



20090129000028680 1/3 \$594.50
Shelby Cnty Judge of Probate, AL
01/29/2009 12:15:41PM FILED/CERT

This Instrument Prepared By:

Kim Stockton, Southern States Bank
201 Office Park Dr., Suite 220
Birmingham, Al. 35223

THIS MORTGAGE AMENDS THE MORTGAGE DATED 02/26/2008 AND FILED FOR RECORD ON 03/05/2008 IN SHELBY COUNTY IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA TO INCREASE THE AMOUNT OF INDEBTEDNESS AND LIEN FROM \$350,000.00 TO \$735,000. TAXES DUE ON THE AMOUNT OF INCREASE ONLY.

MORTGAGE MODIFICATION AGREEMENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

This Agreement is by and between **Southern States Bank** ("Bank") and **Venture Developers, LLC** ("Borrower").

WHEREAS, Borrower is indebted to Bank as evidenced by Promissory Note dated 02/26/2008 ("Note"), and secured by a Mortgage on real property situated in Shelby County, Alabama, such mortgage being recorded in **Shelby County** in the office of the Judge of Probate of **SHELBY County, ALABAMA** ("Mortgage"); and

WHEREAS, Borrower and Bank desire to modify the terms of said Mortgage as set forth herein.

NOW, THEREFORE, for and in consideration of the premises, Borrower and Bank agree that the Mortgage is modified as follows:

THE AMOUNT OF INDEBTEDNESS AND LIEN OF SAID MORTGAGE IS INCREASED TO THE SUM OF SEVEN HUNDRED THIRTY-FIVE THOUSAND AND NO/100 (\$735,000.00) DOLLARS.

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION.

Except as modified herein, all of the terms and conditions of the Mortgage shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective this 10th day of December, 2008.

LENDER: Southern States Bank

By: [Signature]

Its: Sr. V.P.

BORROWER: Venture Developers, LLC

By: [Signature]

Its: Managing Member

By: [Signature]

Its: Non Member

By: [Signature]

Its: MEMBER

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Roy L Martin, Michael L Wood, and Robert Hastings whose names as Members of Venture Developers, LLC, a limited liability company 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 this instrument, they as such Members and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and official seal this 10th day of December, 2008.

Alicia Nicole Bunn
Notary Public
My Commission Expires: _____

My Commission Expires June 6, 2009

STATE OF ALABAMA)
COUNTY OF _____)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that _____ whose name as _____ of _____, 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 such conveyance, he/she as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this _____ day of _____, 2008.

Notary Public
My Commission Expires: _____

EXHIBIT "A"

A parcel of land situated in the Southeast ¼ of the Northeast ¼ of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama and being more particularly described as follows:

All that part of the Southeast ¼ of the Northeast ¼ of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, lying West of Interstate Highway 65 and East of Fungo Hollow Road (Shelby County Highway 33) all of which is more particularly described as follows: Commence at the Northeast corner of said ¼- ¼ section; thence run West along the North line of same for 19.82 feet to a point on the West right of way line of said Interstate Highway 65, said point being the point of beginning; thence continue West along said ¼- ¼ section line for 704.54 feet to the East right of way line of Fungo Hollow Road (Shelby County Highway 33); thence 63 deg. 59 min. 26 sec. left and run Southwesterly along said right of way line for 54.53 feet to the beginning of a curve to the right, said curve having a radius of 2, 837.68 feet and subtending a central angle of 04 deg. 16 min. 18 sec.; thence run Southwesterly along the arc of said curve for 211.56 feet to the end of said curve, said point being also the beginning of a curve to the right said curve subtending a central angle of 13 deg. 26 min. 00 sec. and having a radius of 1,677.02 feet; thence run Southwesterly along the arc of said curve for 393.19 feet to the end of said curve; said point being also the beginning of a curve to the right, said curve subtending a central angle of 07 deg. 00 min. 40 sec. and having a radius of 2, 443.99 feet; thence run Southwesterly along the arc of said curve and along said right of way line for 299.06 feet to the end of said curve; thence at tangent to said curve Southwesterly along said right of way line for 16.85 feet to a point on the West line of said ¼- ¼ section; thence 51 deg. 15 min. 53 sec. left and run Southerly along said ¼- ¼ section line for 547.27 feet to the Southwest corner of said ¼- ¼ section; thence 89 deg. 06 min. 26 sec. left and run East along the South line of said ¼- ¼ section for 734.79 feet to a point on the Westerly right of way line of Interstate Highway 65; thence 67 deg. 22 min. 19 sec. left and run Northeasterly along said right of way for 819.35 feet; thence 05 deg. 44 min. 44 sec. left and run Northeasterly for 100.52 feet; thence 05 deg. 43 min. 15 sec. right and run Northeasterly along said right of way line for 249.95 feet; thence 05 deg. 33 min. 57 sec. right and run Northeasterly for 100.52 feet; thence 05 deg. 33 min. 57 sec. left and run Northeasterly along said right of way line for 157.98 feet to the point of beginning; being situated in Shelby County, Alabama.

Less and Except:

A parcel of land situated in the Southeast ¼ of the Northeast ¼ of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the Northeast corner of said ¼- ¼ section, thence run Westerly along the North line of said ¼- ¼ for 19.82 feet to a point in the West right-of-way line of Interstate Highway I-65, said point being the Northeast corner of a boundary survey of an acreage tract by Joseph A. Miller, Jr., dated 5-26-93, thence continue Westerly along the last stated course for 205.00 feet to a point; said point being the Point of Beginning of the parcel herein described; thence continue Westerly along the last described course for 171.90 feet to a point at the Northeast corner of the recorded right-of-way of Dow Street; thence turn 90 deg. left and run Southerly across the end of Dow Street right-of-way for 50.00 feet to the Northeast corner of Lot 31 of Brookhollow 2nd Sector as recorded in Map Book 17, Page 141, in the Probate Office of Shelby County, Alabama; thence turn 19 deg. 00 min. 00 sec. right and run Southwesterly along the East line of said Lot 31 for 115.00 feet to a point; thence turn 19 deg. 52 min. 07 sec. right and run Southwesterly along said Lot 31 East line for 40.16 feet to a point on the right-of-way of Brookhollow Drive; thence turn 38 deg. 52 min. 07 sec. left and run Southwesterly along the East line of Lot 32 of said Brookhollow 2nd Sector for 90.00 feet to a point; thence turn 19 deg. 09 min. 05 sec. left and run Southeasterly along the East line of said Lot 32 for 126.44 feet to a point; thence turn 16 deg. 27 min. 24 sec. right and run Southeasterly along the East line of Lot 37 of said Brookhollow 2nd Sector for 44.01 feet; thence turn 27 deg. 16 min. 09 sec. right and run Southwesterly along the East line of Lot 38 of said Brookhollow 2nd Sector for 119.56 feet; thence turn 12 deg. 19 min. 28 sec. right and run Southwesterly along the East line of Lot 39 of said Brookhollow 2nd Sector for 98.18 feet; thence continue Southwesterly along the last stated course and along the East line of Lot 40 of said Brookhollow 2nd Sector for 33.28 feet to a point; thence turn 27 deg. 54 min. 04 sec. left and run Southwesterly along said Lot 40 East line for 53.76 feet; thence continue Southwesterly along the last stated course and along the East line of Lot 41 of said Brookhollow 2nd Sector for 72.27 feet; thence turn 26 deg. 07 min. 38 sec. right and run Southwesterly along the East line of Lot 42 of said Brookhollow 2nd Sector for 64.00 feet; thence turn 19 deg. 22 min. 55 sec. right and run Southwesterly along the East line of Lot 43 of said Brookhollow 2nd Sector for 65.40 feet to the most Easterly corner of Lot 44A of said resurvey of Lot 44 of Brookhollow 2nd Sector as recorded in Map Book 18, Page 86 in the Judge of Probate Office of Shelby County, Alabama; thence turn 11 deg. 37 min. 06 sec. left and run Southwesterly along the East line of Lot 44A of said resurvey of Lot 44 of Brookhollow 2nd Sector for 63.44 feet; thence turn 16 deg. 51 min. 46 sec. left and run Southwesterly along the East line of Lot 45 of Brookhollow 2nd Sector as recorded in Map Book 17, Page 103 in the Judge of Probate Office of Shelby County, Alabama for 66.08 feet; thence continue Southwesterly along the last stated course and along the East line of Lot 46 of said Brookhollow 1st Sector for 35.91 feet; thence turn 65 deg. 33 min. 55 sec. left and run Southeasterly along the Northeasterly line of Lot 51 of said Brookhollow 1st Sector for 110.00 feet; thence turn 79 deg. 22 min. 36 sec. right and run Southwesterly along the Southeasterly line of said Lot 51 for 101.91 feet to a point on the right-of-way line of said Brookhollow Drive, said point being on a curve to the right, said curve subtending a central angle of 90 deg. and having a radius of 40.00 feet; thence run Southeasterly along the arc of said curve and along said right-of-way line for 62.83 feet to the end of said curve, said point being the Northeast corner of Lot 1 of said Brookhollow 1st Sector; thence from tangent of said curve turn 90 deg. left and run Southwesterly along the East line of said Lot 1 for 45.00 feet; thence turn 27 deg. 24 min. 18 sec. right and run Southwesterly along the Easterly line of said Lot 1 for 61.95 feet to the Southeast corner of said Lot 1; said point being on the South line of said Southeast ¼ of the Northeast ¼ of Section 13, Township 20 South, Range 3 West; thence turn 117 deg. 23 min. 31 sec. left and run East along said ¼- ¼ line for 230.19 feet to a point on the Westerly right-of-way line of Interstate Highway I-65; thence turn 67 deg. 22 min. 18 sec. left and run Northeasterly along said right-of-way line for 819.35 feet to an Alabama Department of Transportation Concrete right-of-way monument; thence turn 5 deg. 44 min. 44 sec. left and run Northeasterly along said right-of-way line for 25.52 feet to a point; thence turn 34 deg. 56 min. 33 sec. left and run Northwesterly for 248.63 feet to a point; thence turn 36 deg. 12 min. 21 sec. right and run Northeasterly for 315.00 feet to the Point of Beginning; being situated in Shelby County, Alabama.

Less and except the property located within map of Brook Hollow, First Sector, as recorded in Map Book 17, Page 103; property located within Map of Brook Hollow, Second Sector, as recorded in Map Book 17, Page 141, and property located in that certain Resurvey recorded in Map Book 18, Page 86 and that certain Resurvey recorded in Map Book 19, Page 49, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

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Signed for identification.

VENTURE DEVELOPERS, LLC

Roy L. Martin 12/10/2008
ROY L. MARTIN, Date
Michael L. Wood 12/10/2008
MICHAEL L. WOOD, Date
Robert Hastings 12/10/2008
ROBERT HASTINGS, Date

Date

Date

Date