10/05/10 2:23:05
DK T BK 3,223 PG 646
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

RECORDATION REQUESTED BY:
Southern Bancorp Bank, Hernando Office, 2552 Highway 51, Hernando, MS 38632

WHEN RECORDED MAIL TO:
Southern Bancorp Bank, Hernando Office, 2552 Highway 51, Hernando, MS 38632

FOR RECORDER'S USE ONLY

This Modification of Deed of Trust prepared by:
Alan Sims
Southern Bancorp Bank
2552 Highway 51
Hernando, MS 38632
(662) 429-9973

INDEXING INSTRUCTIONS: SE 1/4, S6, T4S, R7W and the NE 1/4 of S7, T4S, R7W, DeSoto County, MS.

MODIFICATION OF DEED OF TRUST

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THIS MODIFICATION OF DEED OF TRUST dated September 1, 2010, is made and executed between SP Capital Investors, LLC, whose address is 816 W. Lill Avenue, Chicago, IL 60614 ("Grantor") and Southern Bancorp Bank, whose address is Hernando Office, 2552 Highway 51, Hernando, MS 38632 ("Lender").

DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated September 1, 2007 (the "Deed of Trust") which has been recorded in DeSoto County, State of Mississippi, as follows:

> **A Deed of Trust showing the Lender name of First Bank of the Delta, National Association, recorded September 6, 2007, in Book 2,785 at Page 245, in the land records of DeSoto County, Mississippi. First Bank of the Delta, National Association, subsequently changed to Southern Bancorp Bank, N.A. and was purchased by Southern Bancorp Bank.**

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

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 residential vacant lots , Hernando, MS 38632.

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MODIFICATION OF DEED OF TRUST
(Continued)

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

The maturity date of the Deed of Trust and the Note that is referenced in the original Deed of Trust described above is changed to May 5, 2010.

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 SEPTEMBER 1, 2010.

GRANTOR:

SP CAPITAL INVESTORS, LLC

By:_____
Scott Richard Perry, Member of SP Capital Investors, LLC

By:_____
Stacy Sanders Perry, Member of SP Capital Investors, LLC

LENDER:

SOUTHERN BANCORP BANK

X_____
Alan Sims, DeSoto County President

MODIFICATION OF DEED OF TRUST
(Continued)

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF IL)
) SS
COUNTY OF Cook)

Personally appeared before me, the undersigned authority in and for the said County and State, on this 24th day of September, 20 10, within my jurisdiction, the within named **Scott Richard Perry, Member of SP Capital Investors, LLC and Stacy Sanders Perry, Member of SP Capital Investors, 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.

Kelly Starcevich
NOTARY PUBLIC

My Commission Expires:
July 7, 2012

NOTARY PUBLIC OFFICIAL SEAL STATE OF ILLINOIS
KELLY STARCEVICH
MY COMMISSION EXPIRES
JULY 7, 2012

LENDER ACKNOWLEDGMENT

STATE OF MISSISSIPPI)
) SS
COUNTY OF DeSoto)

Personally appeared before me, the undersigned authority in and for the said County and State, on this 27th day of SEPTEMBER, 20 10, within my jurisdiction, the within named **Alan Sims**, who acknowledged that (he)(she) is **DeSoto County President** of **Southern Bancorp Bank** and that in said representative capacity (he)(she) executed the above and foregoing Modification, after first having been duly authorized so to do.

Julie B. Hirsch
NOTARY PUBLIC

My Commission Expires:
11-22-12

NOTARY PUBLIC ID # 22824 SHELIA D. HIRSCH Commission Expires Nov. 22, 2012 DESOTO COUNTY

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