

This instrument prepared by:

Felton W. Smith

Balch & Bingham

P. O. Box 306

Birmingham, Alabama 35201

Telephone: (205) 251-3458

Inst. # 1995-19676

07/26/1995-19676
08:37 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 MCD 21.00

STATE OF ALABAMA

COUNTY OF SHELBY

**AMENDMENT TO FUTURE ADVANCE MORTGAGE
ASSIGNMENT OF RENTS AND LEASES
AND SECURITY AGREEMENT**

THIS AMENDMENT to Future Advance Mortgage, Assignment of Rents and Leases, and Security Agreement (this "Amendment") is made as of the 11th day of July, 1995, and is by and between HIGHLAND LAKES DEVELOPMENT, LTD., an Alabama limited partnership (the "Mortgagor"), Mortgagor, and COMPASS BANK, an Alabama state banking corporation (formerly known as Central Bank of the South) (the "Bank"), Mortgagee.

P R E A M B L E

Mortgagor executed and delivered that certain Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement in favor of the Bank dated May 28, 1993, recorded in the office of the Judge of Probate of Shelby County, Alabama, on June 1, 1993, as Instrument No. 1993-15710. Pursuant to Section 5.08 (b) of the Mortgage, Mortgagor desires to amend the Mortgage to add the additional property described herein.

NOW, THEREFORE, in consideration of the mutual promises hereinafter contained and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Mortgagor and Bank, intending to be legally bound hereby, agree as set forth below.

A M E N D M E N T

1. Premises. The property described on Exhibit A attached hereto is hereby added to the Mortgaged Property (as defined in the Mortgage) in all respects and to the same extent and as fully as if the property described on Exhibit A hereto were described on Exhibit A to the Mortgage upon its original recording. Mortgagor hereby grants, bargains, sells, aliens and conveys unto Bank, its successors and assigns, the property described on Exhibit A hereto and all estates, buildings, improvements, fixtures, furniture and personal property of every nature whatsoever now or hereafter owned by the Mortgagor and situated on the property described on

Chabba Title

Exhibit A hereto or used or intended to be used in connection with or with the operation of said property, buildings or other improvements, in all respects as if set forth in the Mortgage and to the same extent and as fully as if the property described on Exhibit A hereto were described on Exhibit A to the Mortgage upon its original recording.

2. No Release. This Amendment is intended to add the property described on Exhibit A hereto to the property granted and conveyed by the Mortgage. This Amendment in no way releases from the lien of the Mortgage all or any portion of the real property described therein.

3. Reaffirmation of Representations and Warranties. Each representation and warranty contained in the Mortgage is hereby reaffirmed as of the date hereof, and the Mortgagor hereby makes each representation and warranty contained in the Mortgage as to the real and personal property granted and conveyed to the Bank hereby as fully as if the real property described on Exhibit A hereto were described on Exhibit A to the Mortgage upon its original recording.

4. Effective Date. The effective date of this Amendment is the date first set forth above.

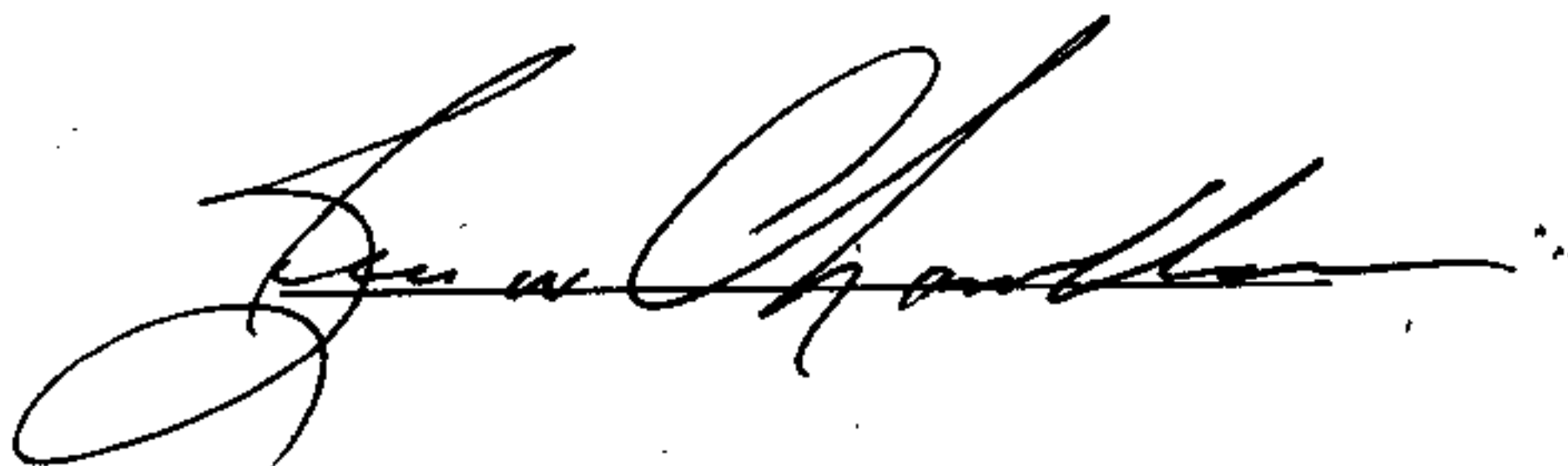
5. Effect of Amendment. Except as specifically modified herein, all provisions of the Mortgage shall remain in full force and effect and unamended hereby.

IN WITNESS WHEREOF, Mortgagor and the Bank have caused this Amendment to be duly and properly executed under seal as of the day and year first above written.

MORTGAGOR
(MORTGAGOR, DEBTOR):

HIGHLAND LAKES DEVELOPMENT,
LTD., an Alabama limited partnership

WITNESS:



By: EDDLEMAN PROPERTIES, INC.,
an Alabama corporation, its General
Partner

By: 
Its: CHAIRMAN/CEO

BANK
(MORTGAGEE, SECURED PARTY):

WITNESS:



COMPASS BANK

By: 
Its: REAL ESTATE OFFICER

STATE OF ALABAMA

COUNTY OF Jefferson

I, Rebecca K. Rosato, a notary public in and for said county in said state, hereby certify that Billy D. Eddleman, whose name as President of EDDLEMAN PROPERTIES, INC., a corporation, acting in its capacity as general partner of HIGHLAND LAKES DEVELOPMENT, LTD., a limited partnership, 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 such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation in its capacity as general partner of said limited partnership.

Given under my hand and official seal this 7th day of July, 1995.

Rebecca K. Rosato

Notary Public

My Commission Expires: 2/3/97

[Notarial Seal]

STATE OF ALABAMA

COUNTY OF Jefferson

I, Blonde H. McLaughlin, a notary public in and for said county in said state, hereby certify that Paul E. Allen, whose name as Real Estate Officer of COMPASS BANK, an Alabama 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 such instrument, _____, 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 11th day of July, 1995.

Blonde H. McLaughlin

Notary Public

My Commission Expires: 8-21-97

[Notarial Seal]

12/20/94

A parcel of land to known as Highland Lakes 7th Sector being more particularly described as follows:

Commence at the Northeast corner of Lot 146 of Highland Lakes, An Eddleman Community, as recorded in Map Book 18, on Page 37 G, in the Office of the Judge of Probate, Shelby County, Alabama, thence run in a Southeasterly direction along the Southwest line of Highland Lakes Drive as recorded in said Highland Lakes, An Eddleman Community for a distance of 490.26 feet to the point of beginning; said point of beginning being on a curve to the right having a central angle of 23 degrees 52 minutes 50 seconds and a radius of 663.97 feet; thence run in a Southeasterly direction along the arc of said curve for a distance of 276.74 feet to a point; thence run tangent to last stated curve in a Southeasterly direction for a distance of 244.06 feet to a point; thence turn an angle to the right of 90 degrees 00 minutes 00 seconds and run in a Southwesterly direction for a distance of 175.46 feet to a point; thence turn an angle to the left of 00 degrees 10 minutes 37 seconds and run in a Southwesterly direction for a distance of 550.00 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds and run in a Southeasterly direction for a distance of 234.92 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds and run in a Northeasterly direction for a distance of 13.54 feet to a point; thence turn an angle to the right of 103 degrees 45 minutes 53 seconds and run in a Southeasterly direction for a distance of 323.28 feet to a point; thence turn an angle to the right of 25 degrees 02 minutes 09 seconds and run in a Southeasterly direction for a distance of 250.00 feet to a point; thence turn an angle to the left of 80 degrees 35 minutes 00 seconds and run in a Northeasterly direction for a distance of 305.31 feet to a point; thence turn an angle to the left of 11 degrees 11 minutes 05 seconds and run in a Northeasterly direction for a distance of 364.43 feet to a point on a curve to the right having a central angle of 3 degrees 31 minutes 02 seconds and a radius of 235.18 feet; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds to the tangent of said curve and run in a Northwesterly direction along the arc of said curve for a distance of 14.44 feet to a point; thence run tangent to last stated curve in a Northwesterly direction for a distance of 53.96 feet to a point; thence turn an angle to the right of 90 degrees 00 minutes 00 seconds and run in a Northeasterly direction for a distance of 162.11 feet to a point; thence turn an angle to the left of 6 degrees 27 minutes 23 seconds and run in a Northeasterly direction for a distance of 157.26 feet to a point; thence turn an angle to the left of 108 degrees 14 minutes 51 seconds and run in a Northwesterly direction for a distance of 190.00 feet to a point on a curve to the left having a central angle of 10 degrees 22 minutes 49 seconds and a radius of 429.25 feet; thence turn an angle to the right of 90 degrees 00 minutes 00 seconds to the tangent of said curve and run in a Northeasterly direction along the arc of said curve for a distance of 77.77 feet to a point; thence turn an angle

to the left of 90 degrees 00 minutes 00 seconds from the tangent of last stated curve and run in a Northwesterly direction for a distance of 249.02 feet to a point; thence turn an angle to the right of 86 degrees 43 minutes 32 seconds and run in a Northeasterly direction for a distance of 135.57 feet to a point; thence turn an angle to the left of 34 degrees 50 minutes 54 seconds and run in a Northwesterly direction for a distance of 497.41 feet to a point; thence turn an angle to the left of 14 degrees 57 minutes 44 seconds and run in a Northwesterly direction for a distance of 181.58 feet to a point; thence turn an angle to the right of 30 degrees 23 minutes 51 seconds and run in a Northeasterly direction for a distance of 452.14 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds and run in a Northwesterly direction for a distance of 254.16 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds and run in a Southwesterly direction for a distance of 90.66 feet to a point; thence turn an angle to the right of 90 degrees 00 minutes 00 seconds and run in a Northwesterly direction for a distance of 220.00 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds and run in a Southwesterly direction for a distance of 231.78 feet to a point; thence turn an angle to the right of 19 degrees 46 minutes 14 seconds and run in a Southwesterly direction for a distance of 413.90 feet to a point; thence turn an angle to the right of 87 degrees 37 minutes 40 seconds and run in a Northwesterly direction for a distance of 226.59 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds and run in a Southwesterly direction for a distance of 35.49 feet to a point; thence turn an angle to the right of 98 degrees 07 minutes 56 seconds and run in a Northwesterly direction for a distance of 217.26 feet to a point; thence turn an angle to the left of 5 degrees 44 minutes 39 seconds and run in a Northwesterly direction for a distance of 220.99 feet to a point on the high water mark of Lake #3; thence turn an angle to the left of 76 degrees 04 minutes 48 seconds and run in a Southwesterly direction along said high water mark for a distance of 84.88 feet to a point; thence turn an angle to the left of 23 degrees 53 minutes 06 seconds and run in a Southwesterly direction along said high water mark for a distance of 148.29 feet to a point; thence turn an angle to the left of 71 degrees 46 minutes 23 seconds and run in a Southeasterly direction for a distance of 124.21 feet to a point on the North right-of-way of Highland Lakes Drive as recorded in said Highland Lakes, An Eddleman Community; thence turn an angle to the right of 55 degrees 28 minutes 10 seconds and run in a Southwesterly direction along the end of said Highland Lakes Drive for a distance of 60.00 feet to the point of beginning. Said Highland Lakes 7th Sector containing 40.06 acres, more or less.

LESS AND EXCEPT a parcel more particularly described as follows:

Commence at the Northeast corner of said Lot 146, thence run in a Southeasterly direction along the Southwest line of said Highland Lakes Drive for a distance of 490.26 feet to a point on a curve to the right having a central angle of 23 degrees 52 minutes 50

seconds and a radius of 663.97 feet; thence run in a Southeasterly direction along the arc of said curve for a distance of 276.74 feet to a point; thence run tangent to last stated curve in a Southeasterly direction for a distance of 478.45 feet to the point of beginning; thence turn an angle to the right of 89 degrees 49 minutes 23 seconds and run in a Southwesterly direction for a distance of 452.35 feet to a point on a curve to the left having a central angle of 90 degrees 00 minutes 00 seconds and a radius of 25.00 feet; thence run in a Southeasterly direction along the arc of said curve for a distance of 39.27 feet to a point; thence run tangent to last stated curve in a Southeasterly direction for a distance of 35.00 feet to a point on a curve to the left having a central angle of 39 degrees 21 minutes 53 seconds and a radius of 249.56 feet; thence run in a Southeasterly direction along the arc of said curve for a distance of 171.46 feet to a point; thence run tangent to last stated curve in a Northeasterly direction for a distance of 192.51 feet to a point on a curve to the right having a central angle of 8 degrees 12 minutes 45 seconds and a radius of 323.74 feet; thence run in a Northeasterly direction along the arc of said curve for a distance of 46.40 feet to a point on a reverse curve to the left having a central angle of 68 degrees 28 minutes 22 seconds and a radius of 25.00 feet; thence run in a Northeasterly direction along the arc of said curve for a distance of 29.88 feet to a point on a reverse curve to the right having a central angle of 36 degrees 09 minutes 45 seconds and a radius of 196.41 feet; thence run in a Northeasterly direction along the arc of said curve for a distance of 123.96 feet to a point on a reverse curve to the left having a central angle of 59 degrees 06 minutes 12 seconds and a radius of 275.24 feet; thence run in a Northeasterly direction along the arc of said curve for a distance of 283.92 feet to a point; thence run tangent to last stated curve in a Northwesterly direction for a distance of 216.59 feet to a point on a curve to the left having a central angle of 44 degrees 39 minutes 20 seconds and a radius of 245.00 feet; thence run in a Northwesterly direction along the arc of said curve for a distance of 190.95 feet to a point; thence run tangent to last stated curve in a Northwesterly direction for a distance of 97.06 feet to a point on a curve to the left having a central angle of 90 degrees 00 minutes 00 seconds and a radius of 25.00 feet; thence run in a Northwesterly to Southwesterly direction along the arc of said curve for a distance of 39.27 feet to a point; thence run tangent to last stated curve in a Southwesterly direction for a distance of 25.00 feet to a point on a curve to the left having a central angle of 12 degrees 46 minutes 43 seconds and a radius of 863.03 feet; thence run in a Southwesterly direction along the arc of said curve for a distance of 192.48 feet to a point; thence run tangent to last stated curve in a Southwesterly direction for a distance of 222.36 feet to the point of beginning. LESS AND EXCEPT parcel containing 7.61 acres, more or less.

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