

THE STATE OF ALABAMA)
COUNTY OF SHELBY)

20040108000013110 Pg 1/2 14.00
Shelby Cnty Judge of Probate, AL
01/08/2004 10:26:00 FILED/CERTIFIED

SUBORDINATION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned, AmSouth Bank acknowledges the debt secured by that certain Mortgage dated December 27, 1999 from Brook Highland Center I, LLC to AmSouth Bank on the following described real estate situated and being in Shelby County, Alabama, to wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

WHEREAS, the undersigned, understand and agree that the debt secured by that certain Mortgage dated December 27, 1999 from Brook Highland Center I, LLC to AmSouth Bank recorded in Instrument 1999-52427, in the Office of the Judge of Probate of Shelby County, Alabama shall be second, subordinate and inferior to that certain Mortgage dated December 27, 1998, executed by Brook Highland Center I, LLC to Douglas Glenn Gray recorded in Instrument 1998-50663, in the Office of the Judge of Probate of Shelby County, Alabama and amended in Instrument 1999-52425.

IN WITNESS WHEREOF, AmSouth Bank, through its authorized individual, hereunto has set its hand and seal this 6th day of January, 2004.

AmSouth Bank

Todd Harris (SEAL)
By: Todd Harris
Its: OFFICER

THE STATE OF ALABAMA)
COUNTY OF JEFFERSON)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared Todd Harris, whose name as OFFICER of AmSouth Bank, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Bank.

Given under my hand and seal this 6 day of January, 2004.

Deborah J. Alexander
NOTARY PUBLIC
My commission expires:

MY COMMISSION EXPIRES FEBRUARY 14, 2007

THIS INSTRUMENT WAS PREPARED BY: Richard W. Theibert, Attorney
NAJJAR DENABURG, P.C.
2125 Morris Avenue, Birmingham, Alabama 35203
(205) 250-8400

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EXHIBIT "A"

PARCEL I:

Tracts Numbered Three (3) and Five (5), according to Jessica Ingram's Map of the NE ¼ of Section 31, Township 18, Range 1 West, Shelby County, Alabama, as recorded in Map Book 3, page 54 in the Probate Office of Shelby County, Alabama.

LESS AND EXCEPT THE FOLLOWING:

A parcel of land situated in the NE ¼ of Section 31, Township 18 South, Range 1 West, of the Huntsville Principal Meridian in Shelby County, Alabama, being more particularly described as follows:

Point of beginning at the Southwest corner of Lot 3 of Jessica Ingram's subdivision of the NE ¼ of Section 31, Township 18 South, Range 1 West as recorded in the Office of the Judge of Probate of Shelby County, Alabama, said point being on the East right of way of Meadowlark Drive and being a 5/8" rebar with a plastic cap labeled CA0082LS; thence North 04°13'51" West, 166.31 feet along the East right of way of said road to a point; said point being the Southwest corner of Lot 5 of said subdivision; thence North 00°15'16" West, 164.31 feet along said right of way to a point, said point being the Northwest corner of said Lot 5; thence leaving said right of way South 89°26'17" East 508.24 feet along the North line of said Lot 5, to a point; thence leaving the North line of said Lot 5 South 48°01'01" West 108.93 feet to a point; thence South 00°33'43" West 256.27 feet to a point on the South line of Lot 3 of said subdivision; thence North 89°26'51" West 411.76 feet along the South line of said Lot 3 to the point of beginning.

PARCEL II:

A parcel of land situated in the NE ¼ of Section 31, Township 18 South, Range 1 West, of the Huntsville Principal Meridian in Shelby County, Alabama, being more particularly described as follows:

Point of beginning at the Southwest corner of Lot 3 of Jessica Ingram's subdivision of the NE ¼ of Section 31, Township 18 South, Range 1 West as recorded in the Office of the Judge of Probate of Shelby County, Alabama, said point being on the East right of way of Meadowlark Drive and being a 5/8" rebar with a plastic cap labeled CA0082LS; thence North 04°13'51" West, 166.31 feet along the East right of way of said road to a point; said point being the Southwest corner of Lot 5 of said subdivision; thence North 00°15'16" West, 164.31 feet along said right of way to a point, said point being the Northwest corner of said Lot 5; thence leaving said right of way South 89°26'17" East 508.24 feet along the North line of said Lot 5, to a point; thence leaving the North line of said Lot 5 South 48°01'01" West 108.93 feet to a point; thence South 00°33'43" West 256.27 feet to a point on the South line of Lot 3 of said subdivision; thence North 89°26'51" West 411.76 feet along the South line of said Lot 3 to the point of beginning.

PARCEL III:

An easement for the purpose of ingress and egress and maintenance of utilities as granted by that certain document recorded in Instrument 1999-46959, in the Probate Office of Shelby County, Alabama.