

20151030000378060  
10/30/2015 09:44:27 AM  
SUBAGREM 1/5

Prepared by:  
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Law Offices of Lauren Sonnier, PLLC  
P. O. Box 1516  
Ocean Springs, MS 39566  
228-327-1424

Return to:  
First American Title Insurance Company  
Attn: National Recording  
1100 Superior Avenue, Suite 200,  
Cleveland, OH 44114

STATE OF ALABAMA  
COUNTY OF SHELBY

**SUBORDINATION AGREEMENT**

Subordinating Lender:

BRYANT BANK

Address:

( ) \_\_\_\_\_

Property Owner:

MICHAEL W. AVERY AND EMILY KAY AVERY, HUSBAND AND  
WIFE

Address:

( ) \_\_\_\_\_

and

New Lender:

Ditech Financial, LLC

Address:

( ) \_\_\_\_\_

Indexing Instructions: SECTION 3, TOWNSHIP 21 SOUTH, RANGE 1  
EAST

**WITNESSETH:**

WHEREAS, Property Owners own certain property described in Exhibit A  
and;

WHEREAS, Property Owners have given a Mortgage and Note to Bryant Bank which  
Mortgage and Note is in the principal amount of \$35,000.00 and dated April 01, 2008 and  
recorded in INSTRUMENT NO. 20080416000155670 in the office of the Records Office of  
SHELBY County, Alabama; and

WHEREAS, Property Owners have applied to **Ditech Financial LLC** for a loan to be  
made to Property Owners and to be evidenced by a promissory note secured by a Mortgage and  
Note covering certain real property described in Exhibit A, which property is currently subject to  
the prior lien of the Mortgage and Note. **Ditech Financial LLC** will make such loan to Property  
Owners only on the condition precedent that such Mortgage and Note to Bryant Bank be  
subordinated to the lien of the Mortgage and Note described below to be given by Property  
Owners to **Ditech Financial LLC**.

WHEREAS, in order to accommodate said loan by **Ditech Financial LLC**, Bryant Bank  
has agreed to entered into this subordination agreement thereby placing **Ditech Financial LLC**  
into a first lien position; and

WHEREAS, the parties have entered into this Subordination Agreement to evidence their  
understanding.

NOW THEREFORE, BE IT KNOWN, for and in consideration of the mutual promises  
and covenants contained herein and certain other good and valuable considerations, the receipt  
and sufficiency of which the parties acknowledge, Bryant Bank does hereby declare its

indebtedness and the Mortgage and Note securing same to be subordinate to the lien of **Ditech Financial LLC** in that Mortgage and Note in an amount not to exceed \$106,850.00 and dated October 15, 2015.

NOW THEREFORE, BE IT FURTHER KNOWN, that the above mentioned Mortgage and Note executed by Property Owners in favor of Bryant Bank in the principal amount of \$35,000.00 and April 01, 2008 and recorded in INSTRUMENT NO. 20080416000155670 in the office of the Records Office of SHELBY County, Alabama is hereby made subordinate to that certain Mortgage executed by Property Owners in favor of **Ditech Financial LLC** in that \* Mortgage and Note in an amount not to exceed \$106,850.00 and dated October 15, 2015. It is the intent of this instrument and the parties that the Mortgage and Note in favor of **Ditech Financial LLC** in that Mortgage and Note in an amount not to exceed \$106,850.00 and dated October 15, 2015 is to be a first lien on the subject property and will at all times be superior and prior to the Mortgage and Note in favor of Bryant Bank in the principal amount of \$35,000.00 and dated April 01, 2008 and recorded in INSTRUMENT NO. 20080416000155670 in the office of the Records Office of SHELBY County, Alabama.

WITNESS MY SIGNATURE, on this the 30 day of September, <sup>2015</sup>~~2013~~.

\* Recording concurrently herewith

Bryant Bank  
By:

Its:

STATE OF Alabama

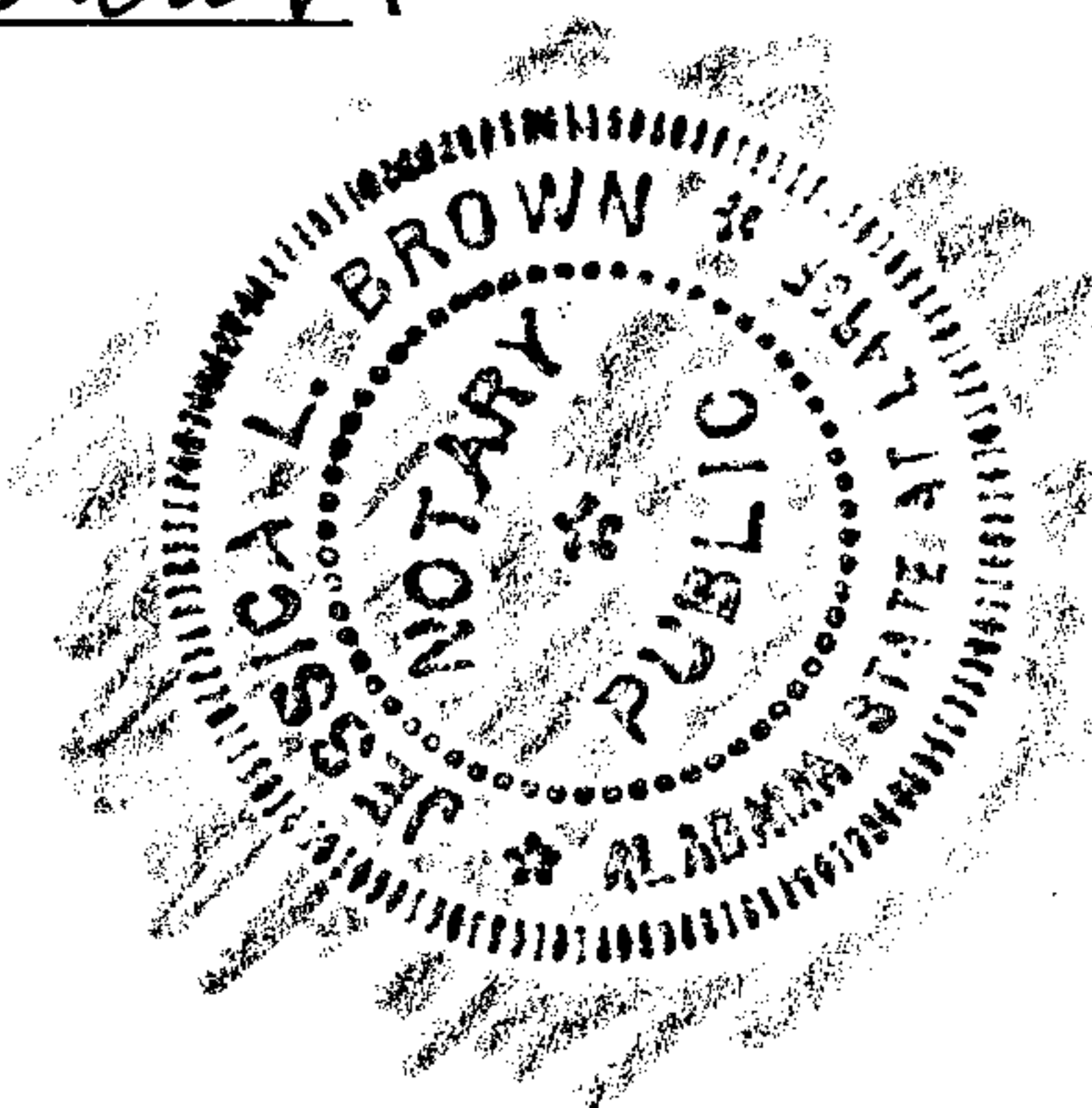
COUNTY OF Jefferson

Personally appeared before me, the undersigned authority in and for said state and county, James Cooper who is ENP of Bryant Bank a Alabama corporation, who acknowledge that he/she signed, executed, sealed and delivered the above and foregoing subordination agreement on the day and year therein mentioned for and on behalf and as the act and deed of said corporation, they being duly authorized so to do.

Given under my hand and official seal on this 30 day of September 2015 A.D. \_\_\_\_\_.

Jessica L. Brown  
Notary Public

MY COMMISSION EXPIRES APRIL 4, 2017



**Exhibit "A"**

Real property in the City of WILSONVILLE, County of SHELBY, State of Alabama,  
described as follows:

**COMMENCE AT THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 21 SOUTH, RANGE 1 EAST, THENCE RUN WESTERLY ALONG THE SOUTH BOUNDARY OF SAID SECTION 3, FOR 3347.98 FEET; THENCE TURN AN ANGLE OF 89 DEGREES 05 MINUTES 28 SECONDS TO THE RIGHT AND RUN NORTHERLY FOR 871.94 FEET TO A POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN CONVEYED; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE FOR 200.00 FEET TO A POINT; THENCE TURN AN ANGLE OF 90 DEGREES 00 MINUTES TO THE LEFT AND RUN 245.00 FEET TO A POINT; THENCE TURN AN ANGLE OF 90 DEGREES 00 MINUTES TO THE LEFT AND RUN 200.00 FEET TO A POINT; THENCE TURN AN ANGLE OF 90 DEGREES 00 MINUTES TO LEFT AND RUN 245.00 FEET TO THE POINT OF BEGINNING.**

**SAID PARCEL IS LYING IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 21 SOUTH, RANGE 1 EAST AND CONTAINS 1.12 ACRES. Being all of that certain property conveyed to MICHAEL W. AVERY AND EMILY KAY AVERY, FOR AND DURING THEIR JOINT LIVES AND UPON THE DEATH OF EITHER OF THEM, THEN TO THE SURVIVOR OF THEM from WRIGHT HOMES, INC., by deed dated 02/15/1994 and recorded 03/01/1994 IN INSTRUMENT NO. 1994-06615 of official records.**

Commonly known as: 161 HIGHWAY 431, WILSONVILLE, AL 35186

APN #: 20 2 03 0 000 015.002

 **AVERY**  
**50514752**  
**FIRST AMERICAN ELS**  
**SUBORDINATION AGREEMENT**

**AL**

*WHEN RECORDED, RETURN TO:*  
*FIRST AMERICAN TITLE INSURANCE CO.*  
*1100 SUPERIOR AVENUE, SUITE 200*  
*CLEVELAND, OHIO 44114*  
*NATIONAL RECORDING*



Filed and Recorded  
Official Public Records  
Judge James W. Fuhrmeister, Probate Judge,  
County Clerk  
Shelby County, AL  
10/30/2015 09:44:27 AM  
\$26.00 CHERRY  
20151030000378060

A handwritten signature, likely of the County Clerk, is written over the recording information.