

Recorded: 5/19/2022 at 11:39:16.0 AM  
County Recording Fee: \$17.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$20.00  
Revenue Tax:  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2022 PG: 1609

**FOR RECORDER'S USE ONLY**

Prepared By: LIZZ CUROE, COMMERCIAL BANKING ASSISTANT, DUBUQUE BANK AND TRUST COMPANY, 1398 CENTRAL AVE, DUBUQUE, IA 52004-0778, (563) 589-2000

**RECORDATION REQUESTED BY:**  
DUBUQUE BANK AND TRUST COMPANY, MAIN BANK, 1398 CENTRAL AVE, PO BOX 778,  
DUBUQUE, IA 52004-0778

**WHEN RECORDED MAIL TO:**  
DUBUQUE BANK AND TRUST COMPANY, MAIN BANK, 1398 CENTRAL AVE, PO BOX 778,  
DUBUQUE, IA 52004-0778

**MODIFICATION OF MORTGAGE**



\*0740\*

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 1 of this Modification. The legal description can be found on page 1 of this Modification. The parcel identification number can be found on page 1 of this Modification. The related document or instrument number can be found on page 1 of this Modification.

**THIS MODIFICATION OF MORTGAGE** dated May 19, 2022, is made and executed between DYERSVILLE READY MIX INC., whose address is 2021 325TH AVE, DYERSVILLE, IA 52040; AN IOWA CORPORATION (referred to below as "Grantor") and DUBUQUE BANK AND TRUST COMPANY, whose address is 1398 CENTRAL AVE, PO BOX 778, DUBUQUE, IA 52004-0778 (referred to below as "Lender").

**MORTGAGE.** Lender and Grantor have entered into a Mortgage dated June 28, 2019 (the "Mortgage") which has been recorded in DELAWARE County, State of Iowa, as follows:

**RECORDED ON 07/25/2019 IN DELAWARE COUNTY, IOWA AS BOOK #2019 PAGE 1962.**

**REAL PROPERTY DESCRIPTION.** The Mortgage covers the following described real property located in DELAWARE County, State of Iowa:

PARCEL H; LOT 2 OF FINK'S ADDITION AND PART OF PARCEL G, ALL IN SECTION 6, TOWNSHIP 88 NORTH, RANGE 5 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA, ACCORDING TO THE PLAT RECORDED IN BOOK 2008, PAGE 1893.

The Real Property or its address is commonly known as 1012 BURLINGTON RD, MANCHESTER, IA 52057. The Real Property tax identification number is 640060000520. The Real Property parcel identification number is 640060000520.

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

**LENDER AND GRANTOR AGREE TO ADD THE FOLLOWING SWAP CROSS-COLLATERALIZATION PROVISION PARAGRAPH:**

**SWAP CROSS-COLLATERAL PROVISION.** The Borrower acknowledges and agrees that any and all Collateral (as hereinafter defined) granted to secure the Note shall also secure any and all Swap

**MODIFICATION OF MORTGAGE  
(Continued)**

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Indebtedness. Collateral means all property and assets granted as collateral security for the loan evidenced by the Note, whether real or personal property, whether granted directly or indirectly, whether granted now or in the future, and whether granted in the form of a security interest, mortgage, collateral mortgage, deed of trust, assignment, pledge, chattel mortgage, collateral chattel mortgage, chattel trust, factors' lien, equipment trust, conditional sale, trust receipt, lien or title retention contract, lease or consignment intended as a security device, or any other security or lien interest whatsoever, whether created by law, contract or otherwise.

**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.

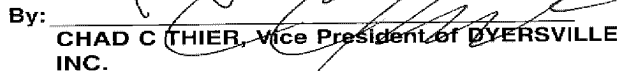
**GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED MAY 19, 2022.**

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

**GRANTOR:**


**DYERSVILLE READY MIX INC.**

By:   
**TONY A THIER, President of DYERSVILLE READY MIX INC.**

By:   
**CHAD C THIER, Vice President of DYERSVILLE READY MIX INC.**

**LENDER:**

**DUBUQUE BANK AND TRUST COMPANY**

X   
**Authorized Signer**

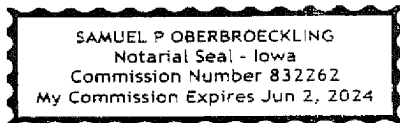
MODIFICATION OF MORTGAGE  
(Continued)

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CORPORATE ACKNOWLEDGMENT

STATE OF Iowa )  
 ) SS  
COUNTY OF Dubuque )

This record was acknowledged before me on May 19, 2022 by TONY A THIER, President of DYERSVILLE READY MIX INC. and CHAD C THIER, Vice President of DYERSVILLE READY MIX INC..

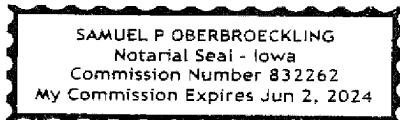


Samuel P. Oberbroeckling  
Notary Public in and for the State of Iowa  
My commission expires 6/2/2024

LENDER ACKNOWLEDGMENT

STATE OF Iowa )  
 ) SS  
COUNTY OF Dubuque )

This record was acknowledged before me on May 19, 2022 by Tyson Legendre as President of DUBUQUE BANK AND TRUST COMPANY.



Samuel P. Oberbroeckling  
Notary Public in and for the State of Iowa  
My commission expires 6/2/2024