

20070918000438390 1/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
09/18/2007 03:32:59PM FILED/CERT

## SUBORDINATION AGREEMENT

This Subordination Agreement made as of the 11<sup>th</sup> day of September, 2007 by Pete Bennett and Bill Bennett ("Subordinator") and First United Security Bank, an Alabama Corporation, and/or its successors and assigns ("Lender")

### Recitals:

- A. RM Properties, LLC of 4922 Stonehenge Road, Birmingham, Alabama 35242 ("Borrower"), has applied to Lender for renewal of a loan to be made to Borrower and to be evidenced by a promissory note covering certain real property.
- B. Lender will make such loan to Borrower only on the condition precedent that the mortgage described below be subordinated to the lien of the mortgage to be given by Borrower to Lender.

In consideration of the matters described above, and of the mutual benefits and obligations set forth in this agreement, the parties agree as follows:

### SUBORDINATION OF EXISTING MORTGAGE:

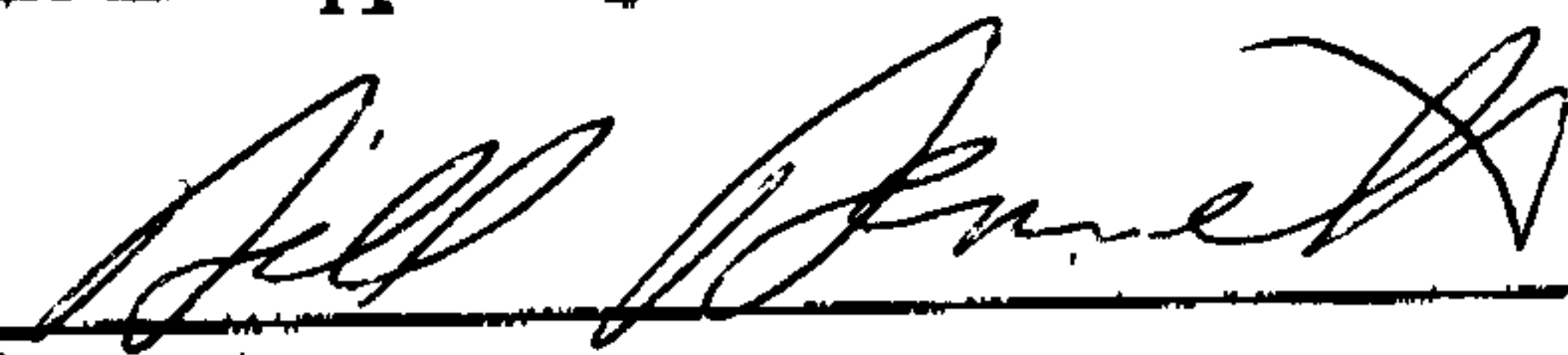
The mortgage to be subordinated covers the real property described as:

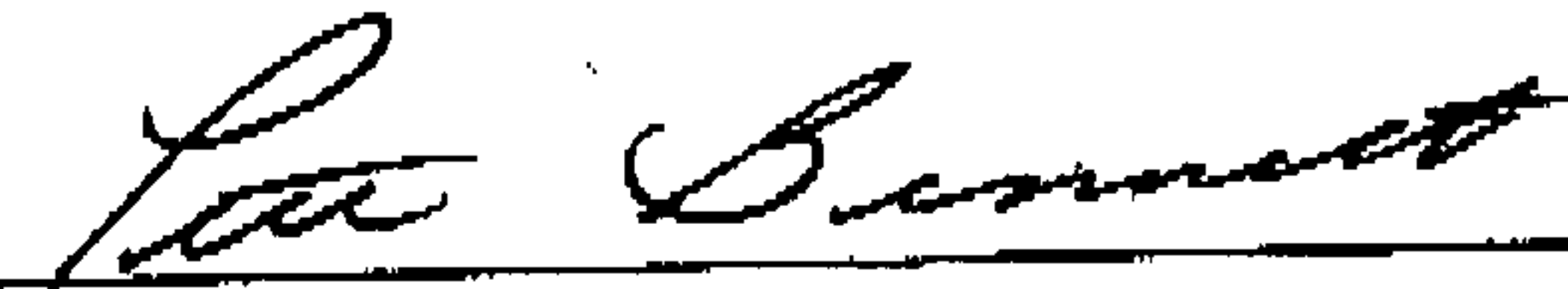
See attached Exhibit "A"

which mortgage is dated April 24, 2006, executed by RM Properties, LLC to Pete Bennett and Bill Bennett, and filed for record on April 28, 2006 as Instrument 20060428000200520, in the Probate Office of Shelby County, Alabama. This mortgage is subordinated and made subject and subservient to the lien of that certain mortgage covering the real property referenced above, dated July 11, 2006, between RM Properties, LLC, Borrower, and First United Security Bank, an Alabama Corporation, and/or its successors and assigns, Lender, and filed or recorded on the 14th day of July, 2006, as Instrument # 20060714000340750 in the records of the Probate Office of Shelby County, Alabama, and amended by that certain Amendment to Real Estate Mortgage dated the 12<sup>th</sup> day of Sept, 2007 and recorded as Instrument # 20070918000438380 in the records of the Probate Office of Shelby County, Alabama.

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The undersigned Subordinator has executed this agreement at Birmingham, Alabama on the date first appearing above.

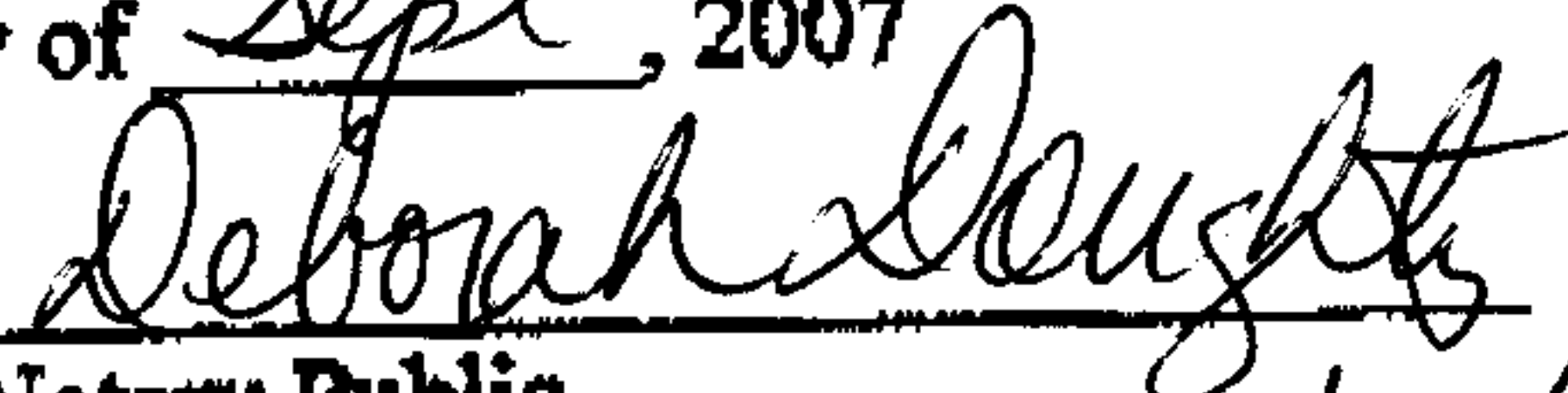
  
Bill Bennett

  
Pete Bennett

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Bill Bennett, whose name 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 conveyance, he executed the same voluntarily on the day the same bears date.

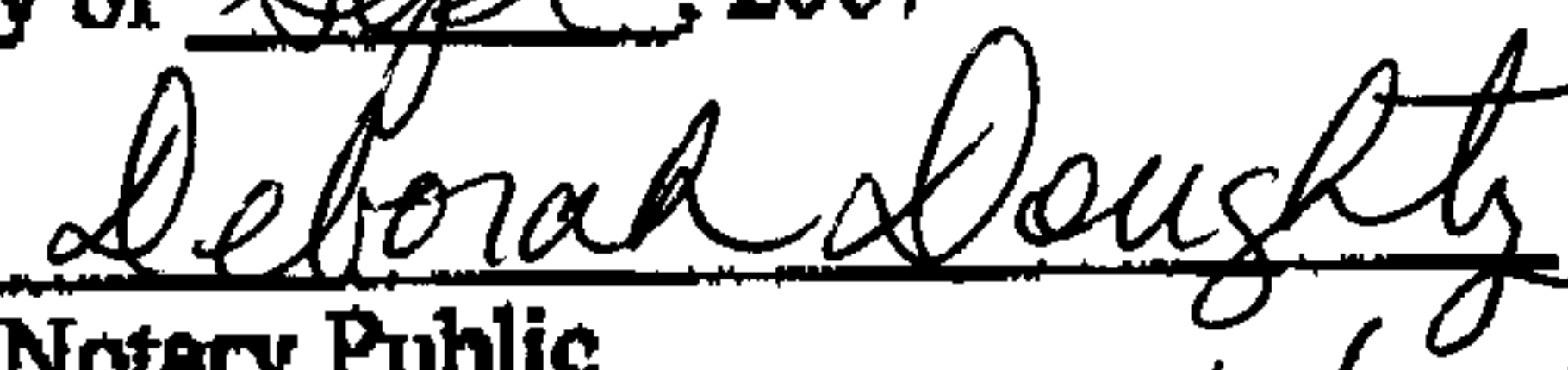
Given under my hand and official seal this 11<sup>th</sup> day of Sept, 2007

  
Notary Public  
My Commission Expires: 6/16/10

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Pete Bennett, whose name 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 conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 11<sup>th</sup> day of Sept, 2007

  
Notary Public  
My Commission Expires: 6/16/10



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

A tract of land located in Sections 26 and 27, Township 20 South, Range 4 West, of the Huntsville, Principal Meridian, Shelby County, Alabama, more particularly described as follows:

Commence at the Northwest corner of Section 26; thence east along the northern boundary of Section 26, 170 feet, more or less, to the centerline of the Norfolk Southern Railway, said point being the point of beginning of a tract of land herein described; thence continue east along the northern boundary of Section 26, 225 feet, more or less, to the centerline of Shelby County Road # 93; thence south and southeasterly along the centerline of County Road # 93, 1740 feet, more or less, to the centerline of Hurricane Creek; thence south and southwesterly along the centerline of Hurricane Creek to a point 215.0 feet north of the southern boundary of the South-West quarter of the North-West quarter of Section 26; thence west and parallel to the southern boundary of the South-West quarter of the North-West quarter of Section 26 and the South-East quarter of the North-East quarter of Section 27 to a point on the west boundary of the South-East quarter of the North-East quarter of Section 27, said point being 215.0 feet north of the Southwest corner of said quarter-quarter; thence north along the west boundary of the South-East quarter of the North-East quarter of Section 27, 400 feet, more or less, to the centerline of the Norfolk Southern Railway; thence northeasterly 900 feet, more or less, along the centerline of the Norfolk Southern Railway to the north boundary of the South-East quarter of the North-East quarter of Section 27; thence east 800 feet, more or less, along the north boundary of the South-East quarter of the North-East quarter of Section 27 to the Southwest corner of the North-West quarter of the North-West quarter of Section 26; thence north 1100 feet, more or less, along the west boundary of the North-West quarter of the North-West quarter of Section 26 to the centerline of the Norfolk Southern Railway; thence northeasterly along the centerline of said railway to the point of beginning.



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