

BHM  
31576

20040107000012500 Pg 1/1 11.00  
Shelby Cnty Judge of Probate, AL  
01/07/2004 15:54:00 FILED/CERTIFIED

**SUBORDINATION AGREEMENT**

the TITLE and CLOSING PROFESSIONALS  
3595 Grandview Pkwy, Ste 350  
Birmingham, AL 35243

STATE OF ALABAMA  
COUNTY OF SHELBY

THAT, WHEREAS, WILLIAM ANDRUS, AND SPOUSE, MARTHA K. ANDRUS, have an outstanding lien in favor of HERITAGE BANK, dated May 29, 2001, recorded on June 26, 2001, in the Probate Office of SHELBY COUNTY, Alabama, in Instrument No. 2001-26316 on certain real estate described herein to secure an indebtedness of \$100,000.00, and said lien is in full force and effect, and,

WHEREAS, WILLIAM ANDRUS, AND SPOUSE, MARTHA K. ANDRUS, have made an application to NEW SOUTH FEDERAL SAVINGS BANK for a loan in the sum of \$150,000.00 and said to NEW SOUTH FEDERAL SAVINGS BANK is willing to make said loan to the said WILLIAM ANDRUS, AND SPOUSE, MARTHA K. ANDRUS, provided he/she/they furnish it with a mortgage on the lands described in the aforesaid lien, and the said HERITAGE BANK subordinate the above described lien and make the same second and subservient to the mortgage to NEW SOUTH FEDERAL SAVINGS BANK, as recorded in INST.# 20040107000012490

WHEREAS, the said HERITAGE BANK is willing to subordinate its said lien and make the lien second and subservient to the mortgage of the said to NEW SOUTH FEDERAL SAVINGS BANK as an inducement to it to make said loan.

IT IS FURTHER agreed that should default in the payments under the terms of the real estate mortgage to HERITAGE BANK, the said Lender agrees to notify to NEW SOUTH FEDERAL SAVINGS BANK of said default prior to taking legal action.

IN WITNESS WHEREOF, the said HERITAGE BANK has caused its name to be hereunto signed on the 18<sup>th</sup> day of December 2003.

HERITAGE BANK

BY: [Signature]

ITS: [Signature]

STATE OF ALABAMA  
COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Ed Terrell, whose name as Ed Terrell of HERITAGE BANK, a corporation, is signed to the foregoing instrument, and who known to me, acknowledged before me on this day, that, being informed of the contents of the said instrument, she/he executed the same voluntarily for and as the act of said corporation.

[Signature]  
Notary Public

My Commission expires:  
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Oct 5, 2007  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Prepared By:  
STEWART & ASSOCIATES, P.C.  
3595 GRANDVIEW PKWY, #350  
BIRMINGHAM, ALABAMA 35243