

**AMENDMENT TO  
REAL ESTATE MORTGAGE AND SECURITY AGREEMENT**

This Amendment (the "Amendment") is made and entered into on OCTOBER 2, 2008, by and between BRIAN SMITH AND JENNIFER SMITH, A MARRIED COUPLE, (hereinafter called the "Mortgagor", whether one or more) and First Commercial Bank (hereinafter called the "Mortgagee").

**RECITALS**

A. BRIAN SMITH AND JENNIFER SMITH (hereinafter called the "Borrower", whether one or more) has (have) entered into as agreement entitled "First Commercial Bank Real Estate Mortgage and Security Agreement", executed by the Borrower in favor of the Mortgagee dated JANUARY 25, 2008 (the "Credit Agreement"). This Credit Agreement is in the amount of TWO HUNDRED FORTY THOUSAND AND ZERO CENTS Dollars (\$240,000.00 ).


B. The Mortgagor has executed in favor of the Mortgagee a Real Estate Mortgage and Security Agreement (the "Mortgage") recorded FEBRUARY 4, 2008 in Inst.# 20080204000043280, in the Probate Office of SHELBY County, Alabama.

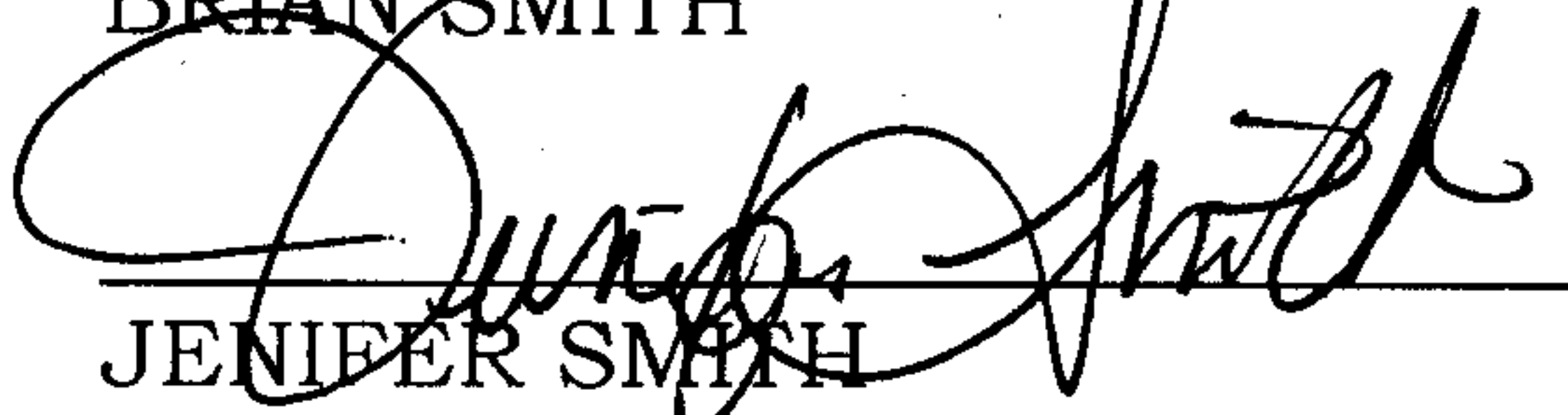
C. The Borrower and the Mortgagor have requested that the Mortgagee increase the Mortgage amount to THWO HUNDRED FORTY FIVE THOUSAND AND ZERO CENTS Dollars (\$245,000.00 ).

D.. The Mortgagee has required, as a condition to approving the request for the Amended Mortgage, that the Mortgagor enter into this Amendment.

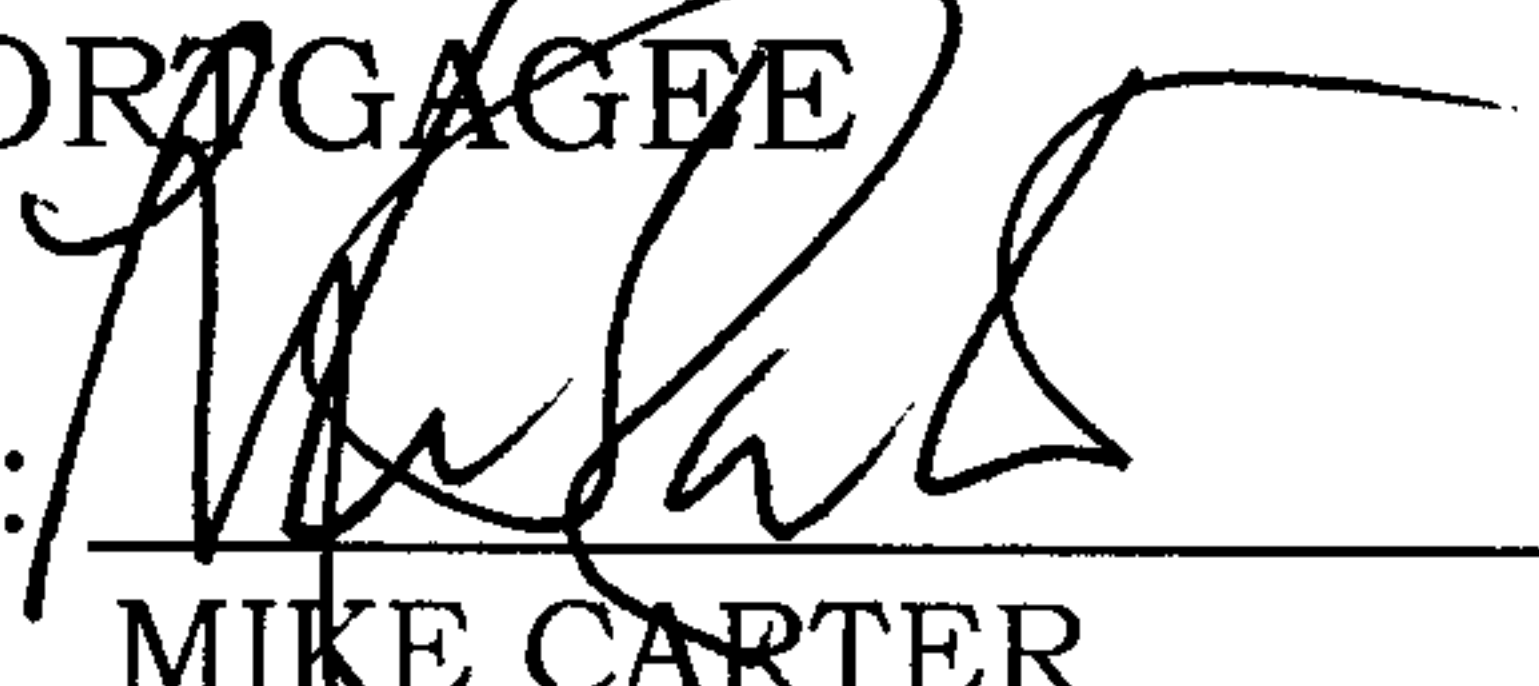
Except as specifically amended hereby, the Mortgage shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties have hereunto caused this instrument to be executed effective this 2ND day of OCTOBER, 2008.

  
\_\_\_\_\_(SEAL)  
BRIAN SMITH

  
\_\_\_\_\_(SEAL)  
JENNIFER SMITH

FIRST COMMERCIAL BANK  
MORTGAGEE

By:   
\_\_\_\_\_  
MIKE CARTER  
Its: VICE PRESIDENT

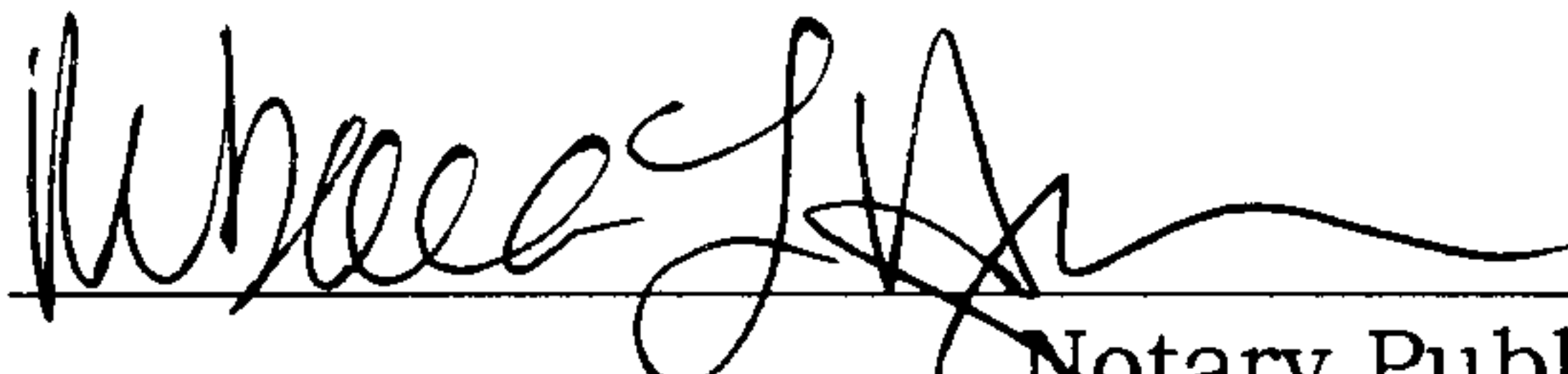
INDIVIDUAL ACKNOWLEDGEMENT

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that BRIAN SMITH AND JENNIFER SMITH, whose name is signed to the foregoing amendment, and who is known to me, acknowledged before me on this day that, being informed of the contents of said amendment, has executed the same voluntarily on the day the same bears date.

Given under my hand and Official seal this 2ND day of OCTOBER, 2008.

(NOTARIAL SEAL)

  
\_\_\_\_\_  
Notary Public  
MY COMMISSION EXPIRES  
APRIL 18, 2009

My Commission expires: \_\_\_\_\_

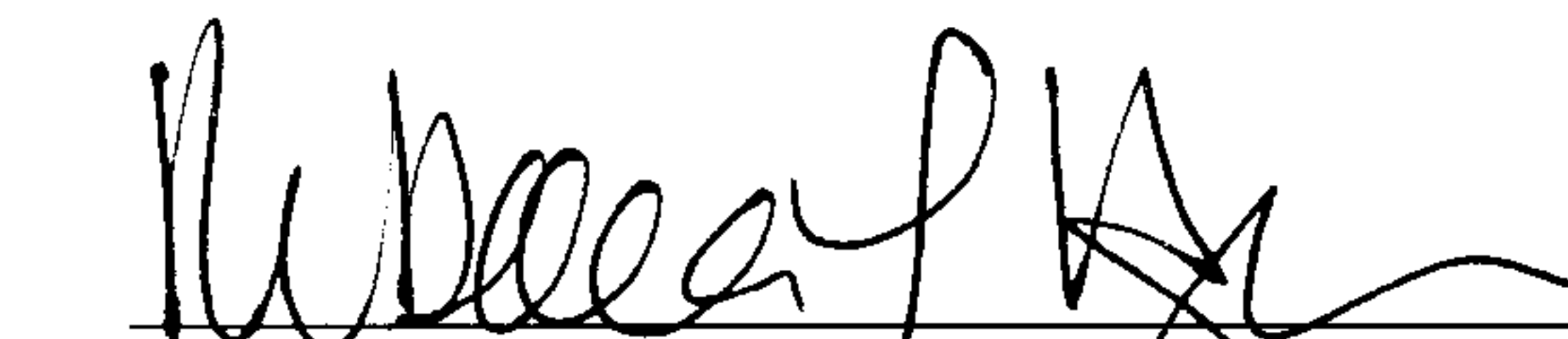
CORPORATE ACKNOWLEDGEMENT

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that MIKE CARTER whose name as VICE PRESIDENT of First Commercial Bank, a corporation, is signed to the foregoing amendment, and who is known to me, acknowledged before me on this day that, being informed of the contents of said amendment, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Give under my hand and Official seal this 2ND day of OCTOBER, 2008.

(NOTARIAL SEAL)

  
\_\_\_\_\_  
Notary Public  
MY COMMISSION EXPIRES  
APRIL 18, 2009

My Commission expires; \_\_\_\_\_

This instrument prepared by:

Name:       Teia Williams  
              First Commercial Bank  
Address:    P. O. Box 11746  
              Birmingham, AL 35202-1746