**Form 4** - Rev. 2004 **(Utilities Facilities and/or Utilities Easement(s) Subordination)**

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**UTILITY FACILITIES and/or Utilities Easement(s) SUBORDINATION**

THIS SUBORDINATION is dated this \_\_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_\_\_, by [Insert the complete and correct name of the Secured Party - see Instruction No. 2] (Hereinafter referred to as the “Secured Party”), in favor of the BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AS THE GOVERNING BODY OF COLLIER COUNTY AND AS THE EX-OFFICIO GOVERNING BOARD OF THE COLLIER COUNTY WATER-SEWER DISTRICT, its successors and assigns, (hereinafter referred to as "County"). Secured Party as used herein includes singular or plural, as the context allows.

**WHEREAS**, the purpose of this Subordination is to subordinate the Secured Party’s Security Interests that encumber good, marketable title to the Encumbered Utility Facilities and/or the related Utility Easement(s) being conveyed to Collier County, which Utility Facilities are located over, on and/or under the underlying real property that is encumbered by security interests in favor of the Secured Party as specified in the below-listed security instruments); and

**WHEREAS**, the Secured Party is the owner and holder of a \_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Mortgage or Assignment of Rents and Profits, UCC-1\*, etc. ], recorded in Official Records Book \_\_\_\_\_\_\_, Page \_\_\_\_\_\_\_\_, et seq., Public Records of Collier County, Florida, [*and if applicable*], as amended by a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, recorded at O.R. Book, Page \_\_\_\_\_ et seq., Public Records of Collier County, Florida.; and

[NOTE: \*UCC-1s are usually subordinated by UCC-3s. If a UCC-1 or UCC-3 is recorded outside of Collier County, insert the Book, Page and place (usually Tallahassee) of the recordation of each such UCC-1 or UCC-3].

**WHEREAS**, the Secured Party is also the owner and holder of a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, recorded at O.R. Book, Page \_\_\_\_\_\_\_\_, et seq., Public Records of Collier County, Florida, as amended by a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ recorded at O.R. Book, Page \_\_\_\_ et. seq., Public Records of Collier County, Florida; and

**WHEREAS**, each above-referenced Security Instrument grants to this Secured Party a security interest that encumbers good and marketable title to the Encumbered Utility Facilities being conveyed to Collier County, and/or encumbers the related Utility Easement(s), if any, also being conveyed to Collier County, which Utility Facilities have been constructed within such easement(s) and are under, on and/or over the underlying real property; and

**WHEREAS**, prerequisite to the conveyance of the Utility Facilities and/or related Utility Easements, if any, being conveyed to the County, Collier County requires that this Secured Party must subordinate only its Security Interests in (i) the Encumbered Utility Facilities being conveyed to the County and (ii) each related Utility Easement(s), if any, being conveyed to the County; and the Secured Party is hereby complying with said request for these subordination(s).

**NOW, THEREFORE**, in consideration of TEN DOLLARS ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged by the Secured Party, the Secured Party hereby subordinates its security interests in the Encumbered Utility Facilities being conveyed to Collier County, and/or to each Utility Easement(s), if any, being conveyed to the County, which encumbered Utility Facilities are located over, on and/under the described underlying real property. Except as expressly subordinated herein, the Secured interests of the Secured Party remain in full force and effect.

 **IN WITNESS WHEREOF**, the Secured Party has caused this Subordination to be executed the date and year first above written.

[Insert correct witness and signature block - see Instruction No. 3]

[Acknowledgment and notary block - see Instruction No. 4]

 Prepared by: [Insert name and street address of the individual who prepared this Subordination]

[NOTE: Upon request, County staff will provide examples of properly executed Subordinations].

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07/2021