

**RECORDATION REQUESTED BY:**

SouthTrust Bank  
Senior Officer Banking 357  
100 Office Park Dr.  
Birmingham, AL 35223

STEWART IN...  
30000...  
BIRMINGHAM...

**WHEN RECORDED MAIL TO:**

SouthTrust Bank, Loan Operations  
Mortgage Recording - File Management  
P O Box 2233  
Birmingham, AL 35201

**SEND TAX NOTICES TO:**

JOHN C KIRBY  
JOHN C KIRBY, TRUSTEE  
6013 ROSEMONT RD  
BIRMINGHAM, AL 35242

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**MODIFICATION OF MORTGAGE**



\*07400000009593734100011 0\*

**THIS MODIFICATION OF MORTGAGE** dated September 4, 2001, is made and executed between JOHN C KIRBY, UNMARRIED and JOHN C KIRBY, TRUSTEE, OF THE 2000 QUALIFIED PERSONAL RESIDENCE TRUST (referred to below as "Grantor") and SouthTrust Bank, whose address is 100 Office Park Dr., Birmingham, AL 35223 (referred to below as "Lender").

**MORTGAGE.** Lender and Grantor have entered into a Mortgage dated December 31, 1997 (the "Mortgage") which has been recorded in SHELBY County, State of Alabama, as follows:

RECORDED 01-21-98 INSTRUMENT 1998-2085.

**REAL PROPERTY DESCRIPTION.** The Mortgage covers the following described real property located in SHELBY County, State of Alabama:

LOT 2, ACCORDING TO THE SURVEY OF GREYSTONE, 7TH SECTOR, PHASE II, AS RECORDED IN MAP BOOK 19, PAGE 121 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

The Real Property or its address is commonly known as 6013 ROSEMONT RD, BIRMINGHAM, AL 35242.

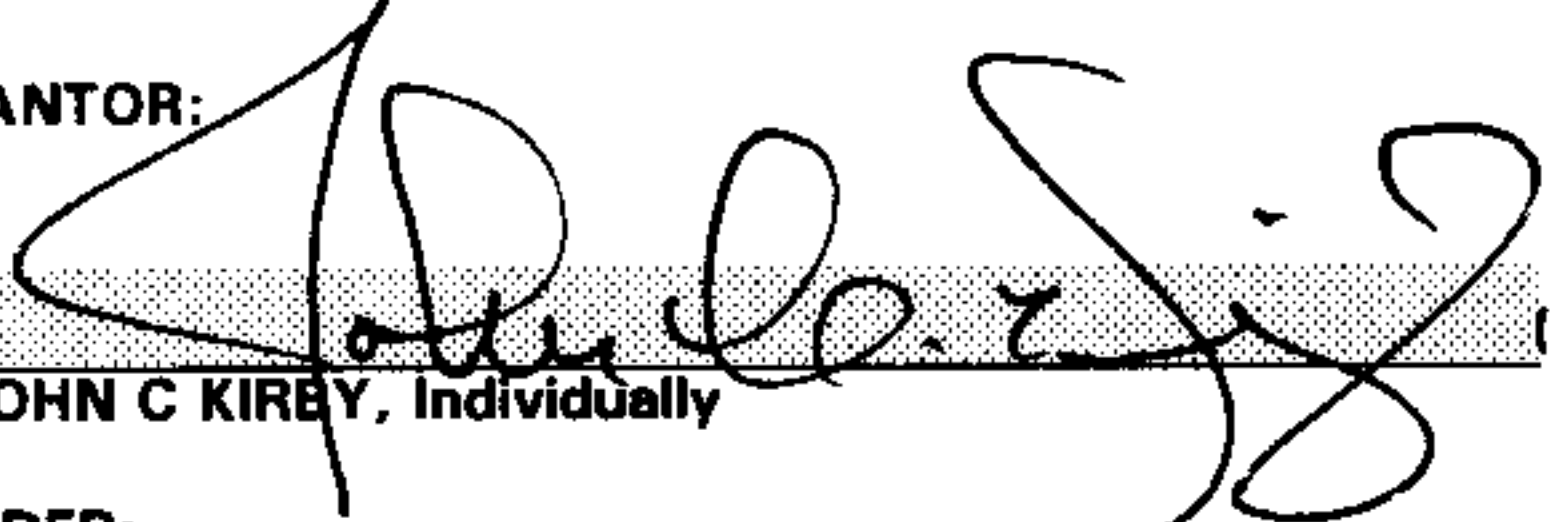
**MODIFICATION.** Lender and Grantor hereby modify the Mortgage as follows:

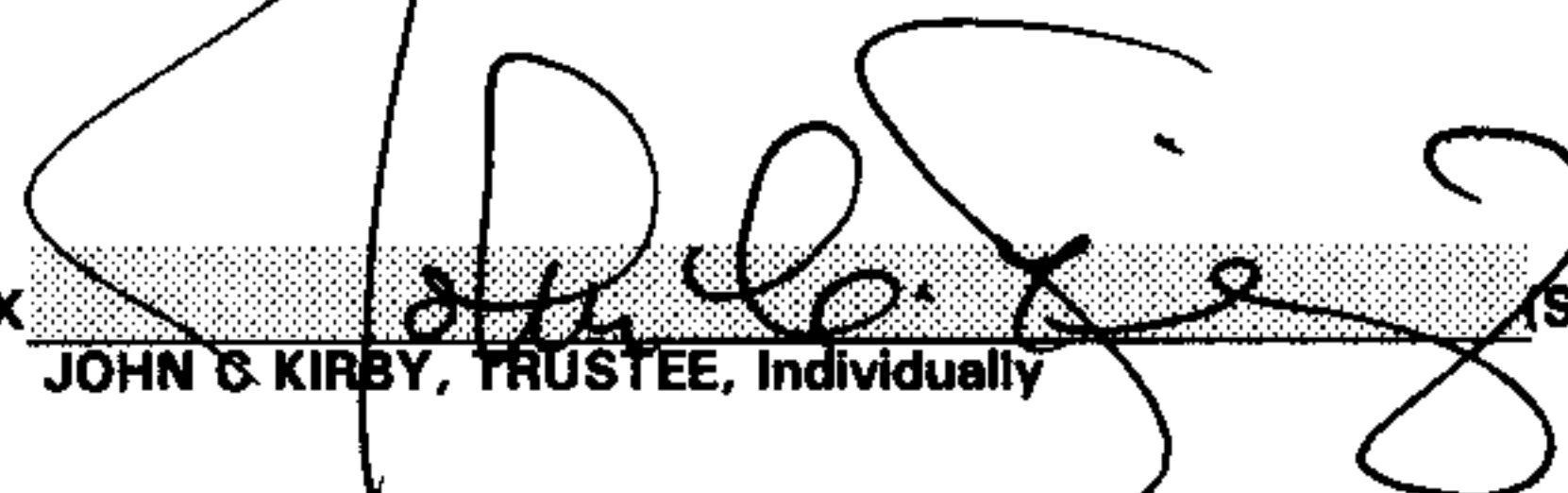
**INCREASE MORTGAGE FROM \$50,000.00 TO \$100,000.00. FOR MORTGAGE TAX PURPOSES, THIS LINE WAS INCREASED BY \$50,000.00.**

**CONTINUING VALIDITY.** Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. 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.


**GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED SEPTEMBER 4, 2001. THIS MODIFICATION IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS MODIFICATION IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.**

GRANTOR:

X  (Seal)  
JOHN C KIRBY, Individually

X  (Seal)  
JOHN C KIRBY, TRUSTEE, Individually

LENDER:

X  (Seal)  
Authorized Signer

This Modification of Mortgage prepared by:

Name: CAROL JULIANO, Loan Processor  
Address: 234 Goodwin Crest Drive 5th Floor  
City, State, ZIP: Birmingham, AL 35209

Inst # 2001-40569

09/19/2001-40569  
12:59 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE

002 MSB 89.00



\*074000000009593734100011 0\*

**MODIFICATION OF MORTGAGE  
(Continued)**

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF Alabama )  
 ) SS  
COUNTY OF Jefferson )

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that JOHN C KIRBY and JOHN C KIRBY, TRUSTEE, 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 19<sup>th</sup> day of September, 20 01.  
Barbara J. Flowers  
Notary Public

My commission expires Jan. 20, 2002

**LENDER ACKNOWLEDGMENT**

STATE OF Alabama )  
 ) SS  
COUNTY OF Jefferson )

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Willie Sellers a corporation, is signed to the foregoing and who is known to me, acknowledged before me on this day that, being informed of the contents of said, he or she, 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 19<sup>th</sup> day of September, 20 01.  
Barbara J. Flowers  
Notary Public

My commission expires Jan. 20, 2002

Inst # 2001-40569

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