

## AFFIDAVIT OF MORTGAGE MODIFICATION

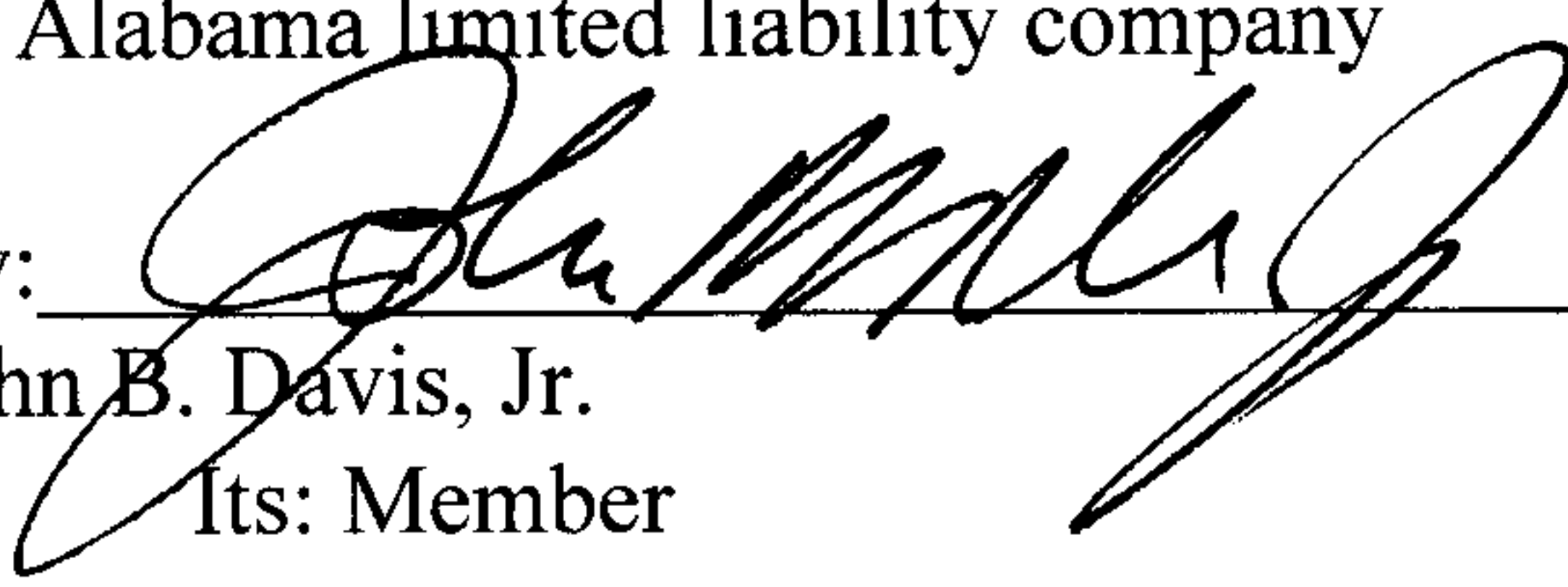
STATE OF ALABAMA                    }  
COUNTY OF SHELBY                }

We, the undersigned, **FLAGSTONE CONSTRUCTION, LLC**, an Alabama limited liability company, Owner of the real estate referenced on Exhibit A hereto, hereby depose and state that the Mortgage and Security Agreement, given on the 19<sup>th</sup> day of November 2008, to **SERVISFIRST BANK** in the original principal amount of One Million Two Hundred Thousand and 00/ 100 Dollars (\$1,200,000.00) and recorded in Instrument #20081204000457 on December 4, 2008, in the Probate office of Shelby County, Alabama is hereby reaffirmed in its entirety by all of the undersigned and the undersigned hereby add the following properties listed on Exhibit A hereto as additional collateral for said indebtedness. No additional credit has been extended nor any additional time for payment. The sole modification is to encumber the subject property listed on Exhibit A to the terms of said mortgage.

In Witness Whereof, I have set my hand and seal on this the 6<sup>th</sup> day of March, 2009.

### FLAGSTONE CONSTRUCTION, LLC

an Alabama limited liability company

By:   
John B. Davis, Jr.  
Its: Member

STATE OF ALABAMA                    }  
COUNTY OF SHELBY                }

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that John B. Davis, Jr., whose name as Member, of Flagstone Construction, LLC, an Alabama limited liability company, is signed to the foregoing Mortgage Modification, and who is known to me, acknowledged before me on this day that, being informed of the contents of said Mortgage Modification, he, as such Member and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

Given under my hand and official seal, this 6<sup>th</sup> day of March, 2009.

  
Notary Public

My commission expires: 2-2-2013

This Instrument prepared by:  
Laurie Boston Sharp, Attorney at Law, LLC  
P.O. Box 567  
Alabaster, Alabama 35007

**EXHIBIT A**  
**to Flagstone Construction, LLC Mortgage Modification**

**LOTS 21, 49, 50, 82, 91, 96, 97, 100 & 129 of the Villages at Westover,  
according to Map Book 39, pages 9A and 9B as recorded in the Probate Office  
of Shelby County, Alabama**

A handwritten signature in black ink, appearing to be a stylized 'M' or 'J' followed by a flourish.