


RECORDING REQUESTED BY:  
ServiceLink

  
20100301000059050 1/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
03/01/2010 12:17:31 PM FILED/CERT

WHEN RECORDED MAIL TO:  
BancorpSouth Bank  
2211 Highland Avenue  
Birmingham, Al 35205

### **SUBORDINATION OF MORTGAGE**

**FROM** BancorpSouth Bank, with its primary office address at 2211 Highland Avenue South Birmingham, AL 35205 (hereinafter called "Mortgagee")

**TO** , Wells Fargo Bank with its primary office address at 2701 WELLS FARGO WAY, MINNEAPOLIS, MN 55467-8000 (hereinafter called "Lender")

Whereas, Mortgagee is the holder of a valid mortgage granted to TIMOTHY C. COOKE AND MARY E. COOKE, AS JOINT TENANTS (hereinafter called "Owner") covering certain real property owned by Owner and located at 1221 PERTSHIRE CT, BIRMINGHAM, AL 35242-6077, more fully described on Exhibit "A" hereto and incorporated herein (hereinafter called "Property") which mortgage secured a note dated March 20, 2006 in favor of BancorpSouth Bank in the original principal sum of \$80,000.00 which recorded on April 5, 2006 in the SHELBY County Records Office, at 20060405000156950, (hereinafter the "prior mortgage"); and

WHEREAS, Owner has executed, or is about to execute a mortgage (hereinafter referred to as "Lender's Security Instrument") and note not to exceed the sum of \$417,000.00, dated , in favor of Lender, payable with interest and upon the terms and conditions described therein, which Lender's Security Instrument is to be recorded concurrently herewith; and

Whereas, the MORTGAGEE has agreed to subordinate the PRIOR MORTGAGE to LENDER'S MORTGAGE.

NOW, THEREFORE, INTENDING TO BE LEGALLY BOUND and in consideration of \$1.00

1. Subordination of Lien: The MORTGAGEE hereby subordinates the PRIOR MORTGAGE and its lien position in and on the PROPERTY to the LENDER'S Mortgage and the lien thereof, as if the LENDER'S Mortgage has been recorded first in time to the PRIOR MORTGAGE and so that all public records will reflect LENDER'S Mortgage superior in lien to the PRIOR MORTGAGE.

2. This subordination shall be binding upon and insure to the benefit of the respective heirs, successors and assigns of MORTGAGE and LENDER.

WITNESS this the 26 day of January, 2010

ATTEST:

\_\_\_\_\_

BancorpSouth Bank

Name of Corporation

Darryl Bell

Darryl Bell

Print Name

Vice President

Title

STATE OF Alabama

COUNTY OF Jefferson

On this the 26 day of January, 2010, before me, the undersigned officer of the state and county mentioned, personally appeared Darryl Bell, with whom I am personally acquainted (proven to me on the basis of satisfactory evidence), and who further acknowledged that \_\_\_\_\_ is the \_\_\_\_\_ (title) of the maker or constituent of the maker and is authorized by the maker or its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

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

Cynthia K Mitchell  
NOTARY PUBLIC

My Commission expires: March 14, 2011

Cynthia K. Mitchell  
Notary Public  
Alabama State at Large  
My Commission Expires March 14, 2011



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**Exhibit "A"**  
**Legal Description**

ALL THAT PARCEL OF LAND IN CITY OF BIRMINGHAM, SHELBY COUNTY, STATE OF ALABAMA, BEING KNOWN AND DESIGNATED AS:

LOT 849, ACCORDING TO THE SURVEY OF GREYSTONE LEGACY, 8TH SECTOR, PHASE II, AS RECORDED IN MAP BOOK 31, PAGE 54 A, B & C, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

BY FEE SIMPLE DEED FROM CORNERSTONE BUILDING COMPANY, INC. AS SET FORTH IN INST 20040303000109960 DATED 02/23/2004 AND RECORDED 03/03/2004, SHELBY COUNTY RECORDS, STATE OF ALABAMA.

Tax ID: 03-6-14-3-005-012.000