

STATE OF ALABAMA )

SHELBY COUNTY )

### SUBORDINATION AGREEMENT

This agreement was made and entered into this 29<sup>th</sup> day of January, 1998, by **NATIONAL BANK OF COMMERCE OF BIRMINGHAM**, (hereinafter called "Second Mortgagee").

#### WITNESSETH

Whereas, on March 14, 1997, Lawrence A. Goldberg and his wife, Cinda T. Goldberg, (hereinafter called "Mortgagors") executed a mortgage to the Second Mortgagee, said mortgage being recorded in Instrument #1997-10116, in the Office of the Judge of Probate of Shelby County, Alabama, and conveyed the following described property:

The property described on Exhibit "A" attached hereto and incorporated herein by this reference.

Whereas, on January 29, 1998, the Mortgagors granted a mortgage to **FLAGSTAR BANK, FSB** (hereinafter called "First Mortgagee");

Whereas, it is the intent and desire of the First Mortgagee and the Second Mortgagee that the aforesaid mortgage to the Second Mortgagee be subordinated in all respects to the mortgage which was executed by the Mortgagors in favor of the First Mortgagee, in the amount of \$ 203,000.00.

Now, therefore, in consideration of the premises and other good and valuable consideration, the sufficiency is hereby acknowledged, the Second Mortgagee agrees as follows:

Second Mortgagee does hereby fully subordinate and does declare to be subordinate the lien of the aforesaid mortgage recorded in Instrument # 1997-10116, in the Office of the Judge of Probate of Shelby County, Alabama, to the mortgage being recorded in Real Book 1998, Page 05398, in the Office of the Judge of Probate of Shelby County, Alabama.

In witness whereof, the undersigned sets its hand and seal as of the date and year stated above.

Mortgagee:

**NATIONAL BANK OF COMMERCE OF BIRMINGHAM**

By: Gregg Maercker  
Gregg Maercker  
Its: Vice-President

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Gregg Maercker, whose name as Vice President, of National Bank of Commerce of Birmingham 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 said instrument, she/he, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in his capacity as aforesaid.

Given under my hand and official seal, this the 29<sup>th</sup> day of January, 1998.

Jackie Stevens  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC STATE OF ALABAMA AT LARGE.  
MY COMMISSION EXPIRES: May 23, 2001.  
BONDED THIRD NOTARY PUBLIC UNDERWRITERS

02/18/1998-05400  
12:21 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 11.00

Inst # 1998-05400

EXHIBIT "A"

Legal Description

Lot 519, according to the Map of Highland Lakes, 5th Sector, Phase II, an Eddleman Community, as recorded in Map Book 19, Page 3 A & B, in the Probate Office of Shelby County, Alabama.

Together with an nonexclusive easement to use the private roadways, Common area all as more particularly described in the Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Instrument 1994-07111 in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 5th Sector, Phase II recorded as Instrument 1994-31018 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration").

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