

RECORDATION REQUESTED BY:

SouthTrust Bank
Brook Highland 320
5376 Highway 280
Birmingham, AL 35242

WHEN RECORDED MAIL TO:

SouthTrust Bank
Attn: Consumer Loan Group
P O Box 830826
Birmingham, AL 35209

SEND TAX NOTICES TO:

GARY WAYNE WALTON
LYNN B. WALTON
2387 HIGHWAY 32
COLUMBIA, AL 35051

STEWART NATIONAL TITLE, INC.
3555 GRANDVIEW PARKWAY
SUITE 300
BIRMINGHAM, AL 35243

Inst # 2000-43194

12/14/2000-43194
01:51 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
164.00
002 C31

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE



07400000009531959200011 6

THIS MODIFICATION OF MORTGAGE dated November 22, 2000, is made and executed between GARY WAYNE WALTON and LYNN B. WALTON; HUSBAND AND WIFE (referred to below as "Grantor") and SouthTrust Bank, whose address is Brook Highland 320, 5376 Highway 280, Birmingham, AL 35242 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated July 12, 1995 (the "Mortgage") which has been recorded in SHELBY County, State of Alabama, as follows:

RECORDED AUGUST 22, 1995 IN INSTRUMENT NO 1995/23093.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property located in SHELBY County, State of Alabama:

Commence at the SE corner of the SW of NW , Section 6, Township 20 South, Range 1 East; thence run North along the East line of said section a distance of 250.20 feet; thence turn a deflection angle of 20 deg. 15 27 sec. To the left, and run a distance of 111.13 feet; thence turn a deflection angle of 19 deg. 33 min. 31 sec. To the left and run a distance of 82.27 feet; thence turn a deflection angle of 15 deg. 18 min. 09 sec. To the left and run a distance of 42.27 feet; thence turn a deflection angle of 22 deg. 16 min. 08 sec. To the left and run a distance of 25.59 feet; thence turn a deflection angle of 18 deg. 23 min. 27 sec. To the left and run a distance of 38.59 feet to the point of beginning; thence turn a deflection angle of 102 deg. 53 min. 59 sec. To the left and run a distance of 165.77 feet; thence turn a deflection angle of 86 deg. 12 min. 41 sec. To the right and run a distance of 92.76 feet; thence turn a deflection angle of 16 deg. 03 min. 40 sec. To the right and run a distance of 78.57 feet; thence turn a deflection angle of 64 deg. 41 min. 08 sec. To the right and run a distance of 235.29 feet; thence turn a deflection angle of 100 deg. 05 min. 23 sec. To the right and run a distance of 222.72 feet; thence turn a deflection angle of 92 deg. 57 min. 08 sec. To the right and run a distance of 85.49 feet to the point of beginning. Situated in the SW of NW , Section 6, Township 20 South, Range 1 East, Shelby County, Alabama.

ALSO, an easement to provide ingress and egress to and from the above described parcel and Shelby County Highway #432, said easement being 30 feet wide, 15 feet either side of a center line described as: Commence at the SE corner of SW of NW , Sec. 6, T-20-S, R-1-E; thence run North along East line of said -1/4 section a distance of 250.20 feet; thence turn a deflection angle of 20 deg. 15 27 to the left and run a distance of 43.32 feet to point of beginning; thence continue in same direction a distance of 67.81 feet; thence turn a deflection angle of 19 deg. 33 31 to the left and run a distance of 82.27 feet; thence turn a deflection angle of 15 deg. 18 09 to the left and run a distance of 42.27 feet; thence turn a deflection angle of 22 deg. 16 08 to the left and run a distance of 25.59 feet; thence turn a deflection angle of 18 deg. 23 27 to the left and run a distance of 38.59 feet to point of ending. According to survey of Frank W. Wheeler,

The Real Property or its address is commonly known as 2387 HIGHWAY 32, COLUMBIA, AL 35051.

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

INCREASE MORTGAGE FROM \$50,000.00 TO \$150,000.00. FOR MORTGAGE TAX PURPOSES, THIS LINE WAS INCREASED BY \$100,000.00.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. 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.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED NOVEMBER 22, 2000. 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:

X Gary Wayne Walton (Seal)
GARY WAYNE WALTON, Individually

X Lynn B. Walton (Seal)
LYNN B. WALTON, Individually

LENDER:

X [Signature] (Seal)
Authorized Signer

66W



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MODIFICATION OF MORTGAGE
(Continued)

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This Modification of Mortgage prepared by:

Name: CAROL J. JONES, LOAN PROCESSOR; LN#95319592
Address: 234 GOODWIN CREST DRIVE; 3RD FLOOR
City, State, ZIP: BIRMINGHAM, AL 35209

INDIVIDUAL ACKNOWLEDGMENT

STATE OF ALABAMA)
) SS
COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that **GARY WAYNE WALTON** and **LYNN B. WALTON**, 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 Modification, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 22nd day of December, 2000.

[Signature]
Notary Public

My commission expires 1-26-2004

LENDER ACKNOWLEDGMENT

STATE OF ALABAMA)
) SS
COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that South Bank a corporation, is signed to the foregoing and who is known to me, acknowledged before me on this day that, being informed of the contents of said , he or she, 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 22nd day of December, 2000.

[Signature]
Notary Public

My commission expires 1-26-2004

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