

## SUBORDINATION AGREEMENT

THIS SUBORDINATION OF MORTGAGE executed this 22nd day of January, 2004 by SouthTrust Bank.

### "WITNESSETH"

WHEREAS, Mortgagee is the owner and holder of that certain mortgage from VIVIAN L. LATHAM, An Unmarried Woman, to SouthTrust Bank, dated March 7th, 2002, and recorded in Inst. No. 2002-16129, in the Probate Office of Shelby County, Alabama, being more particularly described as follows:

Lot 76, according to the Survey of The Magnolia-s at Brook Highland, as recorded in Map Book 13, Page 102 A & B, in the Probate Office of SHELBY County, ALABAMA.

WHEREAS, MortgageAmerica, Inc. and/or its successors and assigns as their interests may appear, is making a mortgage loan to VIVIAN L. LATHAM, An Unmarried Woman (to refinance her original first mortgage loan to MortgageAmerica, Inc., dated October 26<sup>th</sup>, 2001, and recorded in Inst. No. 2001-47627, in the Probate Office of Shelby County, Alabama, said loan secured by a mortgage which encumbers the above described real Property:

WHEREAS, MortgageAmerica, Inc. and/or its successors and assigns as their interests may appear, as a condition for making a new mortgage loan, requires Mortgagee to subordinate the lien of its mortgage to the lien of the new MortgageAmerica, Inc. and/or its successors and assigns as their interests may appear, loan, recorded in Shelby County, Alabama, in Inst. No. \_\_\_\_\_, and mortgagee has agreed to do so.

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NOW, THEREFORE, for and in consideration of the premises hereof and of the mutual advantages and benefits accruing to the parties hereto, and in further consideration of the sum of ONE DOLLAR in hand paid by MortgageAmerica, Inc. and/or its successors and assigns as their interests may appear, to Mortgagee, the receipt and sufficiency of which is hereby acknowledged, Mortgagee does hereby covenant, consent and agree to and with MortgageAmerica, Inc. and/or its successors and assigns as their interests may appear, that the lien of SouthTrust Bank, shall be and the same is hereby made subordinate, inferior and subject in every respect to the lien of MortgageAmerica, Inc. and/or its successors and assigns as their interests may appear, which was granted by VIVIAN L. LATHAM, An Unmarried Woman, to refinance the original first mortgage to MortgageAmerica, Inc., recorded in Inst. No. 2001-47627, in the Probate Office of Shelby County, Alabama, which encumbers the above described property, provided, however that this subordination is limited to the amount of \$74,600.00.

IN WITNESS WHEREOF, this agreement is executed the day and year first written above.

Signed, sealed and delivered  
in the presence of:

SouthTrust Bank

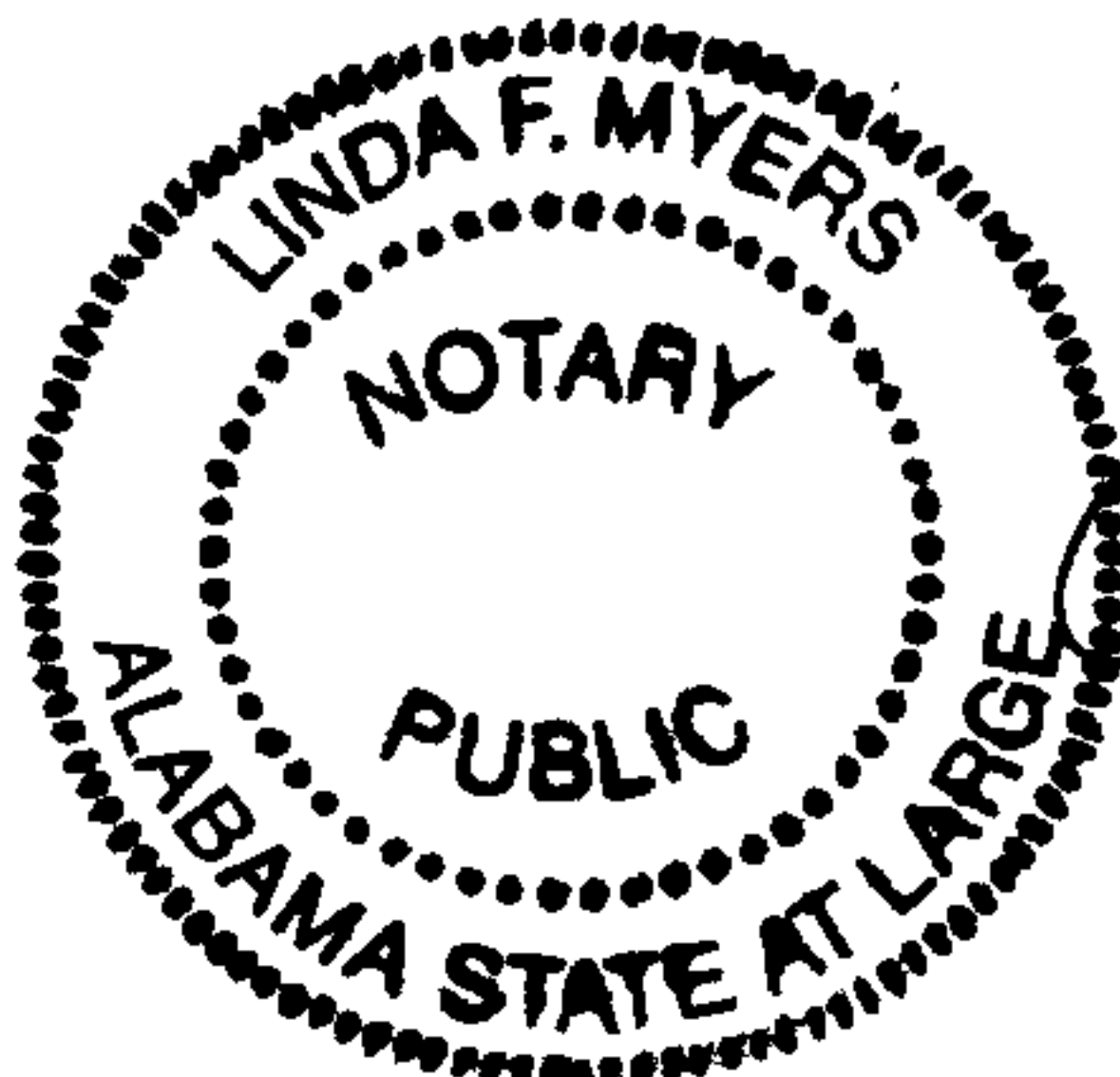
Phillip Green  
Witness

BY: Stephen A. Pierce  
Its Asst. Vice President



STATE OF ALABAMA:  
COUNTY OF JEFFERSON:

The foregoing instrument was acknowledged before me this 22 day of January, 2004, by Stephen A. Pierce, Asst. Vice President of SouthTrust Bank, on behalf of the company.



Linda F. Myers  
Notary Public

My Commission Expires: MY COMMISSION EXPIRES MAY 30, 2005