

RECORDATION REQUESTED BY:
REGIONS BANK
ALABASTER 1ST ST N
1235 1ST ST N
ALABASTER, AL 35007

WHEN RECORDED MAIL TO:
Regions Bank
Attn: Collateral Management Area
P.O. Box 1984
Birmingham, AL 35201

20081024000417310 1/3 \$288.20
Shelby Cnty Judge of Probate, AL
10/24/2008 02:53:11PM FILED/CERT

SEND TAX NOTICES TO:
M & SF Holdings LLC
1350 McCain Parkway
Pelham, AL. 35124

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY



MODIFICATION OF MORTGAGE



DOC48004017350290896357/1719061000000

THIS MODIFICATION OF MORTGAGE dated October 8, 2008, is made and executed between M & SF HOLDINGS, L.L.C., AN ALABAMA LIMITED LIABILITY COMPANY (referred to below as "Grantor") and REGIONS BANK, whose address is 1235 1ST ST N, ALABASTER, AL 35007 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated August 10, 2006 (the "Mortgage") which has been recorded in SHELBY County, State of Alabama, as follows:

Recorded August 17, 2006 in the Probate Office of Shelby County, Alabama in Instrument 20060817000401840, and modified in Instrument 20071023000490080 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 ATTACHED EXHIBIT A

The Real Property or its address is commonly known as 1350 MCCAIN PARKWAY, PELHAM, AL 35124.

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

Increasing the principal amount to \$2,784,000.00. Current balance is \$2,603,235.27 making total new money \$180,764.73.

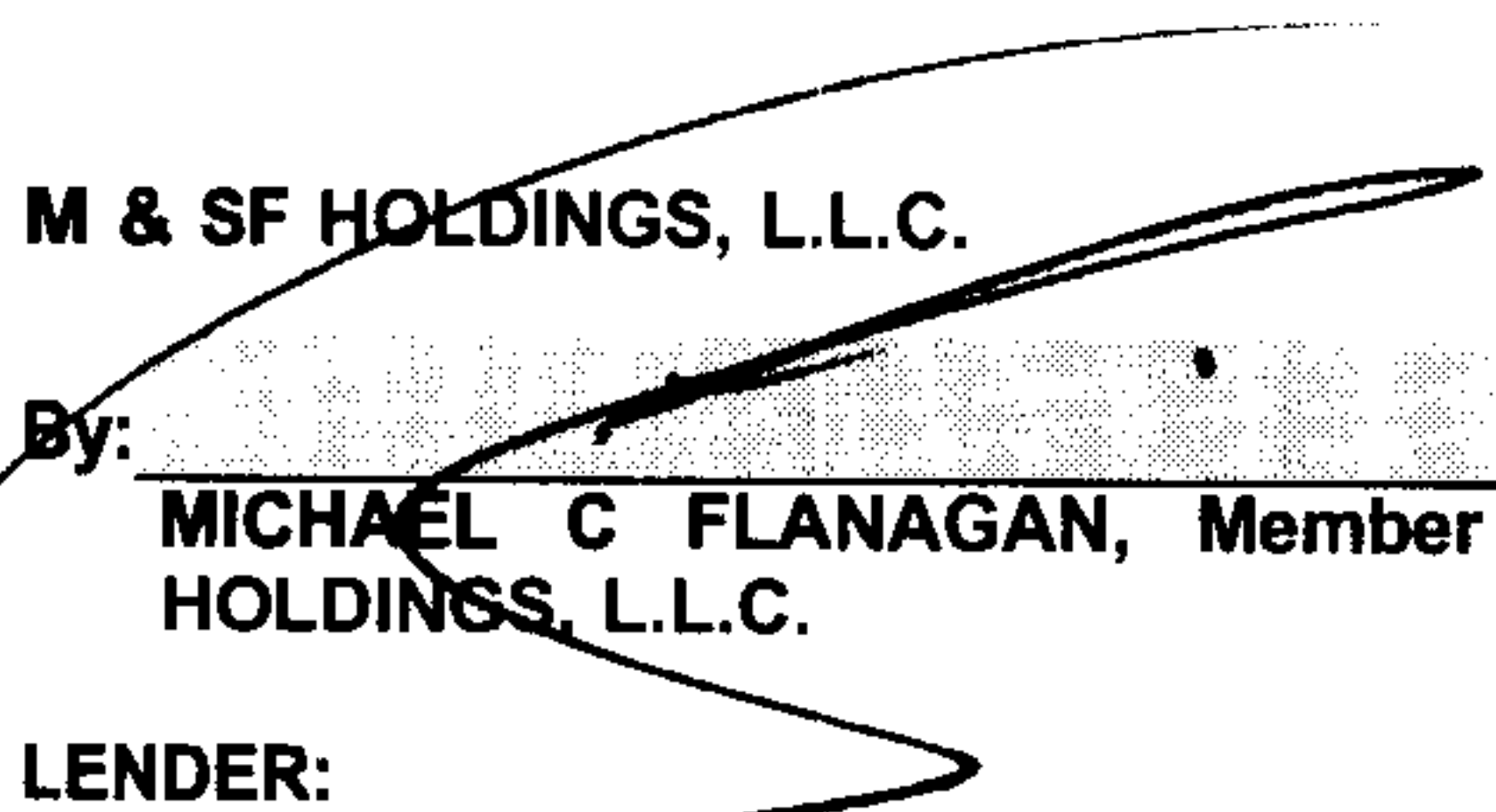
CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right 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 endorser 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 OCTOBER 8, 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:

M & SF HOLDINGS, L.L.C.

By:  (Seal)
MICHAEL C FLANAGAN, Member of M & SF
HOLDINGS, L.L.C.

By:  (Seal)
SUZANNE S FLANAGAN, Member of M & SF
HOLDINGS, L.L.C.

LENDER:

REGIONS BANK

X  (Seal)
Authorized Signer

This Modification of Mortgage prepared by:

Name: DIANE SPEARS
Address: PO Box 1984
City, State, ZIP: Birmingham, AL 35201



MODIFICATION OF MORTGAGE
(Continued)

Loan No: 0290896357/1719061

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LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Alabama)
) SS
COUNTY OF Shelby)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that **MICHAEL C FLANAGAN, Member of M & SF HOLDINGS, L.L.C. and SUZANNE S FLANAGAN, Member of M & SF HOLDINGS, L.L.C.**, a limited liability company, are signed to the foregoing Modification and who are known to me, acknowledged before me on this day that, being informed of the contents of said Modification, they, as such members and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 8th day of October, 20 08.

Dorothy Shree
Notary Public

My commission expires MY COMMISSION EXPIRES NOVEMBER 21, 2010

LENDER ACKNOWLEDGMENT

STATE OF _____)
) SS
COUNTY OF _____)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that _____ whose name as _____ of **REGIONS 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 _____ of **REGIONS BANK**, executed the same voluntarily on the day same bears date.

Given under my hand and official seal this _____ day of _____, 20 ____.

Notary Public

My commission expires _____



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EXHIBIT "A" - LEGAL DESCRIPTION

Commence at the SE corner of the SE 1/4 of Section 24, Township 20 South, Range 3 West; thence run Westerly along the south line thereof for 782.20 feet to the easterly R/W of U.S. Highway #65; thence 83 deg. 15 min. 13 sec. right run Northerly along said R/W for 19.81 feet to a conc. monument; thence 2 deg. 27 min. 55 sec. right continue along said R/W for 570.00 feet; thence 11 deg. 56 min. 12 sec. right continue along said R/W for 149.40 feet; thence 10 deg. 28 min. 49 sec. left along said R/W for 200.00 feet to the Point of Beginning; thence continue last described course for 304.58 feet to an iron pipe; thence 15 deg. 00 min. 15 sec. right run along said R/W for 213.53 feet to a conc. monument; thence 10 deg. 26 min. 32 sec. left continue along said R/W for 232.04 feet to the centerline of a creek; thence 96 deg. 53 min. 54 sec. right run Easterly along said creek for 239.84 feet to center of 3 culverts and the westerly R/W of McCain Parkway and a curve concaved easterly (having a radius of 874.69 feet and a central angle of 8 deg. 00 min. 32 sec.); thence 85 deg. 16 min. 46 sec. right to chord of said curve run Southerly along said curve and R/W for 122.27 feet; thence continue along said R/W and tangent to said curve for 565.27 feet; thence 85 deg. 26 min. 15 sec. right run Westerly for 267.62 feet to the point of beginning.

