

20120920000359940 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
09/20/2012 03:16:39 PM FILED/CERT

Prepared by Melissa Maness Bunch
United States Title Corporation
8870 Cedar Springs Lane #104
Knoxville TN 37931
File AL01581

SUBORDINATION AGREEMENT

WHEREAS, the undersigned Cadence Bank, NA, a national banking association (successor by way of merger to Superior Bank, NA a national banking association (as purchaser and assignee from the Federal Deposit Insurance Corporation, as receiver of Superior Bank, a federal savings bank, pursuant to that certain Purchase and Assumption Agreement dated as of April 15, 2011) hereinafter referred to as First Party, is the owner of the mortgage dated 06/26/06, and recorded on 07/13/06 in Instrument #20060713000339040 in the office of the Judge of Probate, Shelby County, State of Alabama, securing a debt in the original amount of \$89,000.00 for Jerri D Byers and Jeff W Byers and covering the following described real estate situated in Shelby County, State of Alabama, to-wit:

See exhibit "A"

WHEREAS, have executed a mortgage for no more than the amount of \$364,384.00, dated 9-7-2012, to Milend, Inc., hereinafter referred to as Second Party covering the above described real estate and securing a note of like amount, which mortgage is filed for record in the office of the Judge of Probate, Shelby County, State of Alabama and recorded, in Book _____, Page _____, of the records of said County and State; and

WHEREAS, Second Party desires that the lien of its mortgage above referred to shall be prior and superior to any right, title, interest, claim or lien which the First Party may have in or to the said premises by virtue of its mortgages first above described;

The undersigned in consideration of the premises and for good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged by the First Party the receipt whereof in hereby acknowledged, the said First Party does subordinate all rights created by the mortgages above described to the undersigned First Party, or in any other manner, to the lien of the mortgage to the said Second Party above described, and agrees that the said mortgage to said Second Party shall constitute a first and prior lien upon the real estate described in the mortgage of said Second Party, superior to any right, title interest, claim or lien which the First Party may have in or on said premises, to the same extent as though the mortgage to Second Party was actually executed and recorded prior to the mortgages of the undersigned above described.

IN WITNESS WHEREOF, the said First Party has hereunto caused this instrument to be signed on its behalf by CHRIS LONG thereunto duly authorized so to do this day 27th day of June, 2012.

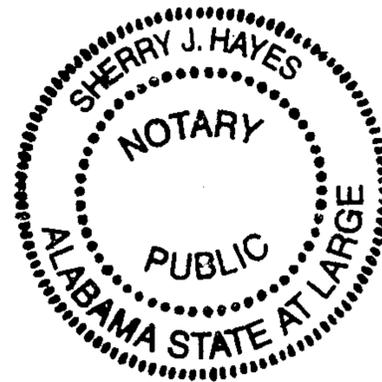
BY: Chris Long
ITS: Senior Vice President

STATE OF Alabama
COUNTY OF Jefferson

I hereby certify, that on this 27 day of June, 2012, before me, the undersigned a Notary Public within and for the State and County aforesaid personally appeared Chris Long, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who upon oath, acknowledged himself to be the Senior Vice President, the within named bargainer, a _____, and that he/she as such Senior Vice President being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation, by the him/herself as Senior Vice President.

Witness my hand and official seal at said County and State on this 27 day of June, 2012.

Sherry J. Hayes
Notary Public
My Commission Expires: May 11, 2014



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EXHIBIT "A" LEGAL DESCRIPTION

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE COUNTY OF SHELBY AND STATE OF ALABAMA, TO-WIT:

LOT 2-A ACCORDING TO THE SURVEY OF RESURVEY OF LOT 1-A OF A RESURVEY OF LOT 1 SOUTH COVE FIRST SECTOR AS RECORDED IN MAP BOOK 16, PAGE 11, AND A RESURVEY OF LOT 2 OF SOUTH COVE FIRST SECTOR AS RECORDED IN MAP BOOK 15, PAGE 48, SHELBY COUNTY, ALABAMA, AS RECORDED IN MAP BOOK 24, PAGE 142 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA RECORDS.

LEGAL DESCRIPTION FOR PROPERTY COMMONLY KNOWN AS:
1682 Highway 1, Bessemer, AL 35022

THE ABOVE DESCRIPTION IS THE SAME AS FOUND IN PRIOR DEED OF RECORD AS A BOUNDARY LINE SURVEY WAS NOT DONE AT THE TIME OF THIS CONVEYANCE.

BEING THE SAME PROPERTY CONVEYED TO JERRI D. BYERS AND JEFF W. BYERS FROM DANIEL S. BURK AND ANDREA S. BURK BY WARRANTY DEED DATED 06/29/06 AND RECORDED 07/03/06 IN INSTRUMENT NO. 20060713000339020 IN THE JUDGE OF PROBATES OFFICE FOR SHELBY COUNTY, AL.

THIS CONVEYANCE IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS, SETBACK LINES, AND OTHER CONDITIONS SHOWN OF RECORD IN THE JUDGE OF PROBATES OFFICE FOR SHELBY COUNTY, AL.


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