

1702-m

STATE OF ALABAMA     )  
                              )  
COUNTY OF SHELBY    )

1545-

AMENDMENT TO  
AGREEMENT NOT TO TRANSFER OR ENCUMBER

THIS AGREEMENT, made this 26<sup>th</sup> day of May, 1988, by and between FRANK KOVACH, JR. and BILLY D. EDDLEMAN (the "Assignors"), being the sole general partners of 280 ASSOCIATES, LTD., an Alabama limited partnership (the "Partnership"), and SOUTHTRUST BANK OF ALABAMA, NATIONAL ASSOCIATION, a national banking association ("Lender").

R E C I T A L S:

Lender has established a certain letter of credit in favor of Assignors, and Assignors have entered into a certain Agreement Not to Transfer or Encumber certain real estate, which Agreement is recorded in Book 139, Page 429 of the Probate Office of Shelby County, Alabama (the "Agreement"). Assignors are the sole general partners and two of the three limited partners of 280 Associates, Ltd., an Alabama limited partnership (the "Partnership") which is the owner of the aforesaid real estate. The Partnership desires to transfer a portion of the aforesaid real estate, and Lender has agreed to permit such transfer without waiving the provisions of the Agreement with respect to any other part of such real estate. Furthermore, in consideration of

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Land Title

such release, certain other property will be added to the terms of the Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals, the parties hereto agree as follows:

1. Exhibit A to the Agreement is amended by deleting Parcel II and inserting in lieu thereof the following:

Parcel II

Lot 13-B and Lot 13-C, according to the Survey of Cahaba Park South, Resurvey No. 1, as recorded in Map Book 12, Page 53 in the Probate Office of Shelby County, Alabama.

2. Except as herein amended, the Agreement shall remain in full force and effect, and the Agreement, as so amended, is hereby ratified and affirmed in all respects. Assignors confirm that they have no defenses or offsets with respect to such Agreement, as herein amended.

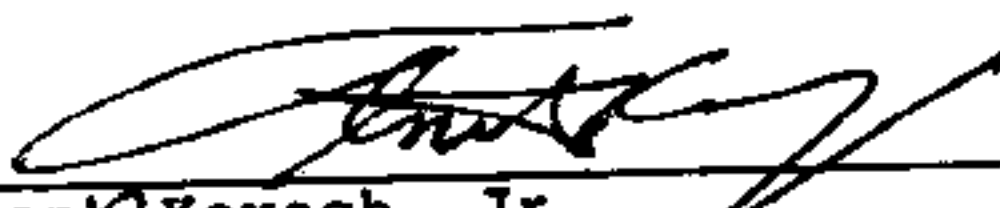

IN WITNESS WHEREOF, the Assignors and Lender have caused this Agreement to be executed on the day and year first above written.

SOUTHTRUST BANK OF ALABAMA,  
NATIONAL ASSOCIATION

By: [Signature]  
Its: AVP

ATTEST:

[Signature]  
Its: SUP

  
Frank Kovach, Jr.  
  
Billy D. Eddleman

STATE OF ALABAMA     )  
                                  )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Michael L. Tillman whose name as Assistant Vice President of SouthTrust Bank of Alabama, National Association, a national banking association, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said national banking association.

Given under my hand and seal this the 26th day of May, 1988.

  
Notary Public  
My Commission Expires: 5/31/89

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STATE OF ALABAMA )  
COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Frank Kovach, Jr., whose name 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 20<sup>th</sup> day of May, 1988.

Pamela Fay Parnell  
Notary Public  
My Commission Expires: \_\_\_\_\_

MY COMMISSION EXPIRES AUGUST 15, 1990

STATE OF ALABAMA )  
COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Billy D. Eddleman, whose name 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 20<sup>th</sup> day of May, 1988.

Pamela Fay Parnell  
Notary Public  
My Commission Expires: \_\_\_\_\_

MY COMMISSION EXPIRES AUGUST 15, 1990

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STATE OF ALA. SHERIFF  
I CERTIFY THIS  
INSTRUMENT WAS FILED

88 JUL 22 AM 10:39

Thomas J. Thompson, Jr.  
JUDGE OF PROBATE

RECORDING FEES	
Recording Fee	\$ <u>10.00</u>
Index Fee	<u>1.00</u>
TOTAL	<u>11.00</u>