

This document prepared by  
and upon recording return to:  
Robert T. Morgan, Esq.  
Robert T. Morgan, P.C.  
750 Hammond Drive  
Building 12, Suite 100  
Atlanta, Georgia 30328  
File No.: 4696-12-544

Re: Cross Default and Cross Collateralization  
Agreement recorded at Instrument No.  
2003112000764640, Shelby County, Alabama  
Records.

## **MODIFICATION OF CROSS DEFAULT AND CROSS COLLATERALIZATION AGREEMENT**

THIS MODIFICATION OF CROSS DEFAULT AND CROSS COLLATERALIZATION AGREEMENT is made and entered into as of this 19<sup>th</sup> day of April, 2004, by and between **HARCON, INC.** ("Harcon"), **905 UNION HILL, LLC** ("905 Union"), **HELENA PROPERTIES, LLC** ("Helena") and **HARDIN REALTY, LLC** ("Hardin") (hereinafter the foregoing collectively referred to as the "Borrowers") and **SOUTHTRUST BANK** ("Lender");

### **WITNESSETH:**

WHEREAS, on November 14, 2003, the Borrowers entered into a Renewed Cross Default and Cross Collateralization Agreement (the "Cross Default") recorded at Deed Book 3121, Page 56, Forsyth County, Georgia Records, Deed Book 36636, Page 577, Fulton County, Georgia Records, and **Instrument No. 20031120000764640, Shelby County, Alabama Records.**

WHEREAS, on even date herewith, Lender has renewed and increased the Line of Credit Loan as defined in the Cross Default in the first "Whereas" paragraph.

WHEREAS, Borrowers and Lender desire to amend the Cross Default as hereinafter set forth.

NOW, THEREFORE, for and in consideration of the above premises, Ten and No/100 Dollars (\$10.00) cash in hand paid by each party to the other, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Cross Default is hereby amended as follows:
  - a. The maximum amount of the Line of Credit Loan shall be increased from **\$2,000,000.00** to **\$3,000,000.00**.
  - b. The final maturity date of the Line of Credit Loan for which the Cross Default is given to secure is extended from **May 19, 2004** to **July 19, 2004**.

2. All other terms and conditions of the Cross Default shall remain in full force and effect, except as otherwise expressly modified herein.
3. This Modification of Cross Default and Cross Collateralization Agreement shall bind and inure to the benefit of the parties hereto and their respective heirs, successors, representatives and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the day and year first above written.

**BORROWERS:**

**HARCON, INC**

By: Michael A. Hardin

Title: President

[CORPORATE SEAL]

**905 UNION HILL, LLC**

By: Michael A. Hardin

Title: Managing Member

**HELENA PROPERTIES, LLC**

By: Michael A. Hardin

Title: Managing Member

Signed, sealed and delivered  
this 19<sup>th</sup> day of April, 2004

Karen S. Clark  
Unofficial Witness  
Karen S. Clark  
Notary Public  
My Commission Expires: January 19, 2008  
[NOTARY SEAL]  
WINNETT COUNTY, GEORGIA

Signed, sealed and delivered  
this 19<sup>th</sup> day of April, 2004

Karen S. Clark  
Unofficial Witness  
Karen S. Clark  
Notary Public  
My Commission Expires: January 19, 2008  
[NOTARY SEAL]  
WINNETT COUNTY, GEORGIA

Signed, sealed and delivered  
this 19<sup>th</sup> day of April, 2004

Karen S. Clark  
Unofficial Witness  
Karen S. Clark  
Notary Public  
My Commission Expires: January 19, 2008  
[NOTARY SEAL]  
WINNETT COUNTY, GEORGIA

SIGNATURES CONTINUED ON FOLLOWING PAGE]

Signed, sealed and delivered  
this 14 day of April, 2004

[Signature]  
Unofficial Witness

Karen S. Clark  
Notary Public  
My Commission Expires 1-19-2008  
[NOTARY SEAL] KAREN S. CLARK  
NOTARY PUBLIC  
WINNETT COUNTY, GEORGIA  
My Comm. Exp. January 19, 2008

**HARDIN REALTY, LLC**

By: Michael A. Hardin

Title: Managing Member

**LENDER:**

**SOUTHTRUST BANK**

By: Walter J. [Signature]

Title: Vice President

[BANK SEAL]

Signed, sealed and delivered  
this 14 day of April, 2004

[Signature]  
Unofficial Witness

Karen S. Clark  
Notary Public  
My Commission Expires 1-19-2008  
[NOTARY SEAL] KAREN S. CLARK  
NOTARY PUBLIC  
WINNETT COUNTY, GEORGIA  
My Comm. Exp. January 19, 2008