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04/27/2017 01:22:12 PM  
SUBAGREM 1/5

Return to:  
First American Mortgage Solutions  
Attn: Recording Team  
1500 Solana Blvd. Bldg. 6, Suite 6200  
Westlake, TX 76262

Order Number:  
52275631LA

MERS Phone #: 1-(888) 679-6377  
Min #: 1000375-8250523769-5

STATE OF ALABAMA  
COUNTY OF SHELBY

**SUBORDINATION AGREEMENT**

Subordinating Lender:  
**MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS, INC., as nominee for  
GMAC MORTGAGE LLC, A DELAWARE LIMITED LIABILITY COMPANY f/k/a  
GMAC MORTGAGE CORPORATION\***  
Address: P.O. Box 2026 Flint, MI 48501; and  
1901 East Voorhees Street, Suite C, Danville, IL 61834  
(888) 679-MERS

*\*its successors and assigns*

Property Owner:  
**JONATHAN A. SMITH and KELLY S. SMITH** (hereinafter referred to as "Property  
Owners")  
Address: 268 Parliament Parkway, Maylene, AL 35114  
( ) \_\_\_\_\_-

and

New Lender:  
**DITECH FINANCIAL, LLC**  
Address: 3000 Bayport Drive, Suite 880, Tampa, FL 33607  
( ) \_\_\_\_\_-

**WITNESSETH:**

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

WHEREAS, Property Owners have given a Mortgage and Note to MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS, INC., as nominee for GMAC MORTGAGE LLC, A DELAWARE LIMITED LIABILITY COMPANY f/k/a GMAC MORTGAGE CORPORATION, which Mortgage and Note is in the principal amount of \$21,700.00 and dated November 27, 2007, and recorded as Instrument No. 20071128000541220, 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 MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS, INC., as nominee for GMAC MORTGAGE LLC, A DELAWARE LIMITED LIABILITY COMPANY f/k/a GMAC MORTGAGE CORPORATION. DITECH FINANCIAL, LLC, will make such loan to Property Owners only on the condition precedent that such Mortgage and Note to MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS, INC., as nominee for GMAC MORTGAGE LLC, A DELAWARE LIMITED LIABILITY COMPANY f/k/a GMAC MORTGAGE CORPORATION 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 REGISTRATIONS SYSTEMS, INC., as nominee for GMAC MORTGAGE LLC, A DELAWARE LIMITED LIABILITY COMPANY f/k/a GMAC MORTGAGE CORPORATION 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 REGISTRATIONS SYSTEMS, INC., as nominee for GMAC MORTGAGE LLC, A DELAWARE LIMITED LIABILITY COMPANY f/k/a GMAC MORTGAGE CORPORATION 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 \$151,600.00 and dated April 15, 2017.

NOW THEREFORE, BE IT FURTHER KNOWN, that the above-mentioned Mortgage and Note executed by Property Owners in favor of MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS, INC., as nominee for GMAC MORTGAGE LLC, A DELAWARE LIMITED LIABILITY COMPANY f/k/a GMAC MORTGAGE CORPORATION in the principal amount of \$21,700.00 and dated November 27, 2007, and recorded as Instrument No. 20071128000541220,

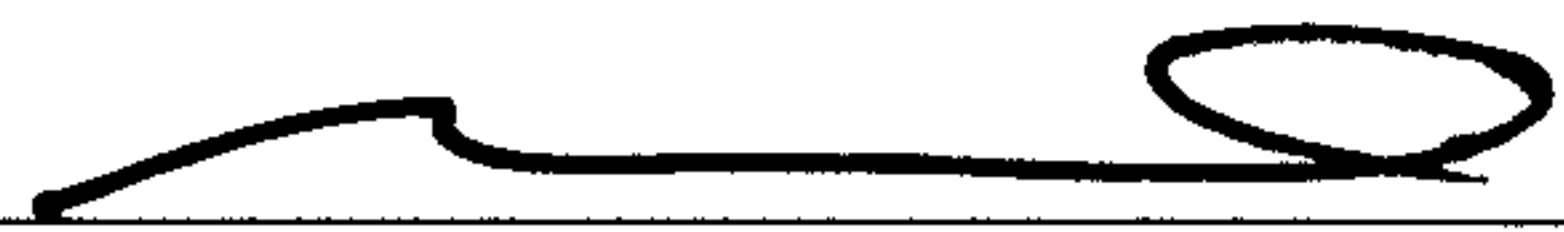
in the office of the Records Office of Shelby, Alabama, is hereby made subordinate to that certain Mortgage executed by Property Owners in favor of DITECH FINANCIAL, LLC, in that Mortgage and Note in an amount not to exceed \$151,600.00 and dated ~~on~~ April 15, 2017. It is the intent of this instrument 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 \$151,600.00 and dated April 15, 2017, 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 REGISTRATIONS SYSTEMS, INC., as nominee for GMAC MORTGAGE LLC, A DELAWARE LIMITED LIABILITY COMPANY f/k/a GMAC MORTGAGE CORPORATION in the principal amount of \$21,700.00 and dated November 27, 2007, and recorded as Instrument No. 20071128000541220, in the office of the Records 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.

WITNESS MY SIGNATURE, on this the 9<sup>th</sup> day of March, 2017.

Smith Sub Approval

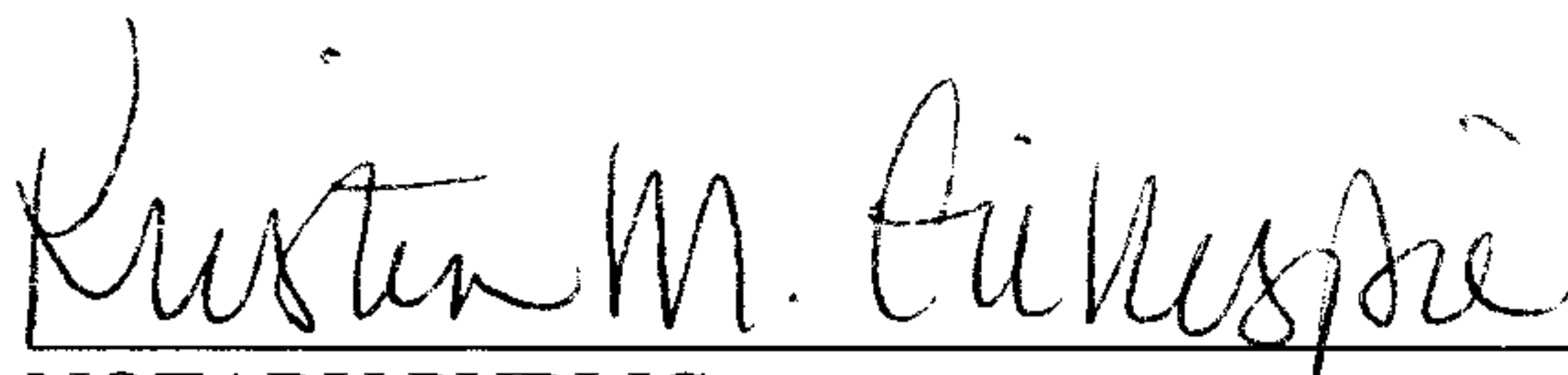
**MORTGAGE ELECTRONIC  
REGISTRATIONS SYSTEMS, INC., as  
nominee for GMAC MORTGAGE LLC,  
A DELAWARE LIMITED LIABILITY  
COMPANY f/k/a GMAC MORTGAGE  
CORPORATION \***

  
By: Jessy McDaniel  
Its: Assistant Secretary

STATE OF Colorado  
COUNTY OF Douglas

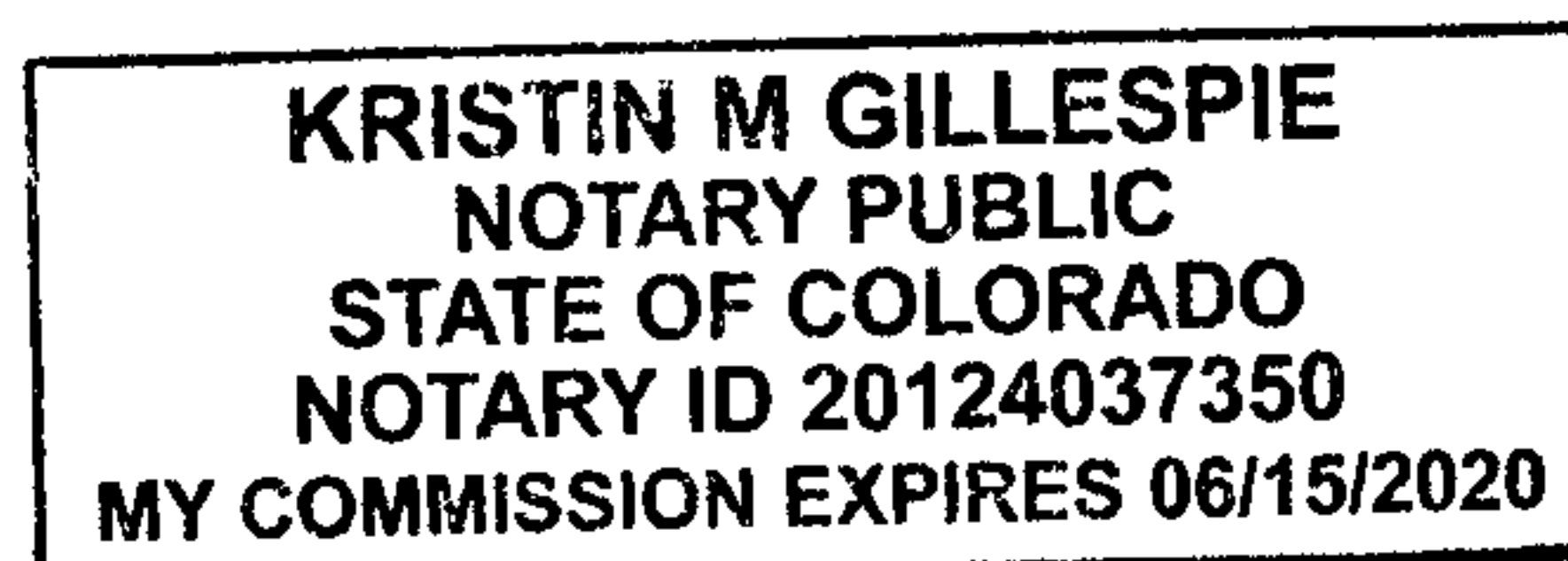
Personally appeared before me, the undersigned authority in and for said state and county, Jessy McDaniel who is Assistant Secretary of **MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS, INC., as nominee for GMAC MORTGAGE LLC, A DELAWARE LIMITED LIABILITY COMPANY f/k/a GMAC MORTGAGE CORPORATION,** a Colorado 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 9<sup>th</sup> day of March, 2017.

  
NOTARY PUBLIC  
Kristin M Gillespie

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 Maylene, County of SHELBY, State of Alabama, described as follows:

LOT 510, ACCORDING TO THE SURVEY OF CEDAR GROVE AT STERLING GATE SECTOR 2  
PHASE 12A AS RECORDED IN MAP BOOK 38, PAGE 45, IN THE PROBATE OFFICE OF SHELBY  
COUNTY, ALABAMA.

Being all of that certain property conveyed to JONATHAN A. SMITH AND KELLY S. SMITH,  
HUSBAND AND WIFE, AS JOINT TENANTS, WITH RIGHT OF SURVIVORSHIP from W.A. JONES  
CONSTRUCTION CO., INC., A CORPORATION, by deed dated NOVEMBER 27, 2007 and  
recorded NOVEMBER 28, 2007 IN INSTRUMENT NO. 20071128000541170 of official records.

APN #: 23 2 03 2 005 014.000

 SMITH  
52275631 AL  
FIRST AMERICAN ELS  
SUBORDINATION AGREEMENT  




Filed and Recorded  
Official Public Records  
Judge James W. Fuhrmeister, Probate Judge,  
County Clerk  
Shelby County, AL  
04/27/2017 01:22:12 PM  
\$27.00 CHERRY  
20170427000145080

A handwritten signature in black ink, appearing to read "James W. Fuhrmeister", is written over the official text.