

SUBORDINATION

STATE OF ALABAMA
COUNTY OF JEFFERSON

This Subordination agreement, made and entered into this 18th day of September, 1992, by and between SOUTHTRUST BANK OF ALABAMA N.A., as Party of the First Part, and BANCOSTON MORTGAGE, as Party of the Second Part.

Witnesseth

THAT, WHEREAS, PHYLLIS H. HOWTON & STANLEY L. HOWTON, has/have an outstanding lien in favor of SOUTHTRUST BANK OF ALABAMA, N.A., dated APRIL 10, 1990 and recorded in the Probate Office of SHELBY County, Alabama, in Book #298 and Page #61 THRU PAGE 65 on certain real estate described therein to secure an indebtedness of \$29,900.00 and said lien is in full force and effect; and,

WHEREAS, PHYLLIS H. HOWTON & STANLEY L. HOWTON has/have made an application to the party of the Second Part for a loan in the sum of \$69,400.00 and said Party of the Second Part is willing to make said loan to the said PHYLLIS H. HOWTON & STANLEY L. HOWTON, provided he/she/they furnish it with a mortgage on the lands described in the aforesaid lien, and the said SOUTHTRUST BANK OF ALABAMA N.A. subordinate the above described lien and make the same second and subservient to the mortgage of BANCOSTON MORTGAGE; and

WHEREAS, the said Party of the First Part is willing to subordinate its said lien and make the second and subservient to the mortgage of the said Party of the Second Part as an inducement to it to make same said loan.

NOW THEREFORE, in consideration of the premises and the further consideration of the sum of \$25.00, cash in hand paid, the Party of the First Part by the Party of the Second Part, the receipt of which is hereby acknowledged, the said Party of the First Part does hereby agree that the lien of PHYLLIS H. HOWTON & STANLEY L. HOWTON to SOUTHTRUST BANK OF ALABAMA N.A., dated APRIL 10, 1990 and recorded in the Probate Office of SHELBY County, Alabama in Book #298 and Page #61 THRU PAGE 65, shall be second and subservient to the mortgage of BANCOSTON MORTGAGE to PHYLLIS H. HOWTON & STANLEY L. HOWTON, dated SEPT. 18, 1992 recorded in the Probate Office of SHELBY County, Alabama in Volume () page () to secure the sum of \$69,400.00, plus interest on the land described therein, and the said lien of the said SOUTHTRUST BANK OF ALABAMA N.A. shall be subordinate to the mortgage OF BANCOSTON MORTGAGE.

It is further agreed that should PHYLLIS H. HOWTON & STANLEY L. HOWTON default in his/her/their payments under the terms of the real estate mortgage to BANCOSTON MORTGAGE, the said BANCOSTON MORTGAGE agrees to notify SOUTHTRUST BANK OF ALABAMA N.A., P.O. Box 531150, B'ham, AL. 35253, of said default prior to taking legal action.

IN WITNESS WHEREOF, the said SOUTHTRUST BANK OF ALABAMA, N.A. by STEPHEN A. PIERCE has caused his/her name to be hereunto signed on this day the 18th day of September, 1992.

SOUTHTRUST BANK OF ALABAMA, N.A.

By: *Stephen A. Pierce*

As its: ASST. MANAGER.
HOME MORTGAGE SERVICES

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said State and County, hereby certify that STEPHEN A. PIERCE, whose name as ASST. MGR. HOME MORTGAGE SERVICES of SOUTHTRUST BANK OF ALABAMA, N.A. is signed to the foregoing conveyance, and is known to me, acknowledged before me on this day, that, being informed of the contents of this conveyance, and with full authority as such officer, executed the same voluntarily for and as the act of said Corporation.

Given under my hand and seal of office this 18th day of September, 1992.

NOTARY PUBLIC *Johnnie W. Perdue*

My commission expires :...11-16-93.....

09/28/1992-21444
01:36 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
DUI NOS 6.50

C. Mason

Inst # 1992-21444