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20051103000571890 1/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
11/03/2005 11:27:50AM FILED/CERT

WHEN RECORDED MAIL TO:

✓ Service Link  
4000 Industrial Boulevard  
Aliquippa, PA 15001  
1-800-439-5451  
(1081984)

### SUBORDINATION OF MORTGAGE

**FROM Wachovia Bank, N A**, with its primary office address at **7711 Plantation Rd. NW Roanoke, VA 24019** (hereinafter called "Mortgagee")

**TO MORGAN STANLEY DEAN WITTER**, with its primary office address at **2500 LAKE COOK ROAD, RIVERWOODS, IL 60015** (hereinafter called "Lender")

Whereas, Mortgagee is the holder of a valid mortgage granted to Hunter W. Mills and Lynn R. Mills, as joint tenants with the right of survivorship (hereinafter called "Owner") covering certain real property owned by Owner and located at 1124 HARDWOOD COVE RD, BIRMINGHAM, AL 35242-7032, more fully described on Exhibit "A" hereto and incorporated herein (hereinafter called "Property") which mortgage secured a note dated **2/28/2003** in favor of **Wachovia Bank, N A** in the original principal sum of \$126,000.00 which recorded on 03/31/2003 in the SHELBY County Records Office, at Bk. 20030331 page 190920, (hereinafter the "prior mortgage"); and

WHEREAS, Owner has executed, or is about to execute a mortgage (hereinafter referred to as "Lender's Security Instrument") and note not to exceed the sum of \$332,000.00, dated Sept. 26, 2005, in favor of Lender, payable with interest and upon the terms and conditions described therein, which Lender's Security Instrument is to be recorded concurrently herewith; and

Whereas, the MORTGAGEE has agreed to subordinate the PRIOR MORTGAGE to LENDER'S MORTGAGE.

NOW, THEREFORE, INTENDING TO BE LEGALLY BOUND and in consideration of \$100.00

1. Subordination of Lien: The MORTGAGEE hereby subordinates the PRIOR MORTGAGE and its lien position in and on the PROPERTY to the LENDER'S Mortgage and the lien thereof, as if the LENDER'S Mortgage has been recorded first in time to the PRIOR MORTGAGE and so that all public records will reflect LENDER'S Mortgage superior in lien to the PRIOR MORTGAGE.



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2. This subordination shall be binding upon and insure to the benefit of the respective heirs, successors and assigns of MORTGAGE and LENDER.

WITNESS this the 9 day of September, 2005

ATTEST:

Susan R. Ellis

Susan R. Ellis  
Assistant Secretary

WACHOVIA BANK, NATIONAL ASSOCIATION

Name of Corporation

Christopher L. Wheeler

Print Name

Christopher L. Wheeler

Title

Asst. Vice President

STATE OF Virginia

COUNTY OF Roanoke

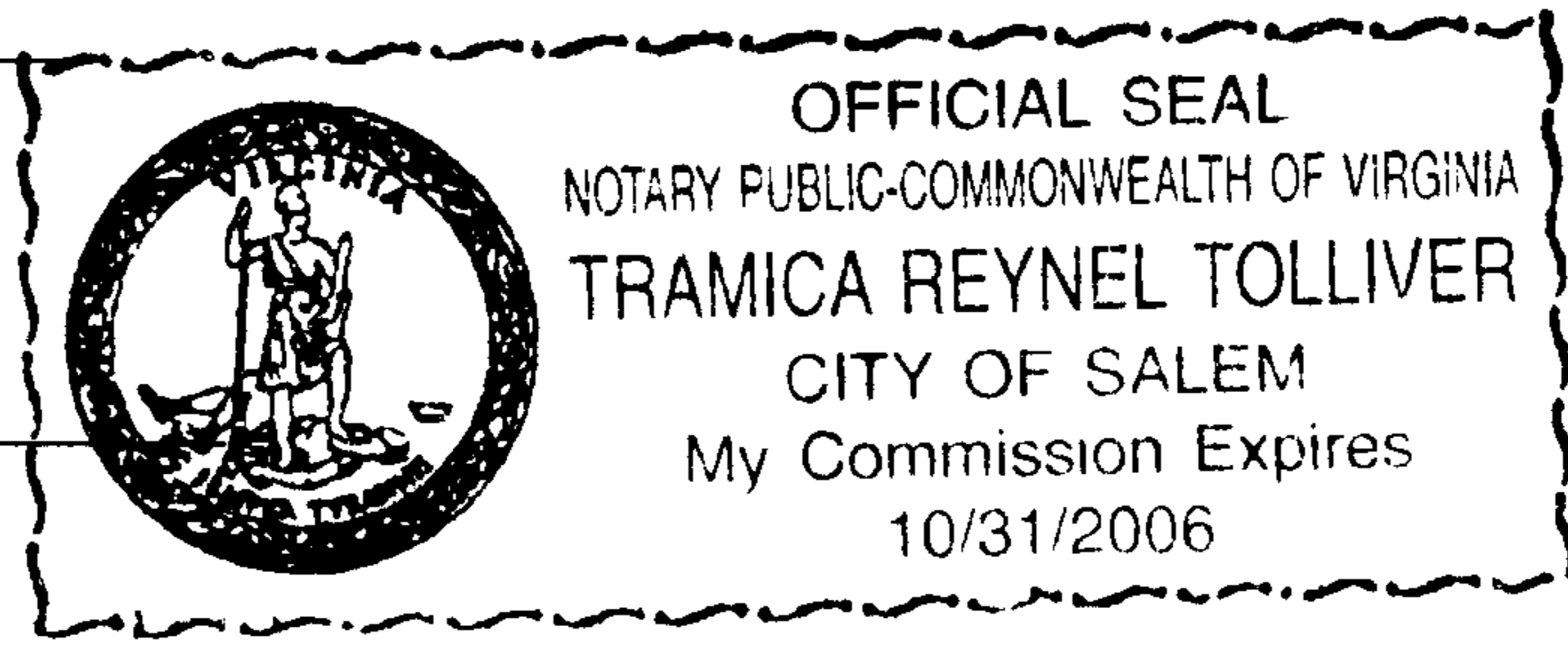
On this the 9 day of September, 2005, before me, the undersigned officer of the state and county mentioned, personally appeared Christopher L. Wheeler, with whom I am personally acquainted (proven to me on the basis of satisfactory evidence), and who further acknowledged that he is the A.V.P. (title) of the maker or constituent of the maker and is authorized by the maker or its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

TRAMICA REYNEL TOLLIVER

NOTARY PUBLIC

My Commission expires: 10/31/2006



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**Exhibit "A"**  
**Legal Description**

All that certain parcel of land situated County of Shelby and State of Alabama, being known and designated as follows:

Lot 75, according to the Survey of the Cove of Greystone, Phase 1, as recorded in Map Book 25, page 38 A&B, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Being the same property as conveyed from Kevin B. Wulf and Cecilia M. Wulf, husband and wife to Hunter W. Mills and Lynn R. Mills, as joint tenants with the right of survivorship, as described in Deed Book 2002 Page 6245, Dated 12/14/2001 , Recorded 02/05/2002 in SHELBY County Records.

Tax ID: 3-8-27-11-50