

20080318000110460 1/4 \$21.00  
Shelby Cnty Judge of Probate, AL  
03/18/2008 11:33:12AM FILED/CERT

**This Document Prepared By:**

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Retail Credit Servicing

P.O. Box 50010

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## MODIFICATION TO OPEN-END MORTGAGE

Kenneth Charles Spearman, Donna Hudson Spearman, (herein "Grantor"), who reside at 5140 Stonehaven Dr, Birmingham, Al 352441991, enter into this Modification to Open-End Mortgage with Wachovia Bank, National Association ("Wachovia"), whose address is 301 South College Street, VA 0343, Charlotte, North Carolina 28288-0343, this 2/29/2008.

Capitalized terms not defined herein have the same meaning as defined in the below referenced Security Instrument.

Borrower previously executed and delivered to Wachovia a Debt Instrument dated 2/16/2007, which provides for Wachovia to extend credit to Borrower from time to time in an aggregate amount not to exceed the principal sum of \$250,000.00 U. S. Dollars. The Debt Instrument is secured by an Open-End Mortgage of even date recorded on 3/12/2007 in the public land records of SHELBY County, Alabama, at Book/Instrument 20070312000109040, Page , Parcel 10-5-21-0-002-003-010 (herein "Security Instrument"). The Property is located at 5140 Stonehaven Dr, Birmingham, AL 35244 and is further described in the attached legal description.

**decrease MORTGAGE FROM \$250,000.00 TO \$250,000.00. FOR MORTGAGE TAX PURPOSES, THIS LINE WAS decreased BY \$35,000.00.**

Borrower has requested that Wachovia decrease the maximum credit limit under the terms of the Debt Instrument and Security Instrument, and Wachovia has agreed to do so.

Grantor hereby agrees that:

1. The Security Instrument is hereby amended to secure the new maximum credit limit of THIRTY FIVE THOUSAND DOLLAR U. S. Dollars (~~\$250,000.00~~): **82,700.00**
2. All other provisions of the Security Instrument shall remain in full force and effect except as specifically modified by this Modification to Open-End Mortgage.

Original Visit Number: 0703791583  
Visit Number: 0803791490

IN WITNESS WHEREOF, Grantor has executed this Modification to Open-End Mortgage and adopted as his/her seal the word ("SEAL") appearing beside his/her name.

Signed, sealed and delivered in the presence of:

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**For Individual Grantors:**

*Kenneth Charles Spearman* (Seal) \_\_\_\_\_ (Seal)  
Grantor Kenneth Charles Spearman Grantor  
*Donna Hudson Spearman* (Seal) \_\_\_\_\_ (Seal)  
Grantor Donna Hudson Spearman Grantor  
\_\_\_\_\_  
Grantor Grantor

**For Non-Individual Grantors:**

\_\_\_\_\_  
Grantor  
By: \_\_\_\_\_ By: \_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_  
By: \_\_\_\_\_ By: \_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_

**For an Individual (on individual's own behalf or as a sole proprietor):**

The State of Alabama )  
Jefferson County)

ADAM GREGORY SOLTJE  
I (name and style of officer) hereby certify that Kenneth Charles Spearman Donna Hudson Spearman ,  
whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me  
on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on  
the day the same bears date.

Given under my hand this 29<sup>th</sup> day of February, A. D. 2008.

A. B. Judge, etc. (or as the case may be)

*Adam Gregory Soltje*  
Notary Public

ADAM GREGORY SOLTJE  
Notary Public (Printed Name)  
My Commission Expires October 3, 2010

Original Visit Number: 0703791583  
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**For a Corporation:**

The State of \_\_\_\_\_ )  
\_\_\_\_\_ County)

I, \_\_\_\_\_ a \_\_\_\_\_  
in and for said County in said State, hereby certify that \_\_\_\_\_,  
whose name as \_\_\_\_\_ of the \_\_\_\_\_,  
a corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me  
on this day that, being informed of the contents of the conveyance, he, as such officer and with full  
authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_.

\_\_\_\_\_  
**(Style of Officer)**

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Public (Printed Name)

**For a Partnership:**

The State of \_\_\_\_\_ )  
\_\_\_\_\_ County)

I, \_\_\_\_\_ a \_\_\_\_\_  
in and for said County in said State, hereby certify that \_\_\_\_\_,  
whose name as \_\_\_\_\_ (here state representative capacity) is signed to  
the foregoing conveyance and who is known to me, acknowledged before me on this day that, being  
informed of the contents of the conveyance, he, in his capacity as such \_\_\_\_\_,  
executed the same voluntarily on the day the same bears date.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_.

\_\_\_\_\_  
**(Style of Officer)**

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Public (Printed Name)

**NOTICE TO PROBATE JUDGE**

This Mortgage secures open-end or revolving indebtedness with residential real property or interests;  
therefore, under Section 40-22-21(1)b, Code of Alabama 1976, as amended, the mortgage filing privilege  
tax on this Mortgage should not exceed \$.15 for each \$100 (or fraction thereof) of the credit limit of \$\_\_\_\_\_  
provided for herein, which is the maximum principal  
indebtedness to be secured by this Mortgage at any one time.  
Wachovia Bank, N.A.

By \_\_\_\_\_

Its \_\_\_\_\_

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## **LEGAL DESCRIPTION**

**THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN SHELBY COUNTY,  
ALABAMA, TO WIT:**

**LOT 10, ACCORDING TO THE SURVEY OF VALLEYBROOK, PHASE 3, AS  
RECORDED IN MAP BOOK 13 PAGE 101, IN THE PROBATE OFFICE OF SHELBY  
COUNTY, ALABAMA.**

**KNOWN: 5140 STONEHAVEN DR**

**PARCEL: 10-5-21-0-002-003-010**

**REFERENCE NUMBER: 0703791583**