

STATE OF ALABAMA.

COUNTY OF SHELBY

02-1000-12
this instrument was prepared by;
ASHLEY SCOTT
PO BOX 55338
BIRMINGHAM, AL 35255

AMENDMENT TO MORTGAGE

THIS AGREEMENT, MADE THIS 11TH DAY OF FEBRUARY, 1997, BY AND BETWEEN DENNIS E. ROTHER AND WIFE, F. PATRICIA MAGUIRE ROTHER ("BORROWER") AND HIGHLAND BANK, A STATE BANKING CORPORATION ("LENDER").

RECITALS:

A. ON 2-14-94, DENNIS E. ROTHER AND WIFE, F. PATRICIA MAGUIRE ROTHER EXECUTED AND DELIVERED TO LENDER A MORTGAGE IN THE AMOUNT OF \$10,000.00 WHICH MORTGAGE IS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA IN REAL VOLUME 1994 PAGE 06760 (THE "MORTGAGE") AS SECURITY FOR A LOAN BY LENDER TO BORROWER IN THE PRINCIPAL SUM OF \$ 10,000.00

B. BORROWER HAS REQUESTED AND LENDER HAS AGREED TO INCREASE THE ORIGINAL LOAN TO \$ 34,000.00 PROVIDED THE MORTGAGE IS AMENDED AS HEREINAFTER SET FORTH.

AGREEMENT

NOW, THEREFORE, IN CONSIDERATION OF THE RECITALS AND TO INDUCE THE LENDER TO MAKE AN ADDITIONAL LOAN TO BORROWER, THE PARTIES AGREE AS FOLLOWS:

1. THE MORTGAGE IS HEREBY AMENDED BY DELETING THE WORDS AND FIGURES "TEN THOUSAND AND NO/100" AND "\$10,000.00" WHEREVER THE SAME APPEAR, AND TO INSERT IN LIEU THEREOF THE WORDS AND FIGURES "THIRTY FOUR THOUSAND AND NO/100" AND "\$ 34,000.00".

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 MASTER NOTE 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. BORROWER CONFIRMS THAT IT HAS NO DEFENSES OR OFFSETS WITH RESPECT TO ITS OBLIGATIONS PURSUANT TO THE MORTGAGE AS HEREIN AMENDED

03/06/1997-06964
10:29 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 49.50

Inst # 1997-06964

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

Dennis E. Rother
Patricia Maguire-Rother
HIGHLAND BANK
BY: [Signature]
ITS: Vice Pres

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, Shelley Leopard, A NOTARY PUBLIC, HEREBY CERTIFY THAT DENNIS E. ROTHER AND WIFE, F. PATRICIA MAGUIRE ^{WHOSE NAME AS BORROWER IS} SIGNED TO THE FOREGOING INSTRUMENT, AND ^{ROTHER} WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF, THE CONTENTS OF SAID INSTRUMENT, HE, AS SUCH BORROWER, EXECUTED THE SAME VOLUNTARILY ON THE DAY THE SAME BEARS DATE.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 11TH DAY OF February 1997.

Shelley Leopard
NOTARY PUBLIC

My Commission Expires July 11, 1998

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, Shelley Leopard, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT David A. Tate AS Vice President OF HIGHLAND BANK, A STATE BANKING CORPORATION, IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGE 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 BY HAND AND SEAL OF OFFICE THIS 11TH DAY OF February 1997.

Shelley Leopard
NOTARY PUBLIC

My Commission Expires July 11, 1998

EXHIBIT A

Lot 27-A of a Resurvey of Lots 27, 28 and 29 of Scottsdale- First Addition, as recorded in Map Book 7, page 36, in the Probate Office of Shelby County, Alabama; ALSO, a parcel of land adjoining said Lot 27-A, more particularly described as follows:

Begin at the most Easterly corner of said Lot 27-A, said point being on the Southwesterly right of way line of 90 foot wide Southern Natural Gas Company Easement; thence in a Southwesterly direction, along the Southeast property line of said Lot 27-A, a distance of 136.23 feet to the most Southerly corner of said Lot 27-A, said point also being on a curve to the left, said curve having a radius of 251.07 feet and a central angle of $44^{\circ}07'54''$, said point also being on the Northeast right of way line of Henry Drive; thence 90° left, to tangent of said curve; thence along arc of said curve in a Southeasterly direction along said right of way line, a distance of 193.37 feet to and of said curve, said point of being on the Southwesterly right of way line of said 90 foot wide Southern Natural Gas Company Easement; thence $115^{\circ}22'06''$ left, from tangent of said curve in a Northwesterly direction along said right of way line, a distance of 186.64 feet to the point of beginning.

Situated in Shelby County, Alabama.



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