

## SUBORDINATION AGREEMENT

Pursuant to the terms of the mortgage entered into by and between MARK W. MCCUTCHEON and TERRI CULVER MCCUTCHEON and COMPASS BANK on the 15<sup>TH</sup> day of FEBRUARY, 2002 and recorded in INSTRUMENT 2002/15792, in the Probate Office of SHELBY County, Alabama. COMPASS BANK does declare the lien of its mortgage filed for record on the 4<sup>TH</sup> day of APRIL, 2002 and recorded in INSTRUMENT 2002/15792, in the Probate Office of SHELBY County, Alabama to be second and subordinate to the lien of the mortgage given by MARK W. MCCUTCHEON and TERRI CULVER MCCUTCHEON and COMPASS BANK to National Bank of Commerce of Birmingham in the amount of EIGHTY FIVE THOUSAND DOLLARS AND NO/100 (\$85,000.00) executed on the 27 TH day of OCTOBER, 2003, and recorded in the Probate Office of SHELBY County, Alabama.

Both mortgages are encumbering certain real property described as:

Lot 37, according to the Survey of Southpointe, First Sector, as recorded in Map Book 11, page 83, in the Probate Office of Shelby County, Alabama.

IN WITNESS WHEREOF, this Subordination Agreement has been
executed on this <u>72<sup>TH</sup></u> day of OCTOBER, 2003.
COMPASS BANK
By:
Its:
STATE OF ALABAMA
COUNTY OF Letterson
I, the undersigned, a Notary Public, in and for said County in said
State hereby certify that 17 Kill whose name as
of Compess Bent is signed to the foregoing
Agreement and who is known to me acknowledged before me that being
informed of the contents of the above and foregoing Agreement he, in his
capacity as such officer executed the same for and as the act of said
corporation.
Given under my hand this the of of
My Commission E-mins My Characters Commenced
My Commission Expires MY COMMISSION EXPIRES MAY 6, 2007
Notaty Public