

STATE OF ALABAMA)  
COUNTY OF SHELBY)

### MORTGAGE SUBORDINATION AGREEMENT

This AGREEMENT is made this 26th day of March 2004, between Colonial Bank, N.A. whose address is 4705 Meadowbrook Road Birmingham, Al. 35242 and Joseph Burton Sarver III, whose address is 4105 Kinross Cir Birmingham, Al 35242 and Rae Ellen Sarver, whose address is 4105 Kinross Cir Birmingham, AL 35242 and McGowin-King Mtg. LLC.

WHEREAS, Joseph Burton Sarver III and wife Rae Ellen Sarver by a Mortgage dated the 11<sup>th</sup> day of Oct. 2002, and recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Book 20021031000638000 Page 1-3, granted and conveyed unto the said Colonial Bank a security interest or mortgage in real property located in Shelby County, Alabama, as described as follows: Lot 342, according to the Survey of Brook highland, an Eddleman Community, 7<sup>th</sup> Sector, as recorded in map book 13, page 99 A & B, in the Probate of Shelby Co.

AN WHEREAS, the above recited mortgage in the principal sum of \$30,000.00 is presently secured upon said premises.

AND WHEREAS, a Mortgage given by the said McGowin-King Mtg. LLC to Joseph B Sarver III and wife Rae Ellen Sarver for the purpose of securing the payment of the principal Sum of \$148,383.00, dated the 26th day of March 2004 and intended to be forthwith recorded as aforesaid, which said Mortgage is secured on the premises hereinabove described,

AND WHEREAS, it is the desire and intention of the parties hereto to Subordinate the lien and operation of the Mortgage first above recited, for the Full balance thereof, to the lien and operation of the Mortgage second above-recited. so that the Mortgage second above-recited shall and will become a lien upon the said promises and the Mortgage first above-recited be subordinated thereto in every manner whatsoever;

NOW WITNESS: That the parties hereto, intending to be legally bound hereby, in consideration of the promises and the advantages to be derived from those here presents, as well in consideration of the sum of \$1.00 lawful money of the United States of America, each to the other well and truly paid at and before the signing And delivery of these presents, receipt whereof is hereby acknowledged, agree that the said Mortgage first above-recited, given and executed by Colonial Bank dated 10-11-2002 and recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Book 20021031000638000, Page 1-3 secured upon the premises as therein described be, and the same is by these presents, made junior in lien and subordinated to the lien and operation of the said Mortgage second above recited given

CLAYTON T. SWEENEY, ATTORNEY AT LAW

and excured by McGowin – King to Joseph B SarverIII, and wife Rae Ellen Sarver dated March 26, 2004 and intended to be forthwith recorded as aforesaid, the principal sum of \$148,383.00 secured upon the premises herein described.

In the event of default under any of the terms or conditions of the said subordinated Mortgage, resulting in foreclosure proceedings thereon, or on the accompanying note, such proceedings shall be especially advertised as being under and subject to the lien and payment of the said Mortgage given and executed by McGowin-King Mtg. LLC to Joseph B Sarver III and wife Rae Ellen Sarver dated March 26, 2004 in the principal sum of \$148,383.00.

THIS AGREEMENT shall be binding upon the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed this 26th day of March 2004.

Joseph B Sarver III  
By: Joseph B Sarver III also known as  
Joseph Burton Sarver III

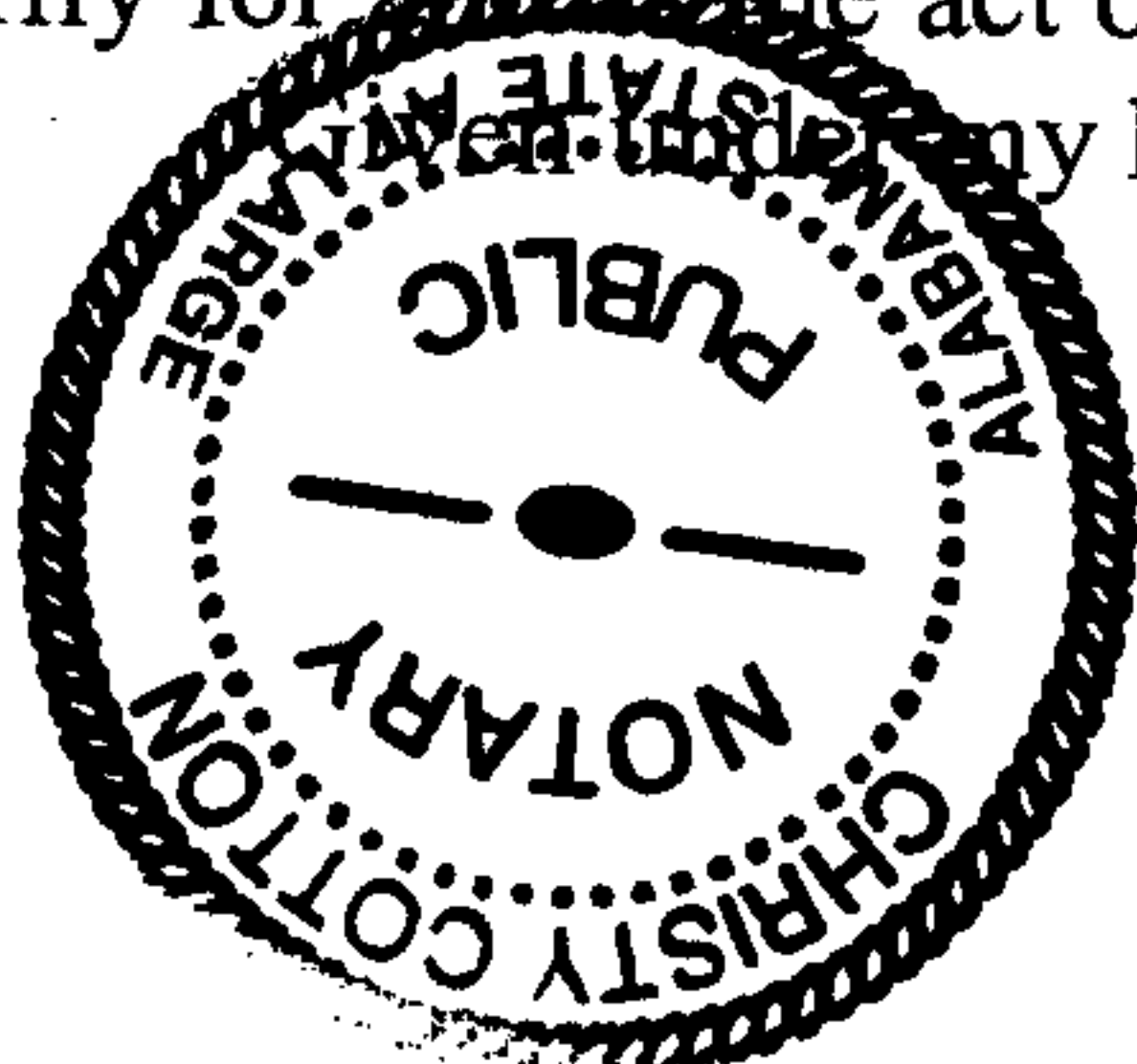
Rae Ellen Sarver  
By: Rae Ellen Sarver

Colonial Bank, N.A.

Cheryl L Hitt  
Branch Sales Mgr

STATE OF ALABAMA     )  
Shelby County)

I, the undersigned, a Notary Public, in the said County and State hereby Certify that Cheryl L Hitt, whose named as Branch Sales Manager For Colonial Bank, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he/she, as such officer and with full authority, executed the same voluntarily for and on the act of said corporation.



Witness my hand and official seal this 25 day of March, 2004

Christy Cotton

STATE OF ALABAMA                     )  
   :  
COUNTY OF JEFFERSON               )

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Joseph Barton Sarver, III and Rae Ellyn Sarver, Husband and Wife, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the Instrument they executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 26th day of March 2004.

  
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NOTARY PUBLIC

My Commission Expires: 6-5-2007