

## SUBORDINATION AGREEMENT

Pursuant to the terms of the mortgage entered into by and between M. Craig Kelley and Jennifer S. Kelley to National Bank of Commerce of Birmingham on November 20, 2003 and recorded in Instrument # 20031208000794580 in the Probate Office of Shelby County, Alabama.

National Bank of Commerce of Birmingham does declare the lien of its mortgage dated November 20, 2003 and recorded in Instrument # 20031208000794580 in the Probate Office of Shelby County, Alabama to be second and subordinate to the lien of mortgage given to National City Mortgage Services in the amount of Two Hundred Forty Thousand Dollars and no/100-----(\$240,000.00) executed on April 7, 2004 and recorded in the Probate Office of Shelby ~~Jefferson~~ County, Alabama.

Both mortgages are encumbering certain real property described as:

LOT 26, ACCORDING TO THE SURVEY OF EAGLE POINT FIRST SECTOR, PHASE 1, AS RECORDED IN MAP BOOK 14, PAGE 114 A & B IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, BEING SITUATED IN SHELBY COUNTY, ALABAMA.

IN WITNESS WHEREOF, this Subordination Agreement has been executed on this  
12\_\_\_\_ of April\_\_\_\_\_, 2004.

M. Craig Kelley  
M. Craig Kelley  
Jennifer S. Kelley  
Jennifer S. Kelley

NATIONAL BANK OF COMMERCE  
OF BIRMINGHAM

BY: Chris Davenport  
Its: Private Banking Officer

STATE OF ALABAMA       )  
                                COUNTY       )  
Jefferson

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that M. Craig Kelley & Jennifer S. Kelley whose name 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 said instrument, he executed the same voluntarily on the date the same bears date.

Given under my hand and official seal of office this 12 day of April, 2004.

*Dorinda K. Carter*  
Notary Public

AFFIX SEAL

My Commission Expires: 4/28/2004

STATE OF ALABAMA       )  
COUNTY OF Jefferson       )

I, the undersigned, a Notary Public, in and for said county in said state hereby certify that Andy Davenport whose name as Private Banking Officer of National Bank of Commerce of Birmingham 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 or she, is his/her capacity as such officer executed the same for and as the act of said corporation.

Given under my hand and official seal of office this the 6<sup>th</sup> day of April, 2004.

*Stephanie R. Snider*  
Notary Public

AFFIX SEAL

My Commission Expires: 9/1/04

This document prepared by:  
Stevie Snider, NBC Private Banking