
After Recording, Please Return To:

Christopher M. Walsh
Miller & Martin PLLC
1170 Peachtree Street, NE
Suite 800
Atlanta, Georgia 30309

Cross Reference To:

Instrument #20051101000568200,
Shelby County, Alabama Records

MODIFICATION OF MORTGAGE

STATE OF ALABAMA

COUNTY OF SHELBY

THIS MODIFICATION OF MORTGAGE (this "Modification") is made and entered into as of August 23, 2007, by and between **PIKE NURSERY HOLDING LLC**, a Georgia limited liability company, whose address is 4020 Steve Reynolds Boulevard, Norcross, Georgia 30093 ("Grantor"), and **BANK OF AMERICA, N.A.**, a national banking association chartered under the laws of the United States of America ("Grantee"), having an address at FL1-400-07-02, 101 E. Kennedy Boulevard, 7th Floor, Tampa, Florida 33602.

WITNESSETH:

WHEREAS, Grantor made, executed and delivered to the order of Grantee a Promissory Note, dated January 4, 2005, in the original principal amount of \$8,500,000.00, modified by a Note Modification Agreement effective as of October 28, 2005 (together with any and all prior or subsequent amendments, modifications, renewals, replacements and amendments, the "Note");

WHEREAS, the Note is secured by, *inter alia*, that certain Mortgage and Security Agreement dated October 28, 2005, recorded in Instrument #20051101000568200, Shelby County, Alabama Records (together with any and all prior or subsequent amendments, modifications, renewals, replacements and amendments, the "Mortgage");

WHEREAS, Grantor and Grantee have agreed to modify the terms of the Note pursuant to a Loan Modification and Waiver Agreement dated as of August 23, 2007 ("Modification

Agreement”), such that, *inter alia*, the maturity date of the Note and Mortgage is changed to November 1, 2007;

WHEREAS, the foregoing described documents together with any other documents executed in favor of Grantee in connection with the foregoing constitute the “Loan Documents,” and all capitalized terms used and not otherwise defined herein shall have the same meanings ascribed in the Mortgage, Note and Modification Agreement; and

WHEREAS, Grantor and Grantee desire to modify and amend the Mortgage as hereinafter set forth.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, paid in hand by each party hereto to the other, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Notwithstanding any language or provisions to the contrary in the Loan Documents, the Maturity Date of the Note and Mortgage is hereby modified and shortened to November 1, 2007, whereupon all of the Indebtedness, including without limitation all principal, interest, fees and other charges shall be immediately due and payable without notice or demand.

2. Except as expressly modified hereby, the Mortgage, as herein modified, remains in full force and effect in accordance with its terms, the Grantor and the Grantee hereby ratifying and affirming the same. This Modification does not represent an additional extension of credit.

IN WITNESS WHEREOF, the Grantor and the Grantee have hereunder set their hands and seals as of the day and year first above written.

PIKE NURSERY HOLDING LLC, a Georgia
limited liability company

By: [Signature]
Name: Jettrey J. Keenan
Title: Chairman

[CORPORATE SEAL]

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

STATE OF GEORGIA)

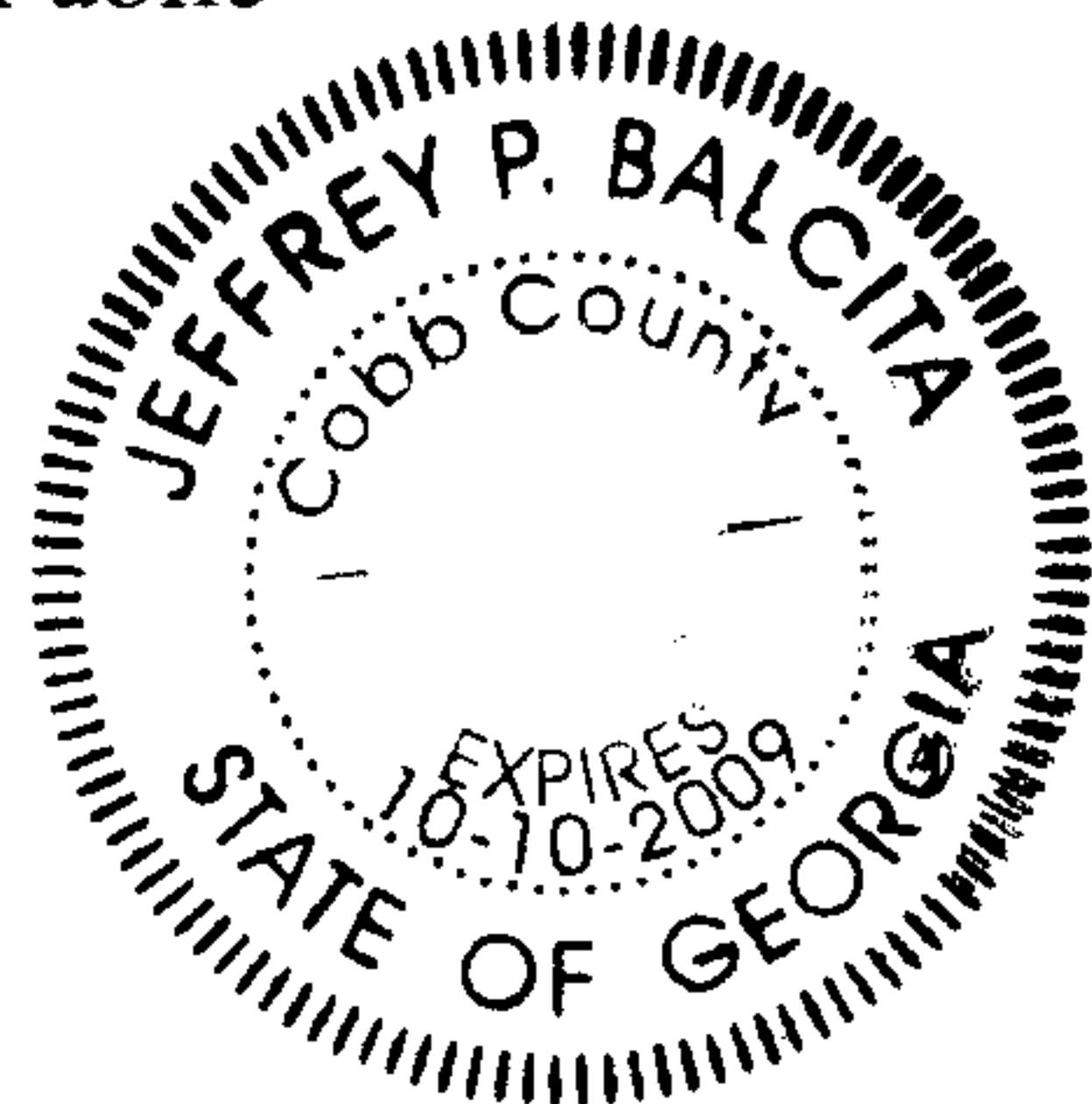
ss:

COUNTY OF FULTON)

On the 5th day of OCTOBER in the year 2007 before me, the undersigned, a notary public in and for said state, personally appeared JEFFREY J. KEENAN, personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and said person acknowledged to me that he/she executed the same in his capacity as CHAIRMAN of PIKE NURSERY HOLDING LLC, a Georgia limited liability company.

[Seal:] _____

Notary Public



10/10/2009

My Commission Expires

BANK OF AMERICA, N.A., a national banking association chartered under the laws of the United States of America

By: _____

Name: _____

Title: _____

[CORPORATE SEAL]

STATE OF _____)

ss:

COUNTY OF _____)

On the _____ day of _____ in the year 2007 before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and said person acknowledged to me that he/she executed the same in his/her capacity as _____, of Bank of America, N.A., a national banking association, on its behalf as its authorized representative.

[Seal:] _____

Notary Public

My Commission Expires

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

STATE OF GEORGIA

SS:

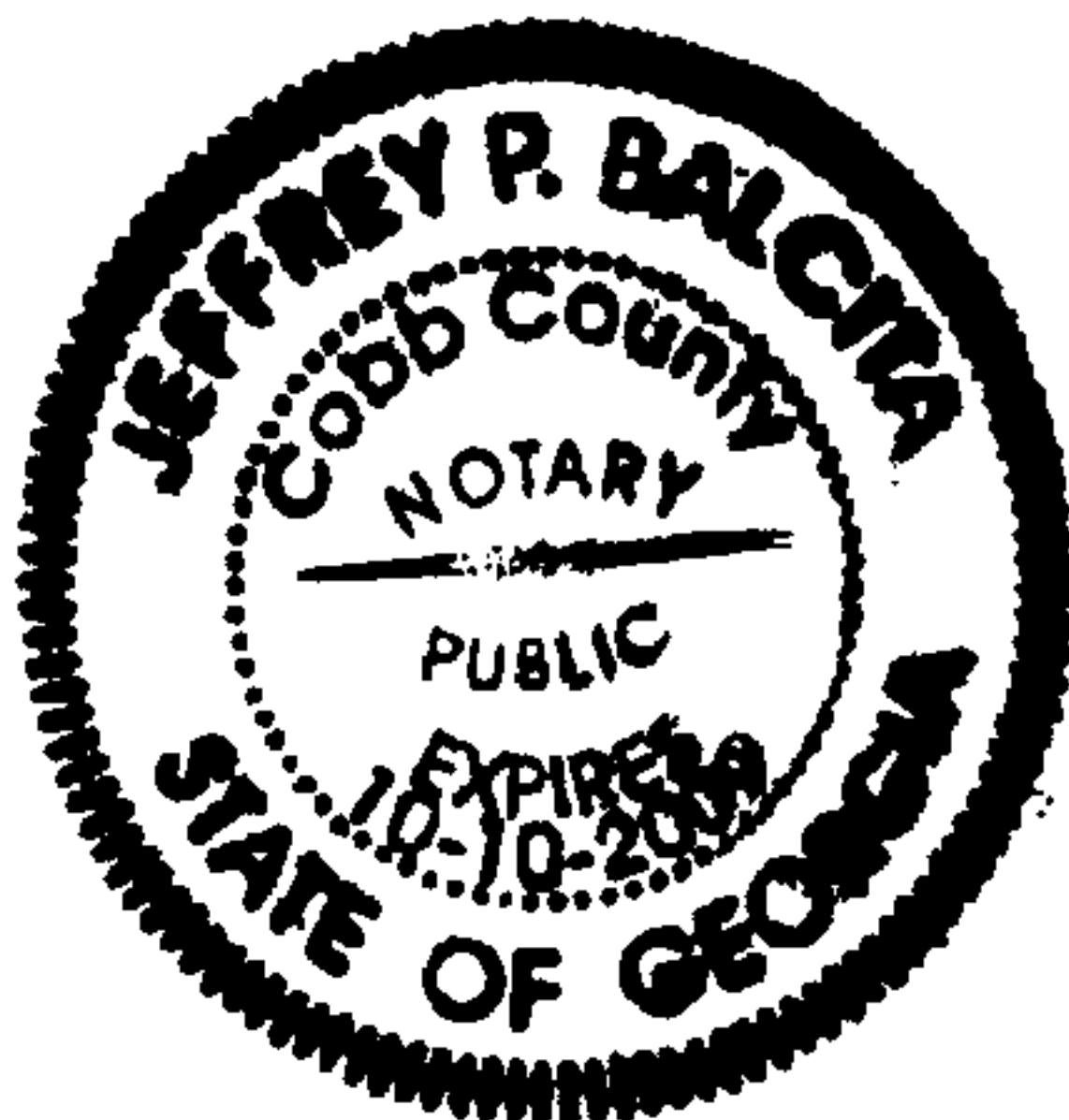
COUNTY OF FULTON

On the 5th day of OCTOBER in the year 2007 before me, the undersigned, a notary public in and for said state, personally appeared JEFFREY KEENAN, personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and said person acknowledged to me that he/she executed the same in his capacity as CHAIRMAN of PIKE NURSERY HOLDING LLC, a Georgia limited liability company.

[Seal:]

[Signature]
Notary Public

10/10/2009
My Commission Expires



BANK OF AMERICA, N.A., a national banking association chartered under the laws of the United States of America

By: [Signature]
Name: STEPHEN HUNTLEY-ROBERTSON
Title: SENIOR VICE PRESIDENT

[CORPORATE SEAL]

STATE OF FLORIDA

SS:

COUNTY OF PILLSBURY

On the 10th day of OCTOBER in the year 2007 before me, the undersigned, a notary public in and for said state, personally appeared Stephen Huntley - Robertson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and said person acknowledged to me that he/she executed the same in his/her capacity as SVP, of Bank of America, N.A., a national banking association, on its behalf as its authorized representative.

[Seal:]

Gale L. Morris
Notary Public



GALE L. MORRIS
COMMISSION # DD 436829
EXPIRES SEPT. 15, 2009
BOBBED THROUGH
ATLANTA BONDING CO. INC.

My Commission Expires