

**RECORDATION REQUESTED BY:**

CADENCE BANK, N.A.  
AL Birmingham-Hwy 119-Private Banking  
6801 Cahaba Valley Rd, Suite 100  
Hoover, AL 35242

20150107000007850

01/07/2015 04:10:29 PM

MORT 1/5

When recorded mail to  
American Title, Inc.  
PO Box 641010 2014/2010441  
Omaha, NE 68164-1010

**SEND TAX NOTICES TO:**

Kevin M. McCallum  
Sheila K. McCallum  
2141 Brook Highland Ridge  
Birmingham, AL 35242

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**CADENCE**  
BANK

**MODIFICATION OF MORTGAGE**

Notice: The original principal amount available under the Note (as defined below), which was \$151,796.00 (on which any required taxes already have been paid), now is increased by an additional \$15,500.00.

THIS MODIFICATION OF MORTGAGE dated December 16, 2014, is made and executed between Kevin M. McCallum and Sheila K. McCallum, whose address is 2141 Brook Highland Ridge, Birmingham, AL 35242; husband and wife (referred to below as "Grantor") and CADENCE BANK, N.A., whose address is 6801 Cahaba Valley Rd, Suite 100, Hoover, AL 35242 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated October 30, 2013 (the "Mortgage") which has been recorded in Shelby County, State of Alabama, as follows:

Recorded 11-12-2013 on Document # 20131112000444830 in the office of Shelby County Alabama.

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

See Exhibit "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 2141 Brook Highland Ridge, Birmingham, AL 35242.

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

Increasing the principal to \$167,296.00.


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 endorers 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 DECEMBER 16, 2014.

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.

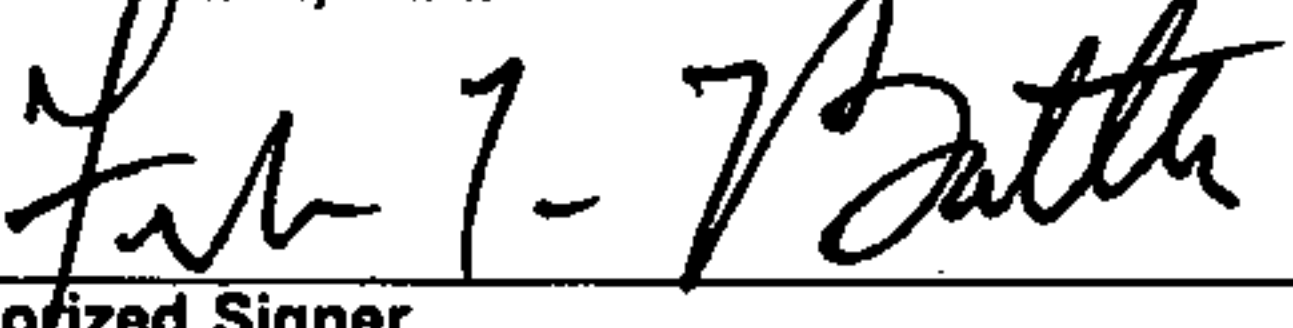
GRANTOR:

X  (Seal)  
Kevin M. McCallum

X  (Seal)  
Sheila K. McCallum

LENDER:

CADENCE BANK, N.A.

X  (Seal)  
Authorized Signer

MODIFICATION OF MORTGAGE  
(Continued)

Loan No: 4694527

Page 2

This Modification of Mortgage prepared by:

Name: LaTanya Gosha, Loan Operations Specialist

Address: 6801 Cahaba Valley Rd, Suite 100

City, State, ZIP: Hoover, AL 35242

## INDIVIDUAL ACKNOWLEDGMENT

STATE OF Alabama )  
 ) SS  
COUNTY OF Shelby )

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Kevin M. McCallum and Sheila K. McCallum, husband and wife, whose names 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 said Modification, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16 day of December, 2014My commission expires 7/18/16

Notary Public

## LENDER ACKNOWLEDGMENT

STATE OF Alabama )  
 ) SS  
COUNTY OF Shelby )

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Frank Batt whose name as SVP of CADENCE BANK, N.A. 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 VP of CADENCE BANK, N.A., executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16 day of December, 2014My commission expires 7/18/16

Notary Public

**EXHIBIT A**

THE FOLLOWING DESCRIBED REAL ESTATE, SITUATED IN SHELBY COUNTY, ALABAMA, TO-WIT:

LOT 2201, ACCORDING TO THE SURVEY OF BROOK HIGHLAND, 22ND SECTOR, AN EDDLEMAN COMMUNITY, AS RECORDED IN MAP BOOK 28, PAGE 81, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

MINERAL AND MINING RIGHTS EXCEPTED.

THE ABOVE PROPERTY IS CONVEYED SUBJECT TO:

(1) 35 FOOT BUILDING SETBACK LINE AS SHOWN BY RECORDED PLAT.

(2) PUBLIC UTILITY EASEMENTS AS SHOWN BY RECORDED PLAT.

(3) DECLARATION OF PROTECTIVE COVENANTS FOR THE "WATERSHED PROPERTY", WHICH PROVIDES, AMONG OTHER THINGS, FOR AN ASSOCIATION TO BE FORMED TO ASSESS AND MAINTAIN THE WATERSHED MAINTENANCE AREAS, ETC. OF THE DEVELOPMENT; ALL OF SAID COVENANTS, RESTRICTIONS AND CONDITIONS BEING SET OUT IN INSTRUMENT RECORDED IN REAL 194, PAGE 54, IN SAID PROBATE OFFICE.

(4) DECLARATION OF PROTECTIVE COVENANTS, AGREEMENTS, EASEMENTS, CHARGES AND LIENS FOR BROOK HIGHLAND, AS SET OUT IN INSTRUMENT RECORDED IN REAL 194, PAGE 254 IN PROBATE OFFICE, ALONG WITH ARTICLES OF INCORPORATION OF BROOK HIGHLAND HOMEOWNER'S ASSOCIATION, INC. AS RECORDED IN REAL 194, PAGE 281 AND BY-LAWS OF ASSOCIATION, INC. AS RECORDED IN REAL 194, PAGE 287 IN SAID PROBATE OFFICE ALONG WITH SUPPLEMENTAL PROTECTIVE COVENANTS BEING AMENDED IN REAL 263, PAGE 604, IN SAID PROBATE OFFICE, SUPPLEMENTAL PROTECTIVE COVENANTS OF BROOK HIGHLAND, AS SET OUT IN INSTRUMENT #2000-00933 AND IN MAP BOOK 28, PAGE 81, IN SAID PROBATE OFFICE.

(5) DEED AND BILL OF SALE TO THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM, RECORDED IN BOOK 194, PAGE 40, AND BY INSTRUMENT TO BE RECORDED, ALONG WITH AN EASEMENT FOR SANITARY SEWER LINES AND WATER LINES AS SET OUT IN REAL 194 PAGE 1 AND 20 IN SAID PROBATE OFFICE.

(6) DRAINAGE AGREEMENT BETWEEN AMSOUTH BANK, N.A., AS ANCILLARY TRUSTEE FOR NCNB NATIONAL BANK OF NORTH CAROLINA, AS TRUSTEE OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO AND EDDLEMAN AND ASSOCIATES, AS SET OUT IN INSTRUMENT DATED APRIL 14, 1987 AND RECORDED IN REAL 125, PAGE 238 IN SAID PROBATE OFFICE.

(7) RECIPROCAL EASEMENT AGREEMENT BETWEEN AMSOUTH BANK, N.A., AS ANCILLARY TRUSTEE FOR NCNB NATIONAL BANK OF NORTH CAROLINA AS TRUSTEE FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO AND EDDLEMAN AND ASSOCIATES, AS SET OUT IN INSTRUMENT DATED APRIL 14, 1987, AND RECORDED IN REAL 125, PAGE 249 AND REAL 199, PAGE 18 IN SAID PROBATE OFFICE.



**EXHIBIT A**

(8) TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING RIGHTS SET OUT IN DEED BOOK 32, PAGE 48, DEED BOOK 111, PAGE 625, DEED BOOK 121, PAGE 294, AND DEED BOOK 178, PAGE 529 IN SAID PROBATE OFFICE.

(9) RESTRICTIVE COVENANTS WITH REGARD TO UNDERGROUND TRANSMISSION INSTALLATION BY ALABAMA POWER COMPANY AS RECORDED IN REAL 181, PAGE 995, IN SAID PROBATE OFFICE.

(10) COVENANTS RELEASING PREDECESSORS IN TITLE FROM ANY LIABILITY ARISING FROM SINKHOLES, LIMESTONE FORMATIONS, SOIL CONDITIONS OR ANY OTHER KNOWN OR UNKNOWN SURFACE OR SUBSURFACE CONDITIONS THAT MAY NOW OR HEREAFTER EXIST OR OCCUR OR CAUSE DAMAGE TO SUBJECT PROPERTY, AS SHOWN BY SURVEY OF SUBDIVISION, RECORDED IN MAP BOOK 28, PAGE 81, IN SAID PROBATE OFFICE.

(11) EASEMENT TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT RECORDED IN REAL 207 PAGE 380 AND REAL 220 PAGES 521 AND 532, IN SAID PROBATE OFFICE.

(12) SUBDIVISION RESTRICTIONS SHOWN ON RECORDED PLAT IN MAP BOOK 28 PAGE 81 TO PROVIDE FOR CONSTRUCTION OF SINGLE FAMILY RESIDENCES ONLY.

(13) AGREEMENT CONCERNING ELECTRIC SERVICE TO NCNB/BROOK HIGHLAND AND ALABAMA POWER COMPANY RECORDED IN REAL 306 PAGE 119 IN SAID PROBATE OFFICE.

(14) RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT AND CONTAINED WITHIN DEEDS CONVEYED TO OTHER PARTIES AS SET OUT IN REAL 308, PAGE 1, REAL 220, PAGE 339, AND AS INST. #1992/14567, IN SAID PROBATE OFFICE.

(15) RESTRICTIVE COVENANT & AGREEMENT AS SET OUT IN THE DEED FROM NCNB NATIONAL BANK OF NORTH CAROLINA TO BROOK HIGHLAND LIMITED PARTNERSHIP DATED 10/12/93 AND RECORDED AS INST. #1993/32511, IN SAID PROBATE OFFICE.

(16) EASEMENT FOR SANITARY SEWER LINE AND WATER LINES AS SHOWN BY INSTRUMENT TO BE RECORDED, ALONG WITH A DEED AND BILL OF SALE BY INSTRUMENT TO BE RECORDED IN SAID PROBATE OFFICE.

(17) BROOK HIGHLAND COMMON PROPERTY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS SET OUT IN REAL 307 PAGE 950 AND SUPPLEMENT IN INST. #1998-40199 IN SAID PROBATE OFFICE.

SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, COVENANTS, OIL, GAS OR MINERAL RIGHTS OF RECORD, IF ANY.

BEING THE SAME PREMISES CONVEYED TO KEVIN M. MCCALLUM AND SHEILA K. MCCALLUM, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP FROM EDDLEMAN PROPERTIES, INC., AN ALABAMA CORPORATION BY STATUTORY WARRANTY DEED DATED 2/21/2003, AND RECORDED ON 4/8/2003, DOCUMENT # 20030408000212300, IN SHELBY COUNTY, AL.

**EXHIBIT A**

**ASSESSORS PARCEL NUMBER:** 034190001002001

**ATI ORDER NUMBER:** 201412010441



Filed and Recorded  
Official Public Records  
Judge James W. Fuhrmeister, Probate Judge,  
County Clerk  
Shelby County, AL  
01/07/2015 04:10:29 PM  
\$49.25 CHERRY  
20150107000007850

A handwritten signature in black ink, appearing to read "J. W. Fuhrmeister", is written over the official text.