20070125000039310 1/3 $1892.00
Shelby Cnty Judge of Probate,AL
01/25/2007 02:02:33PM FILED/CERT

AMENDMENT TO
REAL ESTATE MORTGAGE AND SECURITY AGREEMENT

This Amendment (the "Amendment") is made and entered into on October 23, 2006, by and between Caldwell Mill, LLP (hereinafter called the "Mortgagor", whether one or more) and First Commercial Bank (hereinafter called the "Mortgagee").

RECITALS

A. Gibson & Anderson Construction, 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 April 4, 2006 (the "Credit Agreement"). This Credit Agreement is in the amount of Two million seven hundred fifty thousand and no/100--Dollars ($ 2,750,000.00).

B. The Mortgagor has executed in favor of the Mortgagee a Real Estate Mortgage and Security Agreement (the "Mortgage") recorded May 10, 2006 in Inst# 20060510000220960, in the Probate Office of Shelby County, Alabama.

C. The Borrower and the Mortgagor have requested that the Mortgagee increase the Mortgage amount to Four million and no/100---------- Dollars ($ 4,000,000.00).

D. The Borrower and the Mortgagor have requested that the Mortgagee add additional property as listed on the attached Exhibit "A".

E. 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 23rd day of October, 2006.

Caldwell Mill, LLP
By: Harbar Construction Company, Inc
~~Its: Partner~~

By: _____
~~B. J. Harris, President~~ Denney Barrow, VP

By: Gibson & Anderson Construction, Inc
Its: Partner

By: _____
Earl Gibson, President

By: JRHBW Realty, Inc
Its: Partner

By: _____
E. Todd Sharley, Jr. Sr. VP

FIRST COMMERCIAL BANK
MORTGAGEE

By: _____
W. Fred Lindsey
Its: Sr. Vice President

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 Harbar Construction Company, Inc and Gibson & Anderson Construction, Inc and JRHBW Realty, Inc, whose names as Partners of Caldwell Mill, LLP a Limited Liability Partnership 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 23rd day of October, 2006.

(NOTARIAL SEAL)

Laura D. Knight
Notary Public

My Commission expires: 3/6/2007

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 W. Fred Lindsey whose name as Sr. Vice President 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 23rd day of October, 2006.

(NOTARIAL SEAL) Laura D. Knight
Notary Public

My Commission expires: 3/6/2007

This instrument prepared by:

20070125000039310 2/3 $1892.00
Shelby Cnty Judge of Probate, AL
01/25/2007 02:02:33PM FILED/CERT

This instrument prepared by:

Name: Helen Ancic
First Commercial Bank
Address: P. O. Box 11746
Birmingham, AL 35202-1746

20070125000039310 3/3 $1892.00
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EXHIBIT "A"

Parcel I

Lots 404, 414, 415, 416, 496, 497, 498, 503, 504, 506, 511, 512 and 513 according to the Survey of Caldwell Crossings Fourth Sector Phase One, as recorded in Map Book 36, Page 28, in the Probate Office of Shelby County, Alabama.

Parcel II

Lots 420, 421, 422, 426, 427, 430, 431, 435, 436, 437, 441, 442, 445, 446, 448, 451, 452, 457, 458, 459, 460, 464, 465, 466, 469, 473, 474, 475, 476, 477, 481, 482, 483, 484, 485, 488 and 490, according to the Survey of Caldwell Crossings, 4th Sector Phase 2, as recorded in Map Book 36, Page 149, in the Probate Office of Shelby County, Alabama.

Parcel III

Lots 327, 328 and 329, according to the Survey of Caldwell Crossings, 3rd Sector as recorded in Map Book 33, Page 154, in the Probate Office of Shelby County, Alabama.