

Subordinate Agreement

This Subordination of Mortgage is executed this **30th** day of **May 2003** by
Heritage Bank.

Witnesseth

WHEREAS, **Heritage Bank** is the owner and holder of that certain mortgage in the amount of **Eighteen Thousand Five Hundred Dollars (\$18,500.00)** from **John Kurkhum Hoyt and Kathy Helen Hoyt** recorded on **June 21, 2003** in **Instrument Number 20020621000291480**, in the Probate Office of **Shelby County, Alabama**, said property being more particularly described as follows:

WHEREAS, **SouthStar Funding, LLC.** Has made a mortgage loan in the amount of **Three Hundred Thousand Dollars (\$300,000.00)** to **John Kurkham Hoyt and Kathy Helen Hoyt** recorded on June 13, 2003 in Instrument Number 20030613000372140, in the Probate Office of **Shelby County, Alabama**, said loan secured by a mortgage which encumbers the above described real property.

WHEREAS, **SouthStar Funding, LLC.** as a condition for making a first mortgage loan requires **Heritage Bank** to subordinate the lien of its mortgage to the lien of **SouthStar Funding, LLC.** 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 **SouthStar Funding, LLC.** 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 **SouthStar Funding, LLC.**, which encumbers the above described property provided, however, that the subordination is limited to the amount of **Eighteen Thousand Five Hundred Dollars.**

IN WITNESS 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 C. 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 C. 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 **30th** day of **May 2003**.

Notary Public:

My commission expires:

George M. Swafford

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov. 18, 2003
BONDED THRU NOTARY PUBLIC UNDERWRITERS