



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 25, 2021

Department _____ **Housing** _____ **Director Approval** _____ **April Nutt** _____

AGENDA ITEM Consider approving a “Subordination Agreement” for 1902 Bradley Court.

SUMMARY RECOMMENDATION Approve Request

BACKGROUND This home has been constructed with funds from the Independence Housing Authority’s Development Account. Due to the Housing Authority not being able to hold property in the Independence Housing Authority’s name, the City of Independence provides that service. IHA has approved the “Subordination Agreement” in order for Cindi J. Lewellen to refinance the property. IHA requests the City of Independence to honor that agreement.

BUDGET IMPACT This project is not a project of the City of Independence and therefore does not impact the City budget.

SUGGESTED MOTION I move to approve the “Subordination Agreement” for 1902 Bradley Court.

SUPPORTING DOCUMENTS Subordination Agreement.

SUBORDINATION AGREEMENT

This Agreement is entered into by and between **Equity Bank**, a financial institution (hereafter EQB), and the **City of Independence, Kansas**, a municipal corporation (hereafter City).

Whereas, City is currently the mortgagee under the following described mortgage which by design is currently a second mortgage:

Mortgagor: William C. Lewellen and Cindi J. Lewellen
Mortgagee: City of Independence, Kansas
Date: December 2, 2019
Amount: \$31,000.00
Recorded: Book 686 at Page 483
Legal Desc: Lot 6, Block 1, Eisenhower Addition, a Replat of Lots 7 & 8, Block 3, Lot 7, Block 4, a portion of Lot 8, Block 4, a portion of vacated Lots 9 & 10, Block 3 and Lots 9 & 10, Block 4, Highland Park Addition, and a portion of the SE/4 of the SE/4 of Section 24, Township 32, Range 15 East of the 6th P.M., all in the City of Independence, Montgomery County, Kansas

And Whereas, mortgagor Cindi J. Lewellen is refinancing her current first mortgage with EQB, and EQB desires to have the first mortgage on the above described real estate, superior to the current second mortgage of City.

Now Therefore, City hereby covenants, agrees and consents that its second mortgage described above, recorded in Book 686 at Page 483, shall continue to be a second mortgage and shall be subordinate to the new first mortgage in favor of EQB described as follows:

Mortgagor: Cindi J. Lewellen
Mortgagee: Equity Bank
Date: _____, 2021
Amount: \$ _____
Recorded: Book _____ at Page _____
Legal Desc: Lot 6, Block 1, Eisenhower Addition, a Replat of Lots 7 & 8, Block 3, Lot 7, Block 4, a portion of Lot 8, Block 4, a portion of vacated Lots 9 & 10, Block 3 and Lots 9 & 10, Block 4, Highland Park Addition, and a portion of the SE/4 of the SE/4 of Section 24, Township 32, Range 15 East of the 6th P.M., all in the City of Independence, Montgomery County, Kansas

In Witness Whereof, the parties have executed this agreement below.

EQUITY BANK

DATE

By: _____
Name:
Title:

CITY OF INDEPENDENCE, KANSAS

DATE

By: _____
Louis Ysusi, Mayor

ATTEST:

David W. Schwenker, City Clerk

ACKNOWLEDGMENTS

STATE OF KANSAS)
) SS:
MONTGOMERY COUNTY)

Be It Remembered that on this ____ day of _____, 2021, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared _____, who is _____ of **Equity Bank**, a financial institution, and who is personally known to me to be the same person who executed, as such representative, the above and foregoing instrument of writing on behalf of said financial institution, and such person acknowledged the execution of the same to be the act and deed of said financial institution.

In Witness Whereof, I have hereunto set my hand and seal the day and year last above written.

NOTARY PUBLIC

My commission expires:

STATE OF KANSAS)
) SS:
MONTGOMERY COUNTY)

Be It Remembered that on this ____ day of _____, 2021, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Louis Ysusi, Mayor, and David W. Schwenker, City Clerk, of the **City of Independence, Kansas**, a municipal corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, and who are personally known to me to be the same persons who executed the above and foregoing instrument of writing on behalf of said municipal corporation, and such persons acknowledged the execution of the same to be the act and deed of said municipal corporation.

In Witness Whereof, I have hereunto set my hand and seal the day and year last above written.

NOTARY PUBLIC

My commission expires: