

STATE OF ALABAMA
JEFFERSON COUNTY
BIRMINGHAM DIVISION
BESSEMER DIVISION
SHELBY COUNTY

296 PAGE 470



19760922000090900 1/2 \$.00
Shelby Cnty Judge of Probate, AL
09/22/1976 12:00:00 AM FILED/CERT

SUBORDINATION AGREEMENT

THIS AGREEMENT made and entered into this 22nd day of December, 1976, by and between City National Bank of Birmingham (hereinafter referred to as "City") and Cumberland Capital Corporation:

W I T N E S S E T H

WHEREAS, Champion Development Company, Inc., a corporation; Suburban Homes, Inc., a corporation, and Ralph D. Sanderson and wife, Carla Sanderson heretofore executed a mortgage to City, which said mortgage is recorded in Book 1266 Page 321 in the Probate Office of Jefferson County, Birmingham Division, Alabama; Book 269 Page 752 of the Office of the Judge of Probate of Jefferson County Bessemer Division, Alabama and Book 352 Page 623 of the Office of the Judge of Probate of Shelby County, Alabama, and:

WHEREAS, the said Ralph D. Sanderson and wife, Carla J. Sanderson, heretofore executed a mortgage to Cumberland Capital Corporation, which said mortgage is recorded in Book 1372 Page 358 in the Probate Office of Jefferson County, Alabama, and Book 359 Page 411 in the Probate Office of Shelby County, Alabama:

WHEREAS, it was understood and agreed by all of the parties prior to the execution and recording of said mortgages that that certain mortgage to City was to be second, junior, inferior and subordinate to the mortgage herein described to Cumberland Capital Corporation, and;

WHEREAS, the undersigned has agreed the mortgage herein described to Cumberland Capital Corporation will be a first mortgage on the real property described as follows and has further agreed to subordinate its mortgage on said real property so that it will be subordinate, junior, inferior and second to said mortgage to Cumberland Capital Corporation:

A parcel of land located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, Township 19

South, Range 3 West, more particularly described as follows:
Commence at the NE corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence in a southerly direction along the easterly line of said $\frac{1}{4}$ - $\frac{1}{4}$ section, a distance of 605.42 feet to the point of beginning; thence 122 degrees 58 minutes right, in a northwesterly direction a distance of 198.84 feet; thence 86 degrees 20 minutes left, in a southwesterly direction, a distance of 98.48 feet; thence 87 degrees 50 minutes 16 seconds right, in a northwesterly direction, a distance of 156.20 feet; thence 90 degrees right, in a northeasterly direction, a distance of 48.56 feet; thence 90 degrees left in a northwesterly direction, a distance of 30 feet; thence 90 degrees left in a southwesterly direction a distance of 262.29 feet; thence 12 degrees 03 minutes 14 seconds right, in a southwesterly direction a distance of 269.62 feet; thence 68 degrees 45 minutes 30 seconds left in a southeasterly direction, a distance of 59.17 feet; thence 42 degrees 04 minutes 56 seconds left, in a southeasterly direction, a distance of 444.17 feet to a point on the northwesterly

Jefferson Land Title



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296 PAGE 471

right of way line of Old Montgomery Highway; thence in a northeasterly direction along said right of way line and a curve to the right, having a radius of 333.34 feet; last described course forming an interior angle of 84 degrees 07 minutes 26 seconds to a line tangent to said curve, a distance of 108.55 feet to end of said curve; thence in a northeasterly direction along a line tangent to said curve, and along said right-of-way line, a distance of 354.34 feet to a point in the easterly line of said $\frac{1}{2}$ - $\frac{1}{2}$ section; thence 38 degrees 28 minutes left, in a northerly direction, a distance of 102.61 feet to the point of beginning.

NOW, THEREFORE, in consideration of the premises, the undersigned does hereby declare that its mortgage recorded in Book 1266 Page 321 in the Probate Office of Jefferson County, Birmingham Division, Alabama; Book 269 Page 752 of the Office of the Judge of Probate of Jefferson County, Bessemer Division, Alabama and Book 352 Page 623 in the Office of the Judge of Probate of Shelby County, Alabama, its junior, inferior, second and subordinate to that certain mortgage executed to Cumberland Capital Corporation, which is recorded in Book 1372 Page 358 in the Probate Office of Jefferson County, Alabama and Book 359 Page 411 of the Probate Office of Shelby County, Alabama.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed and its seal hereunto affixed the day and year first above written.

CITY NATIONAL BANK OF BIRMINGHAM

BY: *[Signature]*

ITS: Vice President

ATTEST:

[Signature]
Vice President

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Sue Dickinson whose name as Vice President of City National Bank of Birmingham, 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, she as such officer and with full authority, executed the same voluntarily for and as the act of said City National Bank of Birmingham.

Given under my hand and official seal, this 22nd day of December, 1976.

NOTARY PUBLIC

296 PAGE 470

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1277 SEP -2 AM 10:46

[Signature]
JUDGE OF PROBATE

Rec. 3.00
Ind. 1.00
4.00

BOOK 21 PAGE 554