

RECORDATION REQUESTED BY:

SouthTrust Bank
Pelham 338
3145 Highway 31 South
Pelham, AL 35124

20030207000077560 Pg 1/2 90.50
Shelby Cnty Judge of Probate, AL
02/07/2003 13:55:00 FILED/CERTIFIED

WHEN RECORDED MAIL TO:

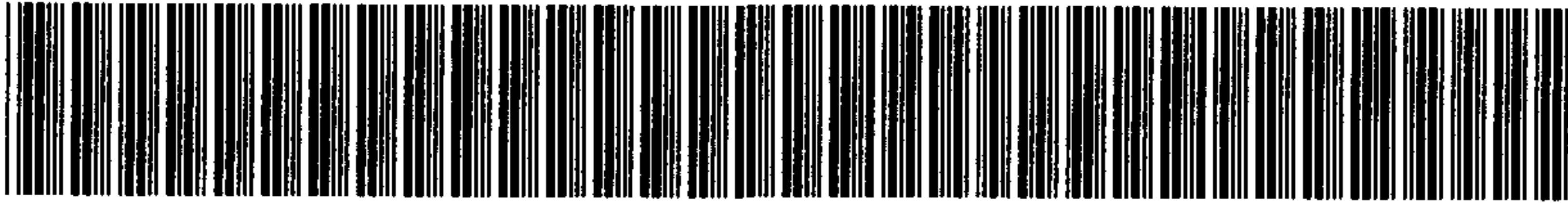
SouthTrust Bank, Loan Operations
Mortgage Recording - File Management
P O Box 2233
Birmingham, AL 35201

SEND TAX NOTICES TO:

D ELWYN BEARDEN
DEBBY BEARDEN
3490 BEARDEN LN
HELENA, AL 35080

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE



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THIS MODIFICATION OF MORTGAGE dated January 8, 2003, is made and executed between D ELWYN BEARDEN and DEBBY BEARDEN; HUSBAND AND WIFE, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP (referred to below as "Grantor") and SouthTrust Bank, whose address is 3145 Highway 31 South, Pelham, AL 35124 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated August 14, 1996 (the "Mortgage") which has been recorded in SHELBY County, State of Alabama, as follows:

RECORDED DATE : 11/19/96, BOOK : 1996, PAGE : 38190.

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

All that certain parcel of land situated in CITY OF HELENA being known as COMMENCE AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE SW 1/4 SECTION 2, TOWNSHIP 20 SOUTH, RANGE 3 WEST, BEING AN IRON FOUND IN PLACE AND BEING IN ACCORDANCE WITH A SURVEY BY H. SCHOEL, C. E. IN MAY OF 1929; THENCE PROCEEDING IN AN EASTERLY DIRECTION ALONG THE NORTH OF SAID 1/4 1/4 SECTION A DISTANCE OF 439.62 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE SAID NORTH BOUNDARY OF THE SAID 1/4 1/4 SECTION FOR A DISTANCE OF 329.65 FEET TO A POINT IRON SET; THENCE TURN 118 DEGREES 52 MINUTES 54 SECONDS TO THE RIGHT AND RUN 212.80 FEET TO A POINT IRON SET; THENCE TURN 68 DEGREES 29 MINUTES 42 SECONDS TO THE RIGHT AND RUN 110.32 FEET TO A POINT IRON SET; THENCE 16 DEGREES 29 MINUTES 42 SECONDS TO THE RIGHT AND RUN 110.32 FEET TO A POINT IRON SET; THENCE TURN 16 DEGREES 38 MINUTES 36 SECONDS TO THE RIGHT AND RUN 20.38 FEET TO THE POINT OF BEGINNING IRON SET; SAID PARCEL OF LAND IS LYING IN THE NE 1/4 OF THE SW 1/4 OF SECTION 2, TOWNSHIP 20 SOUTH, RANGE 3 WEST; BEING THE SAME PREMISES AS CONVEYED TO D. ELWYN BEARDEN AND DEBBY BEARDEN FROM J. E. BEARDEN AND IRENE L. BEARDEN and being more fully described in Deed Book 309 Page 589 recorded on 12/27/1977 among the land records of SHELBY County, AL.

The Real Property or its address is commonly known as 3490 BEARDEN LN, HELENA, AL 35080.

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

INCREASE MORTGAGE FROM \$ 124,000 TO \$ 175,000. FOR MORTGAGE TAX PURPOSES, THIS LINE WAS INCREASED BY \$ 51,000

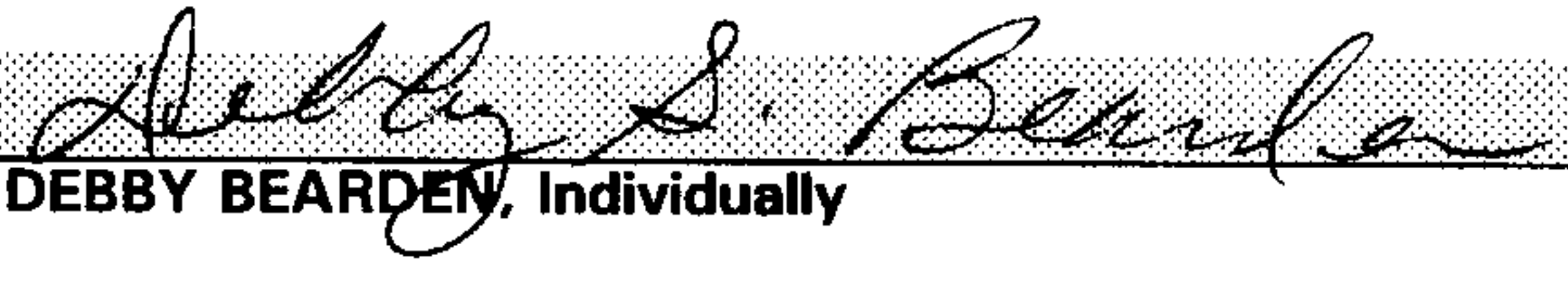
CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right 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 JANUARY 8, 2003.

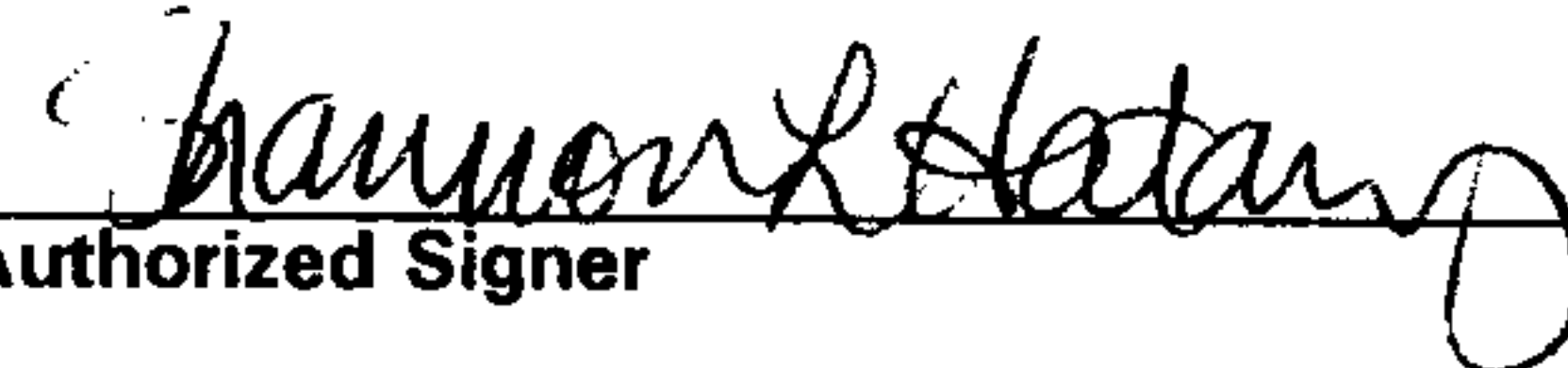
THIS MODIFICATION IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS MODIFICATION IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

GRANTOR:

X  (Seal)
D ELWYN BEARDEN, Individually

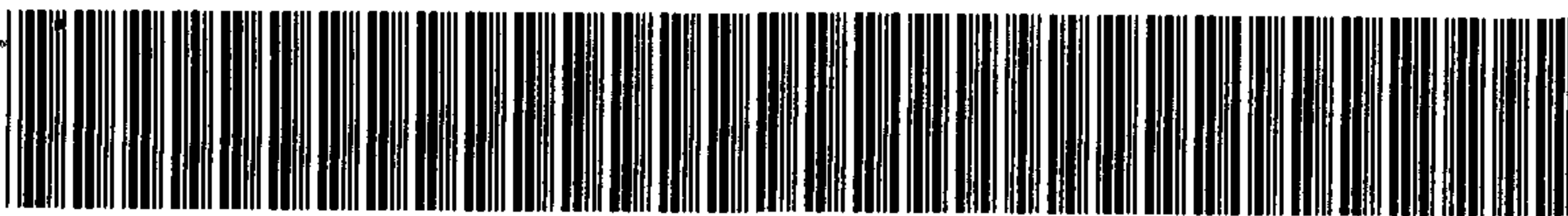
X  (Seal)
DEBBY BEARDEN, Individually

LENDER:

X  (Seal)
Authorized Signer

This Modification of Mortgage prepared by:

Name: MARY SMITH, Loan Processor
Address: 220 Wildwood Parkway
City, State, ZIP: Homewood, AL 35209



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**MODIFICATION OF MORTGAGE
(Continued)**

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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 **D ELWYN BEARDEN and DEBBY BEARDEN, HUSBAND AND WIFE, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP**, 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 8th day of January, 2003.

Gerardine J. Woodley
Notary Public

My commission expires 5-1-06

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 _____ 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 8th day of January, 2003.

Notary Public

My commission expires _____