

STATE OF ALABAMA  
JEFFERSON COUNTY

**SUBORDINATION OF MORTGAGE**

THIS SUBORDINATION OF MORTGAGE executed this 9th day of July, 1998, by FIRST COMMERCIAL BANK ("First Commercial"), and James K. Simmons, an unmarried man ("Simmons").

**WITNESSETH:**

WHEREAS, James K. Simmons, an unmarried man is/are the owner(s) of the real estate more particularly described as follows:

Lot 5, Block 4, according to the Amended Map and Survey of Woodford, a Subdivision of Inverness, as recorded in Map Book 8, Page 51 A, B, C & D, in the Probate Office of Shelby County, Alabama.

WHEREAS, James K. Simmons heretofore executed a mortgage in favor of First Commercial Bank, filed for record 4/13/, 1992, recorded in Instrument #4332, in the Probate Office of Shelby County, Alabama (the "First Commercial Mortgage"); and

WHEREAS, Simmons now desire(s) to obtain a mortgage loan from Synovus Mortgage Corp. (the "Synovus Mortgage") in the principal amount of \$ 113,000.00; and

WHEREAS, Synovus Mortgage Corp. is desirous of extending credit to Simmons provided that First Commercial subordinates the lien of the First Commercial Mortgage; and

WHEREAS, in order to induce Synovus Mortgage Corp. to make the loan to Simmons, First Commercial is willing and desirous to subordinate the lien of the First Commercial Mortgage to the lien of the mortgage of Synovus Mortgage Corp. dated 9th day of July, 1998, executed by Simmons, filed for record in the Probate Office of Shelby County, Alabama, recorded in 1998-27092

NOW, THEREFORE, for and in consideration of the premises and of Ten and No/100 Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned do hereby covenant, stipulate, warrant and agree as follows:

1. First Commercial hereby subordinates all its right, title and interest in and to the lien created by the First Commercial Mortgage and other loan documents as defined in the mortgage in favor of Synovus Mortgage Corp., its successors and assigns; provided, however, that nothing herein shall be construed to subordinate any rights that First Commercial may have under its mortgage to any debts owing to Synovus Mortgage Corp. by (the) Simmons in excess of the original \$ 113,000.00 secured by the Synovus Mortgage.

2. Simmons, as mortgagor(s) under the First Commercial Mortgage, hereby consent(s) to the subordination of the First Commercial Mortgage to the Synovus Mortgage.


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SHELBY COUNTY JUDGE OF PROBATE  
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Inst # 1998-27094

IN WITNESS WHEREOF, the parties have hereunto caused this Subordination of Mortgage to be executed effective this 9th day of July, 1998.

  
James K. Simmons

FIRST COMMERCIAL BANK

BY: 

ITS: \_\_\_\_\_

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James K. Simmons whose name is signed to the foregoing Subordination, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Subordination, has executed the same voluntarily on the day the same bears date.


Given under my hand and official seal this 9th day of July, 1998.

  
Notary Public

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Tonya T. Mackinaw, whose name as Home Equity Officer, of FIRST COMMERCIAL BANK, is signed to the foregoing Subordination, and who is known to me acknowledged before me this day that, being informed of the contents of said instrument, has as such officer, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 9th day of July, 1998.

  
Notary Public  
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Aug. 8, 2001.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

List # 1998-27094

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SHELBY COUNTY JUDGE OF PROBATE  
002 MEL 11.00