

RECORDATION REQUESTED BY:

First American Bank
Commercial Lending-Birmingham
1927 1st Avenue North
Birmingham, AL 35203

20080124000031570 1/4 \$422.30
Shelby Cnty Judge of Probate, AL
01/24/2008 11:58:45AM FILED/CERT

WHEN RECORDED MAIL TO:

First American Bank
Commercial Lending-Birmingham
1927 1st Avenue North
Birmingham, AL 35203

SEND TAX NOTICES TO:

Joanne S. Dinsmore
J. Wilson Dinsmore
2107 5th Avenue North, Suite 100
Birmingham, AL 35203

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE

THIS MODIFICATION OF MORTGAGE dated January 15, 2008, is made and executed between Joanne S. Dinsmore, whose address is 2107 5th Avenue North, Suite 100, Birmingham, AL 35203 and J. Wilson Dinsmore, whose address is 2107 5th Avenue North, Suite 100, Birmingham, AL 35203; Husband and Wife (referred to below as "Grantor") and First American Bank, whose address is 1927 1st Avenue North, Birmingham, AL 35203 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated April 11, 2003 (the "Mortgage") which has been recorded in Shelby County, State of Alabama, as follows:

Accommodation Mortgage executed by Joanne S. Dinsmore, a married woman to National Bank of Commerce of Birmingham, a national banking association, dated 4/11/03, in the original principal amount of \$581,801.53 recorded on 05-1-03, at 12:02 P.M. in Instrument 20030501000267850, in the Probate Office of Shelby County, Alabama.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property located in Shelby County, State of Alabama:

See Exhibit "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 701 Thames Court, Pelham, AL 35124.

MODIFICATION. Lender and Grantor hereby modify the Mortgage as follows:

Modifying and increasing the loan amount of that certain mortgage recorded in Instrument 20030501000267850, in the Probate Office of Shelby County, Alabama from \$581,801.53 to \$850,000.00. J. Wilson Dinsmore is being added as Mortgagor/Grantor.

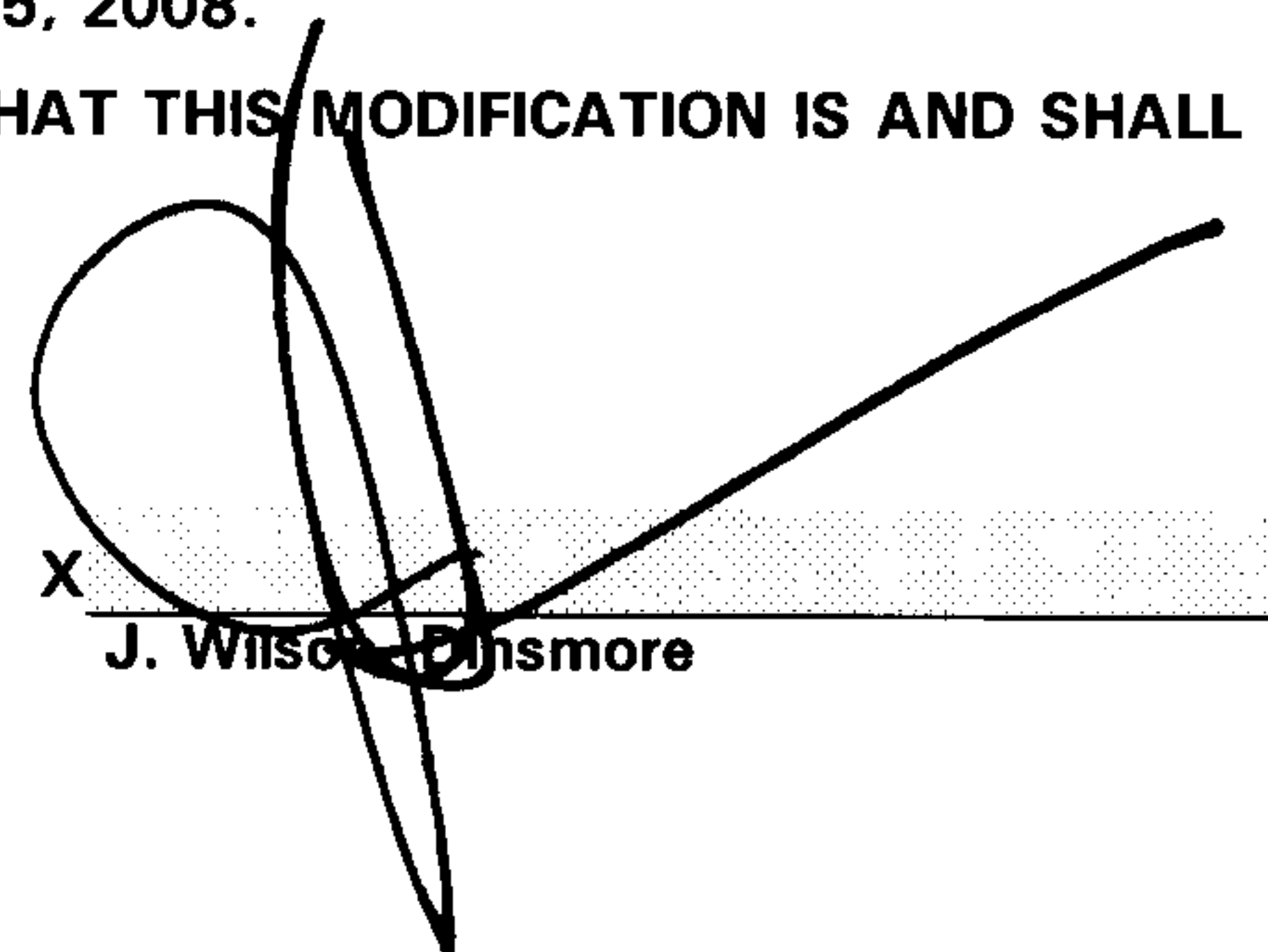
CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Mortgage does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED JANUARY 15, 2008.

THIS MODIFICATION IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS MODIFICATION IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

GRANTOR:

X  (Seal)
Joanne S. Dinsmore

X  (Seal)
J. Wilson Dinsmore

LENDER:

FIRST AMERICAN BANK

X  (Seal)
Keith Johnson, Vice President

This Modification of Mortgage prepared by:

Name: Becky Hosey, Administrative Assistant
Address: 1927 1st Avenue North
City, State, ZIP: Birmingham, AL 35203

MODIFICATION OF MORTGAGE
(Continued)


Page 2

INDIVIDUAL ACKNOWLEDGMENT

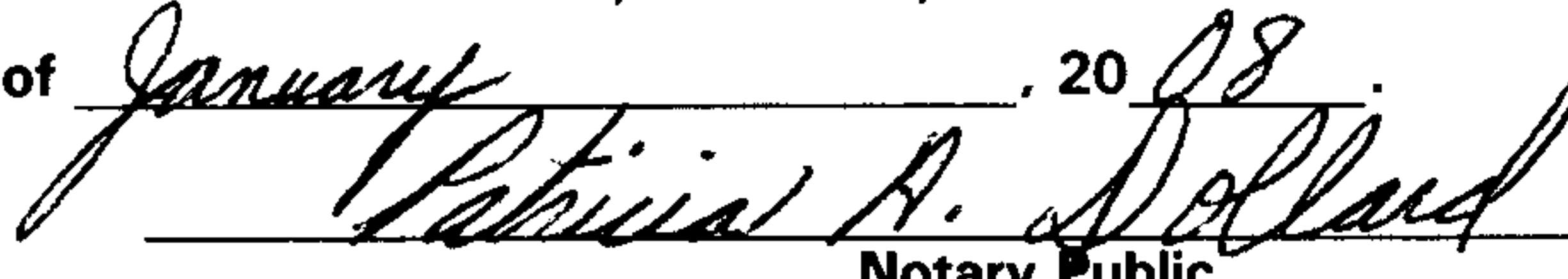
STATE OF ALABAMA

COUNTY OF JEFFERSON

)
) SS
)


20080124000031570 2/4 \$422.30
Shelby Cnty Judge of Probate, AL
01/24/2008 11:58:45AM FILED/CERT

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that **Joanne S. Dinsmore and J. Wilson Dinsmore, Husband and Wife**, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said Modification, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 17th day of January, 2008.

Notary Public

My commission expires 8-16-10

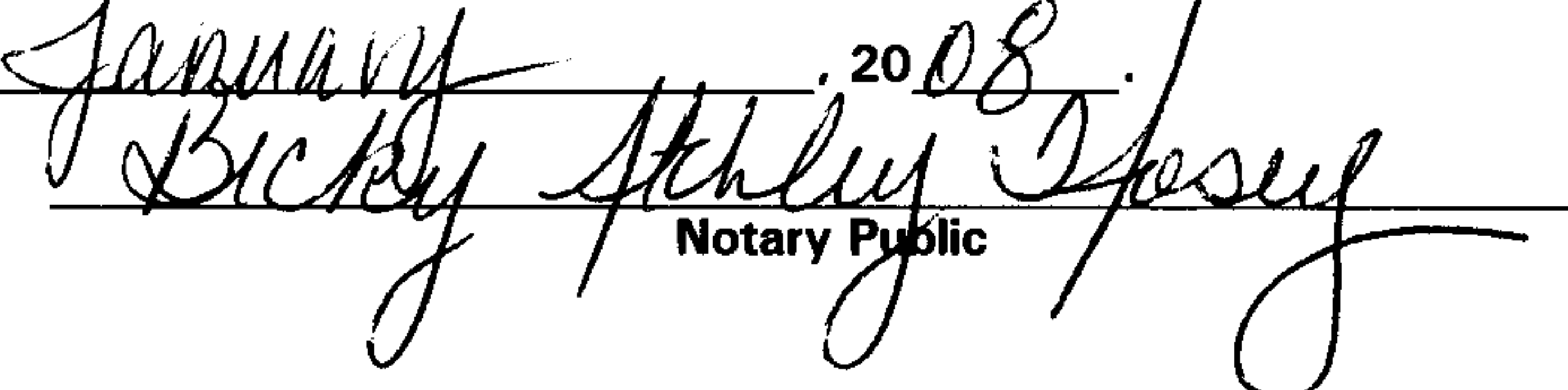
LENDER ACKNOWLEDGMENT

STATE OF Alabama

COUNTY OF Jefferson

)
) SS
)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that **Keith Johnson** whose name as **Vice President of First American Bank** is signed to the foregoing Modification and who is known to me, acknowledged before me on this day that, being informed of the contents of the Modification of Mortgage, he or she, in his or her capacity as such **Vice President of First American Bank**, executed the same voluntarily on the day same bears date.

Given under my hand and official seal this 17th day of January, 2008.

Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Sept 11, 2011
My commission expires BONDED THRU NOTARY PUBLIC UNDERWRITERS

EXHIBIT "A"

20080124000031570 3/4 \$422.30
Shelby Cnty Judge of Probate, AL
01/24/2008 11:58:45AM FILED/CERT

PARCEL I:

A parcel of land located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Commence at the SW corner of said $\frac{1}{4}$ $\frac{1}{4}$ section; thence run in a Northerly direction along the West line of said $\frac{1}{4}$ $\frac{1}{4}$ section, a distance of 461.07 feet to a point on the Southeasterly right of way line of Parker Drive; thence 41°28'50" right, in a Northeasterly direction along said right of way a distance of 46.66 feet to the point of beginning; thence continue along last described course along said right of way a distance of 316.0 feet; thence 90° right in a Southeasterly direction a distance of 125.0 feet; thence 90° right in a Southwesterly direction, a distance of 352.91 feet, thence 106°27' right in a Northwesterly direction a distance of 130.33 feet to the point of beginning; being situated in Shelby County, Alabama.

PARCEL II:

Commence at the SW corner of said $\frac{1}{4}$ $\frac{1}{4}$ section; thence in a Northerly direction along the West line of said $\frac{1}{4}$ $\frac{1}{4}$ section, a distance of 461.07 feet to a point on the Southeasterly right of way line of Parker Drive; thence 41°28'50" right in a Northeasterly direction along said right of way a distance of 362.66 feet; thence 90° right in a Southeasterly direction a distance of 125 feet to the point of beginning; thence continue along last described course a distance of 1.0 foot; thence 90° right in a Southwesterly direction, a distance of 352.91 feet; thence 90° right in a Northwesterly direction, a distance of 1.0 foot; thence 90° right in a Northeasterly direction a distance of 352.91 feet to the point of beginning.

TOGETHER WITH easement and rights of way as set forth and described in Real Volume 173, page 829.

PARCEL III:

A parcel of land in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, Township 20 South, Range 3 West, Shelby County, Alabama, described as follows:

Commence at the Southwest corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence run North along the West $\frac{1}{4}$ $\frac{1}{4}$ line 382.25 feet to a point on the Northeast bank of Buck Creek and the point of beginning; thence turn left 13°37'33" and run Northwest along said bank 63.65 feet to a point on an extension of the southeast right of way of Parker Drive, thence turn right 55°06'23" and run Northeast along said extended right of way 69.30 feet; thence turn right 106°27'00" and run Southeast 130.33 feet, thence turn left 106°27'00" and run Northeast 352.91 feet to a point on the Southwest right of way of Thames Court, thence turn right 90°00'00" and run Southeast along said right of way 7.00 feet, thence turn right 90°00'00" and run Southwest 245.00 feet, thence turn left 90°00'00" and run Southeast 78.00 feet, thence turn right 90°00'00" and run Southwest 133.00 feet, thence turn left 73°33'00" and run Southeast 2.92 feet, thence turn left 106°27'00" and run Northeast 378.83 feet to a point on the Southwest right of way of Thames Court, thence turn 90°00'00" and run Southeast along said right of way 521.09 feet; thence turn right 90°00'00" and run Southwest 151.13 feet to a point on the North bank of said Buck Creek, thence meander Westerly along the North bank of said creek the following chord bearings and distances; turn right 83°11'53" and run Northwest 72.27 feet, thence turn right 04°16'05" and run Northwest 107.21 feet, turn left 30°40'51" and run Northwest 125.95 feet, turn left 51°00'50" and run Southwest 62.95 feet, turn right 17°18'14" and run Southwest 90.51 feet, turn right 11°16'21" and run Southwest 130.83 feet, turn right 41°43'13" and run Northwest 58.07 feet, turn right 28°21'01" and run Northwest 60.26 feet, turn left 13°22'48" and run Northwest 58.80 feet, turn right 29°21'48" and run Northwest 125.56 feet to the point of beginning.

Continued. . .

LESS AND EXCEPT that part sold to James and Gail Garner, described as follows:

A parcel of land in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, Township 20 South, Range 3 West, Shelby County, Alabama, described as follows:

Commence at the Southwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section, thence run North along the West $\frac{1}{4}$ - $\frac{1}{4}$ line 382.25 feet to a point on the Northeast bank of Buck Creek; thence turn left $13^{\circ}37'33''$ and run Northwest along said bank 63.65 feet to a point on the extension of the Southeast right of way of Parker Drive; thence turn right $55^{\circ}06'23''$ and run Northeast along said right of way 385.30 feet to the Southwest right of way of Thames Court, thence turn right $90^{\circ}00'00''$ and run Southeast along said Thames Court right of way 458.89 feet to the point of beginning; thence continue last course 125.00 feet; thence turn right $90^{\circ}00'00''$ and run Southwest 163.15 feet to a point on the Northeast bank of said creek, thence turn right $87^{\circ}27'58''$ and run Northerly 28.89 feet along the bank of said creek, thence turn left $30^{\circ}40'51''$ and run Northerly 114.91 feet along the bank of said creek, thence turn right $123^{\circ}12'53''$ and run Northeast 227.37 feet to the point of beginning; being situated in Shelby County, Alabama.

ALSO LESS AND EXCEPT that part sold to James and Sandra Scoggins and Ron Mosely, described as follows:

A parcel of land in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, Township 20 South, Range 3 West, Shelby County, Alabama, described as follows: ✓

Commence at the Southwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence run North along the West $\frac{1}{4}$ - $\frac{1}{4}$ line 382.25 feet to a point of the Northeast bank of Buck Creek; thence turn left $13^{\circ}37'33''$ and run Northwest along said bank 63.65 feet to a point on the extension of the Southeast right of way of Parker Drive; thence turn right $55^{\circ}06'23''$ and run Northeast along said right of way 385.30 feet to the Southwest right of way of Thames Court; thence turn right $90^{\circ}00'00''$ and run Southeast along said Thames Court right of way 584.01 feet to the point of beginning; thence continue last course 150.00 feet; thence turn right $90^{\circ}00'00''$ and run Southwest 151.13 feet to a point on the Northeast bank of said creek; thence turn right $83^{\circ}11'53''$ and run Northerly 72.27 feet along the bank of said creek; thence turn right $04^{\circ}16'05''$ and run Northerly 78.32 feet along the bank of said creek; thence turn $92^{\circ}32'02''$ and run Northeast 163.15 feet to the point of beginning; being situated in Shelby County, Alabama.