

This instrument was prepared by:
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Ridge Park Building, Suite 4800
Birmingham, AL 35205

STATE OF ALABAMA

JEFFERSON COUNTY

SUBORDINATION OF MORTGAGE

THIS SUBORDINATION OF MORTGAGE executed this 11th day of August, 2003 by SouthTrust Bank.

W I T N E S S E T H:

WHEREAS, Tim A. Pekarek and Andrea M. Pekarek ("Pekareks") are the owners of the real estate particularly described as follows:

Lot 33, according to the Survey of Southpointe First Sector, as recorded in Map Book 11, page 83, in the Probate Office of Shelby County, Alabama.

WHEREAS, Pekareks heretofore executed a mortgage in favor of SouthTrust Bank, recorded as Instrument #1998-50881, in the Probate Office of Shelby County, Alabama; and

WHEREAS, Pekareks now desire to obtain a mortgage loan from Synovus Mortgage Corporation, in the principal amount of \$129,000.00 and

WHEREAS, Synovus Mortgage Corporation is desirous of extending credit to Pekareks provided that SouthTrust Bank subordinates the lien of the SouthTrust Bank mortgage; and

WHEREAS, in order to induce Synovus Mortgage Corporation to make the loan to Pekareks, SouthTrust Bank is willing and desirous to subordinate the lien of the SouthTrust Bank mortgage to the lien of the mortgage of Synovus Mortgage Corporation dated 13th day of August, 2003, executed by Pekareks, filed for record in the Probate Office of Shelby County, Alabama, as Instrument # 20030826000566950

NOW, THEREFORE, for and in consideration of the premises and of Ten and No/100 Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned does hereby covenants, stipulates, warrants and agrees as follows:

1. SouthTrust Bank hereby subordinates all its rights, title and interest in and to the lien created by the SouthTrust Bank mortgage to the lien created by the Synovus Mortgage Corporation mortgage and other loan documents as defined in the mortgage in favor of Synovus Mortgage Corporation, its successors and assigns.

2. SouthTrust Bank hereby warrants and represents that it is the owner of the SouthTrust Bank mortgage and that the SouthTrust Bank note which secures the SouthTrust Bank mortgage has not been prior pledged, encumbered or mortgaged by SouthTrust Bank.

IN WITNESS WHEREOF, this Subordination of Mortgage to be executed this 11th day of August, 2003.

SouthTrust Bank

By:

Pamela Chesser

Its:

Vice President

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said county and state, hereby certify that Pamela Chesser, whose name as V.P., of SouthTrust Bank, is signed to the foregoing Subordination, and who is known to me, acknowledged before me this day that, being informed of the contents of said instrument, he as such officer, executed the same voluntarily for and as the act of said association.

Given under my hand and official seal this 11 day of August, 2003.

Berthene Williams
NOTARY PUBLIC

My commission expires:

BERTHENE WILLIAMS
MY COMMISSION EXPIRES
SEPTEMBER 7, 2004

Affix Notarial Seal