


WHEN RECORDED RETURN TO:  
Old Republic Title  
Attn: Post Closing-Recording  
320 Springside Dr.  
Suite 320  
Akron, OH 44333

  
20060105000009400 1/4 \$20.00  
Shelby Cnty Judge of Probate, AL  
01/05/2006 01:41:00PM FILED/CERT

Prepared by: OLD REPUBLIC TITLE  
320 SPRINGSIDE DRIVE  
SUITE 320  
AKRON, OH 44333

20165826

### AFFIDAVIT OF LOST SUBORDINATION

I, Dawn Henderson, VP Director of Title Operations being duly sworn, depose and say:

1. That I am 18 years old or more. My address is 320 SPRINGSIDE DRIVE SUITE 320, AKRON, OH 44333. I am authorized to submit this Affidavit regarding a matter affecting title to real property described below, and that I have actual knowledge of the facts stated herein and I am competent to testify to such facts in a court of law.
2. This Affidavit is being filed to provide for the giving and recording of notice relating to certain matters which may affect title to real property in the State of ALABAMA and to claims of interest in land. I submit this Affidavit and NOTICE IS HEREBY GIVEN regarding the parcel of property described as follows:

#### Legal Description:

THE FOLLOWING DESCRIBED REAL RESTATE, SITUATED IN SHELBY COUNTY, ALABAMA, TO-WIT:

LOT 88 ACCORDING TO THE SURVEY OF GREYSTONE VILLAGE, PHASE 1, AS RECORDED IN MAP BOOK 18, PAGE 9 AND RE-RECORDED IN MAP BOOK 20, PAGE 32 IN THE PROBATE OFFICE, SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

Tax Parcel ID No. 58-09-3-05-0-004-088.000

Also know as: 329 AMHERST DRIVE  
BIRMINGHAM, AL 35242

3. ON JULY 30, 2002, A SUBORDINATION WAS EXECUTED BY COMPASS BANK, LENDER HAS A MORTGAGE LIEN DATED JUNE 11, 2002 FROM MARTHA CHAFFIN A/K/A MARTHA M. CHAFFIN AND BOBBY CHAFFIN A/K/A BOBBY J. CHAFFIN, THAT WAS RECORDED ON JULY 10, 2002, DOC NO. 20020710000318270, IN THE AMOUNT OF \$25,000.00, SUBORDINATING IN FAVOR OF FLAGSTAR BANK, FSB, MORTGAGE DATED SEPTEMBER 10, 2002 IN THE AMOUNT OF \$167,000.00, RECORDED MAY 31, 2005. DOC. NO. 20050531000261540. ATTACHED HERETO AS EXHIBIT "A" IS A COPY OF THE SAID INSTRUMENT. THE ORIGINAL INSTRUMENT IS LOST AND ATTEMPTS TO HAVE A REPLACEMENT INSTRUMENT EXECUTED HAVE BEEN UNSUCCESSFUL.

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4. This Affidavit is for the purpose of replacing the lost instrument and to provide recordable evidence of the interest of the mortgagee recited in said instrument.
5. Further Affiant says naught.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

BY:

Dawn Henderson  
DAWN HENDERSON, VICE PRESIDENT

Dated: 1-4-06

Signed in the presence of:

Lenell Rowles  
Witness LENELL ROWLES

Melissa Korbely  
Witness Melissa Korbely

State of:

County of:

Sworn to before me, a Notary Public in and for said county and state, and subscribed in my presence, personally appeared the above named Old Republic National Title Insurance Company, Dawn Henderson, its Vice President. I hereby set my hand and official seal on this 4 day of January, 2006.

Tania M Toomey  
Notary Public Tania M Toomey

My Commission expires  
4-2-2006



Exhibit "A"

MORTGAGE SUBORDINATION AGREEMENT

For a valuable consideration, the receipt of which is hereby acknowledged, the undersigned, the holder of a real estate mortgage dated June 14th 2002, and recorded July 10th, 2002 in Liber        at Page        of the records of Shelby County, Alabama and covering land located in the City of Birmingham, Shelby County, Alabama, described as: 270  
DOC # 2002/0710000318220

Lot 88 According to the survey of Greystone Village, Phase 1, as recorded in map book 18, page 9 and re-recorded in map book 20, page 32 in the probate office, Shelby County, Alabama; being situated in Shelby County, Alabama.

More commonly known as: 329 Amherst Drive  
Parcel Identification No.: 58-09-3-05-0-004-088.00

does hereby waive the priority of the said mortgage in favor of a certain mortgage to be executed by Compass Bank to Flagstar Bank, FSB, covering the aforesaid premises, in the amount of Twenty-Five Thousand Dollars (\$25,000.00) Dollars or less, payable over        years or more with interest at (1.99%) percent per annum.

Whereas, Owner has executed, or is about to execute, a Mortgage and Note in the sum of \$167,000.00 dated 9-10-02 in favor of Flagstar Bank, FSB, here in after referred to as "Lender", payable with interest and upon the terms and conditions described therein, which mortgage is to be recorded concurrently herewith; and

IN WITNESS WHEREOF, the undersigned has executed these presents this        day of       , 20  .

Witness:

\_\_\_\_\_

By:

*[Signature]*

Its:

*[Signature]*

STATE OF

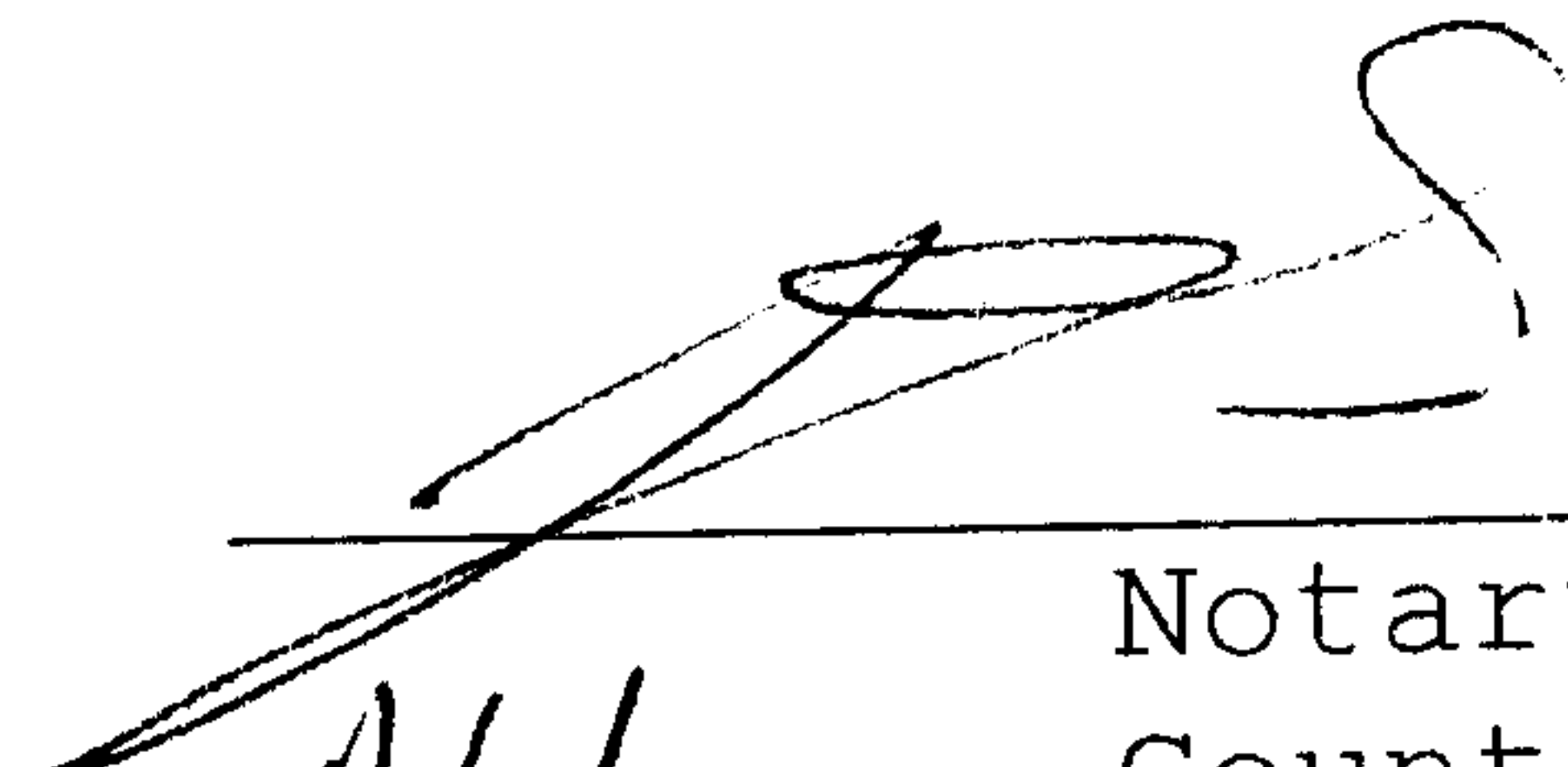
)

) SS

COUNTY OF

)

The foregoing instrument was acknowledged before me this 30 day  
of July, 2006 by SSB, et al, the  
~~of the~~ Vice Pres, ~~at of~~ Compass Bank  
as the free act and deed of said \_\_\_\_\_ by  
authority of its \_\_\_\_\_.

  
\_\_\_\_\_  
Notary Public  
Alabama County, Walker  
My Commission Expires: 12-15-06

Drafted by ~~and return to:~~

Flagstar Bank, FSB  
5151 Corporate Drive  
Troy, MI 48098

Flagstar Bank, FSB  
2417 Over Drive  
Lexington, KY 40511

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Old Republic Title  
Attn: Post Closing-Recording  
320 Springside Dr.  
Suite 320  
Akron, OH 44333

20165826-R