

## FIRST AMENDMENT TO MORTGAGE

THIS AMENDMENT is entered into as of August 7, 1998 by **Ronald T. Bates, Jr. and Carla A. Bates** (the "Mortgagors") in favor of **AmSouth Bank**(the "Mortgagee").

### RECITALS

A. The Mortgagors executed and delivered that certain Mortgage (the "Mortgage") in the amount of \$145,500.00 dated as of August 14, 1997 in favor of the Mortgagee. The Mortgage is recorded in instrument number 1997-11642 in the Probate Office of Shelby County, Alabama.

B. The Mortgage secured the Note, as defined therein, which was in the face amount of \$145,500.00. The Mortgagors have requested the Mortgagee advance an additional \$7,000.00 and the Mortgagee agreed to do so on the condition that such additional advance is secured by the Mortgage.

C. In order to evidence the loan evidenced by the Note at the amount as increased on account of the additional advance, the Mortgagors have executed and delivered to the Mortgagee that certain Restated Promissory Note (the "Restated Note") of even date herewith in the face amount of \$150,294.53 and have agreed to execute and deliver this Amendment to make it clear that the Restated Note and the debt evidenced thereby is secured by the Mortgage.

### AGREEMENT

NOW, THEREFORE, in consideration of the Recitals and of the Additional Advance, the Mortgagor hereby amends the Mortgage as follows:

From and after the date of this Amendment, the term "Note" as used in the Mortgage shall refer to and mean the Restated Note, and the term "Debt" as used in the Mortgage shall include, in addition to all of the other Debt, as defined in the Mortgage, the indebtedness evidenced by the Restated Note.

Except as amended hereby, the Mortgage remains in full force and effect in accordance with its terms.

08/18/1998-31962  
10:08 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 CRH 21.50

Inst # 1998-31962

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed as of the date first written above.

  
Ronald T. Bates, Jr.

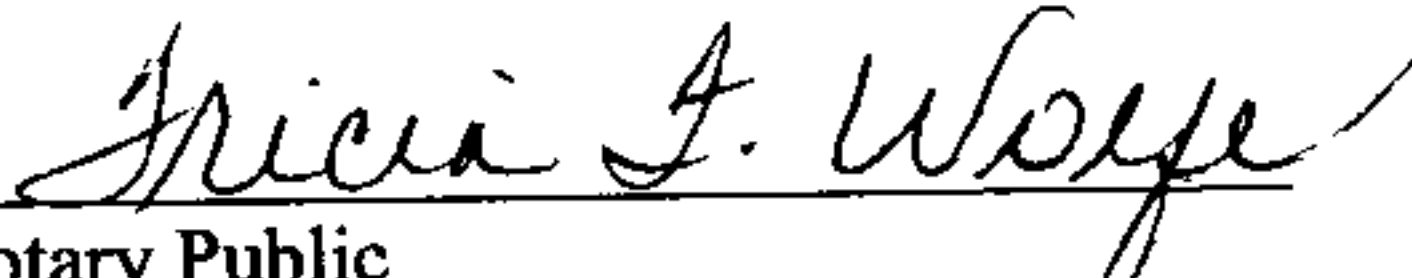
  
Carla A. Bates

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, TRICIA F. WOLFE, a Notary Public in and for said County in said State, hereby certify that RONALD T. BATES & CARLA BATES 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 said instrument, they, executed the same voluntarily.

Given under my hand and official seal this the 7 day of August, 1998.

  
Notary Public

AFFIX SEAL

My commission expires: May 3, 2000

This instrument was prepared by:  
Tricia F. Wolfe  
AmSouth Bank of Alabama  
Metropolitan Commercial Banking  
P.O. Box 11007  
Birmingham, Alabama 35288

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