



201001110126

Skagit County Auditor

1/11/2010 Page

1 of

6 12:17PM

Return Address:

First American Title Insurance

Recording Division

2605 Enterprise Road Ste 300

Clearwater, FL 33759-9966

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Subordination Agreement
2. _____
3. _____
4. _____

Reference Number(s) of Documents assigned or released: 200410260100

Additional reference #'s on page _____ of document

200908310120**Grantor(s)** (Last name, first name, initials)

1. MALCOLM, HOWARD G, MALCOLM, PATRICA E
2. BANK OF AMERICA, N.A., _____

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

1. BANK OF AMERICA, N.A.
2. _____

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)SP# 93-028 TRACT A SEC 15 TWP 34 N R 1 E W.M. SKAGIT CNTY WAAdditional legal is on page 3-5 of document.**Assessor's Property Tax Parcel/Account Number**

assigned

P103583☐ Assessor Tax # not yet

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

10-545528-6

(Do not write above this line. This space is reserved for recording.)

Bank of America



**Real Estate Subordination Agreement
(Bank of America to Bank of America)**

PARCEL TAX MAP ID NO. P103583

This instrument was prepared by
and after recording returned to:

**Bank of America, N.A. Collateral Tracking
9000 Southside Blvd., Bldg 700
Jacksonville, FL 32256**

Loan Account being subordinated#: **6820019682099**

deb legal tract A SP NO. 93-028 Sec 15 Twp 34 N R 1E Wm
Skagit County, WA

LandSafe File No. **6921514**

New Senior Loan Acct # 6131657659

This Real Estate Subordination Agreement ("Agreement") is executed as of December 30, 2009, by Bank of America, N.A., having an address of 9000 Southside Blvd, Bldg 700 Jacksonville, FL 32256 ("Subordinator"), in favor of Bank of America, N.A., having an address for notice purposes of: Bank of America, 4161 Piedmont Parkway, Greensboro, NC 27410 ("Bank of America, N.A."),

Whereas, Subordinator is the owner and holder of, or creditor under, the indebtedness described in and secured by a security instrument (deed of trust, deed to secure debt or mortgage) dated **10/05/2004** executed by **HOWARD G. MALCOLM AND PATRICA E. MALCOLM, HUSBAND AND WIFE** and which is recorded on **10/26/2004** in Book at Page, and if applicable **200410260100**, of the land or torrens records of SKAGIT County, State of WA as same may have been or is to be modified prior hereto or contemporaneously herewith (the "Senior Lien"), encumbering the land described in therein (said land and such improvements, appurtenances and other rights and interests regarding said land, if any, as are described in the Senior Lien being called herein collectively, the "Property"; and

Whereas, Bank of America has been requested to make a loan, line of credit or other financial accommodation to **HOWARD G. MALCOLM AND PATRICA E. MALCOLM, HUSBAND AND WIFE** (jointly and severally, "Borrower"), to be secured by, without limitation, either a deed or trust, deed to secure debt or mortgage (the "Junior Lien"), covering, without limitation, the Property and securing the indebtedness described therein including the payment of a promissory note, line of credit agreement or other borrowing agreement made by Borrower and/or others payable to the order of the Bank of America in the maximum principal face amount of \$ 614,300.00 (the "Principal Amount"), [For North Carolina only – bearing interest and payable as therein provided at the maximum rate of ____% for a period not to exceed ____ months], including provisions for acceleration and payment of collection costs (the "Obligation"); the Junior Lien and the Obligation to contain such other terms and provisions as Bank of America and Borrower shall determine; and

*Recorded on 8-31-09 in AFN 200908310120



201001110126
Skagit County Auditor

Now, Therefore, for valuable consideration, Subordinator hereby subordinates the Senior Lien to Bank of America's Junior Lien, subject to the terms of this Agreement. The Subordinator's Senior Lien is subordinated to Bank of America's Junior Lien only to the extent of the Principal Amount of the Obligation and any amounts advanced pursuant to the terms of the Obligation or the security instrument for the payment of insurance premiums, taxes, costs of collection, protection of the value of the Property or Bank of America's rights in the Property or foreclosure. All other rights of Subordinator now or hereafter existing in or with respect to the Senior Lien, are and shall remain completely and unconditionally subordinate, to the Junior Lien and the rights of Bank of America regardless of the frequency or manner of renewal, extension, consolidation or modification of the Junior Lien or the Obligation.

This Agreement shall inure to the benefit of the Subordinator and Bank of America and their respective successors and assigns, including any purchaser(s) (at foreclosure or otherwise) of the Property or any part thereof, and their respective successors and assigns.

Bank of America, N.A.

Date : December 30, 2009

By:

Witness #1 Signature (FL & CT Only)

Printed name: **JOHN L. TYMONY**

Title: **ASST. Vice President**

Witness Printed Name

Witness #2 Signature (FL & CT Only)

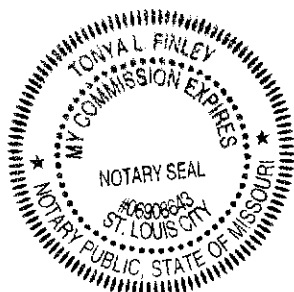
Witness Printed Name

State of MISSOURI
City of St. Louis

Bank of America Acknowledgement

On this day, December 30, 2009, before me, **TONYA L. FINLEY** the undersigned officer, personally appeared **JOHN L. TYMONY** who, being duly sworn by me, acknowledged him/herself to be the **ASST. VICE PRESIDENT** of Bank of America, N.A., and that (s)he, as such **ASST. VICE PRESIDENT**, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by him/herself as **ASST. VICE PRESIDENT**.

In witness whereof, I hereunto set my hand and official seal.
(SEAL)



Signature of Person Taking Acknowledgement

Printed name: **TONYA L FINLEY**

Commission Expiration Date: **07/10/2010**

1831 Chestnut St., 6th Fl

St. Louis, MO 63103



201001110126

Skagit County Auditor

EXHIBIT A

TRACT A OF SKAGIT COUNTY SHORT PLAT NUMBER 93-028, LOCATED IN SECTION 15, TOWNSHIP 34 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, APPROVED SEPTEMBER 14, 1993, RECORDED IN VOLUME 10 OF SHORT PLATS, PAGE 230, UNDER AUDITOR'S FILE NUMBER 9309140025, RECORDS OF SKAGIT COUNTY, WASHINGTON.

TOGETHER WITH A NON-EXCLUSIVE EASMENT FOR INGRESS AND ROAD AND UTILITY PURPOSES OVER, ALONG, UNDER AND ACROSS A 60 FOOT STRIP OF LAND LYING 30 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF TRACT A, RANCHO SAN JUAN DEL MAR, SUBDIVISION NUMBER 3, PLATE 1, RECORDS OF SKAGIT COUNTY, WASHINGTON, SAID NORTHEAST CORNER BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 376; THENCE SOUTH 81 DEGREES 19 MINUTES EAST, 44.92 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID COUNTY ROAD TO THE POINT OF BEGINNING OF THIS CENTERLINE; THENCE SOUTH 35 DEGREES 44 MINUTES 01 SECOND WEST, 147.02 FEET; THENCE SOUTH 62 DEGREES 14 MINUTES 11 SECONDS WEST, 140 FEET; THENCE SOUTH 45 DEGREES 33 MINUTES 26 SECONDS WEST, 168.52 FEET; THENCE SOUTH 42 DEGREES 09 MINUTES 56 SECONDS WEST, 167.71 FEET; THENCE SOUTH 69 DEGREES 00 MINUTES 48 SECONDS WEST 161.45 FEET; THENCE SOUTH 60 DEGREES 59 MINUTES 48 SECONDS WEST, 83.00 FEET; THENCE SOUTH 11 12 MINUTES 18 SECONDS WEST, 220.00 FEET, MORE OR LESS, TO A POINT ON A PROPERTY LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 1, SECTION 15, TOWNSHIP 34 NORTH, RANGE 1 EAST WILLAMETTE MERIDIAN; THENCE NORTH 0 DEGREES 56 MINUTES 38 SECONDS WEST, 682.49 FEET ALONG THE EAST LINE OF GOVERNMENT LOT 1, TO THE POINT OF BEGINNING OF SAID PROPERTY LINE; THENCE NORTH 88 DEGREES 58 MINUTES 47 SECONDS WEST PARALLEL TO THE SOUTH LINE

39893328



201001110126
Skagit County Auditor

EXHIBIT A
(continued)

OF SAID GOVERNMENT LOT 1, TO THE INTERSECTION OF SAID
EASEMENT CENTERLINE;

EXCEPT THAT PORTION OF SAID LYING WITHIN THE ABOVE DESCRIBED
MAIN TRACT:

ALSO TOGETHER WITH THAT CERTAIN EFFLUENT LINE EASEMENT IN
FAVOR OF SAID TRACT A, AS SAID EASEMENT ARE DELINEATED ON THE
FACE OF SAID SHORT PLAT NUMBER 93-028, AND AS FURTHER
ESTABLISHED AND DESCRIBED BY DOCUMENTS RECORDED UNDER
AUDITOR'S FILE NUMBER 872707, 9305120105, 9305180118, RECORDS
OF SKAGIT COUNTY, WASHINGTON, EXCEPT THE EAST 10 FEET OF THE
DRAINFIELD AREA FAVOR OF TRACT A.

TOGETHER WITH AN ADDITIONAL STRIP OF LAND FOR THE DRAINFIELD
ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE DRAINFIELD AREA IN
FAVOR OF TRACT A, AS DELINEATED ON THE FACE OF SAID SHORT
PLAT NUMBER 93-028; THENCE NORTH 00 DEGREES 56 MINUTES 38
SECONDS WEST, A DISTANCE OF 25 FEET; THENCE NORTH 89 DEGREES
03 MINUTES 22 SECONDS EAST, A DISTANCE OF 60 FEET; THENCE
SOUTH 00 DEGREES 56 MINUTES 38 SECONDS EAST, A DISTANCE OF 25
FEET; THENCE SOUTH 89 DEGREES 03 MINUTES 22 SECONDS WEST
ALONG THE NORTH LINE OF THE EXISTING DRAINFIELD AREA, A
DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF SKAGIT AND STATE OF WASHINGTON.

ABBRV LEGAL

PTN SP 93-028 SEC 15 T34N R1E WM VOL 10 PG 230 A'S 9309140025

BEING ALL OF THAT CERTAIN PROPERTY CONVEYED TO HOWARD G.
MALCOLM AND PATRICIA E. MALCOLM, HUSBAND AND WIFE FROM JAMES

39893328



201001110126
Skagit County Auditor

1/11/2010 Page

5 of

6 12:17PM

EXHIBIT A
(continued)

H. BARNEBEE, III AND MARIE T. BARNEBEE, TRUSTEES OF THE
BARNEBEE FAMILY 1993 TRUST DATED FEB. 18, 1993 BY DEED DATED
06/29/01 AND RECORDED 07/16/01 IN INSTRUMENT NO.
200107160141, IN THE LAND RECORDS OF SKAGIT COUNTY,
WASHINGTON.

Permanent Parcel Number: P103583
HOWARD G. MALCOLM AND PATRICA E. MALCOLM, HUSBAND AND WIFE

14069 ERVINE ROAD, ANACORTES WA 982218544
Loan Reference Number : 9996771-6921514-10/10-01147649
Identifier: L/FIRST AMERICAN EQUITY LOAN SERVICES



201001110126
Skagit County Auditor

1/11/2010 Page

6 of

6 12:17PM