

112

BK1866 P0422

PRESENTED FOR
REGISTRATION
AND RECORDED

Return to: Blanco Tackabery Combs & Matamoros, P.A.
P.O. Drawer 25008, Winston-Salem, N.C. 27114
Drafted by: Ronald A. Matamoros, Esq.

'95 JUL 28 P12:22

Kathy Powers

STATE OF NORTH CAROLINA)
COUNTY OF FORSYTH)

John Holleman
SUBORDINATION OF DEED OF TRUST
Forsyth Co. N.C.

THIS SUBORDINATION made and entered into this the 28th day of July, 1995, by and among Q LUBE, INC. (formerly QUAKER STATE MINIT LUBE, INC.), party of the first part; JOHN S. FREEMAN, as Trustee, party of the second part, and TRIAD BANK, party of the third part.

WITNESSETH:

WHEREAS, the party of the first part is the owner and holder of that certain Note, which Note is secured by a Deed of Trust from JOHN A. HAYES, JR. and wife, DEBORAH S. HAYES, to the party of the second part, JOHN S. FREEMAN, as Trustee, dated and recorded March 17, 1992, in Book 1739, at Page 630, in the Office of the Register of Deeds of Forsyth County, North Carolina, and which covers the following described premises:

SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

AND, WHEREAS, TRIAD BANK is the owner and holder of a certain Note in the amount of \$348,987.36 which Note is secured by a Deed of Trust from JAMES A. HAYES, JR. and wife, DEBORAH S. HAYES, to B.T. Financial Corporation, as Trustee for party of the third part, dated the 22nd day of July, 1995, and recorded on the 28 day of July, 1995, at 1:22 p.m. in Book 1866 at Page 412 in the Office of the Register of Deeds of Forsyth County, North Carolina.

AND, WHEREAS, the party of the first part has agreed to subordinate its lien to the lien of the party of the third part.

NOW, THEREFORE, in consideration of One Dollar and Other Valuable Consideration (\$1.00 and O.V.C.) and the mutual covenants herein contained, passing among the parties hereto, the receipt of all of which is hereby acknowledged, the parties of the first and second parts do hereby subordinate the lien of the Deed of Trust recorded in Book 1739, at Page 630, to the lien of that Deed of Trust recorded in Book 1866 at Page 412 in the Office of the Register of Deeds of Forsyth County, North Carolina. Except for such subordination, the Deed of Trust being herein subordinated shall continue in full force and effect according to its terms.

IN WITNESS WHEREOF, the parties of the first and second part have hereto set their hands and seals, the day and year first above written.

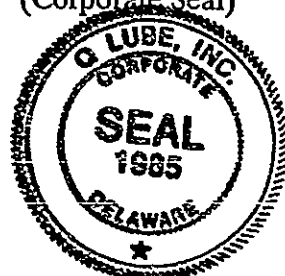
Q LUBE, INC., (formerly
QUAKER STATE MINIT LUBE, INC.)

ATTEST:

By Sharon J. Frost
Secretary

By [Signature] (SEAL)
EV President

(Corporate Seal)



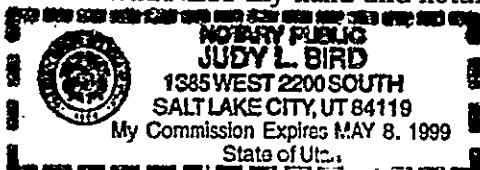
[Signature] (SEAL)
John S. Freeman

BK1866 P0423

STATE OF Utah
COUNTY OF Salt Lake

I, a Notary Public of the County and State aforesaid, certify that Shane D. Smoot personally appeared before me this day and acknowledged that (s)he is the Secretary of Q LUBE, INC. (formerly QUAKER STATE MINIT LUBE, INC.), a Delaware Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal, and attested by Shane D. Smoot as its Secretary.

WITNESS my hand and notarial seal or stamp, this the 25 day of July, 1995.



Judy L. Bird
Notary Public

My commission expires:

May 8, 1999

(Notarial Seal/Stamp)

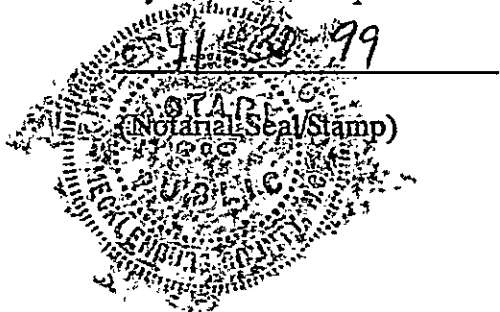
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, a Notary Public of the County and State aforesaid, certify that JOHN S. FREEMAN, Trustee under the aforesaid Deed of Trust, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal or stamp, this the 26th day of July, 1995.

Kimberly Ledford
Notary Public

My commission expires:



STATE OF NORTH CAROLINA--Forsyth County

The foregoing (or annexed) certificate of Judy L. Bird, NP Salt Lake County (here give name and official title of the officer signing the certificate passed upon)

and Kimberly Ledford, NP Mecklenburg County, NC

is (are) certified to be correct. This the 28th day of July 1995

John Holleman Register of Deeds

By Honda Green Deputy Assistant

Probate and Filing Fee \$ _____ paid.

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EQUITA

TRACT I:

All that tract or parcel of land lying and being in Forsyth County, North Carolina, and being more particularly described as follows:

BEGINNING at an iron pin, said iron pin being located on the northeasterly right-of-way of Old Lewisville Road and being the southwesterly corner of Lot 36D, Block 3908, Forsyth County Tax Records; running thence with said right-of-way North 20° 33' 30" West 225.19 feet to an iron pin; running thence North 78° 06' 57" East 14.31 feet to an iron pin; running thence North 31° 17' 23" East 22.78 feet to an iron pin on the southerly right-of-way of Country Club Road; running thence with said right-of-way along a curve to the right having a radius of 1,524.07 feet South 53° 18' 40" East 182.06 feet to an iron pin; running thence South 35° 41' 20" West 155.24 feet to an iron pin and place of BEGINNING, being a 0.41 acre tract of land as shown on the survey for James A. Hayes, Jr. and wife, Deborah S. Hayes, prepared by Dennis Fry Surveying Company dated June 26, 1985.

TRACT II:

All that tract or parcel of land lying and being in Forsyth County, North Carolina, and being more particularly described as follows:

BEGINNING at an iron pin located on the northerly right-of-way of Silas Creek Parkway and said point being the southeasterly corner of the property now or formerly owned by Miles Properties, Inc. as recorded in Book 1659, Page 763, Forsyth County Registry of Deeds; running thence North 06° 07' 04" East 269.96 feet to an iron pin; running thence South 85° 53' 23" East 62.73 feet to an iron pin; running thence South 02° 36' 16" West 272.34 feet to an iron pin on the northerly right-of-way of Silas Creek Parkway; running thence with said right-of-way North 84° 07' 10" West 73.83 feet to an iron pin and place of BEGINNING, being a 19,180 square foot tract of land as shown on the survey for James A. Hayes, Jr. by Gupron-Foster Associates dated June 2, 1993.

RECORDERS MEMO
Record of Poor Quality
Due to Condition of
Original