


STATE OF ALABAMA  
COUNTY OF JEFFERSON (Bessemer)  
COUNTY OF SHELBY  
COUNTY OF CHILTON

  
20061113000553870 1/6 \$27.00  
Shelby Cnty Judge of Probate, AL  
11/13/2006 09:37:18AM FILED/CERT

**AMENDMENT  
TO  
MORTGAGE  
ASSIGNMENT OF RENTS AND LEASES  
AND SECURITY AGREEMENT**

**THIS AMENDMENT** executed by **GRAVES LAND DEVELOPMENT, INC.** amends that certain Mortgage, Assignment of Rents and Leases and Security Agreement (hereinafter "Mortgage") executed on April 28, 2005 by Ed Cates (also known as Edward L. Cates), Malcomb Graves, Jr. (also known as Malcomb D. Graves, Jr.) and Tina B. Graves (also known as Tina Bryant Graves) (hereinafter "Mortgagors") in favor of **PORTER BRIDGE LOAN COMPANY, INC.** (hereinafter "Mortgagee").

**WHEREAS**, the Mortgage is recorded as Instrument 200561/3642 in the Office of the Judge of Probate of Jefferson County, Alabama (Bessemer Division), as Instrument 20050505000216640 in the Office of the Judge of Probate of Shelby County, Alabama, and in Book 0356, page 0982 in the Office of the Judge of Probate of Chilton County, Alabama

**WHEREAS**, the Mortgage secured a Note in the original principal amount of \$500,000.00 and all renewals and extensions thereof.

**WHEREAS**, upon the recordation of the Mortgage a mortgage tax of \$750.00 was paid.

**WHEREAS**, following the execution of the mortgage, it was discovered that **GRAVES LAND DEVELOPMENT, INC.** was and is the owner of Parcel IV on Exhibit "A" (or at least a portion of it), and in accordance with the provision of the Mortgage, Mortgagee is requiring **GRAVES LAND DEVELOPMENT, INC.** to enter into this Amendment as to Parcel IV and as to the agreements executed in connection with the Mortgage

**NOW THEREFORE**, in consideration of the terms and conditions contained herein, the Mortgage is hereby amended as follows:

- 1) **GRAVES LAND DEVELOPMENT, INC.** does hereby enter into this Amendment amending the Mortgage to add **GRAVES LAND DEVELOPMENT, INC.** as a mortgagor thereon and agrees to be bound by its terms just as if **GRAVES LAND DEVELOPMENT, INC.** executed same along with Mortgagors.
- 2) **GRAVES LAND DEVELOPMENT, INC.** ratifies the Mortgage as if fully set forth herein.

3) GRAVES LAND DEVELOPMENT, INC. does hereby grant, bargain, sell convey and mortgage (in accordance with the terms of the Mortgage) to Mortgagee the property described as Parcel IV on the attached Exhibit "A"

In addition hereto, all of the documents and agreements executed in connection with the Mortgage, or pertaining to the Mortgage (the "Agreements") are hereby specifically amended to add GRAVES LAND DEVELOPMENT, INC. as a signatory thereto, and GRAVES LAND DEVELOPMENT, INC. agrees to be bound by each of such Agreements, just as if GRAVES LAND DEVELOPMENT, INC. executed same in connection with the Mortgage.

GRAVES LAND DEVELOPMENT, INC. hereby agrees and directs Mortgagee to take any action necessary to conform the Mortgage and the Agreements to the terms as herein cited and by these presents accepts and confirms their liability under said Mortgage and Agreements with the terms as herein modified.

All of the terms and provisions of the Mortgage not specifically amended herein, are hereby reaffirmed, ratified and restated. This Amendment amends the Mortgage and is not an novation thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and seals effective this 13<sup>th</sup> day of November, 2006.

GRAVES LAND DEVELOPMENT, INC.

BY: Malcomb D. Graves, Jr.  
Malcomb D. Graves, Jr. (Its President)

STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Malcomb D. Graves, Jr., whose name as President of GRAVES LAND DEVELOPMENT, 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 said instrument, he, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in its capacity as aforesaid.

Given under my hand and official seal, this the 13<sup>th</sup> day of November, 2006.

Anna A. Perel  
NOTARY PUBLIC  
My Commission Expires: 2/25/09

## EXHIBIT "A"

### PARCEL I:

Commence at the SW corner of Lot 30 of Second Sector of Paradise Acres as recorded in Map Book 58, page 92, in the Probate Office of Jefferson County, Alabama; thence South 32° 18' 56" East along the projection of the Southwesterly line of said Lot 30, a distance of 12.01 feet; thence South 50° 29' 15" West, a distance of 103.84 feet; thence South 09° 11' 04" West, a distance of 96.00 feet to the point of beginning; thence South 17° 55' 30" East a distance of 309.89 feet to the Northeasterly right of way line of Paradise Parkway; thence South 62° 57' 06" East along said right of way, a distance of 75.17 feet to a point of curve to the right having a radius of 355.00 feet and a central angle of 21° 31' 32"; thence Southeasterly along the arc and along said right of way a distance of 133.37 feet; thence North 79° 34' 17" East and leaving said right of way, a distance of 796.20 feet to the Northwesterly right of way line of Alabama Highway 150; thence North 49° 37' 45" East along said right of way, a distance of 425.23 feet; thence North 70° 01' 08" West and leaving said right of way, a distance of 209.45 feet; thence South 81° 13' 45" West, a distance of 222.00 feet; thence North 87° 52' 25" West, a distance of 281.93 feet; thence South 74° 11' 45" West, a distance of 107.00 feet; thence South 87° 10' 32" West, a distance of 573.85 feet to the point of beginning.

Less and except any part of subject property lying within a road right of way.

Situated in Jefferson County, Alabama, Bessemer Division.

### PARCEL II:

Commencing at the Southeast corner of Section 33, Township 21 South, Range 2 West, thence run North along the East boundary line of said Section 33 a distance of 417.00 feet; thence turn an angle of 88° 19' to the left and run Westerly parallel to the South boundary line of said Section 33 for 2,134.83 feet, more or less, on the East right of way line of U.S. Highway 31 for the point of beginning of the property herein described (said point being the Northwest corner of the Mayanice Walton property); thence turn an angle of 177° 30' to the right and run Easterly along the North line of said Walton property for 1,067.41 feet; thence turn an angle of 02° 15' to the right and continue Easterly along the North line of said Walton property for 1,066.94 feet to a point on the East boundary line of said Section 33; thence turn an angle of 91° 26' 45" to the left and run Northerly along said East line of said Section 33 a distance of 306.20 feet to an iron pin; thence turn an angle of 90° 50' to the left and run 2,262.46 feet, more or less, to the East right of way line of U.S. Highway 31; thence turn an angle of 117° 24' to the left and run along said right of way 159.11 feet; thence turn an angle of 04° 54' to the right and run along said right of way 130.39 feet to the point of beginning.

All being situated in the South ½ of Southeast ¼ of Section 33, Township 21 South, Range 2 West, Shelby County, Alabama.

Less and except any part of subject property lying within a road right of way.

**PARCEL III:**

Part of the South ½ of Section 33, Township 21 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

A:

Begin at the NE corner of Lot 13 of Summerchase Phase 1 as recorded in Map Book 23, page 7, in the Probate Office of Shelby County, Alabama; thence South 33° 49' 4" East along the Easterly line of said Summerchase a distance of 208.89 feet; thence North 73° 0' 0" East a distance of 416.88 feet to the Westerly right of way of U.S. Hwy. 31; thence North 33° 35' 56" West along said right of way a distance of 210.30 feet; thence South 72° 46' 59" West and leaving said right of way a distance of 417.26 feet to the Point of Beginning.

B:

Begin at the NE corner of Lot 2 of Summerchase Commercial Village Phase 1 as recorded in Map Book 23, page 138, in the Probate Office of Shelby County, Alabama; thence South 55° 3' 25" West along the North line of said Lot 2 a distance of 220.76 feet; thence North 34° 55' 35" West a distance of 40.44 feet; thence South 55° 3' 25" West a distance of 97.36 feet; thence North 34° 58' 36" West a distance of 183.35 feet; thence North 73° 0' 0" East a distance of 416.88 feet to the Westerly right of way of U.S. Hwy. 31; thence South 33° 35' 56" East along said right of way a distance of 121.49 feet to the Point of Beginning.

Less and except any part of subject property lying within a road right of way.

**PARCEL IV:**

Commence at the Southeast corner of the Northwest ¼ of the Southeast ¼ of Section 34, Township 21 South, Range 2 West, Shelby County, Alabama, and run North 00° 27' 59" East for 135.50 feet to the point of beginning being on the North right of way of Alabama Highway #70 from said point of beginning, continue North 00° 27' 59" East for 1190.93 feet; thence run North 88° 05' 18" West for 315.42 feet; thence run South 00° 39' 16" West for 861.07 feet; thence run South 86° 01' 42" East for 163.70 feet; thence run South 03° 43' 38" West for 343.31 feet to the North right of way of Alabama Highway #70; thence run along North right of way North 85° 34' 02" East for 174.92 feet to the point of beginning.

Less and except any part of subject property lying within a road right of way.

All being situated in Shelby County, Alabama.

**PARCEL V:**

Commence at the locally accepted NW Corner of Section 18, Township 22 North, Range 15 East, Chilton County, Alabama; thence North 88° 06' 12" East 428.99 feet to the point of beginning; thence North 88° 06' 12" East, 238.59 feet; thence South 01° 44' 25" East, 411.74 feet; thence South 01° 44' 46" East, 231.80 feet; thence North 87° 47' 24" East, 333.14 feet; thence South 01° 41' 07" East, 280.91 feet; thence South 87° 41' 53" West, 118.11 feet; thence South 01° 41' 07" East 155.43 feet; thence South 88° 33' 30" West, 211.03 feet; thence South 02° 19' 24" East 209.00 feet to an existing paved road; thence along said road South 87° 46' 56" West, 335.32 feet; thence leaving said road North 02° 17' 59" East, 1291.55 feet to the point of beginning.

Less and except any part of subject property lying within a road right of way.

**PARCEL VI:**

A parcel of land situated in the N ½ of the SE ¼ of Section 33, Township 21 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Begin at the SE corner of the NE ¼ of the SE ¼ of above said Section, Township and Range, said point being the point of beginning; thence North 01° 10' 03" East, a distance of 733.76 feet; thence North 86° 58' 33" West, a distance of 1925.18 feet; thence South 01° 25' 18" East, a distance of 761.29 feet to a point, said point lying on the Northerly ROW line of Alabama Highway #70 (115 foot ROW); said point also being the beginning of a non-tangent curve to the right, having a radius of 1707.11 feet, a central angle of 05° 07' 52" and subtended by a chord which bears North 75° 47' 12" East, and a chord distance of 152.83 feet; thence along the arc of said curve and said ROW line, a distance of 152.88 feet to a point, said point being the beginning of a non-tangent curve to the right, having a radius of 1568.05 feet, a central angle of 24° 00' 03", and subtended by a chord which bears South 89° 26' 07" East, and a chord distance of 652.05 feet; thence along the arc of said curve and said ROW line, a distance of 656.85 feet; thence South 80° 27' 54" East and along said ROW line, a distance of 1102.13 feet; thence North 01° 10' 03" and leaving said ROW line, a distance of 77.36 feet to the point of beginning.

Less and except any part of subject property lying within a road right of way.

**PARCEL VII:**

Tract 1:



20061113000553870 6/6 \$27.00  
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Lots Fourteen and Fifteen, as shown on the Subdivision Plat of Rolling Hills Subdivision (formerly David's Turkey Hollow Subdivision), as the said Subdivision Plat is recorded in the Office of the Judge of Probate of Chilton County, Alabama on Slide 83 at page 5.

Tract 2:

To reach the point of beginning commence at the Northwest corner of the Section 23, Township 21 North, Range 15 East, Chilton County, Alabama, run thence South 0° 59' 21" East a distance of 886.00 feet to an iron pin, which iron pin is at the point of beginning of the property herein described, from said point of beginning run thence North 87° 54' 39" East a distance of 1069.07 feet to a point on the West right of way line of Chilton County Road No. 97 and a 5/8" rebar, thence in a Southerly direction along said right of way line a distance of 53.89 feet, more or less, to a 5/8" rebar at the Northeast corner of Lot Fifteen of the Rolling Hills Subdivision (formerly David Turkey's Hollow Subdivision), according to the map or plat of said subdivision as the same is recorded in the Office of Judge of Probate of Chilton County, Alabama on Slide 83 at page 5, run thence South 87° 64' 39" West along the West line of Lot Fifteen of said subdivision to an iron in at the Northwest corner of said Lot 15, run thence South 32° 56' 29" West along the South line of said subdivision a distance of 1315.53 feet to an iron pin at the Southwest corner of Lot Three of said subdivision, continue thence South 32° 56' 29" West a distance of 83.02 feet to an iron pin on the West line of the Southwest ¼ of the Northwest ¼ of said Section 23, run thence North 00° 59' 21" West a distance of 1283.79 feet to the point of beginning; situated, lying and being in the West half of the Northwest ¼ of Section 23, Township 21 North, Range 15 East, Chilton County, Alabama.

Less and except any part of subject property lying within a road right of way.

**THIS INSTRUMENT PREPARED BY AND AFTER  
RECORDATION SHOULD BE RETURNED TO:**

William B. Hairston III  
**ENGEL HAIRSTON & JOHANSON, P.C.**  
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