

RECORDATION REQUESTED BY:

EQUITY LINE GROUP
P.O. BOX 830826
BIRMINGHAM, AL 35283-0826

WHEN RECORDED MAIL TO:

EQUITY LINE GROUP
P.O. BOX 830826
BIRMINGHAM, AL 35283-0826

SEND TAX NOTICES TO:

JERRY L. HEARN and MARY L. HEARN
2905 OAK MOUNTAIN TRAIL
BIRMINGHAM, AL 35242

Inst # 1997-40421

12/12/1997-40421
10:23 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
003 MCB 73.50

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE

THIS MODIFICATION OF MORTGAGE IS DATED NOVEMBER 7, 1997, BETWEEN JERRY L. HEARN and MARY L. HEARN, HUSBAND AND WIFE, (referred to below as "Grantor"), whose address is 2905 OAK MOUNTAIN TRAIL, BIRMINGHAM, AL 35242; and SouthTrust Bank, National Association (referred to below as "Lender"), whose address is 5389 Oporto-Madrid Avenue, Birmingham, AL 35210.

MORTGAGE. Grantor and Lender have entered into a mortgage dated August 15, 1996 (the "Mortgage") recorded in SHELBY County, State of Alabama as follows:

RECORDED NOVEMBER 13, 1996 IN THE OFFICE OF JUDGE PROBATE, BOOK 1996, PAGE 37648

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property (the "Real Property") located in SHELBY County, State of Alabama:

SEE ATTACHED COPY

The Real Property or its address is commonly known as 2905 OAK MOUNTAIN TRAIL, BIRMINGHAM, AL 35242.

MODIFICATION. Grantor and Lender hereby modify the Mortgage as follows:

INCREASE MORTGAGE FROM \$30,000.00 TO \$40,000.00. FOR MORTGAGE TAX PURPOSES, THIS LINE WAS INCREASED BY \$10,000.00. THE MATURITY DATE HAS BEEN EXTENDED TO 15 YEARS FROM THE DATE OF THE NOTE EXECUTED SIMULTANEOUSLY HEREWITH.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Mortgage does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE, AND EACH GRANTOR AGREES TO ITS TERMS.

CAUTION — IT IS IMPORTANT THAT YOU THOROUGHLY READ THE CONTRACT BEFORE YOU SIGN IT.

GRANTOR:

X Jerry L. Hearn (SEAL)
JERRY L. HEARN

X Mary L. Hearn (SEAL)
MARY L. HEARN

LENDER:

SouthTrust Bank, National Association

By: Donald W. Ashby
Authorized Officer

This Modification of Mortgage prepared by:

Name: MICHELLE BIBBS
Address: P.O. BOX 830826
City, State, ZIP: BIRMINGHAM, AL 35282

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Alabama)
COUNTY OF Jefferson) ss

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that JERRY L. HEARN and MARY L. HEARN, whose names are signed to the foregoing Instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said Modification, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 10th day of November, 1997

My commission expires 6-23-01

John Curtis Platt
Notary Public

24
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LENDER ACKNOWLEDGMENT

STATE OF Alabama)
COUNTY OF Jefferson) ss

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Donald W. Dobbins Jr is auth. officer.
Given under my hand and official seal this 10th day of November, 19 97.
John Curtis Platt
Notary Public
My commission expires 6-23-01

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Inst # 1997-40421

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A tract of land herein referred to as Parcel "B", which is situated in the Northeast quarter of Section 27, Township 19 South, Range 2 West, Shelby County, Alabama, more particularly described as follows: Commence at the Northeast corner of Lot 7, Block 2, of Cherokee Forest, First Sector, as recorded in Map Book 5, Page 17 in the Office of the Judge of Probate in Shelby County, Alabama; thence go in an Easterly direction, along the projection of the Northerly line of said Lot 7, a distance of 250.00 feet; thence turn left 90 degrees 01 minute 25 seconds and go in a Northerly direction a distance of 72.88 feet to a found 1" crimped pipe; thence continue on the last described course a distance of 200.00 feet to a set 1/2" rebar; thence turn right 90 degrees 04 minutes 31 seconds and go in an Easterly direction a distance of 216.65 feet to a set 1/2" rebar; said point being the point of beginning of the tract herein described; thence continue on the last described course a distance of 217.77 feet to a found 1" crimped pipe; thence turn right 89 degrees 54 minutes 29 seconds and go in a Southerly direction a distance of 199.88 feet to a found crimped pipe; thence turn right 90 degrees 03 minutes 44 seconds and go in a Westerly direction a distance of 217.83 feet; thence turn right 89 degrees 57 minutes 23 seconds and go in a Northerly direction a distance of 200.00 feet to the point of beginning of the said Parcel "B".