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RECORDATION REQUESTED BY:

Wachovia Bank, National Association
Brook Highland 320
5376 Highway 280
Birmingham, AL 35242


20060131000048990 1/2 \$43.05
Shelby Cnty Judge of Probate, AL
01/31/2006 12:15:30PM FILED/CERT

WHEN RECORDED MAIL TO:

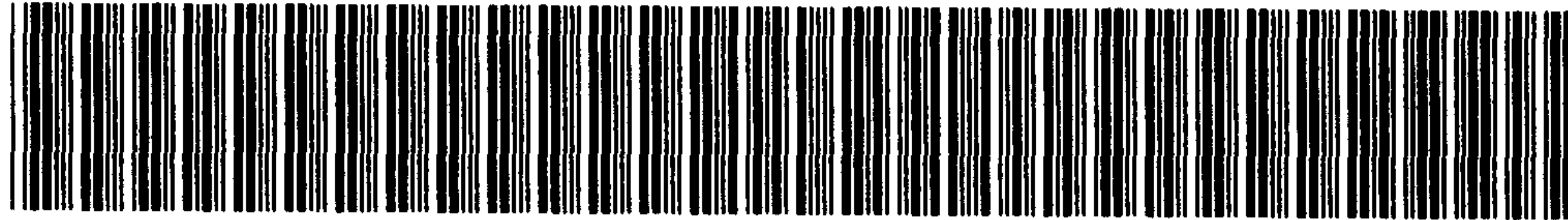
Wachovia Bank, National Association, Loan Operations
Mortgage Recording - File Management
P O Box 2233
Birmingham, AL 35201

SEND TAX NOTICES TO:

JAMES V SPENCER III
DIANA R POOLE N.K.A DIANA R SPENCER
113 GREYSTONE GLENN DRIVE
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 March 21, 2005, is made and executed between **JAMES V SPENCER III** and **DIANA R POOLE N.K.A DIANA R SPENCER; HUSBAND AND WIFE** (referred to below as "Grantor") and **Wachovia Bank, National Association**, whose address is **5376 Highway 280, Birmingham, AL 35242** (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated March 24, 2004 (the "Mortgage") which has been recorded in SHELBY County, State of Alabama, as follows:

RECORDED 05-06-2004 INSTRUMENT# 20040506000238820.

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

LOT 58, ACCORDING TO THE SURVEY OF THE GLEN AT GREYSTONE SECTOR ONE, AS RECORDED IN MAP BOOK 15 PAGE 97 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA

The Real Property or its address is commonly known as 113 GREYSTONE GLENN DRIVE, BIRMINGHAM, AL 35242.

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

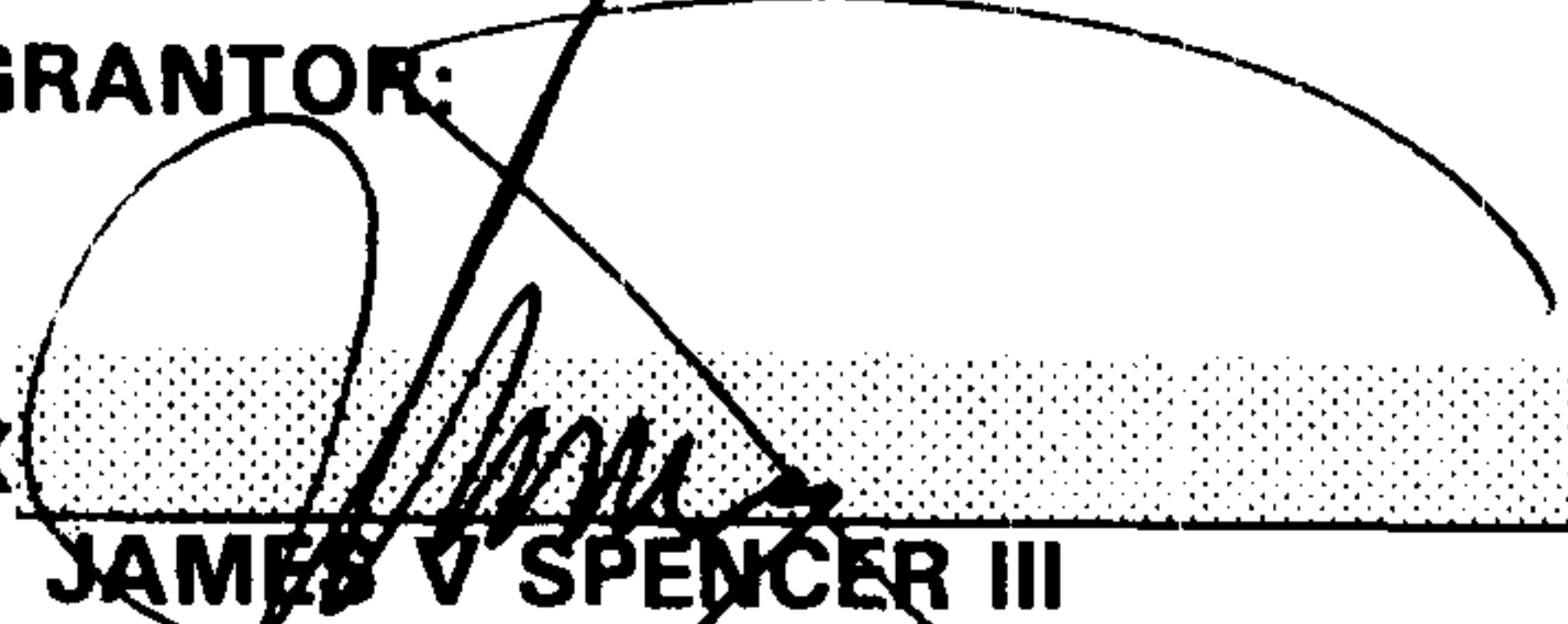
INCREASE MORTGAGE FROM \$55,000 TO \$73,700. FOR MORTGAGE TAX PURPOSES, THIS LINE WAS INCREASED BY \$18,700.

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 MARCH 21, 2005.

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)
JAMES V SPENCER III

X  (Seal)
DIANA R POOLE N.K.A DIANA R SPENCER

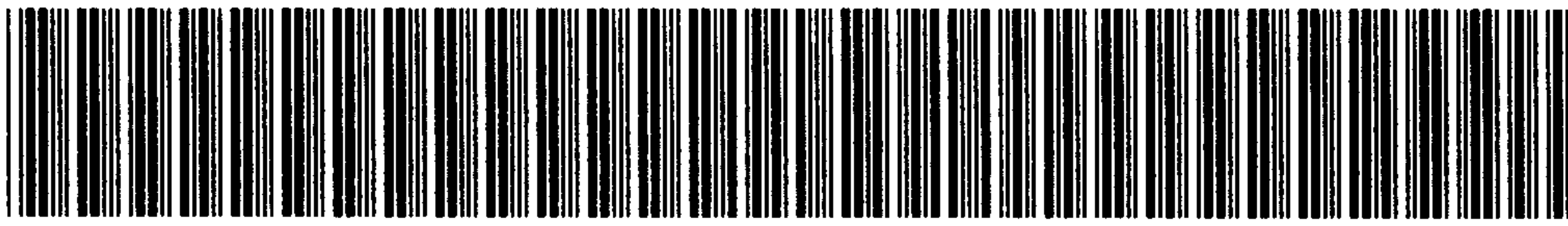
LENDER:

WACHOVIA BANK, NATIONAL ASSOCIATION

X  (Seal)
Authorized Signer

This Modification of Mortgage prepared by:

Name: ANGELITA TURNER, Loan Processor
Address: 220 Wildwood Parkway
City, State, ZIP: Homewood, AL 35209

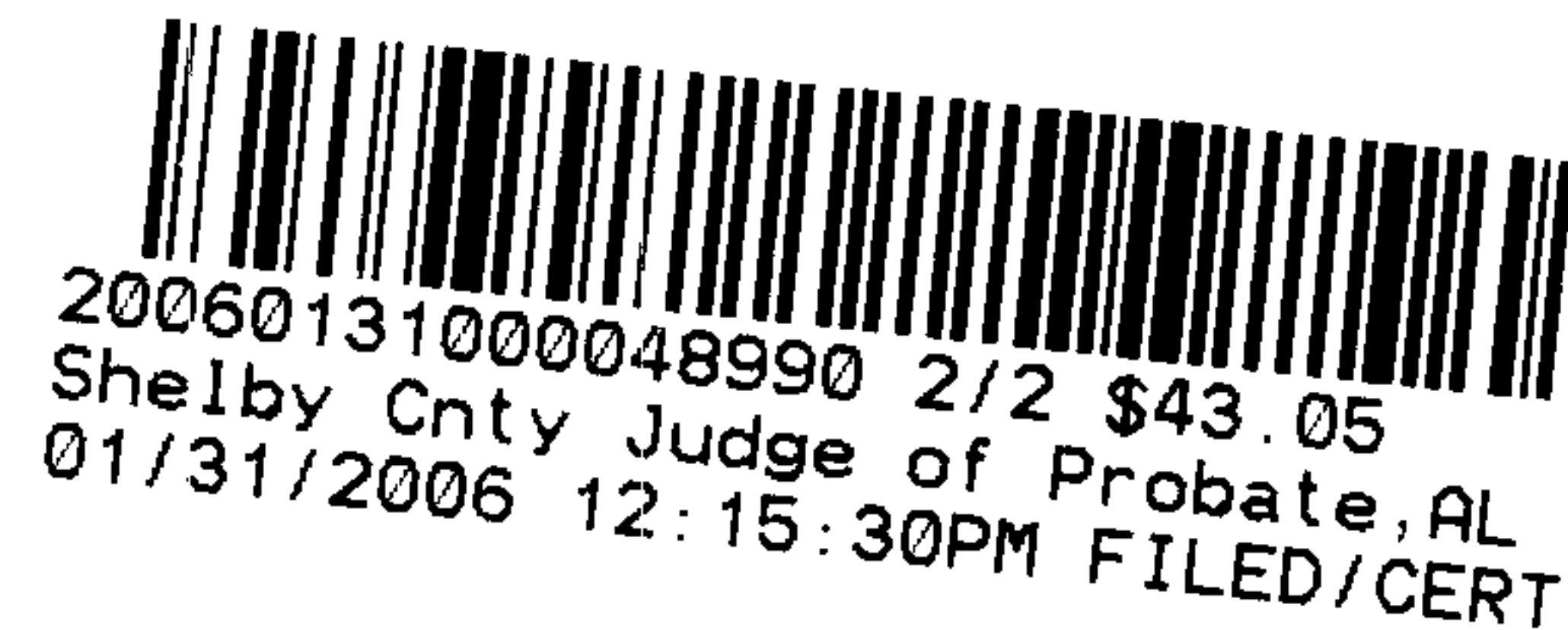


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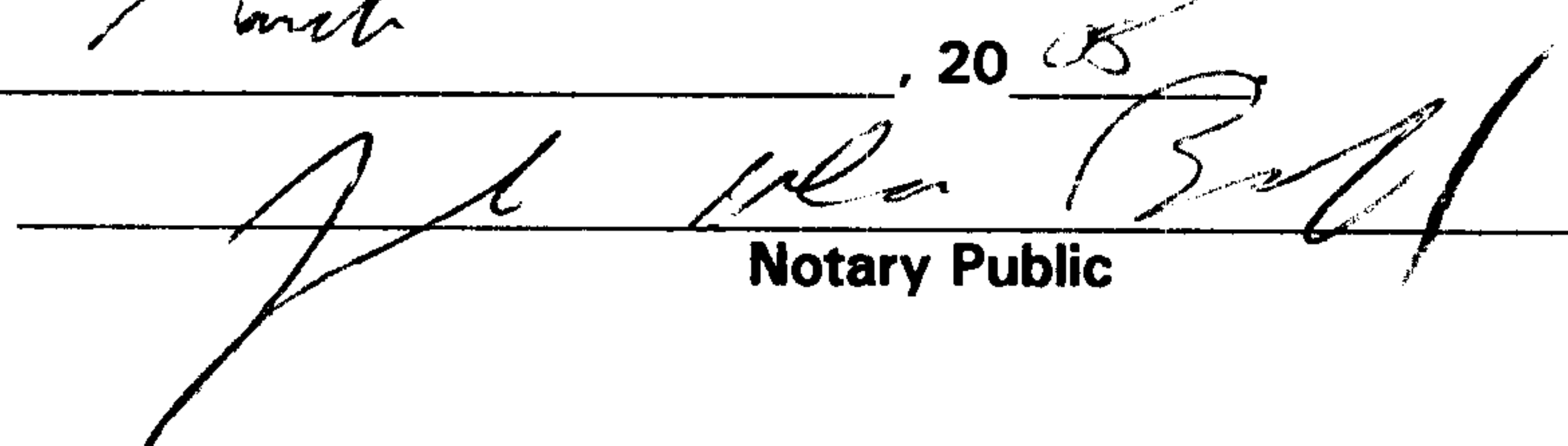
**MODIFICATION OF MORTGAGE
(Continued)**

INDIVIDUAL ACKNOWLEDGMENT

STATE OF AL)
) SS
COUNTY OF Shelby)



I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that **JAMES V SPENCER III and DIANA R POOLE N.K.A DIANA R SPENCER, HUSBAND AND WIFE**, 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.

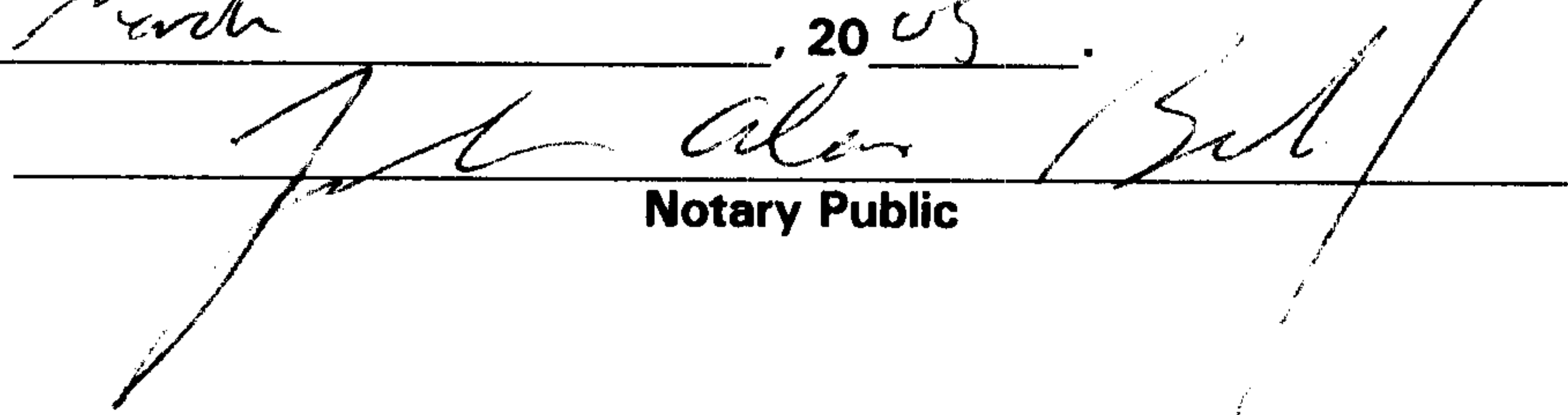
Given under my hand and official seal this 21st day of March, 2005

Notary Public

My commission expires My commission expires January 31, 2007

LENDER ACKNOWLEDGMENT

STATE OF AL)
) SS
COUNTY OF Shelby)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Wachovia Bank
Nicklaus Johnson A/P 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 21st day of March, 2005

Notary Public

My commission expires _____