

RECORDATION REQUESTED BY:

SouthTrust Bank
Brook Highland 320
5376 Highway 280
Birmingham, AL 35242

20041021000582780 Pg 1/2 29.00
Shelby Cnty Judge of Probate, AL
10/21/2004 14:24:00 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:

KELLY SMITH
WAYNE C SMITH; A/K/A CHARLES SMITH
2504 MEADOWOOD CIRCLE
BIRMINGHAM, AL 35242

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE



074000000000950100755400011 9

THIS MODIFICATION OF MORTGAGE dated September 15, 2004, is made and executed between KELLY SMITH and WAYNE C SMITH; A/K/A CHARLES SMITH; WIFE AND HUSBAND (referred to below as "Grantor") and SouthTrust Bank, whose address is 5376 Highway 280, Birmingham, AL 35242 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated August 1, 2002 (the "Mortgage") which has been recorded in SHELBY County, State of Alabama, as follows:

FILED 08-26-2002 AS INSTRUMENT #20020826000406090 SHELBY CO, AL RECORDS SECURING AN INDEBTEDNESS OF 35,000.00. MODIFICATION DATED 04-17-2003, FILED 05-16-2003 AS INSTRUMENT NO. 20030516000305800 INCREASING INDEBTEDNESS TO \$45,000.00.

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

LOT 3, ACCORDING TO THE SURVEY OF MEADOWOOD ESTATES, AS RECORDED IN MAP BOOK 10, PAGE 33 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA. MINERAL AND MINING RIGHTS EXCEPTED.

The Real Property or its address is commonly known as 2504 MEADOWOOD CIRCLE, BIRMINGHAM, AL 35242.

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

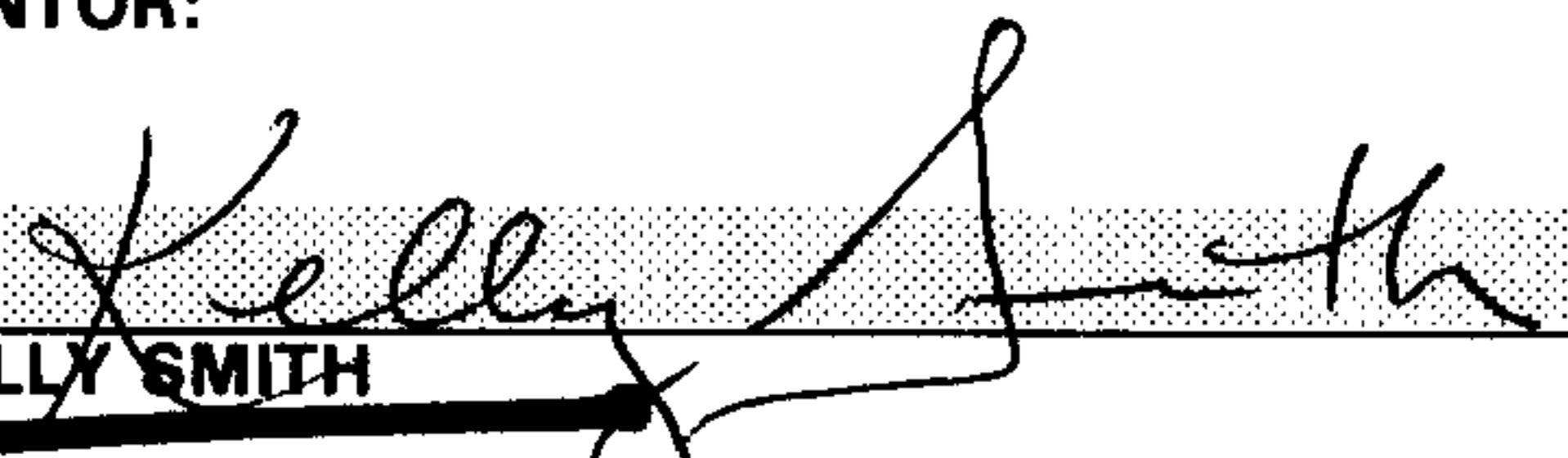
INCREASE MORTGAGE FROM \$45,000.00 TO \$55,000.00. FOR MORTGAGE TAX PURPOSES, THIS LINE WAS INCREASED BY \$10,000.00.



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 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 SEPTEMBER 15, 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)
KELLY SMITH
LENDER:

X  (Seal)
WAYNE C SMITH; A/K/A CHARLES SMITH


SOUTHTRUST BANK

X _____ (Seal)
Authorized Signer

This Modification of Mortgage prepared by:

Name: SONDRA DAVIS, Loan Processor
Address: 220 Wildwood Parkway
City, State, ZIP: Homewood, AL 35209



074000000000950100755400011 9

MODIFICATION OF MORTGAGE
(Continued)

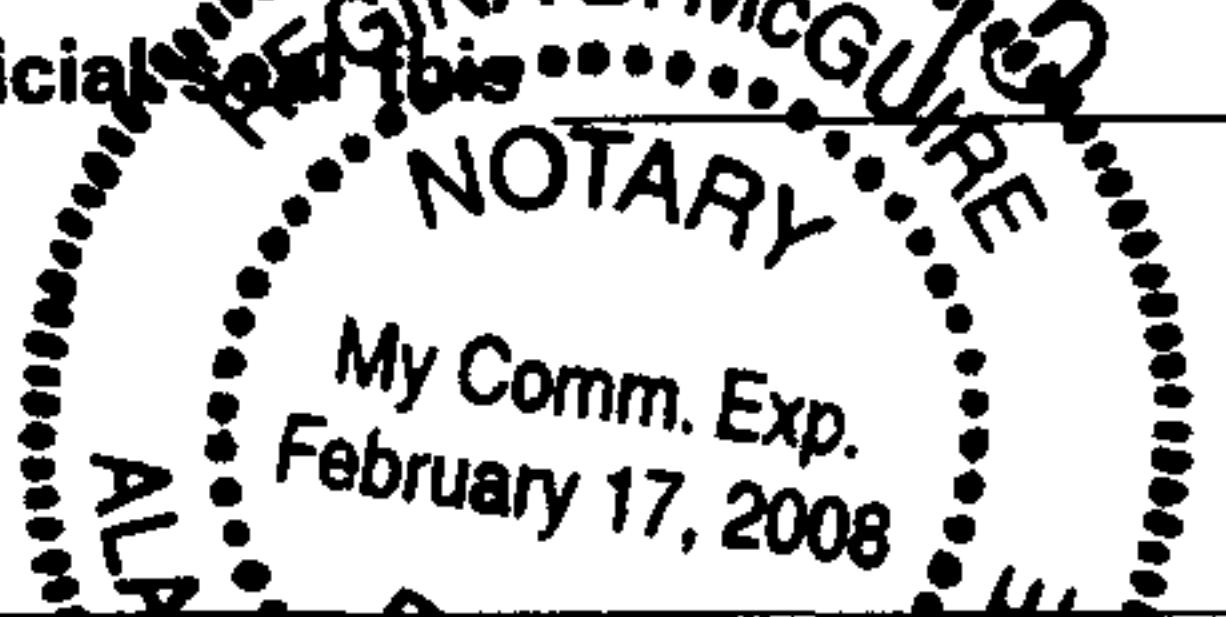
Page 2

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Alabama)
)
COUNTY OF Jefferson) SS
)

20041021000562780 Pg 2/2 29.00
Shelby Cnty Judge of Probate, AL
10/21/2004 14:24:00 FILED/CERTIFIED

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that **KELLY SMITH and WAYNE C SMITH; A/K/A CHARLES SMITH, WIFE AND HUSBAND**, 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 15 day of Sept, 2004.

My commission expires _____
Notary Public

LENDER ACKNOWLEDGMENT

STATE OF _____)
) SS
COUNTY OF _____)

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 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 _____ day of _____, 20____.

Notary Public
My commission expires _____