

AUG-08-2003 FRI 09:25 AM

FAX NO. 18007338007

20030827000568420 Pg 1/2 14.00
Shelby Cnty Judge of Probate, AL
08/27/2003 08:29:00 FILED/CERTIFIED

9689

THIS INSTRUMENT PREPARED BY:

Paden & Paden, Attorneys at Law
Five Riverchase Ridge, Suite 100
Birmingham, Alabama 35244-2893

SUBORDINATION AGREEMENT

STATE OF ALABAMA
COUNTY OF JEFFERSON

This Subordination Agreement, made and entered into on this the 9th day of AUGUST, 2003, by and between BANK OF ALABAMA, as Party of the First Part, and MORTGAGESOUTH, IT SUCCESSORS AND/OR ASSIGNS as Party of the Second Part.

WITNESSETH

THAT, WHEREAS, BRETT BRUCE AND APRIL L. BRUCE, HUSBAND AND WIFE, have an outstanding loan in favor of BANK OF ALABAMA, as set forth in INSTRUMENT 20021127000593440, in the Office of the Judge of Probate of SHELBY County, Alabama on that certain real estate located at 1469 LEGACY PLACE, BIRMINGHAM, AL 35242 to secure an indebtedness of \$68,900 and said lien is in full force and effect; and,

WHEREAS, BRETT BRUCE AND APRIL L. BRUCE, have made an application to the Party of the Second Part for a loan in the sum of \$562,200.00 and said Party of the Second Part is willing to make said loan to the said BRETT BRUCE AND APRIL L. BRUCE, provided it furnish the party of the Second Part with a mortgage on the lands described in the aforesaid lien, and the said BANK OF ALABAMA, subordinate the above described lien and make the same second and subservient to the mortgage of MORTGAGESOUTH, IT 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 BRETT BRUCE AND APRIL L. BRUCE, to BANK OF ALABAMA, recorded in the Probate Office of SHELBY County, Alabama in INSTRUMENT 20021127000593440 shall be second and subservient to the mortgage of BRETT BRUCE AND APRIL L. BRUCE, to MORTGAGESOUTH, IT SUCCESSORS AND/OR ASSIGNS, and recorded in the Probate Office of SHELBY County, Alabama, in INSTRUMENT # 20030827000568400, to secure the sum of \$68,900.00, plus interest, on the land described therein, and the said lien of the said BANK OF ALABAMA, shall be subordinate to the mortgage of MORTGAGESOUTH, IT SUCCESSORS AND/OR ASSIGNS.

*20030827000568400

AUG-08-2003 FRI 09:25 AM

FAX NO. 1800

20030827000568420 Pg 2/2 14.00
Shelby Cnty Judge of Probate, AL
08/27/2003 08:29:00 FILED/CERTIFIED

Alisa

IT IS FURTHER agreed that should BRETT BRUCE AND APRIL L. BRUCE, default in his/her/their payments under the terms of the real estate mortgage to MORTGAGESOUTH, IT SUCCESSORS AND/OR ASSIGNS, the said MORTGAGESOUTH, IT SUCCESSORS AND/OR ASSIGNS agrees to notify BANK OF ALABAMA of said default prior to taking legal action.

IN WITNESS WHEREOF, JOHN E. BENTLEY, as VICE PRESIDENT of said BANK OF ALABAMA has caused her/his name to be hereunto signed on this the 8th day of AUGUST, 2003.

BANK OF ALABAMA

BY: [Signature]

As Its: VICE PRESIDENT

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said State and County, hereby certify that John E. Bentley, whose name as VICE PRESIDENT of BANK OF ALABAMA, 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 8 day of AUGUST, 2003.

[Signature]
Notary Public

My commission expires: 8-16-2006

