

20090921000360700 1/1 \$11.00
Shelby Cnty Judge of Probate, AL
09/21/2009 03:49:43 PM FILED/CERT

Subordination Agreement

Customer Name: Thomas G. Harrell and Emily S. Harrell

THIS AGREEMENT is made and entered into on this 8th day of September, 2009, by ServisFirst Bank referred to as "ServisFirst") in favor of ServisFirst Bank, it successors and assigns (hereinafter referred to as "Lender").

RECITALS

ServisFirst loaned to Thomas G. Harrell and Emily S. Harrell (the "Borrowers") the sum of \$500,000.00. Such loan is evidenced by a note dated January 30, 2009, executed by Borrowers in favor of ServisFirst Bank, which note is secured by a mortgage recorded February 13, 2009, in Instrument Number 20090213000050900, in the Probate Office of Shelby County, Alabama (the "ServisFirst Mortgage"). Borrowers have requested that Lender lend to it the sum of \$417,000.00, which loan will be evidenced by a promissory note executed by Borrowers in favor of Lender (the "Note"). The Note will be secured by a mortgage of the same dated as the Note (the "Mortgage"). Lender and Borrower have requested that ServisFirst execute this instrument.

AGREEMENT

In consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, ServisFirst agrees that the Mortgage shall be and remain at all times a lien or charge on the property covered by the Mortgage prior and superior to the lien or charge of ServisFirst Bank to the extent the Mortgage secures the debt evidenced by the Note and any and all renewals and extensions thereof, or of any part thereof, and all interest payable on all of said debt and on any and all such renewals and extensions, and to the extent of advances made under the Note of the Mortgage necessary to preserve the rights or interest of Lender thereunder, but not to the extent of any other future advances.

IN WITNESS WHEREOF, ServisFirst Bank has caused this instrument to be executed by its duly authorized officer on the day and date first set forth above.

ServisFirst Bank
By: Jennifer Brittan
Its SVP

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Jennifer Brittan whose name as Senior L.P. - of ServisFirst Bank, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same as the act of said bank.

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

Jennifer Brittan
NOTARY PUBLIC
My Commission Expires: 9-22-2017

[NOTARIAL SEAL]