## Attachment 10: Sample Subordination of Mortgage to Declaration of Restrictive Covenant

**SUBORDINATION OF MORTGAGE TO**

**DECLARATION OF RESTRICTIVE COVENANT**

*{{If Subordination of Mortgage is used, attach it to the Declaration of RC and change the title to read “Declaration of Restrictive Covenant and Subordination of Mortgage to Declaration of Restrictive Covenant”}}*

*{{MORTGAGE HOLDER (also referred to as MORTGAGEE), SUCH AS A BANK}}*, as the holder of the following described instrument:

Mortgage from *{{PROPERTY OWNER, IF CORPORATION, INDICATE TYPE}}*, to *{{MORTGAGE HOLDER & INDICATE TYPE OF CORPORATION}}*, recorded *{{DATE RECORDED}}*, in Official Records Book *{{BOOK NUMBER}}*, at page *{{NUMBER}}*, *{{“which mortgage was modified and restated pursuant to....”. -- INDICATE ANY MODIFICATION OF MORTGAGE ALSO BY DATE, BOOK & PAGE}}* all recorded among the Public Records of *{{COUNTY}}* County, Florida

(collectively, the “Mortgage”), hereby subordinates the lien of its Mortgage to the foregoing *{{If attached to covenant and to be filed with covenant}}* Declaration of Restrictive Covenant by and between *{{PROPERTY OWNER}}* and the Florida Department of Environmental Protection.

Provided, however, that the Mortgage Holder’s subordination herein shall not be deemed to subordinate any valid claim on the part of the Mortgage Holder to the proceeds of any sale, condemnation proceedings, or insurance, nor shall the leases, rents, and profits of the property described in the Mortgage be affected by the Subordination of Mortgage. The foregoing shall not be construed as a waiver by the mortgage holder of any valid claim it may have according to its interest in the property to the proceeds of any sale, condemnation proceedings, or insurance.

 IN WITNESS WHEREOF, the undersigned has executed and delivered this Subordination of Mortgage to Declaration of Restrictive Covenant this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_.

{{*MORTGAGE HOLDER, INDICATE STATE OF INCORPORATION*}}

WITNESSES:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(CORPORATE SEAL)

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 The foregoing instrument was acknowledged before me by means of [ ]  physical presence or [ ]  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ OR by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Personally known \_\_\_\_\_\_\_\_ OR Produced Identification \_\_\_\_\_\_\_\_\_\_\_\_.

Type of Identification Produced \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Notary Public

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name of Notary Public

Commission No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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