

Loan # 330000508987

AMENDMENT

TO

REAL ESTATE MORTGAGE

THIS AMENDMENT amends is by and among THORNTON NEW HOME SALES, INC. and THORNTON CONSTRUCTION COMPANY, INC. and amends that certain Real Estate Mortgage (hereinafter "Mortgage") executed on September 4, 2007 in favor of BANCORPSOUTH (also known as BANCORPSOUTH BANK) (hereinafter "Bank").

WHEREAS, the Mortgage is recorded as Instrument 20070911000425600 in the Office of the Judge of Probate of Shelby County, Alabama, and pertains to the following described property, to wit:

Lot 135, according to the Map and Survey of Chesser Reserve Phase I, as recorded in Map Book 38, Page 115 A and B, as recorded in the Office of the Judge of Probate of Shelby County, Alabama.

WHEREAS, the Mortgage secures a Note in the original principal amount of \$132,720.00 executed by THORNTON CONSTRUCTION COMPANY, INC. as amended, extended and renewed from time to time and on this date, and all renewals and extensions thereof.

WHEREAS, upon the recordation of the Mortgage a mortgage tax of \$199.20 was paid.

WHEREAS, Bank desires THORNTON NEW HOME SALES, INC. to confirm that this Mortgage evidences a continuation of that certain Mortgage, Assignment of Rents and Leases and Security Agreement dated June 21, 2007 and recorded in Instrument 20070625000296180 executed by THORNTON NEW HOME SALES, INC. (as successor by merger to CHESSER PLANTATION, INC.) and that THORNTON NEW HOME SALES, INC. is liable thereon as if THORNTON NEW HOME SALES, INC. fully executed same.

NOW THEREFORE, in consideration of the terms and conditions contained herein, and to induce Bank to amend the Note, THORNTON NEW HOME SALES, INC. and THORNTON CONSTRUCTION COMPANY, INC. both ratify and confirm the Mortgage as of this date.

All of the terms and provisions of the Mortgage not specifically amended herein, are hereby reaffirmed, ratified and restated. This Amendment amends the Mortgage and is not an novation thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and seals effective this 28^{h} . day of December, 2009.

	INC.	
	BY:(Du a Comment
	Print Name	James M. Thornton
	Title:	President
	THORNT	ON NEW HOME SALES, INC.
	BY:	Comment of the second
	Print Name	
	Title:	President
TATE OF ALABAMA COUNTY OF JEFFERSON	in and for soid Con	nty in said State hereby certify that James M.
nstrument and who is known to me, acknowle	NTON CONSTRUCT adged before me on the	ION COMPANY, INC., is signed to the foregoing is day that, being informed of the contents of said
hornton, whose name as President of THORN astrument and who is known to me, acknowle	NTON CONSTRUCT adged before me on the authority, executed the	ION COMPANY, INC., is signed to the foregoing is day that, being informed of the contents of said ne same voluntarily, as an act of said corporation,
Thornton, whose name as President of THORN is strument and who is known to me, acknowled instrument, he, as such member, and with full of the corposity as aforesaid.	NTON CONSTRUCT edged before me on the authority, executed the last day of the	ION COMPANY, INC., is signed to the foregoing is day that, being informed of the contents of said ne same voluntarily, as an act of said corporation,
Thornton, whose name as President of THORN is strument and who is known to me, acknowled instrument, he, as such member, and with full of the corposity as aforesaid.	NTON CONSTRUCT edged before me on the authority, executed the latest day of the NOTARY PL	ION COMPANY, INC., is signed to the foregoing is day that, being informed of the contents of said ne same voluntarily, as an act of said corporation, f December, 2009. The Hules Guthall
Thornton, whose name as President of THORN is strument and who is known to me, acknowle is strument, he, as such member, and with full cting in his capacity as aforesaid. Given under my hand and official seal	NTON CONSTRUCT edged before me on the authority, executed the latest day of the NOTARY PL	ION COMPANY, INC., is signed to the foregoing is day that, being informed of the contents of said ne same voluntarily, as an act of said corporation, f December, 2009. Tallin Guzhall BLIC
Thornton, whose name as President of THORN instrument and who is known to me, acknowled instrument, he, as such member, and with full citing in his capacity as aforesaid. Given under my hand and official seal country of Jefferson I, the undersigned, a Notary Public in ame as President of THORNTON NEW Honown to me, acknowledged before me on this nember, and with full authority, executed the	ATON CONSTRUCT edged before me on the authority, executed the latest day of the NOTARY PL My Commission of SALES, INC., and that, being information of the sale of	ION COMPANY, INC., is signed to the foregoing is day that, being informed of the contents of said ne same voluntarily, as an act of said corporation, f December, 2009. [a Huller Gutzhall] [BLIC] ion Expires: 2-7-10
Thornton, whose name as President of THORN instrument and who is known to me, acknowled instrument, he, as such member, and with full citing in his capacity as aforesaid. Given under my hand and official seal country of Jefferson I, the undersigned, a Notary Public in the ame as President of THORNTON NEW Homown to me, acknowledged before me on this member, and with full authority, executed the	and for said County, is day that, being information construct.	is day that, being informed of the contents of said the same voluntarily, as an act of said corporation, of December, 2009. The Guthall BLIC ion Expires: 2-7-10 Jumes in. In said State, hereby certify that Thornton, whose is signed to the foregoing instrument and who is med of the contents of said instrument, he, as such an act of said corporation, acting in his capacity as
Thornton, whose name as President of THORN instrument and who is known to me, acknowled instrument, he, as such member, and with full cting in his capacity as aforesaid. Given under my hand and official seal country of Jefferson I, the undersigned, a Notary Public in the ame as President of THORNTON NEW Homown to me, acknowledged before me on this member, and with full authority, executed the foresaid.	ATON CONSTRUCT edged before me on the authority, executed the latest day of the latest and for said County, is and for said County, is day that, being information same voluntarily, as a latest day of the latest	ION COMPANY, INC., is signed to the foregoing is day that, being informed of the contents of said ne same voluntarily, as an act of said corporation, and December, 2009. The Julia Guzhall BLIC ion Expires: J-7-10 Jumes In. In said State, hereby certify that Thornton, whose is signed to the foregoing instrument and who is med of the contents of said instrument, he, as such an act of said corporation, acting in his capacity as of December, 2009.
Thornton, whose name as President of THORN instrument and who is known to me, acknowled instrument, he, as such member, and with full cting in his capacity as aforesaid. Given under my hand and official seal country of Jefferson I, the undersigned, a Notary Public in the ame as President of THORNTON NEW Homown to me, acknowledged before me on this member, and with full authority, executed the foresaid.	and for said County, is day that, being information same voluntarily, as a NOTARY PUNOTARY PU	is day that, being informed of the contents of said he same voluntarily, as an act of said corporation, of December, 2009. The Guthall BLIC In said State, hereby certify that Thornton, whose is signed to the foregoing instrument and who is med of the contents of said instrument, he, as such an act of said corporation, acting in his capacity as of December, 2009.

William B. Hairston III ENGEL HAIRSTON & JOHANSON, P.C. 4th Floor, 109 North 20th Street

Birmingham, Alabama 35203 (205) 328-4600



Shelby Cnty Judge of Probate, AL 01/08/2010 01:16:21 PM FILED/CERT