

STATE OF ALABAMA
JEFFERSON COUNTY

SUBORDINATION OF MORTGAGE

THIS SUBORDINATION OF MORTGAGE executed this 16th day of February, 19 93, by FIRST COMMERCIAL BANK ("First Commercial"), Marvin S. Windham and wife, Laura Windham ("Windhams").

W I T N E S S E T H:

WHEREAS, Windhams are the owners of the real estate more particularly described as follows:

Lot 69, according to the Map and Survey of Meadow Brook, 4th Sector, as recorded in Map Book 7, Page 67, in the Probate Office of Shelby County, Alabama.

WHEREAS, Windhams heretofore executed a mortgage in favor of First Commercial Bank, filed for record April 10th, 19 89, recorded in Real Volume 233, Page 879, in the Probate Office of Shelby County, Alabama (the "First Commercial Mortgage"); and

WHEREAS, Windhams now desire to obtain a mortgage loan from Simmons Mortgage Company (the "Simmons Mortgage") in the principal amount of \$ 75,000.00; and

WHEREAS, Simmons Mortgage Company is desirous of extending credit to Windhams provided that First Commercial subordinates the lien of the First Commercial Mortgage; and

WHEREAS, in order to induce Simmons Mortgage Company to make the loan to Windhams, First Commercial is willing and desirous to subordinate the lien of the First Commercial Mortgage to the lien of the mortgage of Simmons Mortgage Company dated 16th day of February, 19 93, executed by Windhams, filed for record in the Probate Office of Shelby County, Alabama, in Real Volume Inst. #1993-31754 ~~Inst. #1993-31754~~ 05653.

NOW, THEREFORE, for and in consideration of the premises and of Ten and No/100 Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned do hereby covenant, stipulate, warrant and agree as follows:

1. First Commercial hereby subordinates all its right, title and interest in and to the lien created by the First Commercial Mortgage and other loan documents as defined in the mortgage in favor of Simmons Mortgage Company, its successors and assigns; provided, however, that nothing herein shall be construed to subordinate any rights that First Commercial may have under its mortgage to any debts owing to Simmons Mortgage Company by the Windhams in excess of the original \$ 75,000.00 secured by the Simmons Mortgage.

2. Windhams, as mortgagors under the First Commercial Mortgage, hereby consent to the subordination of the First Commercial Mortgage to the Simmons Mortgage.

Inst. # 1993-31754

10/13/1993-31754
09:34 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MEL 11.00

IN WITNESS WHEREOF, the parties have hereunto caused this Subordination of Mortgage to be executed effective this 16th day of February, 19 93.

X Marvin S. Windham Marvin S. Windham

XX Laura Windham Laura Windham

FIRST COMMERCIAL BANK

BY: Barbara Logan
ITS: Private Banking Officer

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Marvin S. Windham and wife, Laura Windham whose names are signed to the foregoing Subordination, and who are known to me, acknowledged before me on this day that, being informed of the contents of the Subordination, have executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16th day of February, 19 93.

Angela G. Supleter
NOTARY PUBLIC

STATE OF ALABAMA
JEFFERSON COUNTY

NOTARY PUBLIC, STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: FEB. 14, 1994
I HAVE BEEN NOTARY PUBLIC SINCE 1988

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Barbara Logan, whose name as Private Banking Officer, of FIRST COMMERCIAL BANK, is signed to the foregoing Subordination, and who is known to me acknowledged before me this day that, being informed of the contents of said instrument, has as such officer, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 16th day of February, 19 93.

Angela G. Supleter
NOTARY PUBLIC

NOTARY PUBLIC, STATE OF ALABAMA AT LARGE
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