

THIS INSTRUMENT PREPARED BY:

ROBERT R. SEXTON, Esq.
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203

Inst # 1998-37657

STATE OF ALABAMA)
SHELBY COUNTY)

09/28/1998-37657
12:30 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CRH 11.00

SUBORDINATION OF MORTGAGE

This Subordination of Mortgage executed this the 17th day of September, 1998, by CRESCENT BANK AND TRUST COMPANY (the "Second Mortgagee").

W I T N E S S E T H:

WHEREAS, the Second Mortgagee is the holder of a second mortgage in favor of The Hutson Company, Inc. executed by Donald A. Thurston and wife, Mary E. Thurston (collectively the "Borrowers"), in the amount of \$34,200.00. Said mortgage being dated April 27, 1998, recorded April 30, 1998, as Instrument No. 1998-15663, in the Probate Office of Shelby County, Alabama, and re-recorded on May 14, 1998, as Instrument No. 1998-17826 (the "Second Mortgage") said mortgage being simultaneously assigned to the Second Mortgagee by Transfer and Assignment recorded April 30, 1998, as Instrument No. 1998-15665 and re-recorded on May 14, 1998, as Instrument No. 1998-17828 securing real property more particularly described as follows:

Lot 1, according to the Survey of The Magnolias at Brook Highland, an Eddleman Community, as recorded in Map Book 13, Page 102 A & B, in the Probate Office of Shelby County, Alabama.

(the "Property").

WHEREAS, the Borrowers executed a first mortgage (the "First Mortgage") on the Property by securing a mortgage with The Hutson Company, Inc. dated April 27, 1998, which mortgage was recorded May 14, 1998, as Instrument No. 1998-17823, simultaneously assigned to Crescent Bank and Trust Company by Transfer and Assignment recorded on May 14, 1998, as Instrument No. 1998-17825 (the "Mortgagee") in the amount \$171,000.00;

WHEREAS, an error was made by the Judge of Probate's office in Shelby County, Alabama, and the Second Mortgage was inadvertently recorded before the First Mortgage; and

WHEREAS, Second Mortgagee is willing to subordinate the lien of the Second Mortgage on the Property to the First Mortgage.

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

1. Second Mortgagee hereby subordinates the lien and payment of the Second Mortgage to the lien created by the First Mortgage executed by the Borrowers in favor of the Mortgagee, its successors and assigns.

2. This Subordination of Mortgage shall apply to all renewals and extensions of the First Mortgage loan in favor of the Mortgagee.

IN WITNESS WHEREOF, the Second Mortgagee has executed this Subordination of Mortgage under seal on the day and date first above written.

CRESCENT BANK AND TRUST COMPANY

BY: Jemille Robinson
Its: Assistant Secretary

STATE OF Georgia)
COUNTY OF DeKalb)

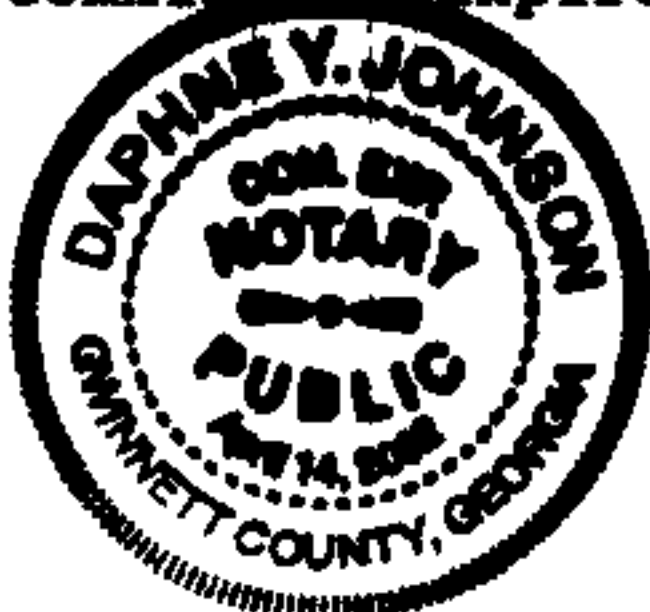
Michelle Withbush
Witness

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Jemille Robinson, whose name as Assistant Secretary of **CRESCENT BANK AND TRUST COMPANY**, 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, he/she, as such officer, and with full authority, executed the same voluntarily for and as the act of said Bank.

Given under my hand and official seal this 17th day of September, 1998.

Daphne Y. Johnson
NOTARY PUBLIC

My Commission Expires:



Inst # 1998-37637 [SEAL]

2

09/28/1998-37637
12:30 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CRH 11.00