

20160930000357800
09/30/2016 08:16:52 AM
SUBAGREM 1/5

WHEN RECORDED, RETURN TO:
FIRST AMERICAN TITLE INSURANCE CO.
1500 SOLANA BLVD, BLDG. 6
WESTLAKE, TX 76262
ATTN: RECORDING

Order Number:
51681128LA

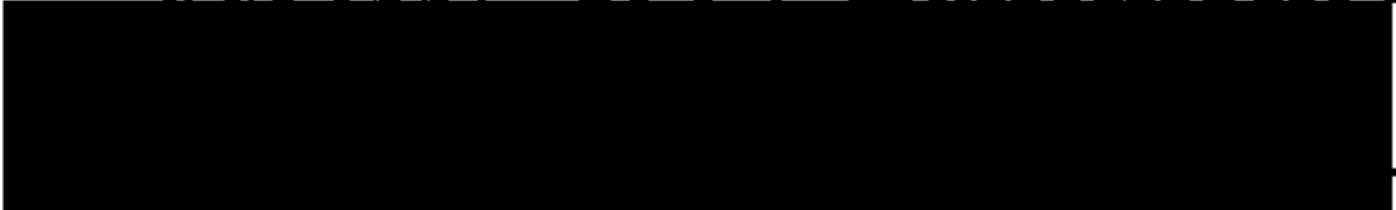
STATE OF ~~ALABAMA~~ Colorado
COUNTY OF ~~SHELBY~~ Douglas
(TL)

SUBORDINATION AGREEMENT

Subordinating Lender:

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as nominee for
FLAGSTAR BANK, FSB, its successors and/or assigns**
Address: P.O. Box 2026, Flint MI 48501-2026
(888) 679-MERS

Property Owner:

**JOHN CALDWELL a/k/a JOHN J. CALDWELL and CHARLENE CALDWELL a/k/a
CHARLENE B. CALDWELL (hereinafter referred to as "Property Owners")**
Address: 1997 Lakemont Drive, Birmingham, AL 35244


and

New Lender:

DITECH FINANCIAL LLC
Address: 3000 Bayport Drive, Suite 880, Tampa, FL 33607
800 700 - 9212

MERS 888-679-6377
MIL 100052550107460478

WITNESSETH:

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

WHEREAS, Property Owners have given a Mortgage and Note to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as nominee for FLAGSTAR BANK, FSB, its successors and/or assigns, which Mortgage and Note is in the principal amount of \$71,000.00 and dated April 21, 2006, and recorded in Book LR200607, Page 16167, in the Office of the Jefferson County Judge of Probate, and re-recorded in Instrument No. 20121121000447610, in the Probate Office of Jefferson 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 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as nominee for FLAGSTAR BANK, FSB, its successors and/or assigns. DITECH FINANCIAL LLC, will make such loan to Property Owners only on the condition precedent that such Mortgage and Note to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as nominee for FLAGSTAR BANK, FSB, its successors and/or assigns 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, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as nominee for FLAGSTAR BANK, FSB, its successors and/or assigns, 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, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as nominee for FLAGSTAR BANK, FSB, its successors and/or assigns 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 \$248,000.00 and dated September 9, 20 16.

NOW THEREFORE, BE IT FURTHER KNOWN, that the above-mentioned Mortgage and Note executed by Property Owners in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as nominee for FLAGSTAR BANK, FSB, its successors and/or assigns in the principal amount of \$71,000.00 and dated April 21, 2006, and recorded in Book LR200607, Page 16167, in the Office of the Jefferson County Judge of Probate, and re-recorded in Instrument No. 20121121000447610, in the office of the Probate 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

\$248,000.00 and dated September 9, 20 16. 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 \$248,000.00 and dated September 9, 20 16, 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 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as nominee for FLAGSTAR BANK, FSB, its successors and/or assigns in the principal amount of \$71,000.00 and dated April 21, 2006, recorded in Book LR200607, Page 16167, in the Office of the Jefferson County Judge of Probate, and re-recorded in Instrument No. 20121121000447610, in the Probate Office of Shelby County, Alabama.

“MERS” is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender’s Successors and assigns. MERS is organized and existing under the law of Delaware, and has a mailing address of P.O. Box 2026, Flint MI 48501-2026, and/or a street address of 1901 E. Voorhees Street, Suite C, Danville, IL 61834. The MERS telephone number is (888) 679-MERS. FOR PURPOSES OF RECORDING THIS DOCUMENT MORTGAGE, MERS IS THE MORTGAGEE OF RECORD.

MIN Number: 1000525-5010746047-8

[THIS SPACE INTENTIONALLY LEFT BLANK]

WITNESS MY SIGNATURE, on this the 19 day of August, 2016.

Caldwell Sub
Approval

**MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., solely as nominee for FLAGSTAR
BANK, FSB, its successors and/or assigns**

By:

Jessy McDaniel

Its:

Assistant Secretary

STATE OF

Colorado

COUNTY OF

Douglas

Personally appeared before me, the undersigned authority in and for said state and county, Jessy McDaniel who is Assistant Secretary of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., solely as nominee for FLAGSTAR BANK, FSB, its successors and/or assigns**, a Colorado 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 19 day of August, 2016.

Terri Thornton
NOTARY PUBLIC Terri Thornton

My Commission Expires:

This instrument was prepared by:
Gregory M. Varner, Esq.
Attorney at Law
Post Office Box 338
Ashland, Alabama 36251
256-354-5464

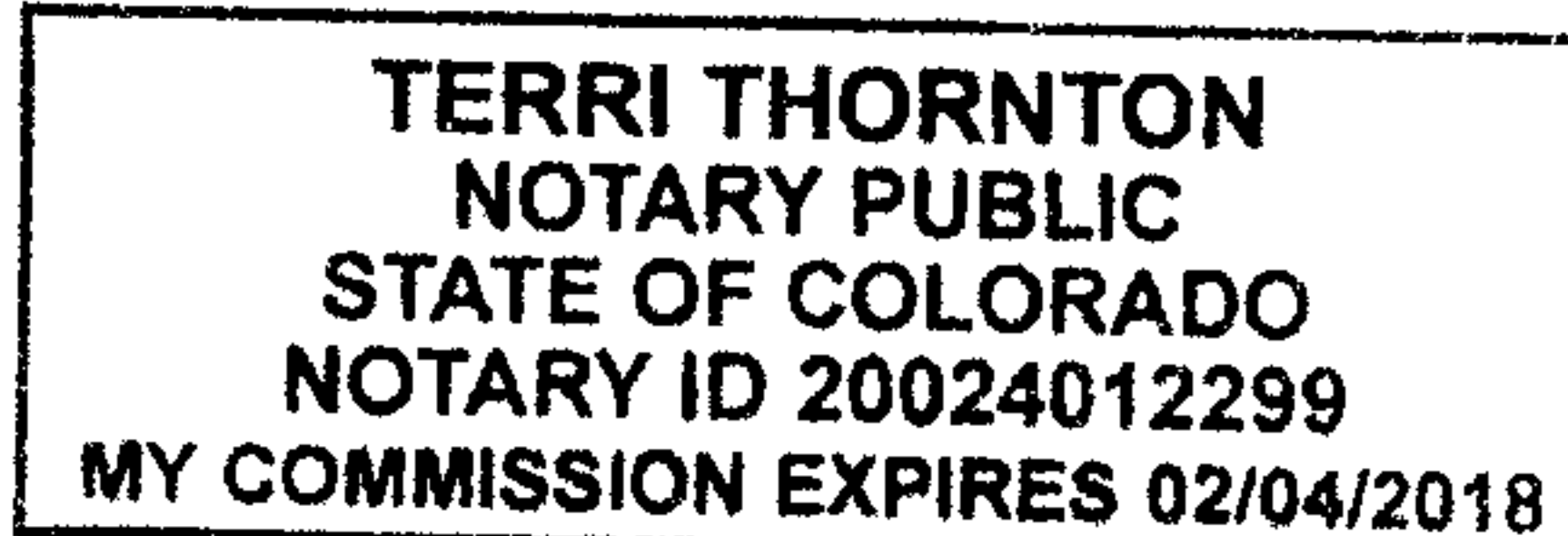


EXHIBIT A

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

Lot 24, according to the Survey of Southpointe, Fourth Sector, as recorded in Map Book 13, Page 41, in the Probate Office of Shelby County, Alabama.

Being all of that certain property conveyed to JOHN CALDWELL and CHARLENE CALDWELL from GARDNER BROTHERS HOMEBUILDERS, INC., by deed dated January 12, 1990, and recorded January 17, 1990, in Book 274, Page 639, of Official Records.

Commonly known as: 1997 Lakemont Drive, Birmingham, AL 35244

APN: 13-3-06-0-001-003.121

51681128 CALDWELL

AL

FIRST AMERICAN ELS
SUBORDINATION AGREEMENT

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Filed and Recorded
Official Public Records
Judge James W. Fuhrmeister, Probate Judge,
County Clerk
Shelby County, AL
09/30/2016 08:16:52 AM
\$29.00 CHERRY
20160930000357800

A handwritten signature in black ink, appearing to be "James W. Fuhrmeister", is written over the bottom right portion of the official text block.