

20090427000153060 1/2 \$15.00
Shelby Cnty Judge of Probate, AL
04/27/2009 01:31:28 PM FILED/CERT

SUBORDINATION AGREEMENT

STATE OF ALABAMA

COUNTY OF _____

WHEREAS, DAVID NICHOLAS SMELCER, executed a mortgage in favor of SUNTRUST MORTGAGE, INC., dated June 7, 2007, to secure an indebtedness of \$28,035.00, and said lien is in full force and effect;

WHEREAS, said mortgage was recorded on June 14, 2007, in the Probate Office of SHELBY COUNTY, Alabama, as Instrument No. 20070614000280710;

WHEREAS, DAVID NICHOLAS SMELCER, has made an application to SUNTRUST MORTGAGE, INC. for a loan in the sum of \$152,000.00 to be secured by a mortgage on the same real property as that which is encumbered by the mortgage recorded as Instrument No. 20070614000280710;

WHEREAS, SUNTRUST MORTGAGE, INC. is willing to make said loan to the said DAVID NICHOLAS SMELCER, provided HE furnish it with a mortgage on the lands described in the aforesaid mortgage that is first in position and priority to the lien of the said mortgage recorded as Instrument No. 20070614000280710;

WHEREAS, as an inducement to SUNTRUST MORTGAGE, INC. to make the new loan in the amount of \$152,000.00, SUNTRUST MORTGAGE, INC. is willing to subordinate its mortgage lien recorded as Instrument No. 20070614000280710 ;

THEREFORE, the said SUNTRUST MORTGAGE, INC. hereby subordinates its said lien recorded at Inst. No. 20070614000280710 ; and makes the lien second and subservient to the mortgage of the said to SUNTRUST MORTGAGE, INC. dated _____, recorded in Inst # 20090427000153058 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 SUNTRUST MORTGAGE, INC., the said Lender agrees to notify SUNTRUST MORTGAGE, INC. of said default prior to taking any action to foreclose.

IN WITNESS WHEREOF, the said SUNTRUST MORTGAGE, INC. has caused its name to be hereunto signed on the _____ day of _____, 2009.

SUNTRUST MORTGAGE, INC.

BY: Cheryl J. Frank
ITS: Assistant Vice President

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Cheryl J. Frank, whose name as Assistant V.P. of SUNTRUST MORTGAGE, INC. a corporation, 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 corporation.

Given under my hand and official seal this the 26 day of February, 2009.

March

Maybelle Wood, Notary

Notary Public

My Commission expires: 5/24/12

Prepared By:
STEWART & ASSOCIATES, P.C.
3595 GRANDVIEW PKWY, #645
BIRMINGHAM, ALABAMA 35243



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