



20091105000414200 1/3 \$18.00  
Shelby Cnty Judge of Probate, AL  
11/05/2009 12:40:56 PM FILED/CERT

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### SUBORDINATION OF MORTGAGE

**FROM** APCO Employees Credit Union, with its primary office address at 1608 7th Ave North Birmingham, AL 35203 (hereinafter called "Mortgagee")

**TO Bank of America**, with its primary office address at 3443 COLONNADE PKWY, BIRMINGHAM, AL 35243-2356 (hereinafter called "Lender")

Whereas, Mortgagee is the holder of a valid mortgage granted to SUSAN G. MISSILDINE AND JAMES C. MISSILDINE, HUSBAND AND WIFE, WITH RIGHTS OF SURVIVORSHIP (hereinafter called "Owner") covering certain real property owned by Owner and located at 1841 HIGHWAY 26, ALABASTER, AL 35007-4801, more fully described on Exhibit "A" hereto and incorporated herein (hereinafter called "Property") which mortgage secured a note dated 5/5/2006 in favor of APCO Employees Credit Union in the original principal sum of \$28,000.00 which recorded on 7/24/2006 in the SHELBY County Records Office, at Inst #20050724000354640, (hereinafter the "prior mortgage"); and

WHEREAS, Owner has executed, or is about to execute a mortgage (hereinafter referred to as "Lender's Security Instrument") and note not to exceed the sum of \$155,000.00, dated *July 8, 2009*, in favor of Lender, payable with interest and upon the terms and conditions described therein, which Lender's Security Instrument is to be recorded concurrently herewith; and

*\*Inst# 20090730000298960 Rec. on 7/30/09*

Whereas, the MORTGAGEE has agreed to subordinate the PRIOR MORTGAGE to LENDER'S MORTGAGE.

NOW, THEREFORE, INTENDING TO BE LEGALLY BOUND and in consideration of \$1.00

1. Subordination of Lien: The MORTGAGEE hereby subordinates the PRIOR MORTGAGE and its lien position in and on the PROPERTY to the LENDER'S Mortgage and the lien thereof, as if the LENDER'S Mortgage has been recorded first in time to the PRIOR MORTGAGE and so that all public records will reflect LENDER'S Mortgage superior in lien to the PRIOR MORTGAGE.



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2. This subordination shall be binding upon and insure to the benefit of the respective heirs, successors and assigns of MORTGAGE and LENDER.

WITNESS this the 2 day of July, 2009

ATTEST:

\_\_\_\_\_

APCO Employees Credit Union  
Name of Corporation

V. Merrill Mann

V. MERRILL MANN  
Print Name

Vice President  
Title

STATE OF Alabama

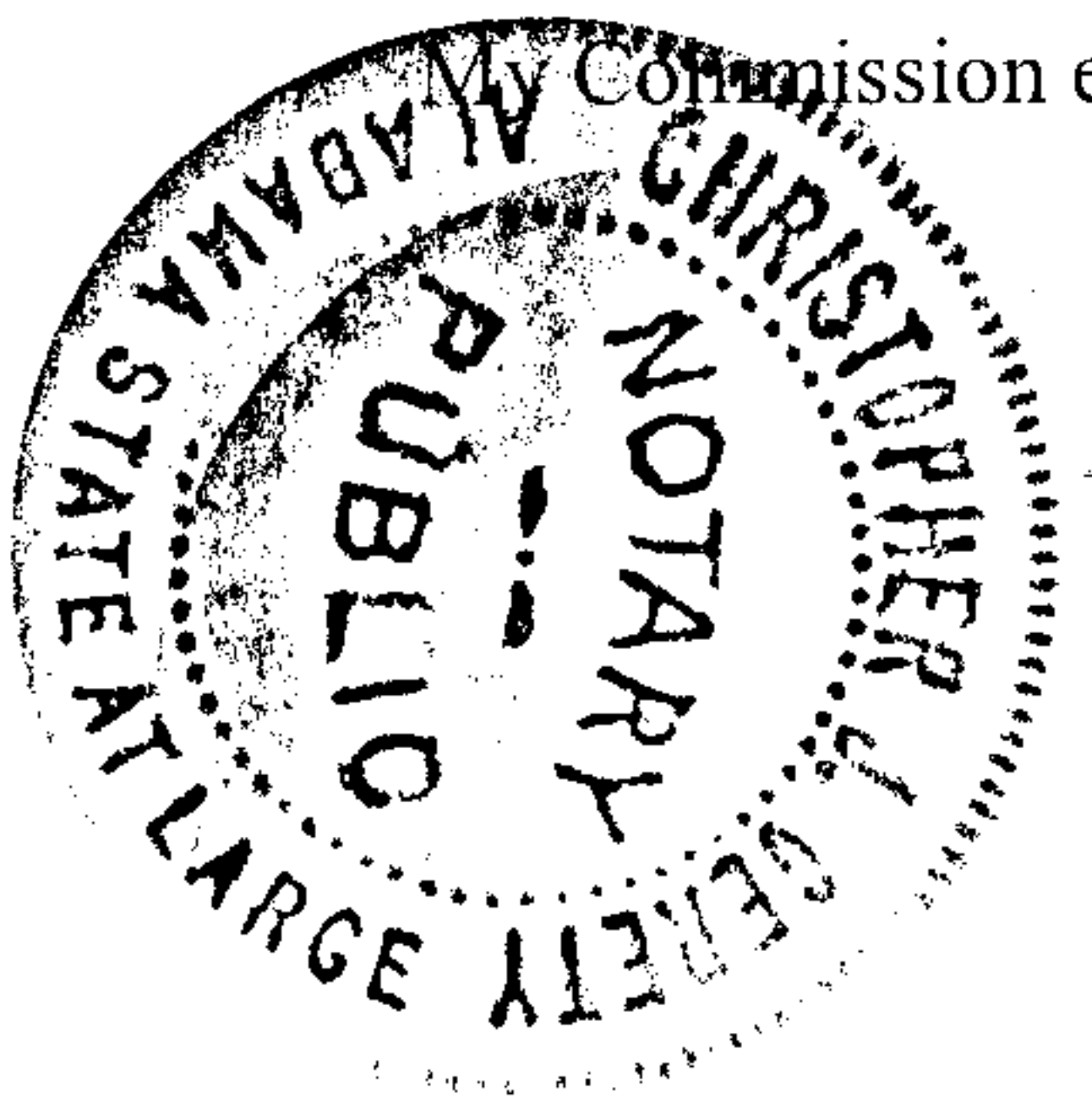
COUNTY OF Jefferson

On this the 2 day of July, 2009, before me, the undersigned officer of the state and county mentioned, personally appeared V. Merrill Mann, with whom I am personally acquainted (proven to me on the basis of satisfactory evidence), and who further acknowledged that he is the Vice President (title) of the maker or constituent of the maker and is authorized by the maker or its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Chris J. Guy  
NOTARY PUBLIC

Commission expires: 11/10/11





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

ALL THAT PARCEL OF LAND IN SHELBY COUNTY, STATE OF ALABAMA, BEING KNOWN AND DESIGNATED AS METES AND BOUNDS PROPERTY. COMMENCE AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SECTION 16 TOWNSHIP 21 SOUTH RANGE 2 WEST SHELBY COUNTY ALABAMA AND RUN THENCE SOUTHERLY ALONG THE WEST LINE OF SAID 1/4-1/4 A DISTANCE OF 454.79 FEET TO THE POINT OF BEGINNING OF THE PROPERTY BEING DESCRIBED; THENCE CONTINUE ALONG LAST DESCRIBED COURSE A DISTANCE OF 465.00 FEET TO A POINT ON THE NORTHERLY MARGIN OF SHELBY COUNTY HIGHWAY NO. 26; THENCE TURN 69 DEGREES 24 MINUTES 54 SECONDS LEFT AND RUN SOUTHEASTERLY ALONG SAID MARGIN OF SAID HIGHWAY A DISTANCE OF 357.39 FEET TO A POINT; THENCE TURN 110 DEGREES 35 MINUTES 06 SECONDS LEFT AND RUN NORTHERLY A DISTANCE OF 575.97 FEET TO A POINT; THENCE TURN 87 DEGREES 29 MINUTES 09 SECONDS LEFT AND RUN WESTERLY A DISTANCE OF 334.90 FEET TO THE POINT OF BEGINNING.

BY FEE SIMPLE DEED FROM AMSOUTH BANK AS SET FORTH IN INST # 20050513000232830 DATED 04/29/2005 AND RECORDED 05/13/2005, SHELBY COUNTY RECORDS, STATE OF ALABAMA.

Tax ID: 225160000009006