

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
RECORDED
DONNIE S. TINKERS
FILED
4 43 PM '79
S.C.

SUBORDINATION, NONDISTURBANCE,
AND ATTORNMENT AGREEMENT

THIS AGREEMENT, made and entered into this 27th day of August, 1979, by and between The Macke Company, a Delaware corporation, and The Macke Company of Greenville, Inc., a South Carolina corporation (formerly named Macke Caterers of Greenville, Inc., prior to corporate name change), hereinafter collectively referred to as Tenant; Thomas E. Avent, hereinafter referred to as Owner, and Durham Life Insurance Company, a North Carolina corporation, hereinafter referred to as Mortgagee:

W I T N E S S E T H:

WHEREAS, Owner leased unto Tenant all or portion of the land hereinafter described, which said lease agreement is dated December 27, 1978, a short form of which is to be recorded in Greenville County, South Carolina; and

WHEREAS, Owner desires to borrow from Mortgagee the sum of One Hundred Seventy-five Thousand and No/100 (\$175,000.00) Dollars, the same to be evidenced by a Note for said amount and secured by a mortgage upon the lands hereinafter described; and

WHEREAS, said loan can be procured only upon condition that the aforesaid lease agreement be subordinated to the lien of the above mentioned mortgage, and Tenant and Owner have agreed to such subordination; and

WHEREAS, the parties hereto are desirous of evidencing their mutual understandings and agreements with respect of the obligations of each to the other in view of said lease agreement and the mortgage securing said loan;

NOW THEREFORE, Tenant, Owner, and Lender, in consideration of the mutual covenants and promises set forth herein, do hereby contract and agree with one another as follows:

1. Owner may make, execute and deliver a mortgage upon the hereinafter described lands to secure a note and indebtedness to Mortgagee in the amount set forth above, and that said mortgage shall be a lien upon the hereinafter described lands superior to the above mentioned lease now held by the Tenant.

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