

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE ) SECOND AMENDMENT TO AGENCY AGREEMENT

WHEREAS, Fidelity Federal Savings & Loan Association of Greenville, South Carolina, and Holly Tree Plantation, a limited partnership of Greenville County, South Carolina, entered into a Mortgage Release Agreement, dated February 1, 1973, relating to a mortgage covering 775 acres, more or less, known as HOLLY TREE PLANTATION, in Greenville County, South Carolina, which appears of record in the RMC Office for Greenville County, S. C., in Mortgage Book 1265, page 442, which Agreement recited a release amount for residential lots, which has now been changed, and which release agreement may have applied only to Phase I of the overall plan of Holly Tree Plantation as therein set forth; and,

WHEREAS, by an Escrow Agreement, dated February 1, 1973, The Citizens & Southern National Bank of South Carolina, as Trustee for James G. Bannon, James P. McNamara and Catherine F. McNamara, as the sellers of property, Holly Tree Plantation, as purchaser of property and The Citizens & Southern National Bank of South Carolina as Escrow Agent, agreed as to a release amount to be collected on the sale of lots in Holly Tree Plantation (which agreement between the two sellers involved are separate agreements of the same date), and which agreement recited that the release amounts therein stated should apply only to Phase I of the overall development of Holly Tree Plantation; and,

WHEREAS, Fidelity Federal Savings & Loan Association, The Citizens & Southern National Bank of South Carolina, as Trustee for James G. Bannon, James G. McNamara and Catherine F. McNamara, by an Agency Agreement, dated June 15, 1973, designated and appointed John M. Dillard, Attorney of Greenville, South Carolina, as the Attorney-in-Fact for all of said parties to release and execute releases pursuant to mortgages from Holly Tree Plantation to said parties recorded in the RMC Office for Greenville County, S.C. in Mortgage Book 1265, page 442, Mortgage Book 1279, page 347, Mortgage Book 1265, page 618 and in Mortgage Book 1265, page 621, which Agency Agreement referred to releases relating to lots developed in Holly Tree Plantation as shown on a plat recorded in the RMC Office for Greenville County, S. C., in Plat Book 4-X, pages 32, 33, 34, 35, 36 and 37; and,

WHEREAS, said Agency Agreement was amended by a First Amendment dated February 15, 1974 as to Fidelity Federal Savings & Loan Association, extending the authority of John M. Dillard as Attorney-in-Fact to execute releases under the same terms and conditions as to a mortgage recorded in the RMC Office for Greenville County, S. C., in Mortgage Book 1302, page 389, which First Amendment to Agency Agreement appears of record in the RMC Office for said county and state in Deed Book 994, page 181; and,

WHEREAS, Fidelity Federal Savings & Loan Association and Holly Tree Plantation by a First Amendment to a Mortgage Release Agreement, dated February 15th, 1974, further amended the above recited Mortgage Release Agreement by changing the release amount as to residential lots and extending the terms of said release agreement to the aforesaid mortgage appearing in Mortgage Book 1302, page 389, which lot release was further changed on and after February 28th, 1974 to the sum of \$6,500.00 per lot; and,

WHEREAS, a question has arisen as to whether or not the aforesaid release and other agreements relating to releases and the authority of John M. Dillard as Agent for the aforesaid mortgagees extends to the releases of lots in Holly Tree Plantation, Phase II, as shown on plats thereof recorded in the RMC Office for Greenville County, S. C., in Plat Book 5-D, pages 47 and 48, and the purpose of this Agreement is to resolve said question.

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