

STATE OF GEORGIA

COUNTY OF HALL

MODIFICATION OF NOTE AND MORTGAGE

THIS MODIFICATION, made and entered into this 31<sup>st</sup> day of January, 1994, between THE CITIZENS BANK (hereinafter referred to as the "Lender") and SHOGUN JAPANESE STEAKHOUSE, INC., an Alabama Corporation, KI CHON CHOI and SEUNG WOO CHOI (hereinafter collectively referred to as the "Borrower").

W I T N E S S E T H :

WHEREAS, Borrower is indebted to Lender as evidenced by a Note dated August 3, 1993 (the "Note"), said indebtedness being secured by that certain real property more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof, and being the same property described in those certain Mortgages (collectively the "Mortgage") from KI CHON CHOI and SEUNG WOO CHOI to Lender dated August 3, 1993, and recorded on August 10, 1993, in Deed Book 1993, Page 23554, Shelby County, Alabama, Judge of Probate and from KI CHON CHOI and SEUNG WOO CHOI to Lender dated August 3, 1993, and recorded on September 7, 1993, in Deed Book 1948, Page 797, Madison County, Alabama, Judge of Probate; and

WHEREAS, the Borrower and Lender are desirous of making certain modifications to the Note and Mortgage;

NOW, THEREFORE, for the purpose of conforming the same to the intentions of the parties herein and for and in consideration of

LAWSON AND DAVIS  
2200 PEACHTREE CENTER TOWER  
230 PEACHTREE STREET, N.W.  
ATLANTA, GEORGIA 30303

02/22/1994-05830  
12:38 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 MCD 19.50

Inst # 1994-05830

the covenants and agreements herein set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Borrower and Lender hereby covenant and agree as follows:

ONE

It is hereby agreed between the parties herein that the Note and Mortgage dated August 3, 1993, between the parties herein, shall be amended and modified to extend the maturity date to March 31, 1994.

TWO

Except as hereinabove set forth, said Note and Mortgage shall remain otherwise in full force and effect.

WITNESS the hands and seals of the undersigned parties, this 31<sup>st</sup> day of January, 1994.

LENDER:

THE CITIZENS BANK

BY: William J. Allen

TITLE: President

Executed and delivered in the presence of the following witnesses:

Nancy L. Laddan  
Craig D. Whitman

STATE OF GEORGIA

COUNTY OF Habersham

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that William M. Malardi, whose name, as President of The Citizens 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 this instrument, he, as such officer, and with full authority for and as the act of said The Citizens Bank, acting in his/her capacity as President, as aforesaid, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 31<sup>st</sup> day of January, 1994.

Cathy Thiley  
NOTARY PUBLIC  
Notary Public, Habersham County, Ga.  
My Commission Expires Mar. 22, 1997

BORROWER:

Ki Chon Choi  
KI CHON CHOI

Seung Woo Choi  
SEUNG WOO CHOI

Executed and delivered in the presence of the following witnesses:

Susan M. Cleary  
Bernice L. Haynes

STATE OF Alabama

COUNTY OF Madison

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that KI CHON CHOI and SEUNG WOO CHOI, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being

informed of the contents of this instrument, he and she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 31<sup>st</sup> day of January, 1994.

Yoon T. Chon  
NOTARY PUBLIC

My Commission Expires 12-31-97

SHOGUN JAPANESE STEAKHOUSE,  
INC.

BY: Ki Chon Choi  
KI CHON CHOI, President

ATTEST: Seung Woo Choi  
SEUNG WOO CHOI, Secretary  
(CORPORATE SEAL)

Executed and delivered in the presence of the following witnesses:

Susan M. Cleary  
Bernice L. Harper

STATE OF Alabama

COUNTY OF Madison

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that KI CHON CHOI, whose name as President of SHOGUN JAPANESE STEAKHOUSE, INC., an Alabama corporation and SEUNG WOO CHOI, whose name, as Secretary of SHOGUN JAPANESE STEAKHOUSE, INC., an Alabama corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of this instrument, he and she, as such officers, and with full authority for and as the act of said SHOGUN JAPANESE STEAKHOUSE, INC., acting

in their capacity as President and Secretary, as aforesaid,  
executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 31<sup>st</sup> day of  
January, 1994.

*Don T. Allen*  
NOTARY PUBLIC

*My Commission Expires 02/22/1995*

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