proceedings and thereafter acquire the real estate covered by the Security Instrument, the Mortgagee will not declare the Security Instrument to be in non-monetary default.

(d) That to the extent the Security Instrument secures future advances, which have priority over the Government's security instrument, no advances for purposes other than taxes, insurance or payment on other prior liens will be made under

any future advance feature of the Mortgagee's Security Instrument without the written consent of the Government.

FSA-2319 (12-08-08)

Page 2 of 2

(e) That this agreement includes consent to the Government for making or transferring loans and taking or retaining the related mortgage notwithstanding any provision of the Mortgage which prohibits a loan, mortgage or transfer without the Mortgagee's consent; and

(f) That should the Government obtain title to the property either by foreclosure or voluntary conveyance, the Mortgagee will grant consent so the Government may transfer the property subject to the prior lien notwithstanding any prohibition in the Mortgagee's security instrument the contrary.

5. **IN WITNESS WHEREOF**, Mortgagee has executed this Agreement by signing on the (a) \_\_\_\_\_ day of (b) \_\_\_\_\_, (c) 20\_\_.

BY (d) \_\_\_\_\_

TITLE (e) \_\_\_\_\_

**6. ACKNOWLEDGMENT**

**NOTE:**

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): the Farm Service Agency (FSA) is authorized by the Consolidated Farm and Rural Development Act, as amended (7 USC 1921 et seq.), or other Acts, and the regulations promulgated thereunder, to solicit the information requested on its application forms. The information requested is necessary for FSA to determine eligibility for credit or other financial assistance, service your loan, and conduct statistical analyses. Supplied information may be furnished to other Department of Agriculture agencies, the Internal Revenue Service, the Department of Justice or other law enforcement agencies, the Department of Defense, the Department of Housing and Urban Development, the Department of Labor, the United States Postal Service, or other Federal, State, or local agencies as required or permitted by law. In addition, information may be referred to interested parties under the Freedom of Information Act (FOIA), to financial consultants, advisors, lending institutions, packagers, agents, and private or commercial credit sources, to collection or servicing contractors, to credit reporting agencies, to private attorneys under contract with FSA or the Department of Justice, to business firms in the trade area that buy chattel or crops or sell them for commission, to Members of Congress or Congressional staff members, or to courts or adjudicative bodies. Disclosure of the information requested is voluntary. However, failure to disclose certain items of information requested, including your Social Security Number or Federal Tax Identification Number, may result in a delay in the processing of an application or its rejection.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0237. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. **RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.