

8127158405

~~WHEN RECORDED MAIL TO:~~

46270301
Ditech.com , LLC
1100 Virginia Drive
Ft. Washington, PA 19034
Prepared by: Kim Johnson

SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT, made November 11, 2009, present owner and holder of the Mortgage and Note first hereinafter described and hereinafter referred to as **Mortgage Electronic Registration Systems, Inc.**

WITNESSETH:

THAT WHEREAS James S. Klich and Rita F. Klich, residing at 1233 Lake Point Dr. Birmingham, AL. 35244, did execute a Mortgage dated 12/19/03 to **Mortgage Electronic Registration Systems, Inc.** covering:

SEE ATTACHED

To Secure a Note in the sum of \$ 60,000.00 dated 12/19/03 in favor of **Mortgage Electronic Registration Systems, Inc.**, which Mortgage was recorded 1/21/04 as Instrument# 200435580.

WHEREAS, Owner has executed, or is about to execute, a Mortgage and Note in the sum of \$ 179,500.00 dated 11/24/09 in favor of **Ally Bank Corp f/k/a GMAC Bank**, here in after referred to as "Lender", payable with interest and upon the terms and conditions described therein, which mortgage is to be recorded concurrently herewith; and

WHEREAS, it is a condition precedent to obtaining said loan that Lender's mortgage last above mentioned shall unconditionally be and remain at all times a lien or charge upon the land herein before described, prior and superior to the lien or charge of **Mortgage Electronic Registration Systems, Inc.** mortgage first above mentioned.

NOW THEREFORE, in consideration of the mutual benefits accruing to the parties hereto, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in order to induce Lender to make the loan above referred to, it is hereby declared, understood and agreed as follows:



20091211000455670 2/3 \$17.00
Shelby Cnty Judge of Probate, AL
12.11/2009 12:26:16 PM FILED/CERT

(1) That said mortgage securing said note in favor of Lender, shall unconditionally be and remain at all times a lien or charge on the property therein described, prior and superior to the lien or charge of **Mortgage Electronic Registration Systems, Inc.** mortgage first above mentioned, including any and all advances made or to be made under the note secured by **Mortgage Electronic Registration Systems, Inc.** mortgage first above mentioned.

(2) Nothing herein contained shall affect the validity or enforceability of **Mortgage Electronic Registration Systems, Inc.** mortgage and lien except for the subordination as aforesaid.

WITNESSED BY:

Mortgage Electronic Registration Systems, Inc.

By: [Signature]
Joe Swaim
By: [Signature]
Kim Johnson
By: [Signature]
Joe Swaim
By: [Signature]
Kim Johnson

By: [Signature]
Linda Walton

Title: Vice President

Attest: [Signature]
Marnessa Birckett

Title: Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA

:
:ss
:

COUNTY OF MONTGOMERY

On 11/11/09, before me Tamika Scott, the undersigned, a Notary Public in and for said County and State, personally appeared Linda Walton personally known to me (or proved to me on the basis of satisfactory evidence) to be the Vice President, and Marnessa Birckett personally known to me (or proved to me on the basis of satisfactory evidence) to be the Assistant Secretary of the Corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same, pursuant to its bylaws, or a resolution of its Board of Directors.

WITNESS my hand and official seal.

[Signature]
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Tamika Scott, Notary Public
Horsham Twp., Montgomery County
My Commission Expires Nov. 27, 2010

Member, Pennsylvania Association of Notaries

20091211000455670 3/3 \$17.00
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Exhibit "A"

The land referred to in this policy is situated in the **STATE OF ALABAMA, COUNTY OF SHELBY, CITY OF BIRMINGHAM**, and described as follows:

LOT 2035, ACCORDING TO THE SURVEY OF LAKE POINT ESTATES, FIRST ADDITION, AS RECORDED IN MAP BOOK 17, PAGE 14, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

APN # 11-7-35-0-001-012.038

 **KLICH**
41471901

AL

FIRST AMERICAN ELS
SUBORDINATION AGREEMENT



WHEN RECORDED, RETURN TO:
EQUITY LOAN SERVICES
1100 SUPERIOR AVENUE, SUITE 200
CLEVELAND, OHIO 44114
NATIONAL RECORDING - TEAM 1
Accommodation Recording Per Client Request