

20160928000355410
09/28/2016 12:18:10 PM
SUBAGREM 1/4

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

Order Number:
51477727LA

STATE OF ALABAMA
COUNTY OF SHELBY

SUBORDINATION AGREEMENT

Subordinating Lender:
FIRST FINANCIAL BANK
Address: 1630 4th Avenue North
Bessemer, AL 35020
(205) 428 - 8472

Property Owner:
ROBERT NELSON, III, an unmarried man (hereinafter referred to as "Property Owners")
Address: 1576 Bent River Circle
Birmingham, AL 35216
[REDACTED]

and

New Lender:
DITECH FINANCIAL, LLC
Address: 3000 Bayport Drive, Suite 880
Tampa, FL 33607
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WITNESSETH:

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

WHEREAS, Property Owners have given a Mortgage and Note to FIRST FINANCIAL BANK, which Mortgage and Note is in the principal amount of \$58,700.00 and dated May 8, 2008, and recorded as Instrument Number 20080522000208200, 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 to FIRST FINANCIAL BANK. DITECH FINANCIAL, LLC, will make such loan to Property Owners only on the condition precedent that such Mortgage and Note to FIRST FINANCIAL 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, FIRST FINANCIAL 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, FIRST FINANCIAL 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 \$149,650.00 and dated August 1, 2016.

NOW THEREFORE, BE IT FURTHER KNOWN, that the above-mentioned Mortgage and Note executed by Property Owners in favor of FIRST FINANCIAL BANK in the principal amount of \$58,700.00 and dated May 8, 2008, and recorded as Instrument Number 20080522000208200, 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 \$149,650.00 and dated August 1, 2016. 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 \$149,650.00 and dated August 1, 2016, 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 FIRST FINANCIAL BANK in the principal amount of \$58,700.00 and dated May 8, 2008, and recorded as Instrument Number 20080522000208200, in the office of the Records Office of Shelby County, Alabama.

 NELSON III
51477727


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FIRST AMERICAN ELS
SUBORDINATION AGREEMENT

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WITNESS MY SIGNATURE, on this the 8th day of July, 2016.

FIRST FINANCIAL BANK

By: 
Neil Walker
Its: Senior Vice President

STATE OF Alabama

COUNTY OF Jefferson

Personally appeared before me, the undersigned authority in and for said state and county, Neil Walker who is Sr. Vice President of **FIRST FINANCIAL 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 8th day of July, 2016.


NOTARY PUBLIC

My Commission Expires



Peggy Milam Johnston

This instrument was prepared by:

Gregory M. Varner, Esq.

Attorney at Law

Post Office Box 338

Ashland, Alabama 36251

256-354-5464

EXHIBIT 'A'

File No.: **51477727LA (gs)**
Property: **1576 Bent River Circle, Vestavia, AL 35216**

Real property in the City of Birmingham, County of Shelby, State of Alabama, described as follows:

LOT 40, ACCORDING TO THE SURVEY OF BENT RIVER ESTATES, PHASE I, AS RECORDED IN MAP BOOK 17, PAGE 135, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

Being all of that certain property conveyed to ROBERT NELSON, III, AN UNMARRIED MAN from R & K BUILDERS, L.L.C., by deed dated JULY 28, 1995 and recorded AUGUST 02, 1995 IN INSTRUMENT NO. 1995-20631 of official records.

A.P.N. 10 4 17 0 001 017.003 and 10 4 17 0 001 017.003



Filed and Recorded
Official Public Records
Judge James W. Fuhrmeister, Probate Judge,
County Clerk
Shelby County, AL
09/28/2016 12:18:10 PM
\$24.00 CHERRY
20160928000355410

A handwritten signature in black ink, appearing to be "J. Fuhrmeister", is written over the printed name of the Probate Judge.