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20030410000218170 Pg 1/2 14.00  
Shelby Cnty Judge of Probate, AL  
04/10/2003 09:00:00 FILED/CERTIFIED

THIS INSTRUMENT PREPARED BY:

R. Shan Paden, Attorney at Law  
Five Riverchase Ridge, Suite 100  
Birmingham, Alabama 35244-2893

SUBORDINATION AGREEMENT

STATE OF ALABAMA  
COUNTY OF SHELBY

This Subordination Agreement, made and entered into on this the 12 day of MARCH, 2003, by and between COMPASS BANK, as Party of the First Part, and AMERICA'S WHOLESALE LENDER, ITS SUCCESSORS AND/OR ASSIGNS, as Party of the Second Part.

WITNESSETH

THAT, WHEREAS, SAMUEL N. ALFANO AND ROSEMARY A. ALFANO, has an outstanding loan in favor of COMPASS BANK, as set forth in INSTRUMENT #2002-18537, in the Office of the Judge of Probate of SHELBY County, Alabama on that certain real estate located at 5296 BIRDSONG ROAD BIRMINGHAM, AL 35242 to secure an indebtedness of \$52,540.00 and said lien is in full force and effect; and,

WHEREAS, SAMUEL N. ALFANO AND ROSEMARY A. ALFANO, has made an application to the Party of the Second Part for a loan in the sum of \$112,250.00 and said Party of the Second Part is willing to make said loan to the said SAMUEL N. ALFANO AND ROSEMARY A. ALFANO, provided it furnish the party of the Second Part with a mortgage on the lands described in the aforesaid lien, and the said COMPASS BANK, subordinate the above described lien and make the same second and subservient to the mortgage of AMERICA'S WHOLESALE LENDER, ITS SUCCESSORS AND/OR ASSIGNS; and,

WHEREAS, the said Party of the First Part is willing to subordinate its said lien and make it second and subservient to the mortgage of the said Part of the Second Part as an inducement to it to make said loan.

NOW, THEREFORE, in consideration of the premises, the said Party of the First Part does hereby agree that the lien of SAMUEL N. ALFANO AND ROSEMARY A. ALFANO, to COMPASS BANK, recorded in the Probate Office of SHELBY County, Alabama in INSTRUMENT #2002-18537, shall be second and subservient to the mortgage of SAMUEL N. ALFANO AND ROSEMARY A. ALFANO to AMERICA'S WHOLESALE LENDER, ITS SUCCESSORS AND/OR ASSIGNS, and recorded in the Probate Office of SHELBY County, Alabama, in INSTRUMENT # \* 20030410000218180, to secure the sum of \$112,250.00, plus interest, on the land described therein, and the said lien of the said COMPASS BANK, shall be subordinate to the mortgage of AMERICA'S WHOLESALE LENDER, ITS SUCCESSORS AND/OR ASSIGNS.

\* 20030410000218180

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IT IS FURTHER agreed that should SAMUEL N. ALFANO AND ROSEMARY A. ALFANO, default in his/her/their payments under the terms of the real estate mortgage to AMERICA'S WHOLESALE LENDER, ITS SUCCESSORS AND/OR ASSIGNS,, the said AMERICA'S WHOLESALE LENDER, ITS SUCCESSORS AND/OR ASSIGNS, agrees to notify COMPASS BANK of said default prior to taking legal action.

IN WITNESS WHEREOF, JA Woods, as AVP of said COMPASS BANK has caused her/his name to be hereunto signed on this the 12 day of MARCH, 2003.

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COMPASS BANK

BY: [Signature]

As Its: AVP

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said State and County, hereby certify that JA Woods, whose name as AVP of COMPASS BANK, is signed to the foregoing subordination agreement, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this subordination agreement and with full authority as such officer, executed the same voluntarily.

Given under my hand and seal this 12 day of MARCH, 2003.

[Signature]  
Notary Public

My commission expires: 5/10/06