

*This instrument was prepared by: Dinah Walker  
Wachovia Bank, National Association  
successor by merger to SouthTrust Bank  
110 Office Park Drive, Ste 105  
Birmingham, Alabama 35223  
Attention: Residential Lending*

**Reli, Inc.**  
**the TITLE and CLOSING PROFESSIONALS**  
**3595 Grandview Pkwy, Ste 350**  
**Birmingham, AL 35243**

**AMENDMENT TO MORTGAGE AND SECURITY AGREEMENT**

This Amendment to Mortgage and Security Agreement is entered into on June 23, 2005.

**THE NARROWS II, INC.**, an Alabama corporation ("Grantor") has made and delivered to **WACHOVIA BANK, NATIONAL ASSOCIATION**, successor by merger to SouthTrust Bank ("Bank"), a Mortgage and Security Agreement ("Mortgage") dated February 24, 2004, recorded in Instrument number 20040311000125760, with the Judge of Probate of Shelby County, Alabama in order to secure a Promissory Note from Thornton Construction Company, Inc. ("Borrower") dated February 24, 2004 (as the same may hereafter be extended, renewed, amended, or modified, the "Note") evidencing a revolving loan in the principal amount of up to Ten Million and No/100 Dollars (\$10,000,000.00) outstanding from time to time, interest thereon and certain other indebtedness and obligations of Borrower and Grantor (or either of them) from time to time owing to Bank.

Grantor has requested that the Mortgage be amended to add additional property, and Bank has consented to amend the Mortgage to do so.

**NOW, THEREFORE**, in consideration of the above provisions, and in further consideration of the mutual covenants contained in this Amendment, the parties agree as follows:

1. Amendments to Mortgage. The Mortgage is amended as follows:

Exhibit A to the Mortgage is amended by adding the real property described in Exhibit A hereto with the same effect as if such property were described in Exhibit A to the original Mortgage, including, without limitation, all improvements now existing or hereafter constructed or located thereat, all appurtenances and all tangible and intangible personal property relating thereto (collectively, the "Added Property"). Grantor hereby grants, bargains, sells, conveys, mortgages and assigns the Added Property to Bank, subject to the terms and conditions of the Mortgage.

2. Continued Effectiveness of Documents. In all other respects the Mortgage shall remain unchanged and in full force and effect, and Grantor affirms that it has no offsets or defenses to its obligations pursuant to the Mortgage or other documents executed in connection therewith.

\* \* \*



IN WITNESS OF THESE AMENDMENTS, the parties have executed this Amendment as of the date appearing as of the first page of this Amendment.

GRANTOR:

THE NARROWS II, INC.,  
an Alabama corporation

BY: Mary Thornton Taylor  
Its: 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 Mary Thornton Taylor whose name as Vice-President of The Narrows II, Inc., an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, s/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 23th day of June, 2005

[Signature]

Notary Public

My commission expires:

4-13-08

[NOTARY SEAL]



The undersign consents to the Amendment and certifies that all mortgage recording taxes have been paid upon the full \$10,000,000 principal indebtedness secured hereby pursuant to the mortgages recorded as instrument numbers 20040311000125760 and 2004110100060080 and the following amendments; 20050114000023160, 20050120000031240, 20050420000186570, 20050420000186590, 20050420000186610, 20041110000620660, and 20050302000098110 and 20050607000274680.

**WACHOVIA BANK, NATIONAL ASSOCIATION**

Successor by merger to SouthTrust Bank

BY:



Its

Assistant Vice President



20050801000384170 4/4 \$28.00  
Shelby Cnty Judge of Probate, AL  
08/01/2005 09:46:58AM FILED/CERT

**EXHIBIT A**

Lots 1 – 14, inclusive, according to the Resurvey of Lot 4 of The Narrows Commercial Subdivision, Sector 1, as recorded in Map Book 35, Page 44, in the Office of the Judge of Probate of Shelby County, Alabama.