



20111026000320280 1/2 \$16.00
Shelby Cnty Judge of Probate, AL
10/26/2011 12:29:01 PM FILED/CERT

prepared by:

Stacie Stephenson

3300 Cahaba Rd #300

Birmingham, AL 35223

SUBORDINATION AGREEMENT

43918487

This Subordination Agreement is made and entered into this 26th day of August, 2011, by and between John E. Howell and Wendy M. Howell, husband and wife, and ServisFirst Bank.

WHEREAS, John E. Howell and wife, Wendy M. Howell, ^{Husband and wife} did execute a Mortgage to ServisFirst Bank covering the property located in Shelby County, Alabama, described below and made a part hereof, in the amount of \$750,000.00, dated September 28, 2009, and filed on October 6, 2009, and recorded in Instrument Number 2009100600379450, in the Probate Office of Shelby County, Alabama, on the property described as follows:

Lot 808, according to the Survey of Greystone Legacy 8th Sector, Phase 1, as recorded in Map Book 31, Page 14, in the Probate Office of Shelby County, Alabama.

WHEREAS, ServisFirst Bank is, on August 26, 2011, making a \$400,000.00 Future Advance Mortgage loan to John E. Howell and Wendy M. Howell; and

WHEREAS, it is a condition to ServisFirst Bank making a loan to John E. Howell and Wendy M. Howell, that the Mortgage dated September 28, 2009, and filed on October 6, 2009, and recorded in Instrument Number 2009100600379450 in the Probate Office of Shelby County, Alabama, shall be and remain a lien or charge on the property described above prior to and superior to the Future Advance Mortgage to ServisFirst Bank in the amount of \$400,000.00, dated August 26, 2011; and

WHEREAS, ServisFirst Bank is willing to make such loan provided the Mortgage dated September 28, 2009, and filed on October 6, 2009, and recorded in Instrument Number 2009100600379450 in the Probate Office of Shelby County, Alabama, is a lien prior to and superior to the lien of the Future Advance Mortgage to ServisFirst Bank in the amount of \$400,000.00, dated August 26, 2011.

NOW, THEREFORE, in consideration of the premises and other valuable consideration, receipt of which is hereby acknowledged, and in order to induce ServisFirst Bank to make the loan above referred to, it is hereby agreed as follows:

1. **SUBORDINATION:** The Mortgage securing the Note in favor of ServisFirst Bank in the amount of \$750,000.00, dated September 28, 2009, and filed on October 6, 2009, and recorded in Instrument Number 2009100600379450, in the Probate Office of Elmore County, Alabama, and any renewals or extensions of same, and the Note secured thereby, shall be and remain at all time a lien on the property described herein prior to and superior to the lien of the Mortgage from John E. Howell and Wendy M. Howell to ServisFirst Bank dated August 26, 2011.
2. **ACKNOWLEDGMENT OF SUBORDINATION:** ServisFirst Bank hereby acknowledges and specifically waives, relinquishes, and subordinates the priority and superiority of its Future Advance Mortgage upon the property described herein in the amount of \$400,000.00, dated August 28, 2011, to ServisFirst Bank, and it understands that in reliance upon and in consideration of this waiver, relinquishment, and subordination, loans and advances are being made and will be made, ServisFirst Bank acknowledges that loans and advances under the loans would not be made or entered into but for such reliance upon this waiver, relinquishment, and subordination.
3. **BINDING EFFECT:** This agreement shall inure to the benefit and be binding upon the legal representatives, heirs, devisees, successors, and assigns of the parties.

IN WITNESS WHEREOF, the parties have set their hands and seals on the day and year first written above.

WHEN RECORDED, RETURN TO:
FIRST AMERICAN MORTGAGE SERVICES
1100 SUPERIOR AVENUE, SUITE 200
CLEVELAND, OHIO 44114
NATIONAL RECORDING

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John E. Howell [SEAL]
John E. Howell

Wendy M. Howell [SEAL]
Wendy M. Howell

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

** Husband and wife*

I, the undersigned Notary Public in and for said County, in said State, hereby certify that John E. Howell and Wendy M. Howell, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 26th day of August, 2011.

Sisily W. McClain
NOTARY PUBLIC Sisily W. McClain
My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 18, 2014 [NOTARIAL SEAL]
BONDED THRU NOTARY PUBLIC UNDERWRITERS

ServisFirst Bank

By: Shervin Palm [SEAL]
Its: Senior Vice President

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Shervin Palm, whose name as Senior Vice President 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 26th day of August, 2011.

Stacie L. Stephenson
NOTARY PUBLIC Stacie L. Stephenson
My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE [NOTARIAL SEAL]
MY COMMISSION EXPIRES: Mar 1, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS