

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

**THIS AMENDMENT** amends that certain Mortgage, Assignment of Rents and Leases and Security Agreement (hereinafter "Mortgage") executed on November 26, 2003 by **ICON INVESTMENTS, INC.** (hereinafter "Borrower") in favor of METRO BANK

**WHEREAS**, the Mortgage is recorded as Instrument 20031201000776960 in the Office of the Judge of Probate of Shelby County, Alabama, and pertains to the property described on Exhibit "A" attached hereto.

**WHEREAS**, the Mortgage secured a Note in the original principal amount of \$551,650.00 and all renewals and extensions thereof.

**WHEREAS**, upon the recordation of the Mortgage a mortgage tax of \$827.55 was paid.

**WHEREAS** the Note was renewed and refinanced on November 8, 2004.

**WHEREAS** by an Assignment of Note, Security and Agreements (the "Assignment"), being recorded contemporaneously herewith, the Mortgage (along with the other documents listed in the Assignment) was assigned by METRO BANK to COMPASS BANK (hereinafter "Bank").

**WHEREAS**, Borrower and Bank now desire to renew the obligations secured by the Mortgage and to extend their maturity date until August 16, 2027.

**NOW THEREFORE**, in consideration of the terms and conditions contained herein, and to induce Bank to extend the maturity date of the obligations secured by the Mortgage, the Mortgage is hereby amended to state that the maturity date of the Debt (as such term is defined in the Mortgage) is August 16, 2027.

Borrower hereby agrees and directs Bank to take any action necessary to conform the Mortgage and to the terms as herein cited and by these presents accepts and confirms their liability under said Mortgage 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.

*\*which is not in excess of \$316,000.00*

IN WITNESS WHEREOF, we have hereunto set our hands and seals effective this 16 day of August, 2007.

ICON INVESTMENTS, INC.

BY: [Signature]  
John E. Porter, III (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 John E. Porter, III, whose name as president of ICON INVESTMENTS, INC., a 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 16 day of August, 2007.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 6/7/11

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

William B. Hairston III  
ENGEL HAIRSTON & JOHANSON, P.C.  
P.O. Box 11405,  
Birmingham, Alabama, 35202  
(205) 328-4600



## EXHIBIT "A"

A part of Lots 6 and 7, according to the Theo Sparks Survey of the town of Vandiver, as recorded in Map Book 3, page 45, in the Probate Office of Shelby County, Alabama, more particularly described as follows:

Beginning at the point of intersection of the Northwestern right of way line of Shelby County Highway No. 43 and the Northerly right of way line of the Central of Georgia Railroad; thence run Northwesternly along said Northerly railroad right of way line for a distance of 107.70 feet to a point; thence turn a left interior angle of 91 degrees 59 minutes 25 seconds and run Northeasterly 94.63 feet to a point on the Southwest right of way line of Alabama Highway No. 25; thence turn a left interior angle of 89 degrees 22 minutes 41 seconds to the tangent of a curve to the left, said curve having a radius of 1,077.07 feet and a central angle of 3 degrees 07 minutes 41 seconds and run 58.80 feet along said Southwesterly right of way line and the arc of said curve to a point; thence turn a left interior angle of 120 degrees 19 minutes 05 seconds from tangent to a right of way corner transition line and run Southerly along said line 100.02 feet to a point on the Northwestern right of way line of Shelby County Highway No. 43; thence turn a left interior angle of 127 degrees 47 minutes 57 seconds and run 16.21 feet along said right of way line of Highway No 43 to the point of beginning.

AND ALSO:

### PARCEL I:

Commence at the intersection of the Northwestern right of way line of Shelby County Highway No. 43 and the Northerly right of way line of the Central of Georgia Railroad and run in a Northeasterly direction for a distance of 16.21 feet to the point of beginning; thence continue along last described course for a distance of 10.68 feet; thence turn a deflection angle to the left of 52 degrees 12 minutes 03 seconds and run in a Northerly direction for a distance of 88.60 feet to the beginning of a curve to the right, said curve having a radius of 1077.07 feet, a central angle of 00 degrees 31 minutes 07 seconds, a chord length of 9.75 feet and an interior chord angle of 120 degrees 03 minutes 32 seconds; thence run in a Northwesternly direction along arc of said curve for a distance of 9.75 feet; thence turn an interior angle to the right from chord of said curve 59 degrees 56 minutes 28 seconds and run in a Southerly direction along transition line for a distance of 100.02 feet to a point on the Northwestern right of way line of Shelby County Highway No. 43 and the point of beginning.

And a Perpetual Easement Over:

### PARCEL II:

Commence at the point of intersection of the Northwestern right of way line of Shelby County Highway No. 43 and the Northerly right of way line of the Central of Georgia Railroad and run in a Northeasterly direction for a distance of 26.88 feet; thence turn a deflection angle to the left of 52 degrees 12 minutes 03 seconds and run in a Northerly direction for a distance of 49.55 feet to the point of beginning; thence continue along last described course for a distance of 30.93 feet; thence turn a deflection angle to the right of 115 degrees 35 minutes 21 seconds and run in a Southeasterly direction for a distance of 50.44 feet; thence turn a deflection angle to the right of 90 degrees 06 minutes 30 seconds and run in a Southwesterly direction for a distance of 28.08 feet; thence turn a deflection angle to the right of 90 degrees 10 minutes 26 seconds and run in a Northwesternly direction for a distance of 37.03 feet to the point of beginning.