

THIS INSTRUMENT WAS PREPARED BY:

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LANGE, SIMPSON, ROBINSON & SOMERVILLE
1700 First Alabama Bank Building
Birmingham, Alabama 35203

STATE OF ALABAMA)

JEFFERSON COUNTY)

SUBORDINATION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, that whereas SERVICE CORPORATION OF ALABAMA, an Alabama corporation ("Service Corporation"), is the owner and holder of record of that certain mortgage executed by BROOK LINE, an Alabama general partnership ("Brook Line"), to Service Corporation dated August 19, 1982, and recorded in the Probate Office of Shelby County, Alabama in Book 422, Page 727 ("the Mortgage"), in which Mortgage there is described and conveyed all that real property in the County of Shelby, State of Alabama, described on Exhibit "A" attached hereto and made a part hereof by reference; and,

WHEREAS, Service Corporation has, by Partial Release dated November 7, 1983, and recorded in Book 53, Page 614, in said Probate Office, released a portion of the real property covered by the Mortgage, the released portion being more particularly in attached Exhibit "B;" and,

WHEREAS, BROOKLINE FOREST, INC., an Alabama corporation ("Brookline Forest"), successor in title to the real property more particularly described in attached Exhibit "C," has executed a promissory note (the "Note") in favor of Cahaba Title, Inc., an Alabama Corporation, and Safeco Title Insurance Company, a California corporation, which Note is secured by a mortgage (the "Title Company Mortgage") on the real property more particularly described in said Exhibit "C;" and

WHEREAS, Service Corporation has agreed, subject to the limitations and conditions hereinafter set forth, to subordinate to the Title Company Mortgage its security interest in the property described in attached Exhibit "C".

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NOW, THEREFORE, in consideration of the premises and the sum of One and no/100 Dollars (\$1.00) paid to Service Corporation on the execution and delivery of this instrument, the receipt of which sum is hereby acknowledged, Service Corporation does hereby agree that the security interest of Service Corporation in and to the real property described in attached Exhibit "C," by virtue of the Mortgage, shall be junior and subordinate to the Title Company Mortgage, subject to the following limitations and conditions:

1. The security interest of Service Corporation in the real property described in attached Exhibit "C" is hereby subordinated to the Title Company Mortgage only to the extent of \$150,000.00.

2. In the event of default by Brookline Forest under the terms of the Note and Title Company Mortgage, Cahaba Title, Inc. shall give written notice of such default to Service Corporation and Brookline Forest, and shall allow Brookline Forest five (5) days within which to cure such default before demanding payment of the Note or commencing foreclosure proceedings on the Title Company Mortgage.

IN WITNESS WHEREOF, SERVICE CORPORATION OF ALABAMA, an Alabama corporation, has caused this instrument to be executed by its proper officers on this the 10th day of July, 1987.

ATTEST:

SERVICE CORPORATION OF ALABAMA, an
Alabama corporation

By: Lillian A. Meredith By: John A. Anderson
Its Assistant Secretary Its President

STATE OF Alabama)

COUNTY OF Jefferson)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that E. C. Gardner whose name as President of SERVICE CORPORATION OF ALABAMA, an Alabama corporation, is signed to the foregoing Subordination of Mortgage, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Subordination of Mortgage, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation.

Given under my hand this the 10th day of July, 1987.

My commission expires:

4/9/91

Naomi R. Citterben
Notary Public

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EXHIBIT "A"

Part of the W $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22, and part of the SE $\frac{1}{4}$ of Section 21, all in Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Beginning at the southwest corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 22, run in an easterly direction along the south line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 575.73 feet to the centerline of Hillsboro Branch being the southwest corner of that tract of land as described in Deed Book 252, Page 387, in the Office of the Judge of Probate Shelby County, Alabama; thence turn an angle to the left of 69 deg. 14 min. and run in a northeasterly direction along the centerline of said branch for a distance of 264.60 feet; thence turning an angle of 2 deg. 25 min. 30 sec. to right in northeasterly direction along the centerline of said branch 179.95 feet; thence turning an angle of 11 deg. 35 min. to the left in northeasterly direction along center line of said branch 154.12 feet; thence turning an angle of 8 deg. 34 min. to the left in northerly direction along the center line of said branch 214.52 feet; thence turning an angle of 3 deg. 03 min. to the right in northerly direction along the center line of said branch 338.29 feet; thence turning an angle of 10 deg. 22 min. 30 sec. left in northerly direction 270.35 feet; thence turning an angle of 9 deg. 21 min. 30 sec. to the right in northerly direction 311.86 feet; thence turn an angle to the right of 2 deg. 21 min. and run in a northeasterly direction for a distance of 88.68 feet to an existing iron pin; thence turn an angle to the left of 11 deg. 12 min. 05 sec. and run in a northerly direction for a distance of 71.79 feet to a point in the centerline of said branch; thence turn an angle to the right of 19 deg. 48 min. 25 sec. and run in a northeasterly direction along said centerline of said branch for a distance of 115.71 feet; thence turn an angle to the left of 6 deg. 48 min. 50 sec. and run in a northerly direction for a distance of 104.59 feet; thence turn an angle to the right of 9 deg. 39 min. 30 sec. and run in a northeasterly direction along centerline of said branch for a distance of 107.51 feet; thence turn an angle to the left of 9 deg. 51 min. 50 sec. and run in a northerly direction along the centerline of said branch for a distance of 76.59 feet; thence turn an angle to the right of 8 deg. 37 min. 25 sec. and run in a northeasterly direction along the centerline of said branch for a distance of 201.15 feet; thence turn an angle to the left of 27 deg. 10 min. 40 sec. and run in a northwesterly direction along the centerline of said branch for a distance of 29.99 feet, more or less, to a point on the southwesterly right-of-way line of Roy Drive; thence turn an angle to the left and run in a northwesterly direction along said southwest right-of-way line of Roy Drive for a distance of 420 feet, more or less, to a point of intersection with the north line of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 22; thence turn an angle to the left and run in a westerly direction along said north line of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ for a distance of 670 feet, more or less, to an existing 3" capped iron pipe; thence turn an angle to the left of 0 deg. 03 min. 24 sec. and run in a westerly direction along the north line of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 for a distance of 1286.95 feet to an iron pin being on the east right-of-way line of Shelby County Road #17; thence turn an angle to the left of 81 deg. 48 min. 56 sec. and run in a southerly direction along the east right-of-way line of Shelby County Road #17 for a distance of 89.42 feet; thence turn an angle to the left of 11 deg. 13 min. 11 sec. and run in a southerly direction along said east right-of-way line for a distance of 803.81 feet; thence continue along east right-of-way line in a southerly direction for a distance of 1286 feet, more or less, to an existing iron pin marking the corner of that tract of land owned by Southern Natural Gas Company; thence turn an angle to the left of 88 deg. 46 min. 30 sec. and run in a northeasterly direction for a distance of 69.85 feet to an existing concrete monument being the most northerly corner of said Southern Natural Gas Company tract; thence turn an angle to the right of 90 deg. and run in a southeasterly direction for a distance of 100.16 feet to an existing concrete monument; thence turn an angle to the right of 90 deg. and run in a southwesterly direction for a distance of 67.55 feet to a point on the east right-of-way line of Shelby County Road #17; thence turn an angle to the left of 88 deg. 12 min. 35 sec. and run in a southeasterly direction along said east right-of-way line for a distance of 61.32 feet to an existing iron pin; thence turn an angle to the left of 64 deg. 55 min. 25 sec. and run in a southeasterly direction for a distance of 763.22 feet to an existing iron pin; thence turn an angle to the right of 42 deg. 33 min. 44 sec. and run in a southeasterly direction for a distance of 502.42 feet to the point of beginning.

EXHIBIT "A" CONTINUED

LESS AND EXCEPT THE FOLLOWING:

Part of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Beginning at the southeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section, run in a northerly direction along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 114.9 feet to a point of intersection with the east right-of-way line of Shelby County Road #17; thence turn an angle to the left of 166 deg. 40 min. 38 sec. and run in a southwesterly direction along said east right-of-way line for a distance of 117.67 feet, more or less, to a point of intersection with the south line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence turn an angle to the left of 102 deg. 19 min. 07 sec. and run in an easterly direction along said south line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 27.12 feet, more or less, to the point of beginning.

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EXHIBIT "B"

The following is a description of a parcel of land situated in the NE 1/4 of the SE 1/4 of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: From the Northwest corner of the NE 1/4 of the SE 1/4 of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, run East along the North line of said NE 1/4 of SE 1/4 for a distance of 22.26 feet, more or less, to an existing iron pin on the East right of way line of Shelby County Road No. 17, said existing iron pin also being the point of beginning; thence continue along last mentioned course for a distance of 577.85 feet; thence turn an angle to the right of 90 deg. and run in a Southerly direction for a distance of 300 feet; thence turn an angle to the right of 90 deg. and run in a Westerly direction for a distance of 554.66 feet to the beginning of a curve to the right, said curve having a central angle of 86 deg. 39 min. 53 sec. and a radius of 25 feet; thence turn an angle to the right and run along the arc of said curve for a distance of 37.81 feet to a point on the East right of way line of Shelby County Road No. 17, said point also being the end of said curve; thence run in a Northerly direction along said East right of way line of Shelby County Road No. 17 for a distance of 188.26 feet; thence turn an angle to the right of 11 deg. 31 min. 11 sec. and run in a Northeasterly direction for a distance of 89.42 feet to the point of beginning; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

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EXHIBIT "C"

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

From the northwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section, run in as easterly direction along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 22.26 feet, more or less, to an existing iron pin being the northwest corner of that certain parcel of land owned by Brookline, An Alabama General Partnership, being the point of beginning; thence continue along last mentioned course for a distance of 690.00 feet; thence turn an angle to the right of 90° and run in a southerly direction for a distance of 1,225.00 feet; thence turn an angle to the right of 90° and run in a westerly direction for a distance of 689.00 feet, more or less, to a point on the east right-of-way line of Shelby County Highway #17; thence turn an angle to the right and run in a northerly direction along said east right-of-way line for a distance of 1,140.62 feet to an existing iron pin; thence turn an angle to the right of 11° 31' 11" and run in a northeasterly direction for a distance of 89.42 feet, more or less, to the point of beginning, LESS AND EXCEPT any part of the above description lying in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said section.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

The following is a description of a parcel of land situated in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: From the Northwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, run East along the North line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ for a distance of 22.26 feet, more or less, to an existing iron pin on the East right of way line of Shelby County Road No. 17, said existing iron pin also being the point of beginning; thence continue along last mentioned course for a distance of 577.85 feet; thence turn an angle to the right of 90 deg. and run in a southerly direction for a distance of 300 feet; thence turn an angle to the right of 90 deg. and run in a westerly direction for a distance of 554.66 feet to the beginning of a curve to the right, said curve having a central angle of 86 deg. 39 min. 53 sec. and a radius of 25 feet; thence turn an angle to the right and run along the arc of said curve for a distance of 37.81 feet to a point on the East right of way line of Shelby County Road No. 17, said point also being the end of said curve; thence run in a northerly direction along said East right of way line of Shelby County Road No. 17 for a distance of 188.26 feet; thence turn an angle to the right of 11 deg. 31 min. 11 sec. and run in a northeasterly direction for a distance of 89.42 feet to the point of beginning; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

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

1987 AUG -7 AM 10:18

Judge of Probate

1. Deed Tax	\$	_____
2. Mtg. Tax		_____
3. Recording Fee		1750
4. Indexing Fee		100
TOTAL		1850