

PREPARED BY: Pamela Schuchert RETURN TO: CREDU, VA9505 Wachovia Bank, National Association 816 Greenbrier Circle, Suite G Chesapeake, VA 23320

A TOTAL OF \$15,041.00 IN RECORDING TAX HAS BEEN PAID ON THE ORIGINAL PRINCIPAL AMOUNT OF \$10,000,000.00 IN CONNECTION WITH THE RECORDING OF THE MORTGAGE IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA AS INSTRUMENT NO. 20070913000429710. RECORDING TAX OF  $\frac{$3,000.00}{0}$  ON THE ADDITIONAL PRINCIPAL INDEBTEDNESS OF \$2,000,000.00 IS BEING PAID IN CONNECTION WITH THE RECORDING OF THIS MODIFICATION.

# **MODIFICATION OF MORTGAGE**

THIS MODIFICATION OF MORTGAGE is made June 16, 2008, by INVESTMENT ASSOCIATES, LLC, whose address is 3545 Market Street, Attention: Debbie Towson, Hoover, Alabama 35226, the Mortgagor under the Mortgage described below ("Mortgagor"), and delivered to Wachovia Bank, National Association, a national banking association as Mortgagee (referred to herein as "Bank"), whose address is 10 South Jefferson Street, Roanoke, VA 24011. Bank is the mortgagee hereunder for indexing purposes by the judge of probate.

### **RECITALS**

Bank is owner and holder of a certain Mortgage, together with all extensions and modifications thereof whenever made, (the "Mortgage") dated September 5, 2007, recorded as Instrument No. 20070913000429710, of the public land records of the County of Shelby, State of Alabama.

Bank is owner and holder of a certain promissory note (the "Note") in the original amount of \$10,000,000.00, dated July 30, 2007, made by NSH Corp ("Borrower"), payment of which is secured by the Mortgage.

Bank, and Borrower have modified the Note and accordingly Mortgagor and Bank have agreed to modify the Mortgage.

#### WITNESSETH:

WPC1762517XXXX001

CDDOTMXXXX

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In consideration of the foregoing premises Mortgagor and Bank hereby modify the Mortgage and any prior modifications thereof as follows:

**Note Modified.** Borrower has modified the Note (as modified, the "Modified Note") by modification dated  $\frac{\text{June } 16,\ 2008}{\text{note}}$ , that modifies the terms of the Note. The stated principal amount due under the Modified Note is \$12,000,000.00.

**Modified Note Secured.** Borrower acknowledge(s) and agree(s) (i) that the Modified Note is a modification of the Note, (ii) that the payment and performance of the Obligations (as the term "Obligations" is defined in the Modified Note) is secured by the Mortgage, (iii) that there are no defenses or impediments to enforcement of the lien of the Mortgage, and (iv) that the Modified Note evidences the same indebtedness as the Note and is not a novation.

Mortgage Confirmed. Mortgagor acknowledge(s) and agree(s) that the Mortgage and any prior modifications thereof, except as expressly modified by this Modification Agreement shall remain in full force and effect as originally executed and the terms of this Modification Agreement shall be part of the Mortgage.

Document Taxes and Other Charges. Mortgagor shall pay the full amount of any documentary stamp tax, intangible tax, interest, filing fees and penalties, if any, charged incident to the loan transaction and modification(s) described in or created by this Modification and the filing of this Agreement. If Mortgagor fails to pay the obligations under this paragraph, Bank may pay such obligations. Any amounts so paid by Bank shall bear interest at the default rate stated in the Modified Note and shall be secured by the Mortgage.

20080618000248670 2/5 \$3023.00 Shelby Cnty Judge of Probate, AL 06/18/2008 12:39:47PM FILED/CERT IN WITNESS WHEREOF, Mortgagor and Bank have duly signed and sealed this instrument as of the day and year first above written.

#### Mortgagor

INVESTMENT ASSOCIATES, LLC

By: NSH CORP, Member

CORPORATE SEAL

State of Alabama County of Shelby By: My At Contine Dwight A) Sandlin, CEO

#### Corporate L.L.C. Acknowledgment

I certify that before me appeared this day Dwight A. Sandlin, a person known to me, who after being sworn said he/she is CEO of NSH CORP, an Alabama corporation and is duly authorized to act on behalf of said Corporation acting as the Member of INVESTMENT ASSOCIATES, LLC and that the seal affixed to the foregoing instrument is the seal of said Corporation, that said instrument was signed and sealed by him/her, and being informed of the contents thereof, acknowledged execution of the foregoing instrument on behalf of said Limited Liability Company, voluntarily and with full authority.

> 20080618000248670 3/5 \$3023.00 Shelby Cnty Judge of Probate, AL 06/18/2008 12:39:47PM FILED/CERT

## Borrower

NSH Corp

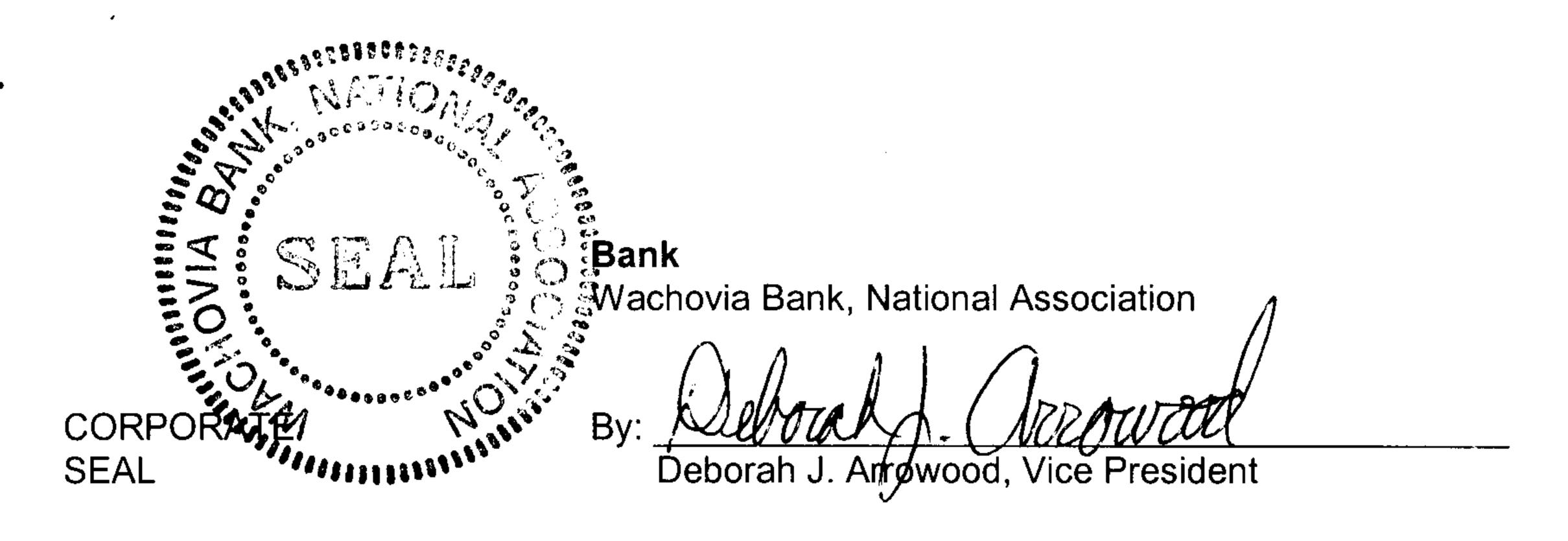
CORPORATE SEAL By: New Landin, CEO

State of Alabama County of Shelby

### Corporate Acknowledgment

I certify that before me appeared this day Dwight A. Sandlin, a person known to me, who after being sworn said he/she is CEO of NSH Corp, an Alabama corporation, and is duly authorized to act on behalf of said Corporation, that the seal affixed to the foregoing instrument is the seal of said Corporation and that said instrument was signed and sealed by him/her on behalf of said Corporation, and being informed of the contents thereof, acknowledged execution of the foregoing instrument on behalf of said Corporation, voluntarily and with full authority.

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State of Alabama County of Shelby

# **Bank Acknowledgment**

l certify that before me appeared this day, <u>Deborah J. Arrowood,</u> a person known to me, who after being sworn said she is Vice President of Wachovia Bank, National Association, a national banking association, and is duly authorized to act on behalf of said Bank, that the seal affixed to the foregoing instrument is the seal of said Bank and that said instrument was signed and sealed by him/her on behalf of said Bank, and being informed of the contents thereof, acknowledged execution of the foregoing instrument on behalf of said Bank, voluntarily and with full authority.

Witness my hand and official seal, this 4th day of whe

Tracking #: 21-6569566914-2100238

CAT - Deal # 973150 Facility ID 762517

Pamelo, Sahuchert, Notary Public

Pamela J. Schuchert

(Pinted Name of Notary)

My Commission Expires: July 31, 2010

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