

**SUBORDINATION AGREEMENT**

20041021000581010 Pg 1/2 14.00  
Shelby Cnty Judge of Probate, AL  
10/21/2004 10:00:00 FILED/CERTIFIED

THIS AGREEMENT is made this July 26, 2004, between Andre L. Burrell and Tonja D. Burrell, husband and wife of Shelby County, Alabama, and SouthTrust Bank.

**Property Description**

WHEREAS, Andre L. Burrell and Tonja D. Burrell, husband and wife own all right, title and interest in real property described as follows:

LOT 1002, ACCORDING TO THE SURVEY OF OLD CAHABA, 10TH SECTOR, AS RECORDED IN MAP BOOK 26, PAGE 112 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA.

SITUATED IN SHELBY COUNTY, ALABAMA.

**Senior Lien**

AND WHEREAS, SouthTrust Bank is the holder of a lien for Andre L. Burrell and Tonja D. Burrell, husband and wife on said property by virtue of that certain Mortgage Deed from Andre L. Burrell and Tonja D. Burrell, husband and wife to SouthTrust Bank, filed for record March 19, 2002 in Instrument 2002-12467 and modified in Instrument 20031120000764020, in the Probate Office of Shelby County, Alabama, which said lien is presently secured upon the said Premises, giving certain rights to SouthTrust Bank.

**Subsequent Mortgage**

AND WHEREAS, a Mortgage was given by the said Andre L. Burrell and Tonja D. Burrell, husband and wife to SouthStar Funding, LLC for \$151,000.00, dated and intended to be forthwith recorded as aforesaid, which said Mortgage is secured on the Premises hereinabove described;

**Intent to Subordinate**

AND WHEREAS, it is the desire and intention of the parties hereto to subordinate the lien and operation of the lien first above-recited, for the full balance thereof, to the lien and operation of the Mortgage second above-recited, so that the said Mortgage second above-recited shall and will become a lien upon the said Premises and the lien first above-recited shall be subordinated thereto in every manner whatsoever ;

**Consideration and Subordination**

NOW WITNESS: That the parties hereto, intending to be legally bound hereby, in consideration of the Premises and of the advantages to be derived from these presents, as well in consideration of the sum of \$10.00 lawful money of the United States of America, each to the other well and truly paid at and before the sealing and delivery of these presents, receipt whereof is hereby acknowledged, agree that the said lien first above recited, secured upon the Premises as therein described shall be, and the same is by these presents, made junior in lien and subordinated to the lien and operation of the said Mortgage second above-recited to be given and executed by Andre L. Burrell and Tonja D. Burrell, husband and wife to SouthStar Funding, LLC as aforesaid, secured upon the Premises herein described.

**Default**

In the event of default under any of the terms or conditions of the said subordinated lien, resulting in foreclosure proceedings thereon, or on the accompanying note, such proceedings shall be especially advertised as being under and subject to the lien and payment of the said Mortgage given and executed by Andre L. Burrell and Tonja D. Burrell, husband and wife to SouthStar Funding, LLC ON 20041021000581000, in the principal sum of \$151,000.00.

THIS AGREEMENT shall be binding upon the parties hereto, their heirs, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed on July 26, 2004



WITNESS

SENIOR LIENHOLD

Sarah Noyes

SouthTrust Bank

Stephen A. Pierce  
By: Stephen A. Pierce  
Vice President



WITNESS

MORTGAGORS

\_\_\_\_\_

Andre L. Burrell  
Andre L. Burrell

\_\_\_\_\_

Tonja D. Burrell  
Tonja D. Burrell

ACKNOWLEDGEMENTS

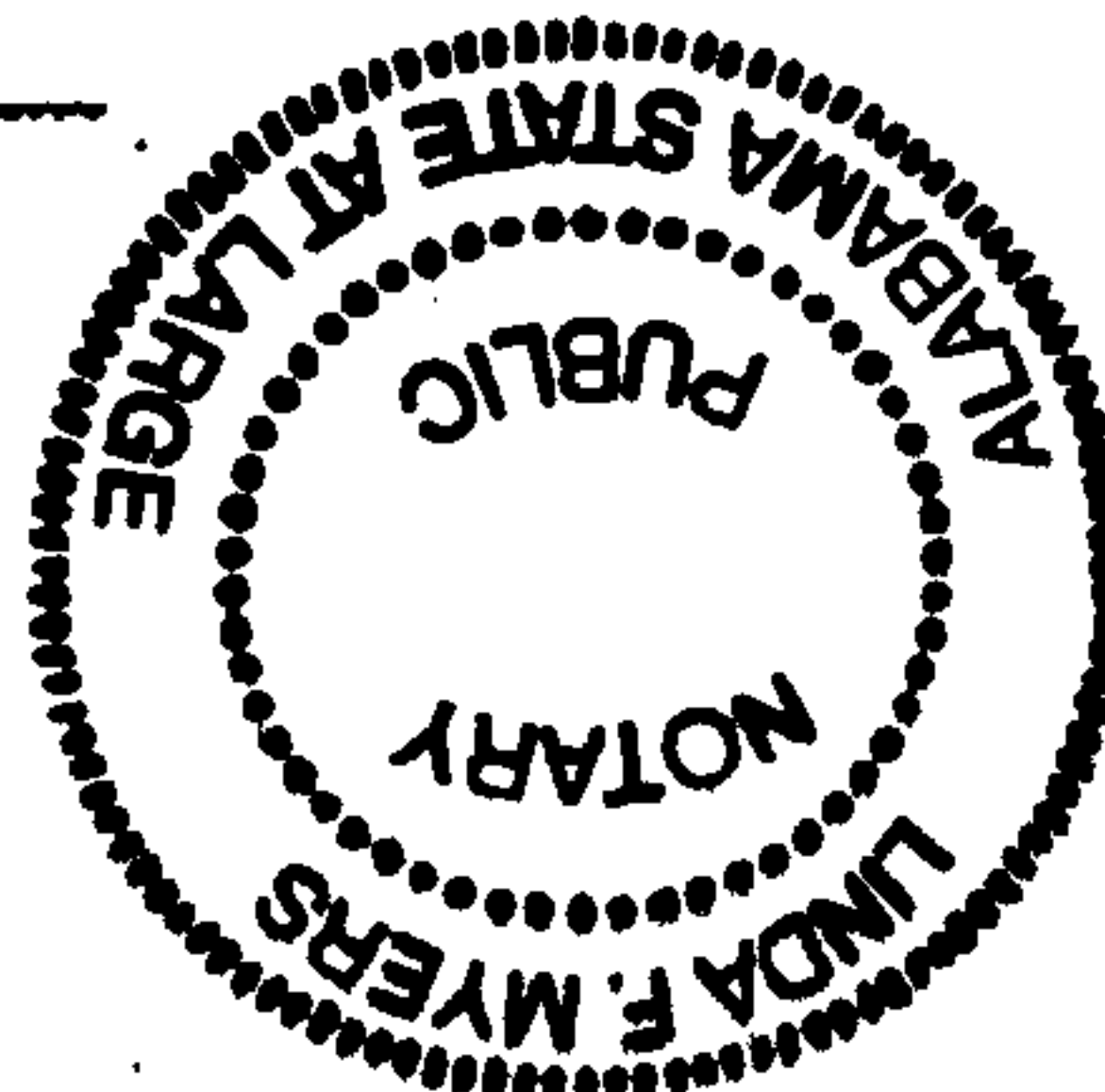
STATE OF Alabama  
COUNTY OF Jefferson

I, the undersigned Notary Public, hereby certify that Stephen A. Pierce, whose name as Vice President of SouthTrust Bank, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing conveyance, he/she, as such officer and with full authority, executed the same voluntarily on the date the same bears date.

Given under my hand this 20 day of July, 2004.

Linda F. Myers  
Notary Public

My commission expires MAY 01, 2008



STATE OF ALABAMA  
COUNTY OF Jefferson

I, the undersigned Notary Public, hereby certify that Andre L. Burrell and Tonja D. Burrell, husband and wife, whose name is/are signed to the foregoing conveyance, and who is/are known to me, acknowledged before me on this day that, being informed of the contents of the foregoing conveyance, he/she/they has/have executed the same voluntarily on the date the same bears date.

Given under my hand on July 26, 2004.

Naomi Benson  
Notary Public

My commission expires: 5/28/07