

## SUBORDINATION AGREEMENT

STATE OF ALABAMA  
COUNTY OF SHELBY

THAT, WHEREAS, A. H. AVERYT, AND SPOUSE, SHARON W. AVERYT, have an outstanding lien in favor of COMPASS BANK, dated November 7, 2003, recorded December 11, 2003, in the Probate Office of SHELBY COUNTY, Alabama, in INSTRUMENT NO. 20031211000799740, and modified in Instrument Number 20040614000319690, on certain real estate described herein to secure an indebtedness of \$600,000.00; and further modified in Instrument 20041214000682180, recorded on December 14, 2004, and said lien is in full force and effect, and,

WHEREAS, A. H. AVERYT, AND SPOUSE, SHARON W. AVERYT, have made an application to COMPASS BANK, for a loan in the sum of \$350,000.00 and said to COMPASS BANK, is willing to make said loan to the said A. H. AVERYT, AND SPOUSE, SHARON W. AVERYT, provided he/she/they furnish it with a first mortgage on the lands described in the aforesaid lien, and the said COMPASS BANK subordinate the above described lien and make the same second and subservient to the mortgage to COMPASS BANK, as recorded in INSTRUMENT 20041220000691890, and,

WHEREAS, the said COMPASS BANK is willing to subordinate its said lien and make the lien second and subservient to the mortgage of the said to COMPASS 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 COMPASS BANK, the said Lender agrees to notify to COMPASS BANK of said default prior to taking legal action.

IN WITNESS WHEREOF, the said COMPASS BANK has caused its name to be hereunto signed on the 27th day of January, 2005.

COMPASS BANK,

BY: 

ITS: Vice Pres.

STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that JACK ARMISTEAD, whose name as VICE PRESIDENT of COMPASS BANK, 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 credit union.

  
Notary Public

My Commission expires: MAY 22, 2008

Prepared By:  
STEWART & ASSOCIATES, P.C.  
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