

## SUBORDINATION AGREEMENT

**THIS SUBORDINATION AGREEMENT** (this "Agreement") is made as of this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and among \_\_\_\_\_ and (the "Trustees"), \_\_\_\_\_ (the "Beneficiary") and the MARYLAND HISTORICAL TRUST, an instrumentality of the State of Maryland as part of the Department of Planning (the "Trust").

### RECITALS

A. \_\_\_\_\_ and \_\_\_\_\_ are the trustees and beneficiary, respectively, under a certain deed of trust and security agreement dated \_\_\_\_\_, and recorded in the Land Records of County, Maryland at Liber \_\_\_\_\_, folio \_\_\_\_\_ (the "Deed of Trust"), made by \_\_\_\_\_ (the "Borrower"), which Deed of Trust encumbers the real property described therein (the "Real Property").

B. The Borrower has conveyed to the Trust a perpetual conservation easement dated \_\_\_\_\_ and recorded among the Land Records of \_\_\_\_\_ County, Maryland at Liber \_\_\_\_\_, folio \_\_\_\_\_ (the "Easement") upon the Real Property.

C. The Trustees, the Beneficiary and the Borrower have agreed to subordinate the lien of the Deed of Trust to the legal operation and effect of the Easement.

**NOW, THEREFORE**, in consideration of the above recitals and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The Trustees and the Beneficiary hereby represent and warrant that they are the current trustees and beneficiary, respectively, under the Deed of Trust.

2. The Trustees and the Beneficiary hereby subordinate the lien of the Deed of Trust to the legal operation and effect of the Easement in order that the Easement shall have position and priority superior to the lien of the Deed of Trust.

3. The Trustees, the Beneficiary, and the Borrower agree that the Easement constitutes an encumbrance on the Real Property that shall have position and priority superior to

the lien of the Deed of Trust and, that, accordingly, the Deed of Trust shall be subject and junior to the Easement.

4. This Agreement shall be binding upon the Trustees, the Beneficiary and the Borrower, and their successors and assigns.

5. The Trustees, the Beneficiary, and the Borrower agree to execute, acknowledge and deliver such further instruments as may be necessary to effectuate the purposes of this Agreement.

6. This Agreement shall be recorded among the Land Records of \_\_\_\_\_, Maryland and the recordation shall be at the expense of the Borrower.

**IN WITNESS WHEREOF**, the parties hereto have duly executed this Agreement as of the date first above written.

WITNESS:

TRUSTEE:

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

WITNESS:

TRUSTEE:

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

WITNESS:

BENEFICIARY:

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

By:

(signature)

Name:

Title:

WITNESS:

MARYLAND HISTORICAL TRUST

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

By:

J. Rodney Little, Director

WITNESS:

Acknowledged and Agreed to by  
BORROWER

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

(signature)

Name:

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

(signature)

Name:

STATE OF MARYLAND, \_\_\_\_\_ COUNTY, to wit:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_, known or satisfactorily proven to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the foregoing instrument for the purposes therein contained as a duly authorized Trustee.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

**STATE OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, to wit:**

**I HEREBY CERTIFY** that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_, known or satisfactorily proven to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the foregoing instrument for the purposes therein contained as a duly authorized Trustee.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:\_\_\_\_\_

**STATE OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, to wit:**

**I HEREBY CERTIFY** that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_, known or satisfactorily proven to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the foregoing instrument for the purposes therein contained as the duly authorized \_\_\_\_\_ of the \_\_\_\_\_.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

\_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_

**STATE OF MARYLAND,** \_\_\_\_\_ **COUNTY,** to wit:

**I HEREBY CERTIFY** that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared J. Rodney Little, known or satisfactorily proven to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the foregoing instrument for the purposes therein contained as the duly authorized Director of the Maryland Historical Trust.

**IN WITNESS WHEREOF,** I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**STATE OF MARYLAND,** \_\_\_\_\_ **COUNTY,** to wit:

**I HEREBY CERTIFY** that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known or satisfactorily proven to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the foregoing instrument for the purposes therein contained and in my presence signed and sealed the same.

**IN WITNESS WHEREOF,** I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Approved as to form and legal  
sufficiency this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

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Assistant Attorney General

CERTIFICATION

I hereby certify that this instrument has been prepared by me or under my supervision and that I am an attorney admitted to practice before the Court of Appeals of Maryland.

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