

THIS INSTRUMENT PREPARED BY
A. SCOTT ROEBUCK, ATTY. AT LAW
1722 SECOND AVENUE, NORTH
BESSEMER, ALABAMA 35020-0822

SUBORDINATION AGREEMENT

STATE OF ALABAMA)
COUNTIES OF SHELBY/JEFFERSON)

This Subordination Agreement, made and entered into on this the 7th day of **SEPTEMBER, 2010**, by and between **LANE K. TOLBERT and DEIDRA U. TOLBERT, HUSBAND AND WIFE**, as Party of the First Part, and **TRUSTMARK NATIONAL BANK**, as Party of the Second Part.

WITNESSETH

THAT, WHEREAS, LANE K. TOLBERT and DEIDRA U. TOLBERT, HUSBAND AND WIFE, have an outstanding loan in favor of **GOLDSTAR MORTGAGE, INC.**, as set forth in **LR200861, PAGE 24760** in the office of the Judge of Probate of **JEFFERSON COUNTY, ALABAMA**, and re-recorded in **INST. NO. 20080325000119760**, in the office of the Judge of Probate of Shelby County, Alabama, and transferred and assigned to **TRUSTMARK NATIONAL BANK** through **MERS**, on certain real estate located at **3623 OAKLEAF DRIVE, BESSEMER, ALABAMA 35022**, and further described as follows, to wit:

LOT 505, ACCORDING TO THE FINAL PLAT OF TIMBERLAKE, SECTOR 5, AS RECORDED IN MAP BOOK 36, PAGE 11, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, AND RECORDED IN MAP BOOK 41, PAGE 47, IN THE BESSEMER DIVISION OF THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

to secure an indebtedness of **\$36,000.00**, and said lien is in full force and effect; and,

WHEREAS, the Party of the Second Part has made a loan to the said **LANE K. TOLBERT AND DEIDRA U. TOLBERT**, provided they furnish it with a first mortgage on the lands described in the aforesaid lien, and the said **TRUSTMARK NATIONAL BANK**, subordinates the above described lien and makes the same subservient to the mortgage in the amount of **\$288,000.00 to TRUSTMARK NATIONAL BANK**; and,

WHEREAS, the said Party of the First Part is willing to subordinate its said lien and make it subservient to the mortgage of the said Party of the Second Part as an inducement to it to make said loan.

NOW, THEREFORE, in consideration of the premises, the Party of the First Part does hereby agree that the lien of **\$36,000.00 to GOLDSTAR MORTGAGE**, recorded in **LR200861, PAGE 24760** in the Probate Office of Jefferson County, Alabama, and re-

recorded in **INSTRUMENT NO. 20080325000119760**, in the Probate Office of Shelby County, Alabama, and transferred and assigned to **TRUSTMARK NATIONAL BANK** through MERS, shall be subservient to the mortgage from **TRUSTMARK NATIONAL BANK**, as recorded in the Probate Office of Jefferson County, Alabama, in **INSTRUMENT NO. _____**, and re-recorded in the Office of the Judge of Probate of Shelby County, in **INSTRUMENT NO. _____** to secure the sum of **\$288,000.00**, plus interest, on the land described therein, and the said lien of the said **TRUSTMARK NATIONAL BANK** in the amount of **\$36,000.00**, shall be subordinate to the mortgage of **TRUSTMARK NATIONAL BANK** in the amount of **\$288,000.00**.

IT IS FURTHER agreed that should **LANE K. TOLBERT AND DEIDRA U. TOLBERT** default in their payments under the terms of the real estate mortgage to **TRUSTMARK NATIONAL BANK** in the amount of **\$36,000.00**, the said **TRUSTMARK NATIONAL BANK**, agrees to notify **TRUSTMARK NATIONAL BANK** of said default prior to taking legal action.

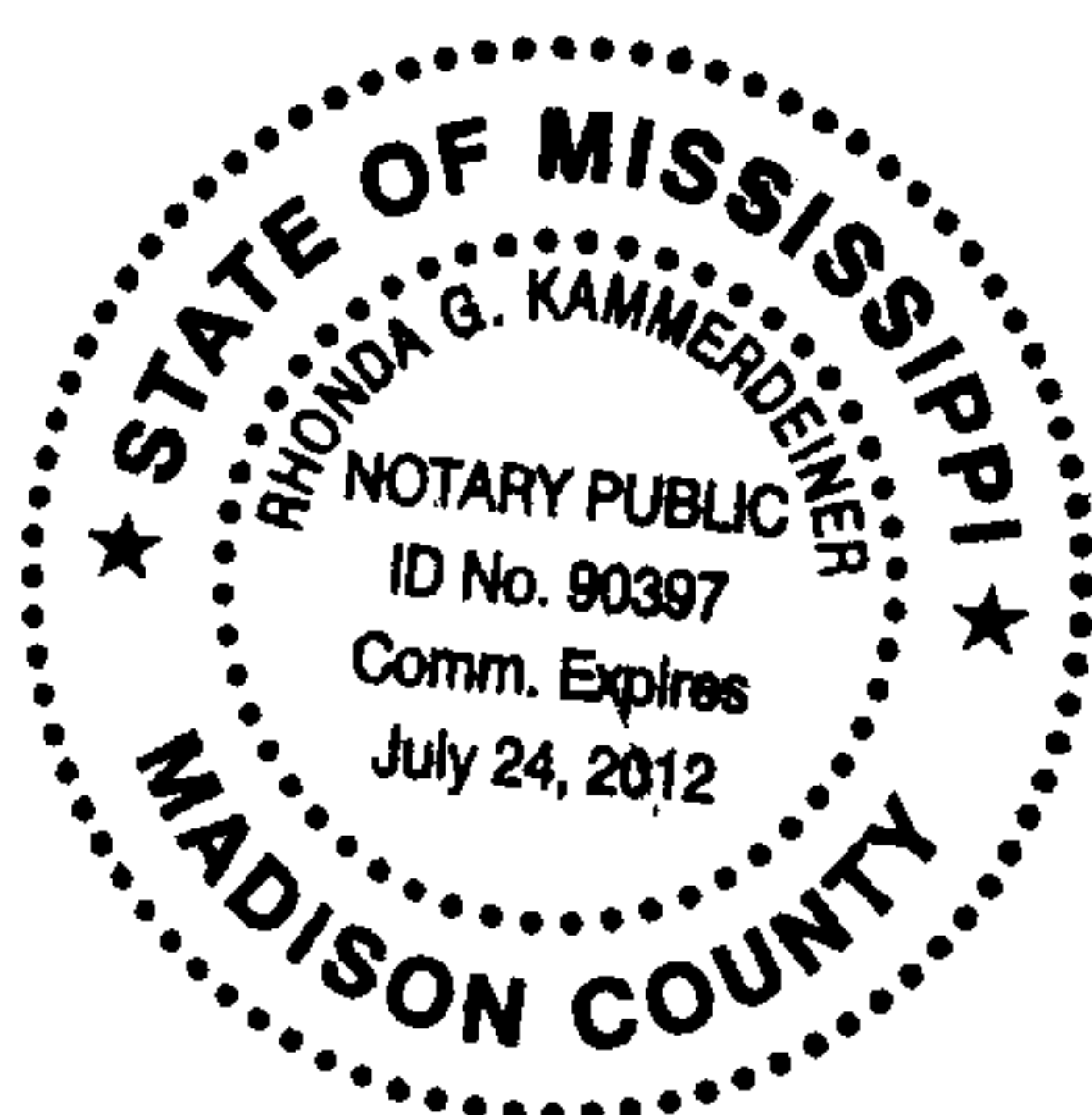
IN WITNESS WHEREOF, Renee Knight, AS Assistant Vice-President OF **TRUSTMARK NATIONAL BANK**, has caused his/her name to be hereunto signed on this the 7th day of **SEPTEMBER, 2010**.

TRUSTMARK NATIONAL BANK
BY: Renee Knight
ITS: Assistant Vice-President

STATE OF Mississippi)
COUNTY OF Rankin)

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Renee Knight, whose name as Assistant Vice President of **TRUSTMARK NATIONAL BANK**, is signed to the foregoing Subordination Agreement, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this Subordination Agreement, he/she, in his/her capacity as such Assistant Vice President and with full authority, executed the same voluntarily for and as the act of said Bank, on the day the same bears date.

Given under my hand and seal this 7th day of **SEPTEMBER, 2010**.



Rhonda G. Kammerdeiner
NOTARY PUBLIC
MY COMMISSION EXPIRES: July 24, 2012

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Shelby Cnty Judge of Probate, AL
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