

## AMENDMENT TO MORTGAGE

**THIS AMENDMENT TO MORTGAGE** is entered into this 10<sup>th</sup> day of July, 2000 by and between **EXPRESS PARTNERS, INC.** (jointly referred to as "Mortgagor") and **SOUTHTRUST BANK, N.A.** (referred to as "Mortgagee").

### W I T N E S S E T H:

**WHEREAS**, EXPRESS PARTNERS did execute that certain Note in favor of Mortgagee dated December 11, 1998 and also executed the Mortgage of even date therewith securing the same, which Mortgage was recorded in the Office of the Judge of Probate of Shelby County in Instrument #1999-10723; and

**WHEREAS**, simultaneously herewith EXPRESS PARTNERS is executing an additional note and mortgage which will be secured by the same collateral; and

**WHEREAS**, the parties hereto are desirous of acknowledging the continuing obligations of Mortgagors under the Note and Mortgage; and

**WHEREAS**, the parties further desire to provide for additional collateral and provide for the cross default between the Mortgage as amended and the note and mortgage of even date herewith from EXPRESS PARTNERS to SouthTrust Bank, N.A.

**NOW, THEREFORE**, for and in consideration of the premises, Mortgagors and Mortgagee do hereby amend said Note and Mortgage as follows:

1. Mortgagor does hereby grant, bargain, sell, convey and grant a security interest in that certain real property described on Exhibit "A" attached hereto and made a part hereof under the same terms and conditions as contained in the Mortgage.

2. Mortgagor does further agree that any default under that certain note and mortgage from Mortgagor to Mortgagee of even date herewith shall be considered a default under the Mortgage and shall give to Mortgagee the same rights as contained in the Mortgage as any other default thereunder.

3. Except as amended herein, said Mortgage shall remain in full force and effect, and Mortgagors hereby acknowledge their continuing obligation under the Mortgage and the note secured thereby.

11/09/2000-39036  
01:15 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 HMB 18.00

Inst # 2000-39036

IN WITNESS WHEREOF, the undersigned have caused their hands and seals to be placed this the 10<sup>th</sup> day of July, 2000.

(MORTGAGOR) :

EXPRESS PARTNERS, INC.

By: Richard A. Brooks  
Richard A. Brooks, President

(MORTGAGEE) :

SOUTHTRUST BANK, N.A.

By: Thomas R. Little  
Its: Vice President

STATE OF ALABAMA

COUNTY OF Montgomery

I, the undersigned authority, a Notary Public in and for said State at Large, hereby certify that Richard A. Brooks, as President of **Express Partners, Inc.**, an Alabama 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 this instrument, he as such officer, with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 10<sup>th</sup> day of July, 2000.

NOTARIAL SEAL

Melona J. Cousins  
Notary Public  
My Commission Expires: 4-13-03

STATE OF ALABAMA

COUNTY OF Montgomery

I, the undersigned authority, a Notary Public, in and for said State at Large, hereby certify that ~~Richard A. Brooks~~, whose name as <sup>John</sup> President of **SouthTrust Bank, N.A.**, a 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 this instrument, he as such officer and will full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the 10<sup>th</sup> day of July, 2000.

NOTARIAL SEAL

Melona J. Cousins  
NOTARY PUBLIC  
My Commission Expires: 4-13-03

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