

THE STATE OF ALABAMA )  
COUNTY OF SHELBY )

### SUBORDINATION AGREEMENT

KNOW ALL MEN BY THESE PRESENT:

WHEREAS, the undersigned, SouthTrust Bank, acknowledges that debt secured by that certain Mortgage dated October 9, 2002 in the amount of \$150,000.00 from J. Barry Tidwell and Christia Tidwell to SouthTrust Bank, on the following described real estate situated and being in Shelby County, Alabama, to wit:

Lot 27-B, according to Castle Rock Drive Resurvey No. 2, as recorded in Map Book 26, Page 46, in the Probate Office of Shelby County, Alabama.

WHEREAS, the undersigned, understands and agrees that the debt secured by that certain Mortgage dated October 9, 2002 from J. Barry Tidwell and Christia Tidwell to SouthTrust Bank, recorded in Instrument #20021025000528200, in the Office of the Judge of Probate of Shelby County, Alabama, in the principal amount of \$150,000.00 shall be second, subordinate and inferior to that certain Mortgage dated December 30, 2002, executed by J. Barry Tidwell and Christia G. Tidwell to SouthTrust Mortgage Corporation recorded in Instrument # 20030108000015600, in the Office of the Judge of Probate of Shelby County, Alabama, in the principal amount of \$322,700.00 (first mortgage).

ANY DEFAULT under the terms of that certain Mortgage recorded in Instrument # 20030108000015600 in the Office of the Judge of Probate of Shelby County, Alabama (first mortgage) or the obligation secured thereby, shall constitute a default of that Mortgage recorded in Instrument #20021025000528200 in the Office of the Judge of Probate of Shelby County, Alabama (second mortgage).

IN WITNESS WHEREOF, SouthTrust Bank, N.A. has caused this instrument to be executed by its duly authorized officer as set forth by its signature and seal on this 31st day of December, 2002.

SouthTrust Bank

BY: Stephen A. Pierce (SEAL)  
ITS: Stephen A. Pierce  
Asst Vice Pres.

THE STATE OF ALABAMA )  
:  
COUNTY OF JEFFERSON )

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Stephen A Pierce whose name as ASST Vice Pres of SouthTrust Bank, a corporation, 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, he/she as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 31 day of December, 2002.

Linda T. Myer  
NOTARY PUBLIC  
My commission expires: **MY COMMISSION EXPIRES MAY 30, 2005.**

THIS INSTRUMENT WAS PREPARED BY: Richard W. Theibert, Attorney  
NAJJAR DENABURG, P.C.  
2125 Morris Avenue, Birmingham, Alabama 35203  
(205) 250-8400