

2003 113405

AHP Project No.:

Real Estate Retention Agreement  
Affordable Housing Program  
Grant Award  
(Homeownership)

Citizens Title Insurance Company

620030192  
For purposes of this Agreement, the following terms shall have the meanings set forth below:

"FHLBI" shall refer to the Federal Home Loan Bank of Indianapolis

"Member" shall refer to Citizens Financial Services, FSB  
(FHLBI's member institution)

"Borrower(s)" shall refer to Donna F. Heller as Trustee of a Trust Agreement dated the 8<sup>th</sup> day of February, 1995

For and in consideration of receiving direct subsidy funds (the "Subsidy") under the Affordable Housing Program ("AHP") of the FHLBI through the Member, with respect to that certain real property located at 7504 Jefferson Avenue, in the city/town of Hammond, County of Lake, State of Indiana, which is more fully described as follows:

See "EXHIBIT A" attached hereto and made a part hereof

Borrower(s), their successors, heirs and assigns hereby agree that they shall maintain ownership and reside in this property as their primary residence for a period of five (5) years ("Retention Period") from the date of the recording of this instrument and further agrees with the Member that:

- (i) The FHLBI, whose mailing address is P.O. Box 60, Indianapolis, Indiana 46206, Attention: Community Investment Division, is to be given immediate written notice of any sale or refinancing of this property occurring prior to the end of the Retention Period;
- (ii) In the case of a sale prior to the end of the Retention Period, an amount equal to a pro rata share calculated by FHLBI on a monthly basis, of the direct Subsidy that financed the purchase, construction, or rehabilitation of this property reduced for every year the Borrower/Seller owned the property, shall be repaid to the Member for reimbursement to the FHLBI

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from any net gain realized upon the sale of the property after deduction for sales expenses, unless the purchaser is a low- or moderate-income household which is defined as having not more than 80% of the area median income where such income targeting was committed to in the AHP application receiving the AHP grant award;

- (iii) In the case of a refinancing prior to the end of the Retention Period, an amount equal to a pro rata share of the direct Subsidy that financed the purchase, construction, or rehabilitation of the property, reduced for every year the Borrower has owned the property, shall be repaid to the Member for reimbursement to the FHLBI from any net gain realized upon the refinancing, unless the property continues to be subject to a deed restriction or other legally enforceable retention agreement or mechanism, incorporating the requirements of clauses (i), (ii), (iii) and (iv) contained herein; and
- (iv) The obligation to repay the Subsidy to the Member shall terminate after any foreclosure. Otherwise, the covenants contained herein shall continue until released by the Member in writing or the expiration of the Retention Period, whichever should first occur.

IN WITNESS WHEREOF, the Borrower(s) and the Member, by its duly authorized representative, have executed this Agreement as of this 14th day of October, 2003

Witness: \_\_\_\_\_

Donna F. Heller Trustee  
Borrower: Donna F. Heller as Trustee of a  
Trust Agreement dated the 8<sup>th</sup> day of February,  
1995

Witness: \_\_\_\_\_

Borrower: \_\_\_\_\_

Witness: \_\_\_\_\_

Citizens Financial Services, FSB  
(Member)

Witness: \_\_\_\_\_

By: Richard A. Cole  
Richard A. Cole, Asst. Vice President  
(Printed Name and Title)

State of Indiana )  
 )SS:  
County of Lake )

The foregoing instrument was acknowledged before me this 14th day of  
October, 2003, by Donna f. Heller

My Commission Expires: 4/18/08 Cecelia A. Bragg  
Notary Public  
My County of Residence: Lake Cecelia A. Bragg  
(Printed)

State of Indiana )  
 )SS:  
County of Lake )

The foregoing instrument was acknowledged before me this 14th day of  
October, 2003, by Richard A. Cole  
the Asst. Vice President of Citizens Financial Services FSB  
(Member) for and on behalf of such organization.

My Commission Expires: 4/18/08 Cecelia A. Bragg  
Notary Public  
My County of Residence: Lake Cecelia A. Bragg  
(Printed)

This Instrument prepared by: Brian I Goins  
(and upon recording, to be returned to)

(Mailing Address)

EXHIBIT A

Lot 1, except toe South 3 feet by parallel lines thereof, in Jefferson to the City of Hammond, Indiana, as per plat thereof, recorded in Plat Book 22 Page 21, in the Office of the Recorder of Lake County, Indiana.

