

## AMENDMENT TO REAL ESTATE MORTGAGE AND SECURITY AGREEMENT

This Amendment (the "Amendment") is made and entered into on <u>January 31, 2006</u>, by and between <u>The Land Development Group</u>, <u>Inc</u> (hereinafter called the "Mortgagor", whether one or more) and First Commercial Bank (hereinafter called the "Mortgagee").

## RECITALS

- A. The Land Development Group, Inc (hereinafter called the "Borrower", whether one or more) has (have) entered into as agreement entitled "First Commercial Bank Real Estate Mortgage and Security Agreement", executed by the Borrower in favor of the Mortgagee dated September 27, 2005 (the "Credit Agreement"). This Credit Agreement is in the amount of Four hundred ninety nine thousand six hundred and no/100-- Dollars (\$ 499,600.00).
- B. The Mortgagor has executed in favor of the Mortgagee a Real Estate Mortgage and Security Agreement (the "Mortgage") recorded <u>November 4, 2005</u> in Inst.# 20051104000575760, in the Probate Office of <u>Shelby</u> County, Alabama.
- C. The Borrower and the Mortgagor have requested that the Mortgagee increase the Mortgage amount to <u>Six hundred eleven thousand two hundred fifty and no/100--</u> Dollars (\$ 611,250.00).
- D. The Mortgagee has required, as a condition to approving the request for the Amended Mortgage, that the Mortgagor enter into this Amendment.

Except as specifically amended hereby, the Mortgage shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties have hereunto caused this instrument to be executed effective this 31st day of January, 2006.

The Land Development Group, Inc

John W. Powers, President

Edware Louis (SEAL)

Edward Powers, Secretary

FIRST COMMERCIAL BANK MORTGAGEE

Joe L. Fountain

Its: Construction Lender

## CORPORATE ACKNOWLEDGEMENT

STATE OF ALABAMA	)
JEFFERSON COUNTY	)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that <u>John W. Powers and Edward Powers</u>, whose names as <u>President and Secretary</u> of <u>The Land Development Group</u>, <u>Inc</u> a <u>Corporation</u> is signed to the foregoing amendment, and who is known to me, acknowledged before me on this day that, being informed of the contents of said amendment, has executed the same voluntarily on the day the same bears date.

Given under my hand and Official seal this 31st day of January, 2006.

(NOTARIAL SEAL)	Duana S. Kand			
	Notary Public			
My Commission expires:	03/29/09			
CORPORATE ACKNOWLEDGEMENT				
STATE OF ALABAMA JEFFERSON COUNTY	) 200602270000920 Shelby Cnty Jud	90 2/2 \$181.55 ge of Probate, AL 7:53PM FILED/CERT		

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that <u>Joe L. Fountain</u> whose name as <u>Construction Lender</u> of First Commercial Bank, a corporation, is signed to the foregoing amendment, and who is known to me, acknowledged before me on this day that, being informed of the contents of said amendment, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Give under my hand and Official seal this 31st day of January, 2006.

(NOTARIAL SEAL)

Notary Public

My Commission expires: 03/29/09

This instrument prepared by:

This instrument prepared by:

Name: Helen Ancic

First Commercial Bank

Address: P. O. Box 11746

Birmingham, AL 35202-1746