

**Subordinate Agreement**

This Subordination of Mortgage is executed this 20<sup>th</sup> day of **March, 2003** by **Heritage Bank**.

**Witnesseth**

WHEREAS, **Heritage Bank** is the owner and holder of that certain mortgage in the amount of **Twenty Four Thousand One Hundred Dollars (\$24,100.00)** from **Leigha Matherne** recorded on **September 5, 2001** in **Instrument Number 2001-38272**, in the Probate Office of **Shelby County, Alabama**, said property being more particularly described as follows:

**Lot 20, according to the survey of Beaver Creek Preserve First Sector, as recroded in Map Book 24, Page 63, in the Probate office of Shelby County, Alabama.**

WHEREAS, **New South Federal Savings Bank** has made a mortgage loan in the amount of **One Hundred Forty Four Thousand Dollars (\$144,000.00)** to **Leigha Matherne** recorded on 4-2-2003 in **Instrument Number 20030402000196390**, in the Probate Office of **Shelby County, Alabama**, said loan secured by a mortgage which encumbers the above described real property.

WHEREAS, **New South Federal Savings Bank** as a condition for making a first mortgage loan requires **Heritage Bank** to subordinate the lien of its mortgage to the lien of **New South Federal Savings Bank** and **Heritage Bank** has agreed to do so.

NOW THEREFORE, for and in consideration of the premises hereof and of mutual advantages and benefits accruing to the parties hereto, **Heritage Bank** does hereby covenant, consent and agree to and with **New South Federal Savings Bank** that the lien of **Heritage Bank** shall be and the same is hereby made subordinate, inferior and subject in every respect to the lien of **New South Federal Savings Bank**, which encumbers the above described property provided, however, that the subordination is limited to the amount of **Twenty Four Thousand One Hundred Dollars (\$24,100.00)**.

IN WHITNESS WHEREOF, this agreement is executed the day and year first written above.

Signed, sealed and delivered in the presence of:

**HERITAGE BANK**

BY: George C. Pelekis  
George Pelekis

ITS: Senior Vice President

(STATE OF ALABAMA)  
(JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that George Pelekis whose name as Senior Vice President of **Heritage Bank**, is signed to the foregoing instrument, and who is know to me, acknowledged before me on this day, that being informed of the content of said instrument, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this 20<sup>th</sup> day of **March, 2003**.

Notary Public: [Signature]  
My commission expires 3/31/05