W H SMITH JR &	WIFE, KRISTINA C S	MITH AND	This instrument wa (Name) LESL	s prepared by IE WELLS KING	
			(Addrosa) 251 d	Johnston St., Dec	atur, AL 3560
· LIKYIN CICAIG OO	HNSON & WIFE, LESA			D1 2.1	
PO_BOX_823			anking Corpora	Bank, an Alabama tion	,
HUNTSVILLE	ΔΤ. ο σο	_ 2	51 Johnston St	reet	
······································	MORTGAGOR		ecatur, Alabam		
	udes each mortgagor above.		"You" means the	MORTGAGEE ors	and assigns.
MARVIN CRAIG JO	E: For value received, I,	W H SMITH J	R & WIFE, KRIS	TINA C SMITH ND	·
to secure the payment of t	OHNSON & WIFE, LESA  he secured debt described be nances, rents, leases and exis	elow, on A	Näytgage, grant, bargai uqust 27. 2001	in, sell and convey to ou,	with povier of sale,
• • •	and oxi	string and rature impl	overnents and fixtures	(all called the "property")	Criped belowered all
PROPERTY ADDRESS: 4	30 CHASE PLANTATIO	ON PKWY	BIRMINGHAM (City)	, Alaban <b>ija</b> _	3 <b>5 2 7 4 25 00</b>
LEGAL DESCRIPTION:				*	00. <b>EUS</b>
LOT 1, ACCC	ORDING TO A RESURVE	EY OF LOTS 27	THRU 31, CHAS	E PLANTATION, 🏰	
COUNTY, ALA	ORDED IN MAP BOOK BAMA.	16, PAGE 85,	IN THE PROBATI	E OFFICE OF SHELL	<b>★</b> 요요
			Inst	# 2001-4440A	# 0.74 0.45 9.67 9.67 9.67 9.67 9.67 9.67 9.67 9.67
HIS MORTGAGE IS BE	EING RERECORDED DUE	TO NAME INC	OMPLETE ON ACK	VOWLEDCMENT	· 입·*·종
			10/12	/2001-44401	
				PM CERTIFIED  UNITY JUDGE OF PROBATE  221.15	
located in SHELB	<b>Y</b>	Co	SHELBY Co nunty, Alabama. 1993	CH 221.15	
TITLE: I covenant and warra	nt title to the property, excep	ot for		······································	
under this mortgage The secured debt is e	age secures repayment of to any other document incorporate or under any instrument security idenced by (List all instrume MISSORY NOTE OF EVI	ured by this mortgagents and agreements	e and all modifications	is mortgage, includes any extensions and renewals.	amounts I owe you
	<b>dvances:</b> All amounts owed I. Future advances under the lif made on the date this more		greement are secured templated and will be	d even though not all are secured and will have n	nounts may yet be
C-1-1-1	· · · · · · · · · · · · · · · · · · ·	tgago is executed.			
	edit loan agreement dated Though not all amounts may have priority to the same exte				nder this agreement
	to the built exte	ent as if made on the	date this mortgage is	executed.	mpiated and will be
	is due and payable on				_ if not paid earlier.
ONE HUNDRED	Ince secured by this mortgage	THIRTY FIVE	AND 806/1/190s		136 035 86
plus interest, plus an such disbursements.	y disbursements made for the	e payment of taxes,	special assessments,	or insurance on the proper	rty, with interest on
▼ Variable Rate: The state of the state	e interest rate on the obligation	on secured by this m	ortonaa may yany aas		
A copy of the made a part he	loan agreement containing	the terms under w	hich the interest rate	ording to the terms of that may vary is attached to	obligation. this mortgage and
RIDERS: Commercial	<u> </u>				
SIGNATURES: By signing be incorporated onto page	elow, I agree to the terms at	nd covenants contai	ned in this mortgage	(including those on page	2 which are hereby
	1 of this mortgage form) and	in any riders describ	ed above and eigned b	ne.	
114 Smith		(Seal)	I'kel	lara Inm	107) (Seal)
BHITH JR	1 (Conth	( <b>/</b> ) ()	MARVIN	CRAIG JOHNSON	$\mathcal{A}$
KRISTINA C S	MITH	(Seal)	LESA SN	ITH JOHNSON	(Seal)
WITNESSES:			iss. byTvo		
Nuse	Strille	نر	D# SIRRY PUO	OFFICIAL NOTABY SCAL	
		, <u></u>	भव भ	COMMISSION NUMBER	·
ACKNOWLEDGMENT: STATE	OF ALABAMA, <u>MADISO</u> DERSIGNED	N	(2N2) 1 7 OS 61 O	CC815298	County ss:
1,	DEKSTGMED	, a Notary	/ Public in and the said	courMARa 20,2003 aid state,	hereby certify that
W H SMITH		TH, MARVIN CR	AIG JOHNSON &	LESA SMITH JOHNS	
whose na	ame(s) <u>IS/ARE</u> signed to the	he foregoing conveys	ance, and who <u>IS/</u>	ARE known to me, ack	nowledged before
	is day that, being informed of same bears date.	f the contents of the		SHE executed the same	voluntarily on the
whose na	ame(s) as	748A IA	the		
a corporation on this de	ation,signed to the	ne foregoing conveys	ince and who	known to me, acknow	
full autho	ay that, being informed of the crity, executed the same volum	ntarly for and as the	eot of and corneration	he, as such	officer and with
Given under my	hand this the	". <b>*^ </b>	<del></del>	ust_2001	
My commission	expires:	ેં ં . રં	Las Maria	man	·
		No the second second	TO THE STATE OF TH	(Notary Public)	ALABAMA
		* .	Carlotter I . I	$\wedge$ 1.1	· *=<-> = <- (*)/*

## COVENANTS

- 1. Payments. I agree to make all payments on the secured debt when due. Unless we agree otherwise, any payments you receive from me or for my benefit will be applied first to any amounts I owe you on the secured debt (exclusive of interest or principal), second, to interest and then to principal. If partial prepayment of the secured debt occurs for any reason, it will not reduce or excuse any scheduled payment until the secured debt is paid in full.
- 2. Claims against Title. I will pay all taxes, assessments, liens and encumbrances on the property when due and will defend title to the property against any claims which would impair the lien of this mortgage. You may require me to assign any rights, claims or defenses which I may have against parties who supply labor or materials to improve or maintain the property.
- 3. Insurance. I will keep the property insured under terms acceptable to you at my expense and for your benefit. All insurance policies shall include a standard mortgage clause in favor of you. You will be named as loss payee or as the insured on any such insurance policy. Any insurance proceeds may be applied, within your discretion, to either the restoration or repair of the damaged property or to the secured debt. If you require mortgage insurance, I agree to maintain such insurance for as long as you require.
- 4. Property. I will keep the property in good condition and make all repairs reasonably necessary.
- 5. Expenses. I agree to pay all your expenses, including reasonable attorneys' fees if I break any covenants in this mortgage or in any obligation secured by this mortgage. Attorneys' fees include those awarded by an appellate court. I will pay these amounts to you as provided in Covenant 10 of this mortgage.
- 6. Default and Acceleration. If I fail to make any payment when due or break any covenants under this mortgage, any prior mortgage or any obligation secured by this mortgage, you may accelerate the maturity of the secured debt and demand immediate payment and exercise any other remedy available to you. This mortgage gives you the power of sale, which you may also invoke under the circumstances described in the previous sentence. If you invoke the power of sale, you will give notice of the sale by publication once a week for three successive weeks in some newspaper published in the county in which the property or any portion of it is located. This notice will give the time, place and terms of the sale, and a description of the property. After this notice is given, the property will be sold to the highest bidder at public auction at the front door of the County Courthouse of the county in which the notice of sale was published. \*and
- 7. Assignment of Rents and Profits. I assign to you the rents and profits of the property. Unless we have agreed otherwise in writing, I may collect and retain the rents as long as I am not in default. If I default, you, your agent, or a court appointed receiver may take possession and manage the property and collect the rents. Any rents you collect shall be applied first to the costs of managing the property, including court costs and attorneys' fees, commissions to rental agents, and any other necessary related expenses. The remaining amount of rents will then apply to payments on the secured debt as provided in Covenant 1.
- 8. Waiver of Homestead. I hereby waive all right of homestead exemption in the property.
- 9. Leaseholds; Condominiums; Planned Unit Developments. I agree to comply with the provisions of any lease if this mortgage is on a leasehold. If this mortgage is on a unit in a condominium or a planned unit development, I will perform all of my duties under the covenants, by-laws, or regulations of the condominium or planned unit development.
- 10. Authority of Mortgagee to Perform for Mortgagor. If I fail to perform any of my duties under this mortgage, you may perform the duties or cause them to be performed. You may sign my name or pay any amount if necessary for performance. If any construction on the property is dicontinued or not carried on in a reasonable manner, you may do whatever is necessary to protect your security interest in the property. This may include completing the construction.

Your failure to perform will not preclude you from exercising any of your other rights under the law or this mortgage.

Any amounts paid by you to protect your security interest will be secured by this mortgage. Such amounts will be due on demand and will bear interest from the date of the payment until paid in full at the interest rate in effect on the secured debt.

- 11. Inspection. You may enter the property to inspect if you give me notice beforehand. The notice must state the reasonable cause for your inspection.
- 12. Condemnation. I assign to you the proceeds of any award or claim for damages connected with a condemnation or other taking of all or any part of the property. Such proceeds will be applied as provided in Covenant 1. This assignment is subject to the terms of any prior security agreement.
- 13. Waiver. By exercising any remedy available to you, you do not give up your rights to later use any other remedy. By not exercising any remedy, it I default, you do not waive your right to later consider the event a default if it happens again.
- 14. Joint and Several Liability; Co-signers; Successors and Assigns Bound. All duties under this mortgage are joint and several. If I co-sign this mortgage but do not co-sign the underlying debt I do so only to mortgage my interest in the property under the terms of this mortgage. I also agree that you and any party to this mortgage may extend, modify or make any other changes in the terms of this mortgage or the secured debt without my consent. Such a change will not release me from the terms of this mortgage.

The duties and benefits of this mortgage shall bind and benefit the successors and assigns of either or both of us.

15. Notice. Unless otherwise required by law, any notice to me shall be given by delivering it or by mailing it by certified mail addressed to me at the Property Address or any other address that I tell you. I will give any notice to you by certified mail to your address on page 1 of this mortgage, or to any other address which you have designated.

Any notice shall be deemed to have been given to either of us when given in the manner stated above.

- 16. Transfer of the Property or a Beneficial Interest in the Mortgagor. If all or any part of the property or any interest in it is sold or transferred without your prior written consent, you may demand immediate payment of the secured debt. You may also demand immediate payment if the mortgagor is not a natural person and a beneficial interest in the mortgagor is sold or transferred. However, you may not demand payment in the above situations if it is prohibited by federal law as of the date of this mortgage.
- 17. Release. When I have paid the secured debt in full and all underlying agreements have been terminated, this mortgage will become null and void and you will release this mortgage.

\*you and your agents or assigns, may bid at said sale and purchase said property if the highest bidder therefore.

(page 2 d

page 2 of 2)

			I W	H SWITH JR		h	
	an Bank	•		H SMITH JR RISTINA C SMITH	· · · · · · · · · · · · · · · · · · ·	Loan Nur	nber 20576011
First American 401 Meridian				ESA SMITH JOHNSON	1		August 27, 2001
Huntsville,		1		O BOX 823			Date August 27, 200
	S NAME AND			UNTSVILLE AL	35804-0823	Loan Am	ount \$136,035.86
"You" means the L	ender, its succ	essors and ass		BORROWER'S NAME A " includes each Borrower abov	ND ADDRESS	Renewal	Of
TERMS FOLLOWING			CKED	· · · · · · · · · · · · · · · · · · ·		053/	LWK SS# 258-29-277
OTE - For value receive	ed, I promise to	pay to you, o	or your order, at the	your address above, the princi	pal sum of: Doll:	ve S	136,035.86
ONE HUNDRED	THIRTY S	27 200	AND INIKI	Y FIVE AND 86/100		until ir	ndex rate changes
lus interest from	Auguse Suances	1 0000 10 00	u a refundable ir	nterest surcharge fee of \$	X lagre	e to pay a p	processing fee of \$ 100.00
he processing fee is [	refundable.	Nonrefund	dable. Fees will	be 💹 paid in cash. 🔲 paid	d pro rata over the term o	f the loan.	withheld from the proceeds.
Fees withheld from the	proceeds are ii The rate above	may change s	o as always to b	.000%	PLUS	· · · · · · · · · · · · · · · · · · ·	the following index rate:
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<del></del>		·····	<u></u>		9/ aaab		<u> </u>
	The in	terest rate may	y not change mo	ne he more than 12.	750 % or less than	6.000	0%. The interest rate in effect
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on this note may of	rest rate will ca	ause an increas	se in X the a	mount of each scheduled pays	ment.  the amount du	e at maturit	y. The number of payments.
AVAICAIT I will now th	nie note as folio	IWe.					
(a) K Interest due	. Month	ly begin	ning 9/	/27/01		<u></u>	
Principal du	8/27	/02					
(b) This note ha	as	_ payments. T	he first payment	will be in the amount of \$	an-	d will be du	B
<del></del>	. A payment o	f \$		will be due on the	day of each		
					IUE	t will see	ue after maturity on the unpaid
NTEREST - Interest acc	crues on a	60 day		halance of	this note on the same basi	is as interes	it accrues before maturity, unless
MINIMUM INTERES					ost-maturity interest rate is	agreed to	in the next sentence.
X LATE CHARGE - I				of any navment X Interes	t will accrue at the rate o	)f*	% per year on the
nade more than10				halanaa af	this note not paid at matur	ity, includin	g maturity by acceleration.
payment, maxi	imum \$100	0.00		THE PURPO	SE OF THIS LOAN IS	. <u> </u>	
REFINANCE I	PROPERTY		<u></u>				<u> </u>
SECURITY - You have o	certain rights th	at may affect	my property as	explained on page 3. This loan	i LA is L is not further	secured.	8/27/01
(a) 🗓 This loan is	is secured by _	MORTGA	GE			·	
							Demography and the obligations this
(b) Security A	Agreement - I (	ive you a sec	curity interest in	the Property described below nent.	v. The rights I am giving	you in this	Property and the obligations this
agreement	secures are de	give you a sec efined on page	curity interest in 3 of this agreer	nent.	M AT.		
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