

**AMENDMENT TO  
REAL ESTATE MORTGAGE AND SECURITY AGREEMENT**

This Amendment (the "Amendment") is made and entered into on October 14, 2008, by and between 40 Monroe Drive, LLC (hereinafter called the "Mortgagor", whether one or more) and First Commercial Bank (hereinafter called the "Mortgagee").

**RECITALS**

A. 40 Monroe Drive, LLC (hereinafter called the "Borrower", whether one or more) has (have) entered into as agreement entitled "First Commercial Bank Real Estate Mortgage and Security Agreement", executed by the Borrower in favor of the Mortgagee dated May 21, 2008 (the "Credit Agreement"). This Credit Agreement is in the amount of One hundred eighty two thousand and no/100-- Dollars (\$ 182,000.00).

B. The Mortgagor has executed in favor of the Mortgagee a Real Estate Mortgage and Security Agreement (the "Mortgage") recorded June 2, 2008 in Inst.# 20080602000221950, in the Probate Office of Shelby County, Alabama.

C. The Borrower and the Mortgagor have requested that the Mortgagee increase the Mortgage amount to Two hundred twenty two thousand and no/100--- Dollars (\$ 222,000.00).

D. The Mortgagee has required, as a condition to approving the request for the Amended Mortgage, that the Mortgagor enter into this Amendment.

Except as specifically amended hereby, the Mortgage shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties have hereunto caused this instrument to be executed effective this 14<sup>th</sup> day of October, 2008.

40 Monroe Drive, LLC

S. Allen Ponder (SEAL)  
S. Allen Ponder, President

\_\_\_\_\_ (SEAL)

FIRST COMMERCIAL BANK  
MORTGAGEE

By: Wes Quattlebaum  
Wes Quattlebaum

Its: Commercial Lender



20081029000420670 2/2 \$74.00  
Shelby Cnty Judge of Probate, AL  
10/29/2008 12:18:34PM FILED/CERT

CORPORATE ACKNOWLEDGEMENT

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that S. Allen Ponder, whose names as President of 40 Monroe Drive, LLC a Limited Liabilty Corporation is signed to the foregoing amendment, and who is known to me, acknowledged before me on this day that, being informed of the contents of said amendment, has executed the same voluntarily on the day the same bears date.

Given under my hand and Official seal this 14<sup>th</sup> day of October, 2008.

(NOTARIAL SEAL)

Sandra Kay Norris  
Notary Public

My Commission expires: \_\_\_\_\_

**NOTARY PUBLIC STATE OF ALABAMA AT LARGE**  
**MY COMMISSION EXPIRES: Sept 21, 2010**  
**BONDED THRU NOTARY PUBLIC UNDERWRITERS**

CORPORATE ACKNOWLEDGEMENT

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Wes Quattlebaum whose name as Commercial Lender of First Commercial Bank, a corporation, is signed to the foregoing amendment, and who is known to me, acknowledged before me on this day that, being informed of the contents of said amendment, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Give under my hand and Official seal this 14<sup>th</sup> day of October, 2008.

(NOTARIAL SEAL)

Sandra Kay Norris  
Notary Public

My Commission expires: \_\_\_\_\_

**NOTARY PUBLIC STATE OF ALABAMA AT LARGE**  
**MY COMMISSION EXPIRES: Sept 21, 2010**  
**BONDED THRU NOTARY PUBLIC UNDERWRITERS**

This instrument prepared by:

Name: Helen Ancic  
First Commercial Bank  
Address: P. O. Box 11746  
Birmingham, AL 35202-1746