

RECORDATION REQUESTED BY:

REGIONS BANK
SHELBY COUNTY: ALABASTER 1ST ST N BR
1235 FIRST STREET N
ALBH60038B
ALABASTER, AL 35007

20131204000470380 1/6 \$367.25
Shelby Cnty Judge of Probate, AL
12/04/2013 02:43:57 PM FILED/CERT

WHEN RECORDED MAIL TO:

Regions Bank
Collateral Management
PO Box 12926
Birmingham, AL 35202

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY



MODIFICATION OF MORTGAGE



DOC48003000434024177800022320560000000*

THIS MODIFICATION OF MORTGAGE dated October 20, 2013, is made and executed between OWENS ENTERPRISES, LLC, whose address is 3500 BEARDEN LN, HELENA, AL 35080; AN ALABAMA LIMITED LIABILITY COMPANY (referred to below as "Grantor") and REGIONS BANK, whose address is 1235 FIRST STREET N, ALBH60038B, ALABASTER, AL 35007 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated August 8, 2008 (the "Mortgage") which has been recorded in Shelby County, State of Alabama, as follows:

Real Estate Mortgage recorded on 08-12-2008, Instrument No. 20080812000324280 in Shelby County, Alabama.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property located in Shelby County, State of Alabama:

see exhibit A

The Real Property or its address is commonly known as 109 Clark Street, Pelham, AL 35124.

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

Extending Maturity Date from 07-29-2013 to 09-20-2014, with the approximate balance of \$225,411.95.

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 endorsers 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 20, 2013.

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:

OWENS ENTERPRISES, LLC

By: Claire Nobles Owens (Seal)
CLAIRE NOBLES OWENS, MEMBER OF OWENS
ENTERPRISES, LLC

By: Larry Wayne Owens (Seal)
LARRY WAYNE OWENS, MEMBER OF OWENS
ENTERPRISES, LLC

LENDER:

REGIONS BANK

X [Signature] (Seal)
Authorized Signer

This Modification of Mortgage prepared by:

Name: Leia Windham
Address: 1235 FIRST STREET N
City, State, ZIP: ALABASTER, AL 35007

AZ013112500028

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Alabama)
) SS
COUNTY OF Jefferson)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that **CLAIRE NOBLES OWENS, MEMBER of OWENS ENTERPRISES, LLC and LARRY WAYNE OWENS, MEMBER of OWENS ENTERPRISES, LLC**, 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 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 7th day of November, 2013.

Annette E. Regant
Notary Public

My commission expires _____ MY COMMISSION EXPIRES FEBRUARY 1, 2014

Annette E Regant

LENDER ACKNOWLEDGMENT

STATE OF SC)
) SS
COUNTY OF Aiken)

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

Given under my hand and official seal this 18th day of 11, 2013.

Donald L. Toole
Notary Public

My commission expires 8/26/23

Donald L. Toole

SCHEDULE "A"

A PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 23, TOWNSHIP 20 SOUTH, RANGE 3 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SW CORNER OF THE NW 1/4 OF NE 1/4 OF SECTION 23, TOWNSHIP 20 SOUTH, RANGE 3 WEST; THENCE RUN IN AN EASTERLY DIRECTION ALONG THE SOUTH LINE OF THE NW 1/4 OF NE 1/4 FOR A DISTANCE OF 466.90 FEET; THENCE TURN A DEFLECTION ANGLE OF 91 DEGREES 18 MINUTES 30 SECONDS TO THE LEFT AND RUN 102.73 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES TO THE RIGHT AND RUN 40 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES TO THE LEFT AND RUN 32 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES TO THE RIGHT AND RUN 231.35 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES TO THE RIGHT AND RUN 210.69 FEET; THENCE TURN A DEFLECTION ANGLE OF 5 DEGREES 02 MINUTES TO THE LEFT AND RUN 48.0 FEET TO AN IRON; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 07 MINUTES 22 SECONDS TO THE LEFT AND RUN 78.04 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE FOR 183.52 FEET; THENCE TURN A DEFLECTION ANGLE OF 76 DEGREES 27 MINUTES 08 SECONDS TO THE RIGHT AND RUN 91.01 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 06 MINUTES 37 SECONDS TO THE RIGHT AND RUN 179.14 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 12 MINUTES 06 SECONDS TO THE RIGHT AND RUN 133.66 FEET TO THE POINT OF BEGINNING. SAID PARCEL IS LYING IN THE NE 1/4 OF SECTION 23, TOWNSHIP 20 SOUTH, RANGE 3 WEST; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

EASEMENT

COMMENCE AT THE SW CORNER OF THE NW 1/4 OF NE 1/4 OF SECTION 23, TOWNSHIP 20 SOUTH, RANGE 3 WEST; THENCE RUN IN AN EASTERLY DIRECTION ALONG THE SOUTH LINE OF THE NW 1/4 OF NE 1/4 FOR A DISTANCE OF 466.90 FEET; THENCE TURN A DEFLECTION ANGLE OF 91 DEGREES 18 MINUTES 30 SECONDS TO THE LEFT AND RUN 102.73 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES TO THE RIGHT AND RUN 40 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES TO THE LEFT AND RUN 32 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES TO THE RIGHT AND RUN 231.35 FEET; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES TO THE RIGHT AND RUN 210.69 FEET; THENCE TURN A DEFLECTION ANGLE OF 5 DEGREES 02 MINUTES TO THE LEFT AND RUN 48.0 FEET TO AN IRON; THENCE TURN A DEFLECTION ANGLE OF 90 DEGREES 07 MINUTES 22 SECONDS TO THE LEFT AND RUN 78.04 FEET TO THE POINT OF BEGINNING OF THE CENTER LINE OF A 30 FOOT WIDE EASEMENT; THENCE TURN A DEFLECTION ANGLE OF 76 DEGREES 45 MINUTES 51 SECONDS TO THE RIGHT AND RUN 222.42 FEET; THENCE TURN A DEFLECTION ANGLE OF 180 DEGREES 00 MINUTES TO THE RIGHT AND RUN BACK ALONG THE PREVIOUS LINE FOR 88.76 FEET; THENCE TURN A DEFLECTION ANGLE OF 89 DEGREES 47 MINUTES 54 SECONDS TO THE RIGHT AND RUN 179.14 FEET TO THE POINT OF ENDING OF SAID EASEMENT CENTER LINE. SAID EASEMENT IS 30 FEET IN WIDTH BEING 15 FEET EACH SIDE OF THE ABOVE DESCRIBED CENTER LINE; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

THIS DEED IS EXECUTED AS REQUIRED BY THE ARTICLES OF ORGANIZATION AND OPERATING AGREEMENT OF GRANTOR, AND SAME HAVE NOT BEEN MODIFIED OR AMENDED.

TO HAVE AND TO HOLD TO GRANTEE, ITS SUCCESSORS AND ASSIGNS FOREVER; SUBJECT, HOWEVER, TO THE FOLLOWING:

1. AD VALOREM TAXES FOR THE 2005 TAX YEAR AND THEREAFTER
2. TRANSMISSION LINE PERMIT TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT RECORDED IN DEED BOOK 179, PAGE 363, IN THE PROBATE OFFICE OF SHELBY COUNTY
3. RIGHT-OF-WAY GRANTED TO SHELBY COUNTY BY INSTRUMENT RECORDED IN DEED BOOK 135, PAGE 400, IN SAID PROBATE OFFICE
4. EASEMENT TO CITY OF PELHAM AS SHOWN BY INSTRUMENT RECORDED IN INSTRUMENT 41994-10460 IN SAID PROBATE OFFICE
5. RIGHTS OF OTHERS TO THE EASEMENT SET OUT IN DEEDS RECORDED AS INSTRUMENT #20040122000038060, INSTRUMENT #20040122000038070, AND INSTRUMENT 420040122000038050 IN SAID PROBATE OFFICE



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BEING THE SAME PROPERTY CONVEYED TO OWENS ENTERPRISES LLC BY DEED
FROM BEARDEN PROPERTIES LLC RECORDED 08/15/2005 IN DEED BOOK
20050815000417570 PAGE , IN THE PROBATE JUDGE'S OFFICE FOR SHELBY
COUNTY, ALABAMA.

TAX ID# 136231002006.003

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