



### SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT is made this 27 day of June 2003, by and between Capital One, FSB (hereinafter "Capital One") and Irwin Mortgage Corporation (hereinafter "mortgagee").

Carla T Herndon ("Borrower") executed and delivered to Capital One a mortgage or deed of trust in the sum of \$ 5,000 and recorded November 28, 2001 in book 2001 and page number 51605, in the records of SHELBY county, which mortgage or deed of trust is a lien on the following described property:

**Legal Description:**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE IN SHELBY COUNTY, ALABAMA, KNOWN AS LOT 47, ACCORDING TO THE SURVEY OF HIDDEN CREEK, AS RECORDED IN MAP BOOK 23, PAGE 97 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA. BEING THE SAME PROPERTY CONVEYED TO CARLA HERNDON, AN UNMARRIED PERSON, BY DEED FROM JOE ROSE HOMEBUILDERS, INC., RECORDED 07/10/1998 IN DEED DOCUMENT NO. 1998/26165, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA. TAX ID# 58-13-06-13-4-03-047.00

WHEREAS, Mortgagee is making a mortgage loan on or about this date to Borrower encumbering the same real property described in the Legal Description above.

WHEREAS, Mortgagee is willing to make such loan to Borrower provided that Capital One unconditionally subordinates the lien of its mortgage or deed of trust to the lien in favor of Mortgagee.

WHEREAS, Capital One has agreed to subordinate to Mortgagee on the following conditions:

1. Subordination of Lien: Capital One hereby subordinates its lien position in and on the property to Mortgagee's mortgage or deed of trust and the lien itself thereof, as if Mortgagee's mortgage or deed of trust had been recorded first in time to Capital One, and so that all public records will reflect Mortgagee's mortgage or deed of trust to be superior in lien to the mortgage or deed of trust of Capital One.

2. This subordination shall be binding upon and inure to the benefit of the respective heirs, successors, and assigns of borrower and lender.

IN WITNESS WHEREOF, the parties hereto have set their hands hereto as of the date first written above.

Representative for Capital One, FSB

SIGN: 

PRINT: William Sylvester

TITLE: Group Manager

WITNESS:

Sign: 

Print: Paula Raven

WITNESS:

Sign: 

Print: Lisa Persinger

STATE OF VIRGINIA  
COUNTY OF HENRICO

On this 27<sup>th</sup> day of June 2003, before me, the undersigned officer, personally appeared William Sylvester who acknowledged himself/herself/themselves to be the Group Manager of Capital One, FSB and, being authorized to do so, executed the foregoing SUBORDINATION AGREEMENT for the purpose therein contained by signing the name of the corporation hereto.

IN WITNESS THEREOF, I hereunto set my hand and official seal.

  
NOTARY PUBLIC

SEAL:

MY COMMISSION EXPIRES: February 28, 2006

