

8/01/05 9:42:52  
BK 2,271 PG 554  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

**RECORDATION REQUESTED BY:**

Wachovia Bank, National Association, successor by merger to  
SouthTrust Bank  
Main Office - Memphis  
6445 Poplar Avenue  
Memphis, TN 38119

**WHEN RECORDED MAIL TO:**

Wachovia Bank, National Association, successor by merger to  
SouthTrust Bank  
RLPC - North Alabama A-001-LO-0111  
6434 1st Avenue North  
Birmingham, AL 35212

**SEND TAX NOTICES TO:**

COBBLESTONE CONSTRUCTION, LLC  
5779 Getwell Rd Bldg. D, Ste. 1  
South Haven, MS 38672

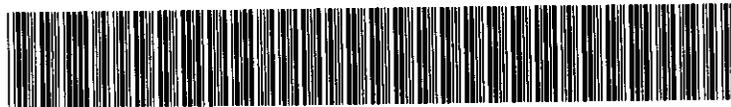
SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**This Modification of Deed of Trust prepared by:**

Parker Richardson  
Wachovia Bank, National Association, successor by merger to SouthTrust Bank  
6445 Poplar Avenue  
Memphis, TN 38119  
(901) 761-0358

NOTE TO CHANCERY CLERK: Lot 12, Fountain Gate Subdivision, Sec. 9, Tp 3 S R 7 W, DeSoto Co., MS.

**MODIFICATION OF DEED OF TRUST**



\*0731000593969000000042000121\*

**THIS MODIFICATION OF DEED OF TRUST dated July 7, 2005, is made and executed between COBBLESTONE CONSTRUCTION, LLC; 5779 Getwell Rd Bldg. D, Ste. 1; South Haven, MS 38672 ("Grantor") and Wachovia Bank, National Association, successor by merger to SouthTrust Bank; Main Office - Memphis ; 6445 Poplar Avenue; Memphis, TN 38119 ("Lender").**

**DEED OF TRUST.** Lender and Grantor have entered into a Deed of Trust dated May 20, 2004 (the "Deed of Trust") which has been recorded in DeSoto County, State of Mississippi, as follows:

Deed of Trust was recorded May 26, 2004 in Book 1997, Page 0050 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

**REAL PROPERTY DESCRIPTION.** The Deed of Trust covers the following described real property located in DeSoto County, State of Mississippi:

Lot 12, Fountain Gate Subdivision, situated in Section 9, Township 3 South, Range 7 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 79, Page 33, in the Office of the Chancery Clerk of DeSoto County, Mississippi

The Real Property or its address is commonly known as Lot 12 Fountain Gate Subdivision, Hernando, MS 38632.

**MODIFICATION.** Lender and Grantor hereby modify the Deed of Trust as follows:

The Construction Land Deed of Trust is hereby modified to extend the maturity date from May 19, 2005 to July 7, 2006.

**CONTINUING VALIDITY.** Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust 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 Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust 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 Deed of Trust 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 DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED JULY 7, 2005.**

**GRANTOR:**

COBBLESTONE CONSTRUCTION, LLC

By: Charles F. Roberts, III  
Charles F. Roberts, III, Managing Member of  
COBBLESTONE CONSTRUCTION, LLC

By: Kenneth G. Mealer  
Kenneth G. Mealer, Managing Member of  
COBBLESTONE CONSTRUCTION, LLC

**LENDER:**

WACHOVIA BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO SOUTHTRUST BANK

x Parker E. Richardson  
Authorized Officer



\*0731000593969000000042000121\*

MODIFICATION OF DEED OF TRUST (Continued)

Loan No: 0000000042

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF MISSISSIPPI )
) SS
COUNTY OF DE SOTO )

Personally appeared before me, the undersigned authority in and for the said County and State, on this 7th day of July, 2005, within my jurisdiction, the within named Charles F. Roberts, III, Managing Member; Kenneth G. Mealer, Managing Member of COBBLESTONE CONSTRUCTION, LLC, a Mississippi limited liability company, and acknowledged that for and on behalf of the said limited liability company, and as its act and deed, they signed, executed and delivered the above and foregoing Modification for the purposes mentioned on the day and year therein mentioned after first having been duly authorized by said limited liability company so to do.

[Signature of Parker E. Richardson]
NOTARY PUBLIC



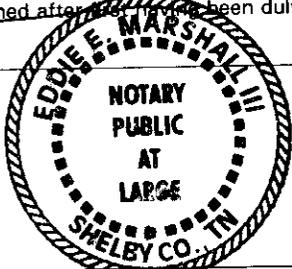
My Commission Expires: 7-15-07

LENDER ACKNOWLEDGMENT

STATE OF Tennessee )
) SS
COUNTY OF Shelby )

Personally appeared before me, the undersigned authority in and for the said County and State, on this 7th day of July, 2005, within my jurisdiction, the within named Parker Richardson a Mississippi corporation, and acknowledged that for and on behalf of the said corporation, and as its act and deed, he or she signed, executed and delivered the above and foregoing Modification for the purposes mentioned on the day and year therein mentioned after first having been duly authorized by said corporation so to do.

[Signature of Eddie E. Marshall III]
NOTARY PUBLIC



My Commission Expires: 10-16-2007