



**AMENDMENT TO AGREEMENT FOR DEFERRED ASSESSMENT**

**PAUL R. AND KAREN L. THOFT  
LOT 4, BLOCK 1, CLUB 59 ADDITION**

**AMENDMENT TO**  
**AGREEMENT FOR DEFERRED ASSESSMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of May, 2021, by and between the City of Marshall, a municipal corporation, hereinafter referred to as the “City”, and Paul R. Thooft and Karen L. Thooft, husband and wife, hereinafter referred to as “Owners”,

WITNESSETH:

WHEREAS, the Parties hereto have previously entered into an agreement for deferred assessment dated December 1, 2008, which agreement was filed December 31, 2008 in the office of the Lyon County Recorder and is recorded as Document No. 179387, attached as Exhibit A which provides as follows:

WHEREAS, Owners own the property described as follows:

Lot 4, Block 1, Club 59 Addition to the City of Marshall, Lyon County, Minnesota

AND WHEREAS, the City of Marshall has previously adopted a Special Assessment roll for Project Y42: Club 59 Addition Improvement Project in the City of Marshall, Minnesota, which the Owners property described above is also identified as Tax Parcel No. 27-605-023-0 and 27-152-004-0;

AND WHEREAS, said project Y72 resulted in approved assessments against said property in the amounts as follows; Water Assessment: \$8,469.77, Sanitary Sewer Assessment: \$8,821.19 for total assessments in the amount of \$17,290.66.

AND WHEREAS, said assessments were hereby deferred as recorded pursuant to the agreement for deferred assessment as set forth above.

NOW, WHEREFORE, parties hereto further agree as follows:

1. That the Owners have provided notice to the City that Owners hereby intend to access the municipal water as installed as part of Project Y72.
2. That Owners further consent that the water assessment in the amount of \$8,469.77 be removed from the deferred assessment status and that said water assessment can now be assessed against owners’ taxes and that said amount will be paid per the terms of the special assessment. Specifically, that said water assessment shall be spread in equal principal installments over a period of 10 years and shall bear interest at a rate of 6.1% (six and one tenths percent) from date of service of the above notice.

3. That the sanitary sewer assessment in the amount of \$8,821.19 shall continue to be deferred and that no interest shall be charged on said sanitary sewer assessment until notice of termination of the deferred assessment has been served by the owners of the above-described property upon the City.
4. That said amendment to the agreement for deferred assessment shall be filed in the office of the county recorder and in force at Lyon County Minnesota as provided by law and that said Owners shall pay for said recording fee.
5. This agreement shall be binding upon the City and the Owners as well as their successors or assigns and interest.

**[Remainder of Page Intentionally Left Blank — Signature Page Follows]**

IN WITNESS WHEREOF, the parties have hereunto set their hands and sealed the day and year first above written.

CITY OF MARSHALL

\_\_\_\_\_  
Robert J. Byrnes, Mayor

\_\_\_\_\_  
Kyle Box, City Clerk

\_\_\_\_\_  
Sharon Hanson, City Administrator

\_\_\_\_\_  
Paul R. Thooft, Owner

\_\_\_\_\_  
Karen L. Thooft, Owner

STATE OF MINNESOTA )  
                                  ) ss  
COUNTY OF LYON        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of May, 2021, by Robert J. Byrnes, Kyle Box, and Sharon Hanson, the Mayor, City Clerk and City Administrator, respectively of the City of Marshall, a municipal corporation under the laws of Minnesota, on behalf of the municipality.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA )  
                                  ) ss  
COUNTY OF LYON        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of May, 2021, by Paul R. Thooft and Karen L. Thooft, husband and wife, Owners.

\_\_\_\_\_  
Notary Public

12/31/08



179387

OFFICE OF COUNTY RECORDER  
LYON COUNTY MINNESOTA

CERTIFIED, FILED, AND/OR  
RECORDED ON  
12/31/2008 03:15PM

JEANINE M. BARKER  
COUNTY RECORDER

BY *Judy J. Allen*  
DEPUTY

## AGREEMENT FOR DEFERRED ASSESSMENT

**PAUL R. AND KAREN L. THOFT**  
**LOT 4, BLOCK 1, CLUB 59 ADDITION**

**AGREEMENT FOR DEFERRED ASSESSMENT**

THIS AGREEMENT, made and entered into this 1st day of December, 2008, by and between the City of Marshall, a municipal corporation, hereinafter referred to as the "City", and PAUL R THOFT AND KAREN L THOFT, hereinafter referred to as "Owner(s)",

WITNESSETH:

WHEREAS, Owner(s) own:

Lot 4, Block 1, Club 59 Addition

AND WHEREAS, the City of Marshall did on October 6, 2008, adopt an assessment roll for Project Y42: Club 59 Addition Improvement Project in the City of Marshall, Minnesota, which the Owner(s) property was described as Parcel No. 27-605-023-0 / 27-152-004-0 and was assessed the sum of \$17,290.66 for said improvements,

AND WHEREAS, the City and the Owner(s) hereby determine that said improvement project does not benefit the Owner(s) property until the Owner(s) want access to either the water and/or sanitary sewer improvements installed under said project.

NOW, THEREFORE, it is hereby agreed between the City and the Owner(s) as follows:

1. That the Owner(s) hereby consent to the assessment against the following described property in the following amounts:

Parcel No. 27-605-023-0 / 27-152-004-0  
 Lot 4, Block 1, Club 59 Addition  
 \$17,290.66

2. That the collection of said assessment shall be deferred and the City agrees to not certify said assessment to the County Treasurer for collection until the owners of the above described property request access to either the water and/or sanitary sewer improvements installed under said project. At the time that the owner served said notice upon the City, the City will then terminate the deferral of said assessment and shall have a right to collect said assessment. Once notice is served by the owners, as well as their successors and assigns, said assessment shall be spread in equal principal installments over a period of ten (10) years and shall bear interest at a rate of 6.1% (six and one-tenths percent) from the date of service of the above notice. No interest shall be charged on said assessment until notice of termination of the deferred assessment has been served by the owners of the above described property upon the City.

3. The City shall cause said deferral to be filed in the office of the Registrar of Deeds and the Registrar of Title for Lyon County, Minnesota, as provided by law.

4. This agreement shall be binding upon the City, and the Owner(s) as well as their successors or assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and sealed the day and year first above written.

CITY OF MARSHALL

Robert J. Byrnes, Mayor

Thomas M. Meulebroeck, City Clerk

Ben Martig, City Administrator

PAUL R THOOFT, Owner


KAREN L THOOFT, Owner

STATE OF MINNESOTA )  
                                  ) ss  
COUNTY OF LYON      )


The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of November, 2008, by Robert J. Byrnes, Thomas M. Meulebroeck, and Ben Martig, the Mayor, City Clerk and City Administrator, respectively of the City of Marshall, a municipal corporation under the laws of Minnesota, on behalf of the municipality.

*Jane Devries*

STATE OF MINNESOTA )  
                                  ) ss  
COUNTY OF LYON      )

 JANE T. DEVRIES  
Notary Public-Minnesota  
My Commission Expires Jan 31, 2010

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of November, 2008, by Paul R Thooft (Owner) Husband and Karen L Thooft (Owner) wife

 CAROL ANN JENSEN  
NOTARY PUBLIC - MINNESOTA  
My Commission Expires Jan. 31, 2010