

RECORDATION REQUESTED BY:

SouthTrust Bank
Office Park 332
100 Office Park Drive
Birmingham, AL 35223

20041012000564100 Pg 1/2 32.00
Shelby Cnty Judge of Probate, AL
10/12/2004 12:16:00 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:

JULIUS K O'REAR
AMY G O'REAR
1034 WILLIAM TRACE
BIRMINGHAM, AL 35242

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE



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THIS MODIFICATION OF MORTGAGE dated September 8, 2004, is made and executed between JULIUS K O'REAR and AMY G O'REAR; HUSBAND AND WIFE JTWROS (referred to below as "Grantor") and SouthTrust Bank, whose address is 100 Office Park Drive, Birmingham, AL 35223 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated June 21, 2002 (the "Mortgage") which has been recorded in SHELBY County, State of Alabama, as follows:

RECORDING DATE: AUGUST 6, 2002 **INSTRUMENT #**20020806000366000, **PAGE 1/7** SECURING AN INDEBTEDNESS OF \$23,000.00 IN SHELBY COUNTY, ALABAMA.

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

LOT 2522 ACCORDING TO THE SURVEY OF BROOK HIGHLAND, 25TH SECTOR, AN EDDLEMAN COMMUNITY RECORDED IN MAP BOOK 28, PAGE 136 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

The Real Property or its address is commonly known as 1034 WILLIAM TRACE, BIRMINGHAM, AL 35242.

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

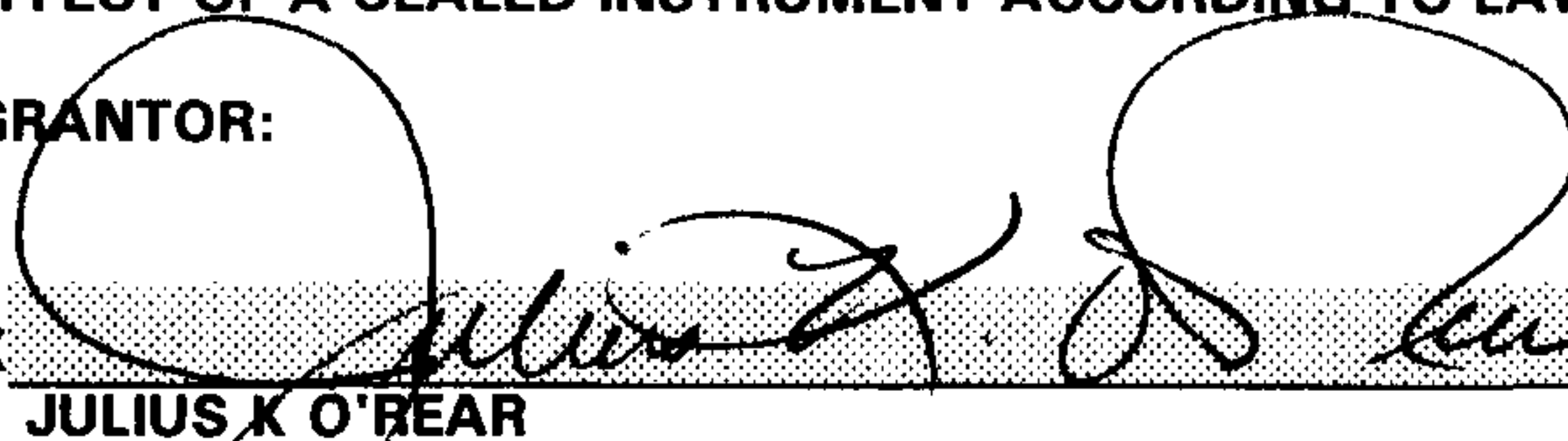
INCREASE MORTGAGE FROM \$23,000.00 TO \$35,000.00. FOR MORTGAGE TAX PURPOSES, THIS LINE WAS INCREASED BY \$12,000.00.

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 endorser 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 SEPTEMBER 8, 2004.

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.

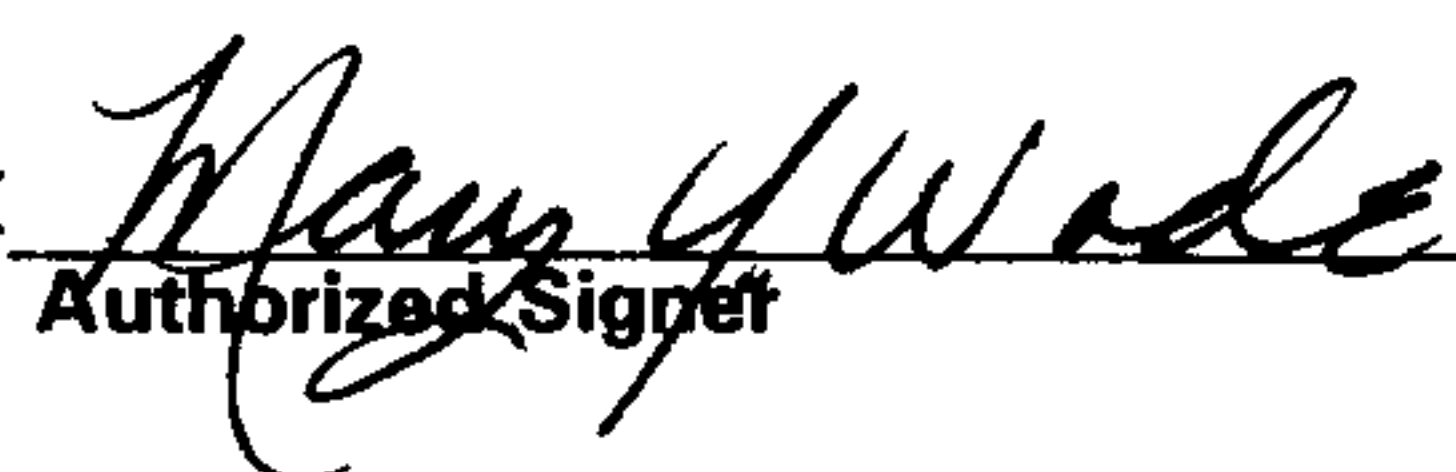
GRANTOR:

X  (Seal)
JULIUS K O'REAR

X  (Seal)
AMY G O'REAR

LENDER:

SOUTHTRUST BANK

X  (Seal)
Authorized Signer

This Modification of Mortgage prepared by:

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



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MODIFICATION OF MORTGAGE
(Continued)

Page 2

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Alabama

COUNTY OF Jefferson

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20041012000564100 Pg 2/2 32.00
Shelby Cnty Judge of Probate, AL
10/12/2004 12:16:00 FILED/CERTIFIED

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that **JULIUS K O'REAR and AMY G O'REAR, HUSBAND AND WIFE JTWROS**, 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 Sept

[Signature]
Notary Public

My commission expires NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Apr 2, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS

LENDER ACKNOWLEDGMENT

STATE OF Alabama

COUNTY OF Jefferson

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) SS
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I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that MARY WADE
of SouthTrust Bank a corporation, is signed to the foregoing Modification and who is known to me, acknowledged before me on this day that, being informed of the contents of said Modification of Mortgage, 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 Sept

[Signature]
Notary Public

My commission expires NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Apr 2, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS