

**RECORDATION REQUESTED BY:**

SouthTrust Bank  
Oak Mountain 345  
2261 Highway 31 South  
Pelham, AL 35124

20050113000020520 Pg 1/3 58.10  
Shelby Cnty Judge of Probate, AL  
01/13/2005 10:11:00 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:**

JOHN W BUTTREY; A/K/A: JOHN H BUTTREY JR  
JULIE B BUTTERY  
56 CHEROKEE TRAIL  
PELHAM, AL 35124

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**MODIFICATION OF MORTGAGE**



\*074000000000950153805300011 4\*

**THIS MODIFICATION OF MORTGAGE** dated December 10, 2004, is made and executed between **JOHN W BUTTREY; A/K/A: JOHN H BUTTREY JR and JULIE B BUTTERY; HUSBAND AND WIFE J/T/W/R/O/S** (referred to below as "Grantor") and SouthTrust Bank, whose address is 2261 Highway 31 South, Pelham, AL 35124 (referred to below as "Lender").

**MORTGAGE.** Lender and Grantor have entered into a Mortgage dated October 10, 2003 (the "Mortgage") which has been recorded in SHELBY County, State of Alabama, as follows:

**RECORDING DATE: NOVEMBER 19, 2003 INSTRUMENT #20031119000760640 IN SHELBY COUNTY, ALABAMA .**

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

See EXHIBIT "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 56 CHEROKEE TRAIL, PELHAM, AL 35124.

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


**INCREASE MORTGAGE FROM \$45,000.00 TO \$72,400.00. FOR MORTGAGE TAX PURPOSES, THIS LINE WAS INCREASED BY \$27,400.00.**

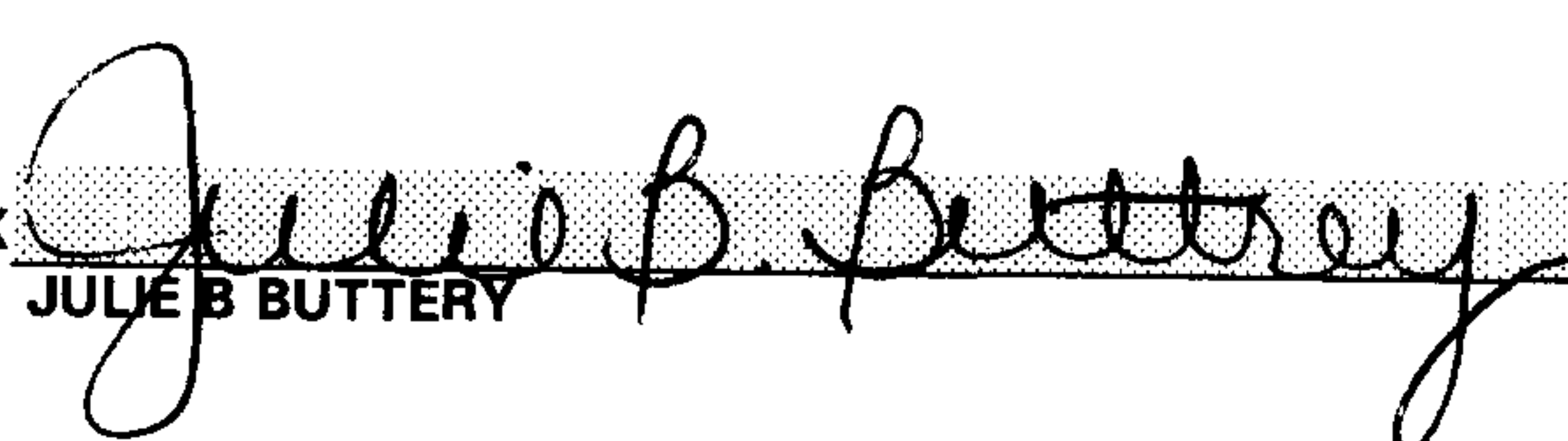
**CONTINUING VALIDITY.** Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's 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 DECEMBER 10, 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)  
JOHN W BUTTREY; A/K/A: JOHN H BUTTREY JR

X  (Seal)  
JULIE B BUTTERY

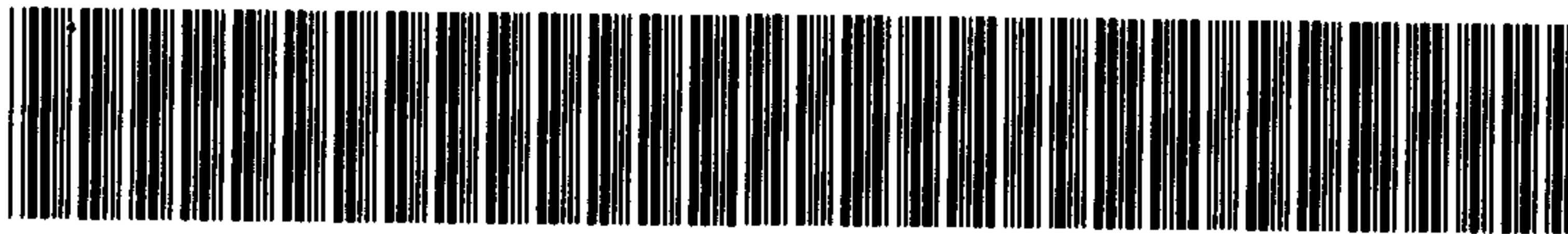
**LENDER:**

**SOUTHTRUST BANK**

X  (Seal)  
Authorized Signer

This Modification of Mortgage prepared by:

Name: TONYA BURNS, Loan Processor  
Address: 220 Wildwood Parkway  
City, State, ZIP: Homewood, AL 35209



\*074000000000950153805300011 4\*

MODIFICATION OF MORTGAGE  
(Continued)

Page 2

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 JOHN W BUTTREY; A/K/A: JOHN H BUTTREY JR and JULIE B BUTTERRY, HUSBAND AND WIFE J/T/W/R/O/S , 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 10th day of December 2004.  
Julyn Ellen Hickel  
Notary Public  
MY COMMISSION EXPIRES  
FEBRUARY 25, 2007.  
My commission expires \_\_\_\_\_

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 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 10th day of December 2004.  
Julyn Ellen Hickel  
Notary Public  
MY COMMISSION EXPIRES  
FEBRUARY 25, 2007.  
My commission expires \_\_\_\_\_

20050113000020520 Pg 3/3 58.10  
Shelby Cnty Judge of Probate, AL  
01/13/2005 10:11:00 FILED/CERTIFIED

---

**Customer Information**

Customer Name: BUTTREY, JOHN

Application #: 598439

---

**EXHIBIT "A"****LEGAL DESCRIPTION**

All that certain parcel of land situated in CITY OF PELHAM being known as A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 28, THENCE RUN NORTH 89 DEGREES 53'20" EAST ALONG THE NORTH LINE OF SLAD 1/4 1/4 FOR 649.80 FT, THENCE RUN SOUTH 2 DEGREES 20'10" EAST FOR 1,446.24 FT TO A POINT; THENCE RUN SOUTH 02 DEGREES 20'23" EAST MEASURE, (SOUTH 2 DEGREES 20'10" EAST MAP) FOR 49.45 FT MAP AND MEASURE TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN SOUTH 2 DEGREES 24'42" EAST MEASURE (SOUTH 2 DEGREES 20'10" EAST MAP) FOR 261.59 FT MEASURE, (363.11 FT MAP) TO A 1/2" REBAR; THENCE RUN NORTH 78 DEGREES 53'06" WEST MEASURE (NORTH 78 DEGREES 38'20" WEST MAP) FOR 364.41 FT MAP AND MEASURE TO A 1/2 REBAR, SAID POINT BEING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF CHEROKEE TRAIL; THENCE RUN NORTH 63 DEGREES 58'22" EAST MEASURE NORTH 64 DEGREES 06'53" EAST MAP) FOR 50.00 FT MAP AND MEASURE ALONG SAID RIGHT OF WAY LINE TO A 5/8" REBAR; THENCE RUN NORTH 60 DEGREES 42'48" EAST MEASURE, (NORTH 64 DEGREES 06'53" EAST MAP) FOR 345.82 FT MAP AND MEASURE TO THE POINT OF BEGINNING; TAX ID # 10-5-22-0-002-051-002, and being more fully described in DEED BOOK PAGE recorded on 08/04/2003 among the land records of SHELBY County, AL.

Being the same property conveyed to JOHN H. BUTTREY, JR, JULIE B. BUTTREY by deed from COMMONWEALTH DEVELOPMENT GROUP, LLC dated 07/18/2003, recorded 08/04/2003, in DEED BOOK PAGE