

Mortgage Tax based on \$124,700.00.

This Document Prepared By:

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2000 SouthBridge Pkwy.
Suite 525
Birmingham, AL 35209

STATE OF ALABAMA)

SHELBY COUNTY)

MORTGAGE MODIFICATION AGREEMENT

THIS AGREEMENT dated this 30 day of August, 1989, by and between DONNIE F. TUCKER (hereinafter referred to as the "Mortgagor") and GUARANTY FEDERAL SAVINGS & LOAN ASSOCIATION (hereinafter referred to as the "Mortgagee").

W I T N E S S E T H:

WHEREAS, by a real estate mortgage dated the 4th day of August, 1987, as recorded on August 6, 1987 in Book 144, Page 417, in the Office of the Probate Judge of Shelby County, Alabama (the "Mortgage"), Mortgagor, for and in consideration of and as partial security for certain indebtedness from Mortgagor to Mortgagee, did, grant, bargain, sell and convey to Mortgagee that certain real property described in said Mortgage, such property being described on Exhibit "A" attached hereto; and

WHEREAS, Mortgagor has also granted to Mortgagee a security interest in certain real estate located in Davidson County, Tennessee, more particularly described in that certain Deed of Trust recorded in Book 6573, Page 657 in the Office of the

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Register of Davidson County, Tennessee, and that other certain Deed of Trust recorded in Book 6609, Page 334 in the office of the Register of Davidson County, Tennessee, such properties being described in Exhibits "B" and "C" attached hereto; and

WHEREAS, Mortgagor, in consideration of Mortgagee's extension of the maturity date of the loans associated with said Mortgage and Deeds of Trust (hereinafter referred to as the "Loans"), has agreed to allow Mortgagee to cross-collateralize the Loans.

NOW, THEREFORE, in consideration of the covenants and agreements herein set forth, the parties do hereby agree as follows:

1. EXTENSION OF MATURITY DATE. Subject to those conditions set forth in that certain Third Extension and Modification Agreement of even date herewith being met, the maturity date of the Loans is hereby extended to March 31, 1990.

2. ADDITION OF PROPERTY AND CROSS-COLLATERALIZATION OF LOANS. The property described in Exhibits "B" and "C" to this Agreement shall be added as security for the obligations of Mortgagor under the terms of the Mortgage and other documents related thereto.

3. SALE OF PARCELS. Mortgagor may sell and convey certain lots and parcels, from time-to-time, of the property described in Exhibits "A", "B" and "C", provided that Mortgagee's approval of each such sale is, and in each instance is, first obtained in writing, and provided further that the entire net proceeds of each such sale is applied to the payment and reduction of principal, interest and other charges due under the note associated with the Mortgage.

4. OTHER TERMS UNEFFECTED. Except as herein modified, the Mortgage shall remain in full force and effect and the Mortgage, as so modified and amended, is hereby ratified and affirmed. Mortgagor confirms it has no defenses with respect to the obligations set forth in the Mortgage, as herein modified.

IN WITNESS WHEREOF, Mortgagor and Mortgagee have executed this Agreement as of the day and year first set forth above.

GUARANTY FEDERAL SAVINGS &
LOAN ASSOCIATION

By: Robert L. Willett
Its Attorney-in-Fact for FDIC,
Managing Agent for Resolution Trust
Corporation

Donnie F. Tucker
DONNIE F. TUCKER

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robert L. Willett, whose name as Managing Agent of Guaranty Federal Savings & Loan Association, a corporation, is signed to the foregoing document, and who is known to me, acknowledged before me on this day, that, being informed of the contents thereof, he, 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 the 6th day of September, 1989.

Benjamin G. [Signature]
NOTARY PUBLIC

My Commission Expires: 12-4-90

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, do hereby certify that Donnie F. Tucker, an individual whose name is signed to the foregoing document, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said document, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 30 day
of AUGUST, 1989.



NOTARY PUBLIC

My Commission Expires: 12-14-90

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EXHIBIT "A"

A parcel of land situated in the NE 1/4 of the SE 1/4 of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: From the Northwest corner of the NE 1/4 of the SE 1/4 of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, run East along the North line of said NE 1/4 of SE 1/4 a distance of 22.26 feet, more or less, to an existing iron pin on the East right of way line of Shelby County Road No. 17, said existing iron pin also being the point of beginning; thence continue along last mentioned course for a distance of 577.85 feet; thence turn an angle to the right of 90 deg. and run in a Southerly direction for a distance of 300 feet; thence turn an angle to the right of 90 deg. and run in a Westerly direction for a distance of 554.66 feet to the beginning of a curve to the right, said curve having a central angle of 86 deg. 39 min. 53 sec. and a radius of 25 feet; thence turn an angle to the right and run along the arc of said curve for a distance of 37.81 feet to a point on the East right of way line of Shelby County Road No. 17, said point also being the end of said curve; thence run in a Northerly direction along said East right of way line of Shelby County Road No. 17 for a distance of 188.26 feet; thence turn an angle to the right of 11 deg. 31 min. 11 sec. and run in a Northeasterly direction for a distance of 89.42 feet to the point of beginning; being situated in Shelby County, Alabama.
Mineral and mining rights excepted.

EXHIBIT "B"

TRACT I

Beginning at a point in the Westerly right-of-way of Tulip Grove Road, being the Southeasterly corner of Ringelai Phase I; thence with said right-of-way with a curve to the left having a radius of 321.06', a chord of 65.37', a chord bearing of South 00 deg. 11' 37" East, a distance of 65.49' to a point; thence with said right-of-way South 88 deg. 29' 38" West, 5.00' to a point; thence with said right-of-way South 6 deg. 02' 11" East, 325.05' to a point; thence with said right-of-way South 83 deg. 57' 49" West, 10.00' to a point; thence with said right-of-way South 6 deg. 02' 11" East, 136.50' to a point in the center line of Stoner Creek; thence leaving said right-of-way with the center line of Stoner Creek South 27 deg. 41' 23" West, 222.51' to a point; thence with said creek South 55 deg. 26' 06" West, 385.63' to a point; thence with said creek South 73 deg. 46' 30" West, 82.52' to a point; thence with said creek North 67 deg. 35' 41" West, 50.44' to a point; thence with said creek North 62 deg. 38' 59" West, 311.03' to a point; thence with said creek North 55 deg. 09' 41" West, 128.66' to a point; thence with said creek North 42 deg. 40' 30" West, 194.58' to a point; thence with said creek North 67 deg. 39' 45" West, 116.20' to a point; thence with said creek North 63 deg. 58' 04" West, 227.30' to a point; thence with said creek South 57 deg. South 85 deg. 56' 16" West, 429.34' to a point; thence with said creek South 57 deg. 38' 18" West, 131.86' to a point; thence leaving Stoner Creek along the boundary of Highlands of Tulip Grove Section 3, recorded in Book 4675, Page 140, R.O.D.C., the following calls: North 15 deg. 50' 09" West, 486.95' to a point; thence North 74 deg. 09' 48" East, 152.78' to a point; thence North 42 deg. 51' 15" East, 83.00' to a point; thence North 10 deg. 18' 02" West, 380.00' to a point; thence North 16 deg. 11' 10" East, 104.00' to a point; thence North 44 deg. 38' 28" East, 82.00' to a point; thence leaving the boundary of Highlands of Tulip Grove Section 3, with the boundary of Hunter's Hill Section 1, the following calls: North 63 deg. 16' 22" East, 60.06' to a point; thence South 80 deg. 18' 60" East, 132.00' to a point; thence South 54 deg. 18' 60" East, 67.00' to a point; thence South 39 deg. 18' 60" East, 380.54' to a point; thence South 71 deg. 19' 00" East, 216.44' to a point; thence North 85 deg. 41.00" East, 90.00' to a point; thence North 55 deg. 40' 60" East, 86.32' to a point; thence leaving said boundary with the boundary of Ringelai Phase I the following calls: thence South 5 deg. 50' 52" East, 342.17'; thence North 48 deg. 51' 33" East, 55.00' to a point; thence with a curve to the right with a radius of 254.78', a chord of 92.86', a chord bearing of North 59 deg. 21' 33" East, a distance of 93.38' to a point; thence North 69 deg. 51' 33" East, 210.00' to a point; thence with a curve to the right with a radius of 442.20', a chord of 77.01', a chord bearing of North 74 deg. 51' 33" East, a distance of 77.18' to a point; thence North 79 deg. 51' 33" East, 60.00' to a point; thence with a curve to the right with a radius of 620.31', a chord of 97.34', a chord bearing of North 84 deg. 21' 33" West, a distance of 97.44' to a point; thence North 88 deg. 51' 33" East 50.00' to a point; thence with a curve to the right with a radius of 423.84', a chord of 95.96', a chord bearing of South 84 deg. 38' 27" East, a distance of 96.17' to a point; thence South 11 deg. 51' 33" West, 20.00' to a point; thence South 78 deg. 08' 27" East, 223.22' to the point of beginning and containing 37.6 acres, more or less.

TRACT II

Land in Davidson County, Tennessee, being described according to a survey of Alley, Young & Baumgartner, as follows:

Beginning at a concrete monument in the back line of Lot 17, Parcel 224, also being the Northeasterly corner of Hunter's Hill, Section I Subdivision, recorded in Book 5800, Page 350, R.O.D.C., thence along the boundary of Tulip Grove Section 12 South 63° 26' 00" East, 156.27' to a point; thence South 83° 11' 00" East, 212.02' to a point; thence North 73 deg. 19' 00" East, 238.65' to a point in the Westerly right-of-way of Atlanta Drive; thence leaving said boundary North 37 deg. 36' 38" East, 61.32' to an iron pipe in the Easterly right-of-way of Atlanta Drive; thence along said right-of-way along a curve to the left with a radius of 1175.00', a chord of 5.471, a chord bearing of North 16 deg. 00' 32" West, a distance of 5.50' to a point; thence leaving said right-of-way North 73 deg. 50' 59" East, 171.06' to a point; thence along the boundary of Tulip Grove Section 13 South 55 deg. 56' 24" East, 150.50' to a concrete monument; thence leaving said boundary South 3 deg. 57' 44" West, 408.18' to an iron pin; thence South 86 deg. 53' 02" East, 80.02' to a point in the Westerly right-of-way of Tulip Grove Road; thence with said right-of-way South 30 deg. 57' 54" West, 214.65'; thence continuing along said right-of-way along a curve to the left with a radius of 321.06', a chord of 140.70', a chord bearing of South 18 deg. 18' 26" West, a distance of 141.85' to a point; thence leaving said right-of-way North 78 deg. 08' 27" West, 223.22' to a point; thence North 11 deg. 51' 33" East, 20.00' to a point; thence with a curve to the left with a radius of 423.84' a chord of 95.96' a chord bearing of North 84 deg. 38' 27" West, a distance of 96.17' to a point; thence South 88 deg. 51' 33" West 50.00' to a point; thence with a curve to the left with a radius of 620.31', a chord of 97.34', a chord bearing of South 84 deg. 21' 33" West a distance of 97.44' to a point; thence South 79 deg. 51' 33" West, 60.00' to a point; thence with a curve to the left with a radius 442.20', a chord of 77.08', a chord bearing of South 74 deg. 51' 33" West a distance of 77.18' to a point; thence South 69 deg. 51' 33" West, 210.00' to a point;

in Davidson County, Tennessee, being described according to a survey of Alley, Young & Baumgartner, as follows:

BEGINNING at a concrete monument in the back line of Lot 17, Parcel 224, also being the Northeastly corner of Hunter's Hill, Section I Subdivision, recorded in Book 5800, Page 350, K.O.D.C.; thence along the boundary of Tulip Grove Section 12 South $63^{\circ} 26' 00''$ East, 156.27' to a point; thence South $81^{\circ} 11' 00''$ East, 212.02' to a point; thence North $73^{\circ} 19' 00''$ East, 238.65' to a point in the westerly right-of-way of Atlanta Drive; thence leaving said boundary North $37^{\circ} 36' 36''$ East, 61.32' to an iron pipe in the Easterly right-of-way of Atlanta Drive; thence along said right-of-way along a curve to the left with a radius of 1175.00', a chord of 5.47', a chord bearing of North $16^{\circ} 00' 32''$ West, a distance of 5.50' to a point; thence leaving said right-of-way North $73^{\circ} 50' 59''$ East, 171.06' to a point; thence along the boundary of Tulip Grove Section 13 South $55^{\circ} 56' 24''$ East, 150.50' to a concrete monument; thence leaving said boundary South $3^{\circ} 57' 44''$ West, 408.16' to an iron pin; thence South $86^{\circ} 53' 02''$ East, 80.02' to a point in the westerly right-of-way of Tulip Grove Road; thence with said right-of-way South $30^{\circ} 57' 54''$ West, 214.65'; thence continuing along said right-of-way along a curve to the left with a radius of 321.06', a chord of 140.70', a chord bearing of South $18^{\circ} 18' 26''$ West, a distance of 141.85' to a point; thence leaving said right-of-way North $78^{\circ} 06' 27''$ West, 223.22' to a point; thence North $11^{\circ} 51' 33''$ East, 20.00' to a point; thence with a curve to the left with a radius of 423.84', a chord of 95.96', a chord bearing of North $84^{\circ} 38' 27''$ West, a distance of 96.17' to a point; thence South $88^{\circ} 51' 33''$ West, 50.00' to a point; thence with a curve to the left with a radius of 620.31', a chord of 97.34', a chord bearing of South $84^{\circ} 21' 33''$ West, a distance of 97.44' to a point; thence South $79^{\circ} 51' 33''$ West, 40.02' to a point; thence with a curve to the left with a radius of 442.20', a chord of 77.08', a chord bearing of South $74^{\circ} 51' 33''$ West, a distance of 77.18' to a point; thence South $69^{\circ} 51' 33''$ West, 210.00' to a point; thence with a curve to the left with a radius of 254.78', a chord of 92.66', a chord bearing of South $59^{\circ} 21' 33''$ West, a distance of 93.38' to a point; thence South $48^{\circ} 51' 33''$ West, 55.00' to a point; thence North $5^{\circ} 50' 52''$ West, 342.17' to a point in the boundary of Hunter's Hill, Section I; thence with said boundary North $20^{\circ} 41' 00''$ East, 100.00' to a point; thence with said boundary North $14^{\circ} 06' 69''$ East, 440.61' to the point of beginning and containing 15.4 acres, more or less.

INCLUDED In the foregoing description but excluded herefrom is that portion of the above described property which lies outside of the boundaries of Lots 1 through 49, inclusive, on the proposed Plat of Cedar Creek, Section One.

EXHIBIT "C"

0006572 661

RINGELAI

Phase II

(at Tulip Grove Road)

BEGINNING at a point in the Westerly right-of-way of Tulip Grove Road, being the Southeasterly corner of Ringelai Phase I; thence with said right-of-way with a curve to the left having a radius of 321.06', a chord of 65.37', a chord bearing of South $00^{\circ} 11' 37''$ East, a distance of 65.49' to a point; thence with said right-of-way South $88^{\circ} 29' 38''$ West, 5.00' to a point; thence with said right-of-way South $6^{\circ} 02' 11''$ East, 325.05' to a point; thence with said right-of-way South $83^{\circ} 57' 49''$ West, 10.00' to a point; thence with said right-of-way South $6^{\circ} 02' 11''$ East, 136.50' to a point in the center line of Stoner Creek; thence leaving said right-of-way with the center line of Stoner Creek South $27^{\circ} 41' 23''$ West, 222.51' to a point; thence with said creek South $55^{\circ} 26' 06''$ West, 385.63' to a point; thence with said creek South $73^{\circ} 46' 30''$ West, 82.52' to a point; thence with said creek North $67^{\circ} 35' 41''$ West, 50.44' to a point; thence with said creek North $62^{\circ} 38' 59''$ West, 311.03' to a point; thence with said creek North $55^{\circ} 09' 41''$ West, 128.66' to a point; thence with said creek North $42^{\circ} 40' 30''$ West, 194.58' to a point; thence with said creek North $67^{\circ} 39' 45''$ West, 116.20' to a point; thence with said creek North $63^{\circ} 58' 04''$ West, 227.30' to a point; thence with said creek South $85^{\circ} 56' 16''$ West, 429.34' to a point; thence with said creek South $57^{\circ} 38' 18''$ West, 131.86' to a point; thence leaving Stoner Creek along the boundary of Highlands of Tulip Grove Section 3, recorded in Book 4675, Page 140, R.O.D.C., the following calls: North $15^{\circ} 50' 09''$ West, 486.95' to a point; thence North $74^{\circ} 09' 48''$ East, 152.78' to a point; thence North $42^{\circ} 51' 15''$ East, 83.00' to a point; thence North $10^{\circ} 18' 02''$

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West, 380.00' to a point; thence North 16° 11' 10" East, 104.00' to a point; thence North 44° 38' 28" East, 82.00' to a point; thence leaving the boundary of Highlands of Tulip Grove Section 3, with the boundary of Hunter's Hill Section 1, the following calls: North 63° 16' 22" East, 60.06' to a point; thence South 80° 18' 60" East, 132.00' to a point; thence South 54° 18' 60" East, 67.00' to a point; thence South 39° 18' 60" East, 380.54' to a point; thence South 71° 19' 00" East, 216.44' to a point; thence North 85° 41' 00" East, 90.00' to a point; thence North 55° 40' 60" East, 86.32' to a point; thence leaving said boundary with the boundary of Ringelai Phase I the following calls: thence South 5° 50' 52" East, 342.17'; thence North 48° 51' 33" East, 55.00' to a point; thence with a curve to the right with a radius of 254.78', a chord of 92.86', a chord bearing of North 59° 21' 33" East, a distance of 93.38' to a point; thence North 69° 51' 33" East, 210.00' to a point; thence with a curve to the right with a radius of 442.20', a chord of 77.01', a chord bearing of North 74° 51' 33" East, a distance of 77.18' to a point; thence North 79° 51' 33" East, 60.00' to a point; thence with a curve to the right with a radius of 620.31', a chord of 97.34', a chord bearing of North 84° 21' 33" West, a distance of 97.44' to a point; thence North 88° 51' 33" East, 50.00' to a point; thence with a curve to the right with a radius of 423.84', a chord of 95.96', a chord bearing of South 84° 38' 27" East, a distance of 96.17' to a point; thence South 11° 51' 33" West, 20.00' to a point; thence South 78° 08' 27" East, 223.22' to the point of beginning and containing 37.6 acres, more or less.

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8524

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS

89 SEP 12 AM 9:45

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

1. Deed Tax -----	\$	<u>187.05</u>
2. Mtg. Tax -----	\$	<u>22.50</u>
3. Recording Fee -----	\$	<u>3.00</u>
4. Indexing Fee -----	\$	<u>1.00</u>
5. No Tax Fee -----	\$	<u>1.00</u>
6. Certified Stamp Fee --	\$	<u>1.00</u>
Total -----	\$	<u>213.55</u>

