

UPON RECORDING PLEASE RETURN TO:

Red Mountain Bank  
Attn: Kathy Ammons  
P.O. Box 381748  
Birmingham, Alabama 35238

Subordinate Agreement

20090206000041420 1/1 \$11.00  
Shelby Cnty Judge of Probate, AL  
02/06/2009 03:11:53PM FILED/CERT

This Subordination of Mortgage is executed this 8th day of January, 2009 by Red Mountain Bank.

Witnesseth

WHEREAS, Red Mountain Bank is the owner and holder of that certain mortgage in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) from Joseph H. Flemming, Jr. and Susan D. Flemming recorded on April 1, 2008 in Instrument #20080401000131840 in the Probate Office of Shelby County, Alabama, said property being more particularly described as follows:

Lot 1714 according to the Survey of Eagle Point, 17<sup>th</sup> Sector, as recorded in Map Book 30, Page 82, in the Probate Office of Shelby County, Alabama.

WHEREAS, Red Mountain Bank has made a mortgage loan in the amount of TWO HUNDRED NINETY THOUSAND DOLLARS Dollars (\$ 290,000.00 ) to Joseph H. Flemming, Jr. and Susan D. Flemming recorded on 2-6-09 in Instrument Number 20090206000041410, in the Probate Office of Shelby County, Alabama, said loan secured by a mortgage which encumbers the above described real property.

WHEREAS, Red Mountain Bank as a condition for making a first mortgage loan requires Red Mountain Bank to subordinate the lien of its mortgage to the lien of Red Mountain Bank and Red Mountain Bank has agreed to do so.

NOW THEREFORE, for and in consideration of the premises hereof and of mutual advantages and benefits accruing to the parties hereto, Red Mountain Bank does hereby covenant, consent and agree to and with Red Mountain Bank that the lien of Red Mountain Bank shall be and the same is hereby made subordinate, inferior and subject in every respect to the lien of Red Mountain Bank, which encumbers the above described property provided, however, that the subordination is limited to the amount of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$ 250,000.00 ).

IN WITNESS WHEREOF, this agreement is executed the day and year first written above.

Signed, sealed and delivered in the presence of:

RED MOUNTAIN BANK

  
Howie Myers – SR VP

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Howie Myers whose name as Senior Vice President of Red Mountain Bank, is signed to the foregoing instrument, and who is know to me, acknowledged before me on this day, that being informed of the content of said instrument, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this 8th day of January, 2009.

Notary Public:   
Notary Name

My Commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Oct 17, 2011  
BONDED THRU NOTARY PUBLIC UNDERWRITERS