

SUBORDINATION AGREEMENT

This Subordination Agreement made as of the 01 day of February, 2010, by **SouthCity Bank**, having an address of 1360 Montgomery Highway, Suite 100, Vestavia Hills, AL 35216, ("Subordinator"), and **Fairway Independent Mortgage Corporation**, a corporation organized and existing under the laws of the State of _____ with its principal place of business at 781 Lois Drive, Sun Prairie, WI 53590, ("Lender").

RECITALS:

- A. **Michael D. O'Neal and Summer S. O'Neal**, of 169 Oakmont Road, Birmingham, Shelby County, Alabama ("Borrower"), have applied to Lender for a loan to be made to Borrower and to be evidenced by a promissory note secured by a mortgage covering certain real property.
- B. The real property offered by Borrower as security to Lender is currently subject to the prior lien of the mortgage described below.
- C. Lender will make such loan to Borrower only on the condition precedent that such mortgage be subordinated to the lien of the mortgage described below 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 and any and all MODIFICATIONS thereof.

The mortgage to be subordinated covers real property described as:

LOT 3, ACCORDING TO THE SURVEY OF HEATHERWOOD, 3RD SECTOR,
AS RECORDED IN MAP BOOK 8, PAGE 29, IN THE PROBATE OFFICE
OF SHELBY COUNTY, ALABAMA.

and made on the 28th day of May, 2008, between **Michael D. O'Neal and Summer S. O'Neal** and **SouthCity Bank**, and filed or recorded on June 10, 2008, as Instrument No.: 20080610000234780 of the records of the County of Shelby, State of Alabama, as well as any and all modifications to said Mortgage, shall be and the same is now subordinated and made subject and subsequent to the lien of that certain mortgage covering the real property referenced above, dated Feb. 4th, 2010, between **Michael D. O'Neal and Summer S. O'Neal** and **Fairway Independent Mortgage Corporation**, and filed or recorded on the 11th day of February, 2010, as Instrument No.: 20100211000042390 in the Probate Records of the County of Shelby, State of Alabama.

The undersigned Subordinator has executed this agreement at Birmingham, AL
[designate location], on the date first appearing above.

SUBORDINATOR

SouthCity Bank

By: Scott Mathews

Its: llc

By: _____

Its: _____

State of Alabama)
County of Jefferson) SS:

This instrument was acknowledged before me this 1st day of February, 2010, for and on behalf of Scott Mathews.

Yvonne Ruyter
Notary Public

My commission expires: 10/08/2011