

THIS INSTRUMENT PREPARED BY:

Richard W. Theibert, Esq.
Najjar Denaburg, P.C.
2125 Morris Avenue
Birmingham, Alabama 35203

STATE OF ALABAMA)

COUNTY OF SHELBY)

**MODIFICATION OF MORTGAGE &
ASSIGNMENT OF RENTS AND LEASES**

This Agreement is by and between Compass Bank ("Bank") and Thornton, Inc. ("Borrower").

WHEREAS, Borrower is indebted to Bank as evidenced by a Promissory Note dated January 21, 2005 and secured by a Mortgage on real property situated in Shelby County, Alabama, such Mortgage being recorded in Instrument No. 20050204000058930 in the office of the Judge of Probate, Shelby County, Alabama ("Mortgage") and Assignment of Rents and Leases recorded in Instrument No. 20050204000058940; and

WHEREAS, Borrower and Bank desire to modify the terms of said Mortgage and Assignment of Rents and Leases as set forth herein.

NOW, THEREFORE, for and in consideration of the premises, Borrower and Bank agree that the terms of the Mortgage and Assignment of Rents and Leases are modified as follows:

The amount of the loan is being increased from \$825,000.00 to \$1,500,000.00.

Except as modified herein, all of the terms and conditions of the Mortgage and Assignment of Rents and Leases shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective the 22nd day of November, 2005.

ATTEST

Thornton, Inc.

By: William L. Thornton, III
Its: PRESIDENT


ATTEST

Compass Bank

Its

By: J. Jeff Schneider
Its: Vice-President

STATE OF ALABAMA)
JEFFERSON COUNTY)


20060130000048140 2/2 \$1027.50
Shelby Cnty Judge of Probate, AL
01/30/2006 03:57:25PM FILED/CERT

I, the undersigned Notary Public in and for said County in said State, hereby certify that William L. Thornton, III, whose name as President of Thornton, Inc., 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 said document, he, as such President and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 22nd day of November, 2005.



NOTARY PUBLIC

My commission expires:

My Commission Expires 5/21/2008

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that J. Jeff Schneider, whose name as Vice-President of Compass Bank, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for, and as the act of said Bank.

Given under my hand and official seal, this the 22nd day of November, 2005.



Notary Public

My commission expires:

[SEAL]

My Commission Expires 5/21/2008