

2250

AMENDMENT TO MORTGAGE

STATE OF ALABAMA)

SHELBY COUNTY)

THIS AMENDMENT TO MORTGAGE entered into this 25th day of March, 1992, on behalf of F. Richard Fogle and wife, Anna Carol Fogle (hereinafter called "Mortgagor" whether one or more) in favor of National Bank of Commerce of Birmingham, a national banking association (the "Bank").

Recitals

A. By Real Estate Mortgage recorded in the Office of the Judge of Probate of Shelby County, Alabama, at Book 117, Page 139, the Mortgagor granted a mortgage to the Bank to secure indebtedness in the original principal amount of \$490,000.00 (the "Mortgage").

B. The Bank has requested the Mortgagor to provide additional security for the Mortgage, and the Mortgagor has agreed to grant a mortgage to the Bank on the property described on Exhibit "A", which property also secures that certain Mortgage from the Mortgagor to the Bank dated 5/10/90 and recorded in Book 291, Page 720 in the Office of the Judge of Probate of Shelby County, Alabama.

AGREEMENT

WHEREFORE, PREMISES CONSIDERED, the parties hereby agree as follows:

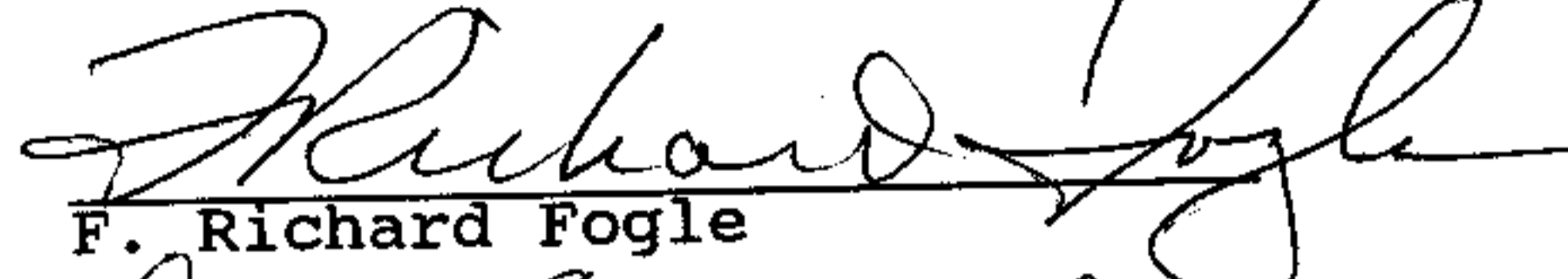

1. The Mortgage is hereby modified in its entirety to include Exhibit "A" as collateral for the Mortgage.

2. Except as herein modified, the Mortgage shall remain in full force and effect.

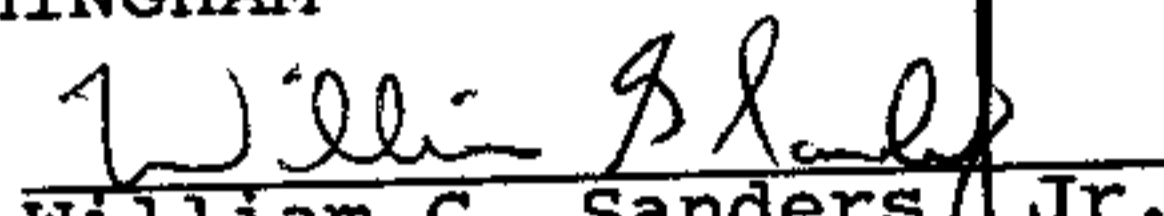
05/07/1992-7519
09:00 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
007 MCD 22.50

U.B.C.

IN WITNESS WHEREOF, each of the undersigned have caused this instrument to be executed on the day and year first above written.


F. Richard Fogle

Anna Carol Fogle

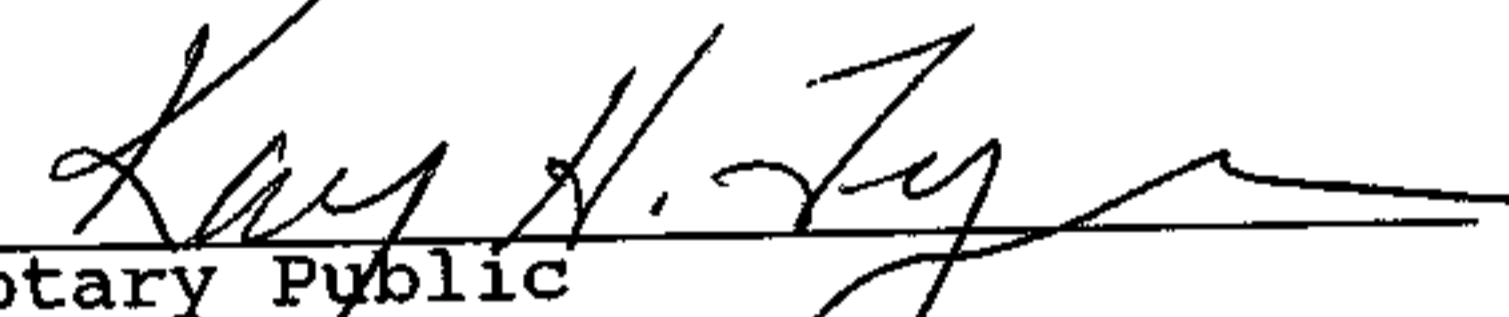
NATIONAL BANK OF COMMERCE OF
BIRMINGHAM

By: 
William G. Sanders Jr.
Its Vice President

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that F. Richard Fogle and Anna Carol Fogle, whose names are signed to the foregoing Amendment to Mortgage, and who are known to me, acknowledged before me on this day that, being informed of the contents of said Amendment to Mortgage, they executed the same voluntarily.

Given under my hand and official seal this 25th day of March, 1992.

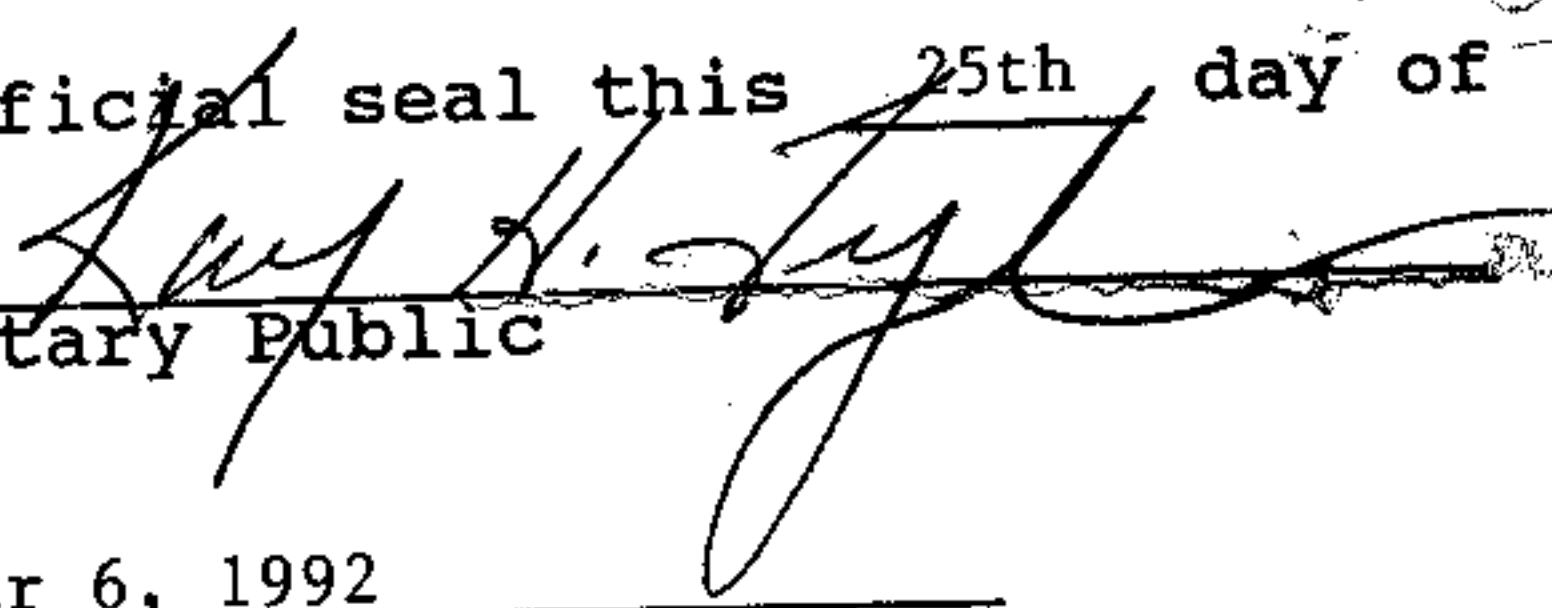

Notary Public

My Commission Expires: November 6, 1992

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that William G. Sanders, Jr., whose name as Vice President of National Bank of Commerce of Birmingham, a national banking association, is signed to the foregoing Amendment to Mortgage, and who is known to me, acknowledged before me on this day that, being informed of the contents of said Amendment to Mortgage, he, as such officer with full authority, executed the same voluntarily for and as the act of said banking association.

Given under my hand and official seal this 25th day of March, 1992.


Notary Public

My Commission Expires: November 6, 1992

THIS INSTRUMENT PREPARED BY:

Mary Jane Montgomery
National Bank of Commerce of Birmingham
Post Office Box 10686
Birmingham, Alabama 35202-0686

EXHIBIT

First American Title Insurance Company

Lots 36 and 42

SCHEDULE A (Continued)

Agent's

File No.:

42875

Commitment No.: FA-C

Policy No.: FA-

A parcel of land situated in the Northeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: Commence at the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 9; thence West along the South line of said 1/4 1/4 a distance of 248.51 feet to a point; thence right 37 deg. 09 min. 22 sec. in a Northwesterly direction a distance of 1970.69 feet to the point of beginning; thence continue along last described course a distance of 37.33 feet to a point; thence left 59 deg. 22 min. 53 sec. in a Southwesterly direction a distance of 651.41 feet to the center line of a paved public road; thence left 146 deg. 02 min. 10 sec. along said center line a distance of 258.56 feet to a point; thence left 8 deg. 35 min. 07 sec. along said center line a distance of 61.85 feet; thence left 44 deg. 29 min. 39 sec. a distance of 76.93 feet to a point; thence left 93 deg. 19 min. 45 sec. leaving said center line in a Northeasterly direction a distance of 704.32 feet to a point; thence left 22 deg. 14 min. 54 sec. a distance of 225.93 feet to the point of beginning. There exists a 30 foot easement for the purpose of ingress, egress and utilities along the Northerly side of said center line of road. Being situated in Shelby County, Alabama.

LESS AND EXCEPT:

A parcel of land situated in the North 1/2 of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: Commence at the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 9; thence westerly along the South line of said 1/4-1/4 a distance of 248.51 feet; thence 37 deg. 09 min. 22 sec. right 1,435.94 feet to the point of beginning; thence continue along last stated course 427.61 feet; thence 100 deg. 08 min. 56 sec. right 686.79 feet to a point on the centerline of a private drive; thence 84 deg. 00 min. 43 sec. right 43.05 feet to a point on the centerline of said private drive; thence 16 deg. 49 min. 49 sec. left 27.00 feet to a point on the centerline of said private drive; thence 85 deg. 22 min. 39 sec. right 719.13 feet to the point of beginning.

There exists a 30 foot easement for the purpose of ingress, egress and utilities along the Northeasterly boundary of said parcel, and a 60 foot easement for the purpose of ingress, egress, and utilities between said parcel and the public road along the existing drive. Being situated in Shelby County, Alabama.

(By Deed recorded in Real 154 page 744)

First American Title Insurance Company

Lots 40 and 34 & 35

SCHEDULE A (Continued)

Agent's

File No.:

42875

Commitment No.: FA-C

Policy No.: FA-

LESS AND EXCEPT:

A parcel of land located in the South 1/2 of the South 1/2 of Section 4 and the North 1/2 of the North 1/2 of Section 9, all in Township 21 South, Range 2 West, Shelby County, Alabama, described as follows: Commence at the SE corner of the NW 1/4 of the NE 1/4 of said Section 9; thence run West along the South line of the NW 1/4 of the NE 1/4 of said Section 9 a distance of 248.51 feet; thence turn right 37 deg. 09 min. 22 sec. a distance of 2,035.92 feet to the point of beginning; thence continue last course a distance of 107.90 feet; thence turn right 83 deg. 48 min. 04 sec. a distance of 672.11 feet to the centerline of a private drive; thence turn right 95 deg. 05 min. 24 sec. along said drive a distance of 74.14 feet; thence turn left 06 deg. 00 min. 54 sec. along said drive a distance of 93.31 feet; thence turn left 08 deg. 57 min. 25 sec. along said drive a distance of 115.82 feet; thence turn right 113 deg. 51 min. 59 sec. a distance of 719.90 feet to the point of beginning.

There exist a 30 foot easement for the purpose of ingress, egress and utilities, along the Northeasterly side of the above described parcel. Also a 60 foot easement for the purpose of ingress, egress and utilities, between the above described parcel and the public road along the existing drive.

Being situated in Shelby County, Alabama.

(By Deed recorded in Real 128 page 100)

A parcel of land situated in the Northeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 9, thence West along the South line of said 1/4-1/4 a distance of 248.51 feet to a point; thence right 37 deg. 09 min 22 sec. in a Northwesterly direction a distance of 1,611.97 feet to a point; thence continue along last described course a distance of 358.72 feet to a point; thence left 94 deg. 04 min. 28 sec. a distance of 225.93 feet to a point; thence right 22 deg. 14 min. 54 sec. in a southwesterly direction a distance of 704.32 feet to the centerline of a paved public road; thence left 74 deg. 11 min. 43 sec. along said centerline a distance of 121.98 feet to a point; thence left 31 deg. 06 min. 00 sec. along said centerline a distance of 133.62 feet to a point; thence left 51 deg. 06 min. 06 sec. leaving said centerline of road in a Northeasterly direction a distance of 905.39 feet to the point of beginning.

There exist a 30 foot easement for the purpose of ingress, egress and utilities along the Northerly side of said centerline of road.

Being situated in Shelby County, Alabama.

First American Title Insurance Company

Lot 44

SCHEDULE A (Continued)

Agent's

File No.:

42875

Commitment No.: FA-C

Policy No.: FA-

A parcel of land situated in the North 1/2 of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: Commence at the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 9; thence westerly along the South line of said 1/4-1/4 a distance of 248.51 feet; thence 37 deg. 09 min. 22 sec. right 1,019.17 feet to the point of beginning; thence continue along last stated course 105.00 feet; thence 90 deg. 00 min. 00 sec. right 265.14 feet; thence 22 deg. 09 min. 42 sec. left 572.14 feet to a point on the centerline of a private drive; thence 98 deg. 08 min. 34 sec. right 42.00 feet to a point on the centerline of said private drive; thence 34 deg. 08 min 14 sec. right 44.09 feet to a point on the centerline of said private drive; thence 29 deg. 09 min. 16 sec. right 28.78 feet to a point on the centerline of said private drive; thence 12 deg. 14 min. 20 sec. left 54.08 feet to a point on the centerline of said private drive; thence 12 deg. 39 min. 27 sec. left 68.42 feet to a point on the centerline of said private drive; thence 8 deg. 23 min. 38 sec. right 46.64 feet to a point on the centerline of said private drive; thence 11 deg. 58 min. 41 sec. right 61.54 feet to a point on the centerline of said private drive; thence 13 deg. 23 min. 05 sec. left 55.14 feet to a point on the centerline of said private drive; thence 21 deg. 08 min. 19 sec. left 98.01 feet to a point on the centerline of said private drive; thence 40 deg. 08 min. 19 sec. right 13.79 feet to a point on the centerline of said private drive; thence 19 deg. 39 min. 57 sec. right 41.86 feet to a point on the centerline of said private drive; thence 48 deg. 37 min. 28 sec. right 279.24 feet; thence 28 deg. 49 min. 04 sec. left 297.22 feet to the point of beginning.

There exists a 30 foot easement for the purpose of ingress, egress and utilities along the Northeasterly boundary of said parcel, and a 60 foot easement for the purpose of ingress, egress and utilities between said parcel and the public road along the existing drive. Being situated in Shelby County, Alabama.

First American Title Insurance Company

Lot 39

SCHEDULE A (Continued)

Agent's

File No.:

42875

Commitment No.: FA-C-

Policy No.: FA-

LESS AND EXCEPT:

A parcel of land located in the South 1/2 of the South 1/2 of Section 4 and the North 1/2 of the North 1/2 of Section 9, all in Township 21 South, Range 2 West, Shelby County, Alabama, described as follows: Commence at the Southeast corner of the NW 1/4 of the NE 1/4 of said Section 9; thence run West along the South line of the NW 1/4 of the NE 1/4 of said Section 9, a distance of 248.51 feet; thence turn right 37 deg. 09 min. 22 sec. a distance of 2143.82 feet to the point of beginning; thence turn right 45 deg. 40 min. 40 sec. a distance of 520.41 feet to the center line of a public chert road; thence turn right 70 deg. 59 min. 02 sec. along said road a distance of 50.15 feet; thence turn left 08 deg. 56 min. 24 sec. along said road a distance of 159.65 feet; thence turn right 23 deg. 26 min. 01 sec. along said road a distance of 49.98 feet; thence turn right 16 deg. 26 min. 26 sec. along said road a distance of 111.11 feet to the center line of a private drive; thence turn right 31 deg. 17 min. 43 sec. along said drive a distance of 93.26 feet; thence turn right 84 deg. 54 min. 36 sec. a distance of 672.11 feet to the point of beginning. LESS AND EXCEPT that part lying within the public road right of way. There exists a 30 foot easement for the purpose of ingress, egress and utilities along the most Northeasterly side of the above described parcel. All being situated in Shelby County, Alabama.

. (By Deed recorded in Real 140 page 190)

Mineral and mining rights excepted.

05/07/1992-7519
09:00 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
007 MCD 22.50