

SUBORDINATION AGREEMENT

20021106000551830 Pg 1/4 20.00
Shelby Cnty Judge of Probate, AL
11/06/2002 14:08:00 FILED/CERTIFIED

This Agreement made this date by Compass Bank (herein called First Party), in favor of SouthTrust Mortgage Corporation (herein called Second Party).

Whereas, First Party is the owner and holder of that certain mortgage recorded in Instrument #200206-29303, in the Probate Office of Shelby County, Alabama, which said mortgage encumbers the property described as follows:

SEE ATTACHED SHEET MARKED EXHIBIT "A"

Whereas, Second Party, on October 31, 2002, made a loan secured by a mortgage executed by Darrell R. Summers and Karen N. Summers, Husband and Wife, in the amount of \$200,000.00 secured by a mortgage on the above described property; and

Whereas, the Second Party will not make the said loan unless the First Party subordinates its mortgage to the Second Party.

Now, therefore, in consideration of One Dollar and other good and valuable considerations, the Parties hereto agree as follows:

The First Party, Compass Bank, consents and agrees that the mortgage recorded in Instrument #200206-29303, in the Probate Office of Shelby County, Alabama, with the maximum available credit on said mortgage is \$_____, is and shall continue to be, subject and subordinate in lien to the lien of the mortgage being made to the Second Party, which mortgage is recorded as Instrument 20021106000551810 in the Probate Office of Shelby County, Alabama.

Dated this ____ day of October, 2002.

COMPASS BANK

By: [Signature]

Its: Assistant Pres

State of Alabama
County of Jefferson

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that J. A. Woods, whose name as AUP of Compass Bank, 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 as such officer and with full authority executed the same voluntarily on the date the same bears date for and as the act of said bank.

Given under my hand and official seal this the 28 day of October, 2002.

[Signature]
NOTARY PUBLIC

My Commission Expires: 4/12/06

EXHIBIT A

Parcel I:

Lot 2, according to the map of Summers Subdivision as set forth in Map Book 23, Page 32, in the Office of the Judge of Probate of Shelby County, Alabama. Also $\frac{1}{2}$ part of Lot No. 1 of said Summers Family Subdivision being more particularly described as follows, to-wit: Commence at a corner in places accepted as the Southwest corner of the Northwest one-fourth of the Southeast one-fourth of Section 23, Township 19 South, Range 1 West, Shelby County, Alabama, said point being the Southwest corner of said Lot No. 1 of said subdivision; thence proceed North 00 Degrees 11 minutes 52 seconds West along the West boundary of said quarter-quarter section and along the West boundary of said Lot No. 1 for as distance of 690.42 feet to a $\frac{1}{2}$ " rebar in place being the Northwest corner of said Lot No. 1; thence proceed North 89 degrees 15 minutes 06 seconds East along the North boundary of said Lot No. 1 for a distance of 310.0 feet to the point of beginning. From this beginning point continue North 89 degrees 15 minutes 06 seconds East along the North boundary of said Lot No. 1 for a distance of 10.0 feet to the Northeast corner of said Lot No. 1; thence proceed South 30 degrees 04 minutes 52 seconds East for a distance of 184.50 feet to a point on the centerline of a 60 foot ingress and egress easement as shown by deed on record in the Office of the Judge of Probate of Shelby County, Alabama in Deed Reference 1996-10930; thence Southwesterly along the centerline of said easement for a chord bearing and distance of South 18 degrees 03 minutes 41 seconds West, 82.63 feet; thence proceed North 17 degrees 53 minutes 28 seconds West for a distance of 250.18 feet to the point of beginning as recorded in the Office of the Judge of Probate of Shelby County, Alabama.

Parcel II:

Also, a 80 Foot Easement for Ingress & Egress, more particularly described as follows:

From the Southwest corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 19 South, Range 1 West, run thence East along the South boundary of said NE $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 17.49 feet to the point of beginning of the centerline of herein described easement for ingress and egress and utilities; thence turn 55 degrees 25 minutes 49 seconds left and run 99.24 feet along said easement centerline and the

following courses: 06 degrees, 03 minutes 54 seconds left for 104.89 feet; 12 degrees 24 min 30 seconds left for 175.59 feet; 10 degrees 38 minutes right for 201.28 feet; 12 degrees 54 min 55 seconds right for 165.02 feet; 05 degrees 37 minutes 50 seconds left for 265.89 feet; 15 degrees 35 minutes 30 seconds right for 323.69 feet; 13 degrees 58 minutes 30 seconds left for 188.54 feet; 08 degrees 44 minutes right for 128.93 feet to a point on the North boundary of aforementioned Section 23; thence turn 180 degrees 00 minutes right and run along said easement centerline a distance of 50.72 feet; thence turn 92 degrees 06 minutes 49 seconds left and continue along said easement centerline a distance of 64.01 feet and the following courses; 54 degrees 49 minutes 11 seconds right of 141.23 feet; 12 degrees 33 min 27 seconds left for 110.76 feet; 20 degrees 34 minutes 50 seconds left for 169.60 feet; 15 degrees 05 minutes 36 seconds right 06.16 feet; 36 degrees 33 min 41 seconds right for 166.53 feet; 29 degrees 09 minutes 29 seconds left for 97.38 feet; 14 degrees 44 minutes 38 seconds left for 198.02 feet; 16 degrees 40 min 30 seconds left for 276.22 feet; 34 degrees 30 min, 41 seconds left for 274.24 feet to a point on the South boundary of the NW ¼ of the NE ¼ of aforementioned Section 23; thence turn 02 degrees 14 minutes 58 seconds right and continue along said easement a distance of 473.26 feet to the P.C. of a curve concave right, having a delta angle of 65 degree 53 minutes 34 seconds and tangents of 100.0 feet and a centerline arc distance of 177.46 feet to the P. T.; thence along the tangent centerline a distance of 98.95 feet; thence turn 122 degrees, 12 minutes 30 seconds left and run 760.84 feet along said easement centerline to a point on the North boundary of the SW ¼ of the NE ¼ of Section 23, Township 19 South, Range 1 West; thence turn 180 degrees 00 minutes right and run 760.84 feet along said easement centerline; thence turn 57 degrees 47 minutes 30 seconds left and run 338 seconds left and run 338.44 feet along said easement centerline; thence turn 02 degrees 42 minutes 42 seconds right and run 588.77 feet to the PC of a curve concave left, having a delta angle of 46 de. 35 minutes 43 sec and tangents of 75.0 feet and a centerline arc distance of 141.64 feet to the PT; thence along the tangent centerline a distance of 77.80 feet; thence turn 110 degrees 34 minutes 50 seconds left and run 68.62 feet along said easement centerline; thence turn 180 degrees 00 min right and run 211.46 feet along said easement centerline to the PC of a curve concave right having a delta angle of 17 degrees 17 minutes 51 sec and tangents of 88.00 feet and a centerline arc distance for 158.78 feet to the PT; thence along the tangent centerline a distance of 301.83 feet to the PC of a curve concave left, having a delta angle of 27 degrees 09 minutes 45 sec and tangents of 80.0 feet and

centerline arc distance of 156.99 feet to the PT; thence along the tangent centerline a distance of 214.77 feet to the PC of a curve concave right, having a delta angle of 30 degrees 36 minutes 35 sec and tangents of 80.0 feet and a centerline arc distance of 156.18 feet to the PT; thence along the tangent centerline a distance of 39.20 feet to the PC of a curve concave left, having a delta angle of 27 degrees 45 minutes 20 seconds and tangents of 75.0 feet and a centerline arc distance of 447.06 feet to PT; thence along the tangent centerline a distance of 308.97 feet; thence turn 154 degrees 51 minutes 35 seconds left and run 278.49 feet along said easement centerline; thence turn 06 degrees 46 minutes right and run 213.47 feet along said easement centerline; thence turn 00 degrees 50 minutes 46 seconds right and run 321.84 feet along said easement centerline; thence 180 degrees 00 minutes right and run 321.04 feet along said easement centerline; thence turn 00 degrees 50 minutes 46 seconds left and run 213.47 feet along said easement centerline; thence turn 06 degrees 48 minutes left and run 278.49 feet along said easement centerline; thence turn 09 degrees 12 minutes left and run said easement centerline a distance of 261.83 feet to a point on the East boundary of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23, Township 19 South, Range 1 West; thence continue along said course a distance of 176.36 feet to the PC of a curve concave left, having a delta angle of 54 degrees 03 minutes 57 seconds and tangents of 306.47 feet and a centerline arc distance of 566.76 feet to the PC of a reverse curve concave right, having a delta angle of 74 degrees 40 minutes 50 seconds and tangents of 100.0 feet and a centerline arc distance of 170.85 feet to the PT; thence along the tangent centerline a distance of 719.70 feet to the PC of a curve concave left, having a delta angle of 48 degrees 19 minutes 01 sec and tangents of 250.0 feet and a centerline arc distance of 470.01 feet to the PT; thence along the tangent centerline a distance of 730.31 feet to a point of termination of herein described easement centerline on the North Boundary of Old U.S. Hwy. #280 (80 feet R.O.W.), and further, from the described point of termination back North/Northeasterly along the described centerline to a point of intersection with the South boundary of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 19 South, Range 1 West, tracks in close proximity that certain easement centerline described in Book 184 at Page 89; said property being situated in Shelby County, Alabama.