

## AMENDMENT TO REAL ESTATE MORTGAGE AND SECURITY AGREEMENT

This Amendment (the "Amendment") is made and entered into on December 18, 2002, by and between Charles M. Kitchen, a single man (hereinafter called the "Mortgagor", whether one or more) and First Commercial Bank (hereinafter called the "Mortgagee").

### RECITALS

A. Charles M. Kitchen (hereinafter called the "Borrower", whether one or more) has (have) entered into as agreement entitled "First Commercial Bank Real Estate Mortgage and Security Agreement", executed by the Borrower in favor of the Mortgagee dated February 26, 2002 (the "Credit Agreement"). This Credit Agreement is in the amount of One Hundred Sixty Thousand and no/100--Dollars (\$160,000.00 ).


B. The Mortgagor has executed in favor of the Mortgagee a Real Estate Mortgage and Security Agreement (the "Mortgage") recorded February 28, 2002 in Inst.# 2002-09814, in the Probate Office of Shelby County, Alabama.

C. The Borrower and the Mortgagor have requested that the Mortgagee increase the Mortgage amount to One Hundred Eighty Thousand and no/100--Dollars (\$180,000.00 ).

D. The Mortgagee has required, as a condition to approving the request for the Amended Mortgage, that the Mortgagor enter into this Amendment.


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

IN WITNESS WHEREOF, the parties have hereunto caused this instrument to be executed effective this 18th day of December, 2002.

  
\_\_\_\_\_(SEAL)  
Charles M. Kitchen

\_\_\_\_\_(SEAL)

FIRST COMMERCIAL BANK  
MORTGAGEE

By:   
\_\_\_\_\_  
W. Fred Lindsey  
Its: Vice President

## INDIVIDUAL ACKNOWLEDGEMENT

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Charles M. Kitchen, whose name is signed to the foregoing amendment, and who is known to me, acknowledged before me on this day that, being informed of the contents of said amendment, has executed the same voluntarily on the day the same bears date.

Given under my hand and Official seal this 18th day of December, 2002.

(NOTARIAL SEAL)

  
\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Sept 15, 2004  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

## CORPORATE ACKNOWLEDGEMENT

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that W. Fred Lindsey whose name as Vice President of First Commercial Bank, a corporation, is signed to the foregoing amendment, and who is known to me, acknowledged before me on this day that, being informed of the contents of said amendment, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Give under my hand and Official seal this 18th day of December, 2002.

(NOTARIAL SEAL)

  
\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Sept 15, 2004  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

This instrument prepared by:

Name:       Helen Ancic  
              First Commercial Bank  
Address:    P. O. Box 11746  
              Birmingham, AL 35202-1746