

THIS INSTRUMENT PREPARED BY: Richard W. Theibert, Esq.
Najjar Denaburg, P.C.
2125 Morris Avenue
Birmingham, Alabama 35203

STATE OF ALABAMA)
COUNTY OF SHELBY)

MORTGAGE AND ASSIGNMENT OF RENTS AND LEASES
MODIFICATION AGREEMENT

This Agreement is by and between AmSouth Bank ("Bank") and J. Elliott Corp. ("Borrower").

WHEREAS, Borrower is indebted to Bank as evidenced by a Promissory Note dated March 31, 2003; and secured by a Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement on real property situated in Shelby County, Alabama, such Mortgage being recorded in Instrument No. 2003-200300 in the office of the Judge of Probate, Shelby County, Alabama, and corrected by Corrective Mortgage recorded in Instrument No. 2003-527540 in the office of the Judge of Probate, Shelby County, Alabama ("Mortgage") and Assignment of Rents and Leases recorded in Instrument No. 2003-200310 ("Assignment of Rents and Leases").

WHEREAS, Borrower and Bank desire to modify the terms of said Mortgage and Assignment of Rents and Leases as set forth herein.

NOW, THEREFORE, for and in consideration of the premises, Borrower and Bank agree that the terms of the Mortgage and Assignment of Rents and Leases are modified as follows:

- By increasing the amount of the mortgage by \$80,000.00 to \$1,147,000.00;

Except as modified herein, all of the terms and conditions of the Mortgage and Assignment of Rents and Leases shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective the 31st day of October, 2003.

J. Elliott Corp.

By: James W. Elliott
Its: President

AMSOUTH BANK

By: Assistant Vice President
Its: Assistant Vice President

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James W. Elliott, whose names as President of J. Elliott Corp., a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of such conveyance, he, 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 31st day of October, 2003.

Notary Public
My commission expires My Commission Expires May 21, 2004

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Marks Darden
whose name as VP of AmSouth Bank, is signed to the foregoing conveyance, and who is known to me,
acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with
full authority, executed the same voluntarily for and as the act of said Bank.

Given under my hand and official seal this the 31st day of October, 2003.

M. W. T. H.
Notary Public
My commission expires My Commission Expires May 21, 2004