

SUBORDINATION AGREEMENT

STATE OF ALABAMA
COUNTY OF Jefferson

THIS SUBORDINATION AGREEMENT, made and entered into this the 19 day of March, 1992, by and between SouthTrust Bank of Alabama, National Association, (hereinafter "SouthTrust Bank"), and SouthTrust Mortgage.

WITNESSETH THAT, WHEREAS, Donald Kosatka and wife, Margaret Kosatka, have an outstanding mortgage lien in favor of SouthTrust Bank on that certain real property described hereinafter to secure an indebtedness in the amount of \$ 30,000.00, and said lien is in full force and effect, said real property being more particularly described as follows: A parcel of land situated in the SW 1/4 of the SW 1/4 of Section 15, township 21 South, Range 3 West Described as follows : SEE ATTACHED EXHIBIT A for complete legal description

and, WHEREAS, Donald Kosatka and wife, Margaret Kosatka (hereinafter "Borrower", whether one or more), has/have made an application to SouthTrust Mortgage Corporation for a loan in the sum of \$ 82,250.00 and SouthTrust Mortgage Corporation is willing to make said loan to Borrower provided he/she/they furnish it with a mortgage on the lands described in the aforesaid lien, and further provided that SouthTrust Bank subordinate the above described lien and make the same second and subservient to the mortgage of SouthTrust Mortgage Corporation and,

WHEREAS, it is the desire and intention of the parties hereto to subordinate the lien, operation and effect of the above described mortgage in favor of SouthTrust Bank, for the full balance thereof, to the lien and operation of the aforesaid mortgage of SouthTrust Mortgage Corporation, in order that last said lien and mortgage shall become a lien of first priority on the real property described hereinabove, and further, that the lien and mortgage in favor of SouthTrust Bank shall be, and the same are by these presents made, second, junior and subservient to that lien and mortgage of SouthTrust Mortgage Corporation in every manner whatsoever,

NOW THEREFORE, in consideration of the premises and the sum of \$ 0, receipt of which is acknowledged, the undersigned as parties hereto, do hereby agree that the mortgage lien of Donald Kosatka and wife, Margaret Kosatka to SouthTrust Bank of Alabama, N.A., dated 8-19-91, and recorded in Book 359 Page(s) 353,354,355,356,357, in the office of the Judge of Probate of Shelby County, Alabama, shall be second and subservient to that certain first mortgage of Donald Kosatka, and wife, Margaret Kosatka to SouthTrust Mortgage Corporation dated March 20, 1992, and recorded in 04-15-1992 Page 4538, in the office of the Judge of Probate of Shelby County, Alabama, to secure the sum of \$ 82,250.00, plus interest thereon, said lien of SouthTrust Bank of Alabama being subordinated to the first mortgage of SouthTrust Mortgage Corporation.

IT IS FURTHER AGREED that should Donald Kosatka and wife, Margaret Kosatka default in his/her/their payments under the terms and conditions of the Note and Mortgage held by SouthTrust Mortgage Corp., that said SouthTrust Mortgage Corp. agrees to notify SouthTrust Bank of Alabama, National Association, P.O. Box 2233, Birmingham, Alabama 35201 of said default prior to taking any legal action on said default.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on this the 19 day of March, 1992.

Donald P. Kuntz

Margaret C. Kosatka

SouthTrust Bank of Alabama, N.A.

BY: Margaret C. Kosatka

Its: Branch Office

Notary Public

My Commission Expires: 10-6-92

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Margaret C. Kosatka whose name as Branch Office of SouthTrust Bank of Alabama, a corporation, 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 this instrument, he/she, as such office and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this 19 day of March, 1992.

Notary Public

My Commission Expires: 10-6-92

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Donald P. Kosatka and Margaret C. Kosatka whose name as Branch Office of SouthTrust Bank of Alabama, a corporation, 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 this instrument, he/she, as such office and with full authority, executed the same voluntarily for and as the act of said corporation, on the day the same bears date.

Given under my hand and official seal, this 19th day of March, 1992.

Notary Public

My Commission Expires: 11-2-92

EXHIBIT "A"

A parcel of land situated in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 15, Township 21 South, Range 3 West, described as follows: Commence at the Southeast corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 15 and go North 01 deg. 25 min. 46 sec. East along the East boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ section for 94.43 feet to the point of beginning; thence continue along previous course 539.38 feet; thence South 89 deg. 51 min. 10 sec. West for 256.00 feet; thence South 87 deg. 29 min. 40 sec. West 224.16 feet to the Northeasterly boundary of Big Oak Drive; thence South 43 deg. 00 min. 00 sec. East along said boundary for 723.62 feet to the point of beginning, being situated in Shelby County, Alabama.

7.50
4.00

11.50

04/15/1992-4539
10:41 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 11.50