

AMENDMENT TO MORTGAGE

Inst # 1995-01097

STATE OF ALABAMA

COUNTY OF JEFFERSON

01/12/1995-01097
01:46 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
DOUG NCD 28.50

THIS AGREEMENT, MADE THIS 5TH DAY OF JANUARY, 1995, BY AND BETWEEN JOHN D. CARNEY AND WIFE JANICE F. CARNEY ("BORROWERS") AND HIGHLAND BANK, A STATE BANKING CORPORATION ("LENDER").

R E C I T A L S:

A. ON JULY 7, 1994, JOHN D. CARNEY AND WIFE, JANICE F. CARNEY EXECUTED AND DELIVERED TO LENDER A MORTGAGE IN THE AMOUNT OF SEVENTY THOUSAND AND 00/100 DOLLARS, \$70,000.00, WHICH MORTGAGE IS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA IN REAL VOLUME 1994, PAGE 22336 ("THE "MORTGAGE") AS SECURITY FOR A LOAN BY LENDER TO BORROWERS IN THE PRINCIPAL SUM OF SEVENTY THOUSAND AND 00/100 DOLLARS, \$70,000.00.

B. BORROWERS HAVE REQUESTED AND LENDER HAS AGREED TO INCREASE THE ORIGINAL LOAN TO EIGHTY THOUSAND AND 00/100 DOLLARS, \$80,000.00, PROVIDED THE MORTGAGE IS AMENDED AS HEREINAFTER SET FORTH.

A G R E E M E N T

NOW, THEREFORE, IN CONSIDERATION OF THE RECITALS AND TO INDUCE THE LENDER TO INCREASE THE LOAN TO BORROWERS THE PARTIES AGREE AS FOLLOWS:

1. THE MORTGAGE IS HEREBY AMENDED BY DELETING THE WORDS AND FIGURES "SEVENTY THOUSAND AND 00/100 DOLLARS, \$70,000.00" WHEREVER THE SAME APPEARS, AND TO INSERT IN LIEU THEREOF THE WORDS AND FIGURES "EIGHTY THOUSAND AND 00/100 DOLLARS, \$80,000.00."

2. THE TERM "NOTE" OR "PROMISSORY NOTE" AS USED IN THE MORTGAGE SHALL REFER TO SUCH INSTRUMENTS AS THE SAME HAVE BEEN MODIFIED BY A NOTE MODIFICATION AGREEMENT OF EVEN DATE HERewith,

AND AS THE SAME MAY HEREAFTER BE EXTENDED, RENEWED, OR MODIFIED.

3. EXCEPT AS HEREIN AMENDED, THE MORTGAGE SHALL REMAIN IN FULL FORCE AND EFFECT, AND THE MORTGAGE, AS HEREIN AMENDED, IS HEREBY RATIFIED AND AFFIRMED IN ALL RESPECTS. BORROWERS CONFIRMS THAT IT HAS NO DEFENSES OR OFFSETS WITH RESPECT TO ITS OBLIGATIONS PURSUANT TO THE MORTGAGE AS HEREIN AMENDED.

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED THIS AGREEMENT TO BE EXECUTED ON THIS DAY AND YEAR FIRST WRITTEN ABOVE.


JOHN D. CARNEY


JANICE F. CARNEY

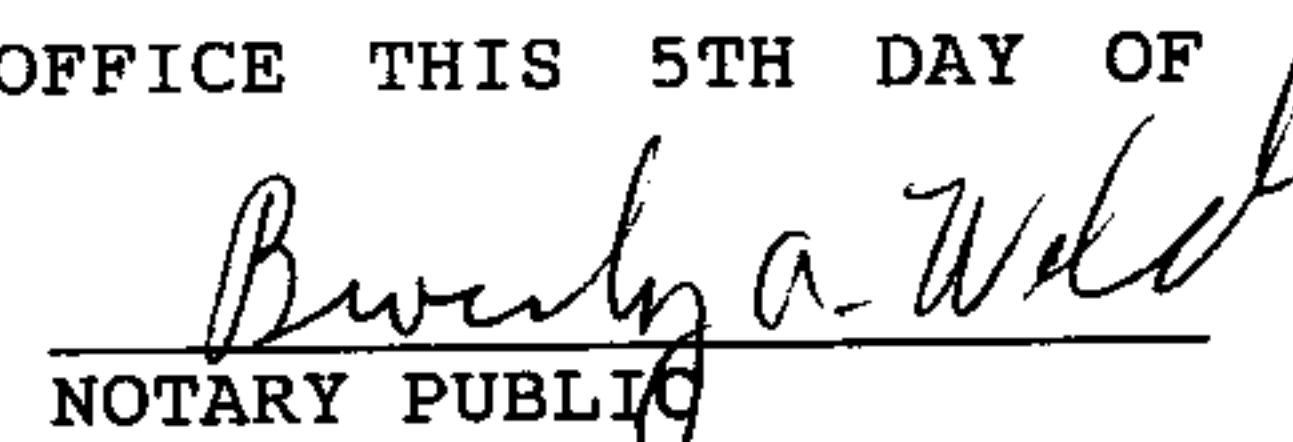

BY: DON H. PRUETT

ITS SENIOR VICE PRESIDENT

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC, HEREBY CERTIFY THAT JOHN D. CARNEY AND WIFE, JANICE F. CARNEY WHOSE NAME AS BORROWERS SIGNED TO THE FOREGOING INSTRUMENT AND WHO ARE KNOWN TO ME ACKNOWLEDGED BEFORE ME ON THIS DAY BEING INFORMED OF THE CONTENTS OF SAID INSTRUMENT, THEY, AS SUCH BORROWERS, EXECUTED THE SAME VOLUNTARILY ON THE DAY THE SAME BEARS DATE.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 5TH DAY OF JANUARY, 1995.

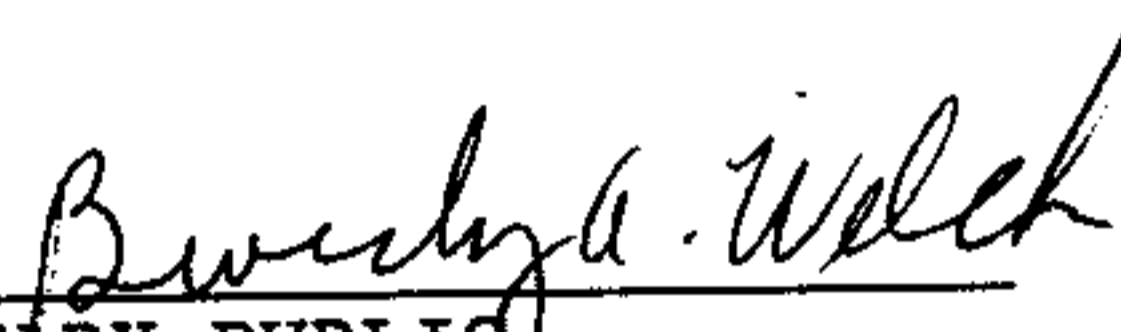

NOTARY PUBLIC

MY COMMISSION EXPIRES JULY 26, 1995

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT DON H. PRUETT, AS SENIOR VICE PRESIDENT HIGHLAND BANK, A STATE BANKING CORPORATION, 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 SAID INSTRUMENT, HE, AS SUCH OFFICER, AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID STATE BANKING CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 5TH DAY OF JANUARY, 1995.


NOTARY PUBLIC

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