

This Instrument Prepared by:
John G. Lowther, Attorney at Law
3500 Independence Drive
Birmingham, Alabama 35209

**STATE OF ALABAMA)
SHELBY COUNTY)**

SUBORDINATION OF MORTGAGE

This Subordination of Note and Mortgage is executed this the 12th day of July, 1996, by Vinaben D. Patel, (hereinafter referred to as the "Subordinant Mortgagee").

WITNESSETH

WHEREAS, Vinaben D. Patel (the Subordinating Mortgagee"), is the holder of a third mortgage dated February 13, 1996, made by Shiva Properties, Inc., (the "Borrower"), recorded in Instrument 1996-05399, recorded in the Probate Office of Shelby County, Alabama (the "Third Mortgage") on real property more particularly described as follows:

As described in Exhibit "A" attached hereto and incorporated herein by reference.

WHEREAS, the Borrower is desirous of paying off its existing Second mortgage on the Property by securing a mortgage through Southern Development Council, Inc., and U.S. Small Business Administration, (the "Lender"), through section 504 of the Small Business Act;

WHEREAS, the Lender is unwilling to extend the financing to Borrower to payoff their existing Second Mortgage loan unless the Subordinating Mortgagee agrees to remain in a third and subordinate position to the new loan to be made by the Lender; and

WHEREAS, the Subordinating Mortgagee is willing to subordinate the lien of its Third Mortgage in the Property to the Lender.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00), and other valuable consideration, the sufficiency of which is hereldy acknowledged, the Subordinating Mortgagee hereby agrees as follows:

1. The Subordinating Mortgagee hereby subordinates the lien of its Third Mortgage to the lien created by the mortgage to be executed by the Borrower in favor of the Lender, its successors and assigns, said mortgage to be in the amount of \$1,000,000.00, dated July 12th, 1996.

2. This Subordination of Mortgage shall apply to all renewals and extensions of the second mortgage loan in favor of the Lender.

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3. The Subordinating Mortgagee certifies that the maximum amount of its third mortgage will not exceed \$705,000.00, or a maximum monthly payment of \$5,896.90.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and date first above written.

Vinaben D. Patel

Vinaben D. Patel

Vinaben D. PATEL

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Vinaben D. Patel, whose name 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 executed the same voluntarily for and as her act. Given under my hand and official seal this day of 12th day of July, 1996.

J. R. P. ZR

Notary Public

My Commission Expires: 1-5-99

EXHIBIT "A"

PARCEL I I

A parcel of land situated in the SE 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of the SE 1/4 of SW 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and run in a Northerly direction along the East line of said 1/4 1/4 section a distance of 508.58 feet to the point of beginning; thence turn a deflection angle of 58 deg. 34 min. 41 sec. and run to the right in a Northeasterly direction a distance of 71.76 feet to a point; thence turn an interior angle of 126 deg. 07 min. 46 sec. and run to the left in a Northeasterly direction a distance of 15.19 feet to a point; thence turn an interior angle of 213 deg. 43 min. 53 sec. and run to the right in a Northeasterly direction a distance of 12.48 feet to a point; thence turn an interior angle of 112 deg. 05 min. 41 sec. and run to the left in a Northwesterly direction a distance of 257.92 feet to a point on the Southeasterly right of way line of U.S. Highway #119; thence turn an interior angle of 90 deg. 00 min. 00 sec. and run to the left in a Southwesterly direction along said right of way a distance of 16.68 feet to a point, said point being the beginning of a curve to the right having a central angle of 8 deg. 02 min. 10 sec. and a radius of 1949.89 feet; thence continue in a Southwesterly direction along said right of way an arc distance of 273.49 feet to a point; thence turn an interior angle of 90 deg. 00 min. 00 sec. (from tangent) and leaving said right of way run in a Southeasterly direction a distance of 290.08 feet to a point; thence turn an interior angle of 106 deg. 49 min. 47 sec. and run to the left in an Easterly direction a distance of 13.80 feet to a point; thence turn an interior angle of 220 deg. 19 min. 59 sec. and run to the right in a Southeasterly direction a distance of 12.40 feet to a point; thence turn an interior angle of 112 deg. 50 min. 45 sec. and run to the left in a Northeasterly direction a distance of 220.43 feet to the point of beginning; being situated in Shelby County, Alabama.

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