

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL HOUSING SERVICE

MORTGAGE AND LOAN AGREEMENT MODIFICATION AGREEMENT

THIS MORTGAGE AND LOAN AGREEMENT MODIFICATION AGREEMENT (the "Mortgage Modification"), dated as of the ____ day of _____, _____, by and between the UNITED STATES OF AMERICA, acting through RURAL HOUSING SERVICE, formerly Farmers Home Administration, UNITED STATES DEPARTMENT OF AGRICULTURE (the "Government"), whose post office address is _____, and _____, having an office and place of business at _____ (the "Borrower"). The Mortgage Modification modifies and amends that certain Real Estate Mortgage dated _____, and recorded on _____, in the _____ County Recorder's Office, in Volume ____, Page ____, covering real property located in the _____ County, in the State of _____.

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, the Government and the Borrower are parties to a certain Promissory Note dated _____, (the "Promissory Note") pursuant to which the Government agreed to loan to Borrower an amount not to exceed _____ Dollars (\$_____);

WHEREAS, the Promissory Note is secured by a certain Real Estate Mortgage dated _____, and recorded on _____, in the _____ County Recorder's Office, in Volume ____, Page ____, (the "Mortgage"), from the Borrower to the Government (the Promissory Note and Mortgage, together with all other instruments, affidavits, agreements, security agreements, financing statements and documents executed and delivered in connection therewith, are hereinafter sometimes referred to collectively as the "Loan Documents");

WHEREAS, the Borrower and the Government have executed a reamortization agreement, whereby the parties have agreed to reamortize the Promissory Note that is listed on the face of the Mortgage; and

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WHEREAS, the Borrower and the Government desire to modify the Mortgage in order to reflect the reamortized amount of the Promissory Note and to reflect new rates and terms.

NOW, THEREFORE, for valuable consideration, including but not limited to, the foregoing premises and the covenants contained herein, the receipt and sufficiency thereof is hereby acknowledged, the parties hereto agree as follows:

1. Defined Terms. All capitalized terms used herein and not specifically defined shall have the meaning set forth in the Loan Documents.

2. Modification of Rates and Terms. The Mortgage is hereby modified to reflect the following reamortized amount of the Promissory Note and new rates and terms:

<u>Date of Instrument</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Due Date of Final Installment</u>
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3. Revision of Restrictive Use Covenant. Covenant _____ of the Mortgage is revised to read as follows:

The Borrower and any successors in interest agree to use the housing for the purpose of housing people eligible for occupancy as provided in Section 515 of Title V of the Housing Act of 1949, and FmHA regulations then in effect during the remaining term of the Mortgage, as modified by this Mortgage Modification. No eligible person occupying the housing will be required to vacate nor any eligible person denied occupancy for housing prior to the close of such period because of a prohibited change in use of the housing. A tenant may seek enforcement of this provisions as well as the Government.

4. Loan Agreement. The terms of the Loan Agreement between the Borrower and the Government, dated _____, are hereby revised to conform to the terms of the Mortgage Modification.

5. Ratification of Remaining Terms. All terms and provisions of the Mortgage not expressly modified hereby remain in full force and effect as originally written and are in all respects ratified and confirmed by the parties hereto.

6. Recording; Endorsement to Title Insurance Policy. Borrower shall promptly file an executed original of this Mortgage Modification with the Recorder of _____ County, in the State of _____. Borrower shall be responsible for all expenses associated with this

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Mortgage Modification, including but not limited to, recording fees and title insurance premiums costs.

7. Continuation of Mortgage Lien and Security Interests. This Mortgage Modification does not constitute the creation of a new debt or the extinguishment of the debt evidenced by the Promissory Note, nor does it in any manner affect or impair the Mortgage or any security agreement executed in connection with the Promissory Note or applicable to the Promissory Note. Borrower agrees the Mortgage and all other security interests granted by Borrower to the Government continue to be valid and existing liens on the property described in the Mortgage and the Loan Documents.

8. Counterparts. This Mortgage Modification may be signed by the parties in multiple, separate counterparts which taken together shall constitute one and the same Mortgage Modification.

[Remainder of page intentionally left blank; signature pages to follow.]

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IN WITNESS WHEREOF, the parties have caused this Mortgage and Loan Agreement Modification Agreement to be executed by its authorized agents who hereunto set their hands and seals as of the date first written above.

BORROWER:

By:
Its:

By: _____

ACKNOWLEDGMENT

STATE OF)
) ss:
COUNTY OF)

On this _____ day of _____, 20____, before me, the undersigned, a notary public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person on behalf of which the individual(s) acted, executed instrument.

(NOTARIAL SEAL)

Notary Public

My commission expires: _____

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GOVERNMENT:

UNITED STATES OF AMERICA, acting
through the RURAL HOUSING SERVICE,
UNITED STATES DEPARTMENT OF
AGRICULTURE

By: _____

State Director
Rural Development

ACKNOWLEDGMENT

STATE OF)
) ss:
COUNTY OF)

On this ____ day of _____, 20__, before me, the undersigned, a notary public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person on behalf of which the individual(s) acted, executed instrument.

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