

WHEN RECORDED MAIL TO:

Regions Bank  
2204 Lakeshore Drive  
Suite 130  
Homewood, AL 35209

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY



MODIFICATION OF MORTGAGE

THIS MODIFICATION OF MORTGAGE IS DATED JUNE 20, 2000, BETWEEN Silver Creek Development, L.L.C., a limited liability company, (referred to below as "Grantor"), whose address is 1935 I Hoover Corral, Birmingham, AL 35226; and Regions Bank (referred to below as "Lender"), whose address is 2204 Lakeshore Drive, Suite 130, Homewood, AL 35209.

MORTGAGE. Grantor and Lender have entered into a mortgage dated May 5, 1999 (the "Mortgage") recorded in Shelby County, State of Alabama as follows:

Mortgage recorded on May 27, 1999 in Instrument #1999-22369 in the Probate Office of Shelby County, Alabama.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property (the "Real Property") located in Shelby County, State of Alabama:

See Exhibit "A" attached for legal description.

The Real Property or its address is commonly known as Highway 119, Alabaster, AL 35007. The Real Property tax identification number is #58-23-7-26-0-001.001.000 & #58-23-7-25-0-000.091.000.

MODIFICATION. Grantor and Lender hereby modify the Mortgage as follows:

Increase principal amount secured by mortgage from \$1,800,000.00 to ~~\$2,125,000.00~~ \$2,185,000.00


CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Mortgage does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE, AND EACH GRANTOR AGREES TO ITS TERMS.

THIS MODIFICATION IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS MODIFICATION IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

GRANTOR:


Silver Creek Development, L.L.C.  
By: GS Development, LLC, Member

X By:  (SEAL)  
Authorized Signer Michael D. Green, its Member

X By:  (SEAL)  
Authorized Signer R. Charles Stagner, its Member


By: Edcor, Inc., Member

X By:  (SEAL)  
Authorized Signer E. Earl Rhyme, its President

X By:  (SEAL)  
Authorized Signer Robert A. Conner, Member

LENDER:

Regions Bank

By:  (SEAL)  
Authorized Officer

This Modification of Mortgage prepared by:

Name: Denise Y. Hagan/Real Estate Department  
Address: 417 North 20th. Street  
City, State, ZIP: Birmingham, Alabama 35203

Inst # 2000-27190

08/10/2000-27190  
09:17 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 NMS 591.00

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**

**STATE OF ALABAMA )**

**COUNTY OF JEFFERSON )**

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Michael D. Green and R. Charles Stagner, whose names as members of GS Development, LLC, whose name as Member of SILVER CREEK DEVELOPMENT, LLC., an Alabama limited liability company, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of said conveyance, they, as such members of said Member and with full authority, executed the same voluntarily for and as the act of said company, on the day the same bears date.

Given under my hand and official seal, this 20th day of June, 2000.


  
Notary Public  
My commission expires February 7, 2002

**STATE OF ALABAMA )**

**COUNTY OF JEFFERSON )**

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that E. Earl Rhyne, whose name as President of Eddor Incorporated, whose name as member of SILVER CREEK DEVELOPMENT, LLC, an Alabama limited liability company, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of said conveyance, he, as such president of said Member and with full authority, executed the same voluntarily for and as the act of said company, on the day the same bears date.

Given under my hand and official seal, this 20th day of June, 2000.

  
Notary Public  
My Commission expires February 7, 2002

**STATE OF ALABAMA )**

**COUNTY OF JEFFERSON )**

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robert A. Conner, whose name as Member of SILVER CREEK DEVELOPMENT, LLC, an Alabama limited liability company, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he, as such Member and with full authority, executed the same voluntarily for and as the act of said company, on the day the same bears date.

Given under my hand and official seal, this 20th day of June, 2000.


  
Notary Public  
My commission expires February 7, 2002

EXHIBIT "A"

LEGAL DESCRIPTION

The North 1/2 of Northeast 1/4 and that part of the North 1/2 of South 1/2 of Northeast 1/4 lying North of the line fence of Elliott & Robertson.

Also, all that part of the Northeast 1/4 of Northwest 1/4, East of the Montevallo and Ashville Public Road, all in Section 26, Township 21, Range 3 West, Shelby County, Alabama.

Also, all that part of the West 1/2 of Northwest 1/4 of Section 25, Township 21, Range 3 West, lying West of Spring Creek and North of line fence of Elliott and Robertson or the extension thereof, and more particularly described as follows:

Begin at the Northwest corner of Section 25, Township 21, Range 3 West, Shelby County, Alabama; thence North 88 degrees 27 minutes East 535.2 feet; thence South 29 degrees 30 minutes East 191.5 feet; thence South 55 degrees 30 minutes East 255.8 feet; thence South 23 degrees 30 minutes East 102.0 feet to Spring; thence South 22 degrees 45 minutes West 190.3 feet; thence South 68 degrees 48 minutes West 127.8 feet; thence South 9 degrees 45 minutes East 247.5 feet; thence South 28 degrees 15 minutes East 231.5 feet; thence South 67 degrees 15 minutes East 117.3 feet; thence South 11 degrees 45 minutes West 129.5 feet; thence South 60 degrees 45 minutes West 124.5 feet; thence South 21 degrees 30 minutes West 204.0 feet; thence South 36 degrees 30 minutes East 52.7 feet; thence South 16 degrees 30 minutes West 105.4 feet; thence North 88 degrees 40 minutes West 3305.5 feet; thence North 3 degrees 22 minutes West 148.9 feet; thence North 88 degrees 16 minutes East 137 feet; thence North 17 degrees 44 minutes West 338.2 feet; thence North 26 degrees 29 minutes West 135.7 feet; thence North 11 degrees 39 minutes West 287.6 feet; thence North 6 degrees 29 minutes West 605 feet; thence North 88 degrees 16 minutes East 2745 feet to the point of beginning.

Less and except from the above described property any part included in deed to Mattie Faust recorded in Book 193, page 442.

LESS AND EXCEPT THE FOLLOWING TRACTS:

TRACT 1:

Tract of land being part of the North Half of the Northeast Quarter and the North Half of the South Half of the Northeast Quarter lying North of the fence line of Elliott & Robinson. All located in Section 26, Township 21 South, Range 3 West, more particularly described by bearings as follows:

Commence at the Northwest corner of Section 25, Township 21, Range 3 West, Shelby County, Alabama; thence North 88 degrees 27 minutes East 535.20 feet; thence South 29 degrees 30 minutes East 191.50 feet; thence South 55 degrees 30 minutes East 255.80 feet; thence South 23 degrees 30 minutes East 102.00 feet to the Spring; thence South 22 degrees 45 minutes West 190.30 feet; thence South 7 degrees 16 minutes 22 seconds West 120.01 feet; thence South 6 degrees 01 minutes 35 seconds West 19.89 feet; thence South 9 degrees 45 minutes East 247.50 feet; thence South 28 degrees 15 minutes East 231.50 feet; thence South 67 degrees 15 minutes East 117.30 feet; thence South 11 degrees 45 minutes West 129.50 feet; thence South 60 degrees 45 minutes West 124.50 feet; thence South 21 degrees 30 minutes West 204.00 feet; thence South 36 degrees 30 minutes East 52.70 feet; thence South 16 degrees 30 minutes West 105.40 feet to the intersection of Spring Creek and the Easterly projection of the Elliott and Robinson fence, also at Point "A"; thence run along the fence North 87 degrees 36 minutes 02 seconds West 446.63 feet; thence run along the fence South 88 degrees 16 minutes 14 seconds West 630.41 feet; thence run along the fence North 89 degrees 07 minutes 06 seconds West 495.13 feet; thence run along the fence South 89 degrees 36 minutes 47 seconds West 1079.89 feet; thence run along the fence North 89 degrees 25 minutes 14 seconds West 421.09 feet to the Easterly right-of-way line of Alabama Highway No. 119; thence run North 89 degrees 53 minutes 28 seconds West 124.53 feet to the Point of Beginning on the Westerly right-of-way line of Alabama Highway No. 119, also being on the North line of the PARK FOREST SUBDIVISION - FIRST SECTOR, as recorded in Map Book 7, Page 155, in the Office of the Judge of Probate of Shelby County, Alabama; thence run South 87 degrees 42 minutes 17 seconds West 108.69 feet along the North line of the PARK FOREST SUBDIVISION to a point being North 89 degrees 59 minutes 52 seconds West 3305.50 feet from the aforementioned Point "A"; thence North 05 degrees 15 minutes 21 seconds West 148.90 feet; thence North 86 degrees 22 minutes 39 seconds East 81.37 feet to the Westerly right-of-way line of Alabama Highway No. 119; thence South 15 degrees 23 minutes 33 seconds East 154.61 feet along said right-of-way line to the Point of Beginning.

TRACT 2:

Lots 1, 2, 4-12 (inclusively); 15-25 (inclusively) and 36-39 (inclusively), according to the Survey of Silver Creek Sector 1, as recorded in Map Book 26, Page 144, as recorded in the Office of the Judge of Probate of Shelby County, Alabama.

Inst # 2000-27190

08/10/2000-27190

09:17 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

003 HWS 591.00