

STATE OF ALABAMA

COUNTY OF SHELBY

SECOND AMENDMENT TO LOAN DOCUMENTS

This Second Amendment made effective as of the 2nd day of September, 1992, is by and between VALLEYDALE ASSOCIATES, LTD., an Alabama limited partnership ("Borrower"), and CENTRAL BANK OF THE SOUTH, an Alabama banking corporation ("Lender").

WHEREAS, Lender has made a loan to Borrower in an amount not to exceed \$3,900,000.00 (the "Loan"), as evidenced by a Promissory Note in such amount and secured by, among other collateral, a Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement (Alabama) dated May 27, 1992, as recorded in Inst #1992-09486, in the Probate Office of Shelby County, Alabama, as amended by First Amendment to Loan Documents dated August 6, 1992, and recorded in Inst # 1992-18999, in the Probate Office of Shelby County, Alabama (collectively, the "Mortgage"); and

WHEREAS, the legal description of the Mortgaged Property in the Mortgage contained a typographical error and Borrower and Lender desire that the Mortgage be amended to correct the legal description of the Mortgaged Property.

NOW, THEREFORE, for and in consideration of the Loan from Lender to Borrower, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Borrower and Lender agree as follows:

1. The Mortgage shall be and hereby is amended to delete the legal description of the Mortgaged Property attached to the Mortgage as **Exhibit A**, and to insert the corrected legal description of the Mortgaged Property attached hereto as **Exhibit A-1**.
2. Except as amended hereby, all other terms and conditions of the Mortgage shall remain in full force and effect.

IN WITNESS WHEREOF, Borrower and Lender have executed this Second Amendment as of the day and year first set forth above.

BORROWER:

VALLEYDALE ASSOCIATES, LTD.,
an Alabama Limited Partnership

By: VALLEYDALE, INC.,
Its General Partner

By: [Signature]

Its: President

ATTEST:

By: E. Paul Strenzel Jr.
Its: Secretary

WITNESS:

Susan Martin

LENDER:

CENTRAL BANK OF THE SOUTH

By: [Signature]

Its: Vice President

Inst # 1992-19000

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, Rebecca S. Lebita, a notary public in and for said county in said state, hereby certify that William C. Hulsey, whose name as President of Valleydale, Inc., a corporation, as general partner of **VALLEYDALE ASSOCIATES, LTD.**, an Alabama limited partnership, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, as general partner of said partnership.

Given under my hand and official seal this 1st day of September, 1992.

Rebecca S. Lebita
Notary Public

[Notarial Seal]

My Commission Expires: 4/24/96

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, the undersigned, a notary public in and for said county in said state, hereby certify that Rebecca D. Shuter, whose name as Vice President of **CENTRAL BANK OF THE SOUTH**, a corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, _____, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 2nd day of September, 1992.

Barbara Ann Moore
Notary Public

[Notarial Seal]

My Commission Expires: 12-7-94

THIS INSTRUMENT PREPARED BY:

Randolph H. Lanier
Balch & Bingham
1901 Sixth Avenue North
Suite 2600
Birmingham, Alabama 35203
(205) 251-8100

EXHIBIT A-1

A parcel of land situated in the southeast one-quarter of the northwest one-quarter and the southwest one-quarter of the northwest one-quarter of Section 15, Township 19 South, Range 2 West, more particularly described as follows:

Commence at the southwest corner of the north one-half of the southeast one-quarter of the northwest one-quarter of said Section and run south 89 degrees 10 minutes 56 seconds east along the north line of the north one-half of the southeast one-quarter of the northwest one-quarter of said section for a distance of 330.00 feet to the point of beginning; thence run south 0 degrees 04 minutes 46 seconds west for a distance of 100.00 feet; thence run north 89 degrees 10 minutes 56 seconds west for a distance of 450.11 feet; thence run north 44 degrees 19 minutes 31 seconds west for a distance of 74.56 feet to the point of commencement of a curve to the left, said curve having a central angle of 22 degrees 43 minutes 08 seconds and a chord bearing of north 12 degrees 10 minutes 38 seconds east and a radius of 231.50 feet; thence travel in a northerly direction along the arc of said curve for a distance of 91.79 feet; thence run north 0 degrees 49 minutes 04 seconds east for a distance of 40.00 feet to the point of commencement of a curve to the left, said curve having a central angle of 41 degrees 40 minutes 00 seconds, and a chord bearing of north 20 degrees 00 minutes 56 seconds west and a radius of 254.91 feet; thence run in a northwesterly direction along the arc of said curve for a distance of 185.38 feet; thence run north 40 degrees 50 minutes 56 seconds west for a distance of 113.48 feet to a point on the southerly right-of-way line of Valleydale Road, said point also being the point of commencement of a curve to the left having a central angle of 3 degrees 19 minutes 18 seconds, and a chord bearing of north 52 degrees 29 minutes 59 seconds east and a radius of 2913.72 feet; thence run in a northeasterly direction along the arc of said curve for a distance of 168.92 feet; thence run north 50 degrees 50 minutes 23 seconds east for a distance of 199.55 feet; thence run south 0 degrees 00 minutes 32 seconds east for a distance of 92.74 feet; thence run south 82 degrees 50 minutes 13 seconds east for a distance of 200.63 feet; thence run north 53 degrees 20 minutes 43 seconds east for a distance of 130.22 feet to a point on the southwest right-of-way line of Caldwell Mill Road; thence run south 36 degrees 39 minutes 17 seconds east for a distance of 672.21 feet; thence run north 89 degrees 10 minutes 56 seconds west for a distance of 374.83 feet to the point of beginning. Said parcel contains 9.0857 acres.

SLOPE EASEMENT NUMBER 1:

Commence at the Northwest corner of the South one-half of the Southeast one-quarter of the Northwest one-quarter of Section 15, Township 19 South, Range 2 West; thence run South 0°04'46" West along the West line of the Southeast one-quarter of the Northwest one-quarter of said Section 15 for a distance of 100 feet to the point of beginning; thence run North 89°10'56" West for a distance of 120.11 feet; thence run South 34°39'01" East for a distance of 30.71 feet; thence run South 78°48'57" East for a distance of 83.36 feet; thence run North 88°44'07" East for a distance of 20.81 feet; thence run North 0°04'46" East along the West line of the Southeast one-quarter of the Northwest one-quarter of said Section 15 for a distance of 39.26 feet to the point of beginning.

EXHIBIT A-1 (continued)

SLOPE EASEMENT NUMBER 3:

Commence at the Northwest corner of the South one-half of the Southeast one-quarter of the Northwest one-quarter of Section 15, Township 19 South, Range 2 West; thence run South 0°04'46" West along the West line of the Southeast one-quarter of the Northwest one-quarter of said Section 15 for a distance of 100 feet; thence run North 89°10'56" West for a distance of 120.11 feet; thence run North 44°19'31" West for a distance of 74.57 feet; thence run North 16°58'37" East for a distance of 52.89 feet to the point of beginning, from the point of beginning thus obtained; thence run North 9°02'51" West for a distance of 155.91 feet; thence run North 19°02'51" West for a distance of 75.39 feet; thence run North 55°12'48" West for a distance of 84.65 feet; thence run North 78°30'34" West for a distance of 79.54 feet to a point on the Southeasterly right of way line of Valleydale Road, said right of way being situated in the curve, said curve curving to the left in a Northeasterly direction having a central angle of 1°33'12" and a radius of 2913.72 feet and a chord bearing of North 54°56'14" East and a chord distance of 78.99 feet; thence run along arc of said curve in a Northeasterly direction along the Southeasterly right of way line of Valleydale Road for a distance of 79.00 feet; thence run South 40°50'56" East for a distance of 113.48 feet to a point of commencement of a curve to the right, said curve having a central angle of 41°40' and a radius of 254.91 feet; thence run along the arc of said curve in a Southeasterly direction for a distance of 185.38 feet to the end of said curve; thence run South 0°49'04" West for a distance of 40.00 feet to a point of commencement of a curve to the right, said curve having a central angle of 9°35'56" and a radius of 231.50 feet; thence run along the arc of said curve to the right in a Southwesterly direction for a distance of 38.78 feet to the point of beginning.

SLOPE EASEMENT NUMBER 4:

Commence at the Northwest corner of the South one-half of the Southeast one-quarter of the Northwest one-quarter of Section 15, Township 19 South, Range 2 West; thence run North 0°0'32" East along the West line of the Southeast one-quarter of the Northwest one-quarter of said Section 15 for a distance of 476.49 feet to the point of beginning, from the point of beginning thus obtained; thence run North 0°00'32" West for a distance of 92.74 feet; thence run South 33°52'49" East for a distance of 55.71 feet; thence run South 7°09'47" West for a distance of 50.00 feet; thence run North 82°50'13" West for a distance of 25.00 feet to the point of beginning.

Inst # 1992-19000

09/03/1992-19000
03:38 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 15.00