

FILED
GREENVILLE, S.C.
MAY 2 12 24 PM '80
JOHN H. HENERSLEY
M.D.

FIDELITY FEDERAL SAVINGS AND LOAN ASSOCIATION
GREENVILLE, SOUTH CAROLINA

MODIFICATION & ASSUMPTION AGREEMENT

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Loan Account No. _____

WHEREAS Fidelity Federal Savings and Loan Association of Greenville, South Carolina, hereinafter referred to as the ASSOCIATION, is the owner and holder of a promissory note dated August 5, 1977, executed by Edward H. Hembree in the original sum of \$70,000 bearing interest at the rate of 8.5% and secured by a first mortgage on the premises being known as Lot 117 Estate of Tully P. Babb, which is recorded in the RMC office for Greenville County in Mortgage Book 1406, page 281, title to which property is now being transferred to the undersigned OBLIGOR(S), who has (have) agreed to assume said mortgage loan and to pay the balance due thereon; and WHEREAS the ASSOCIATION has agreed to said transfer of ownership of the mortgaged premises to the OBLIGOR and his assumption of the mortgage loan, provided the interest rate on the balance due is increased from 8.5% to a present rate of 9.5%.

NOW, THEREFORE, this agreement made and entered into this 23rd day of May, 1980, by and between the ASSOCIATION, as mortgagee, and Hugh A. Clarke and Martha L. Clarke as assuming OBLIGOR,

WITNESSETH:

In consideration of the premises and the further sum of \$1.00 paid by the ASSOCIATION to the OBLIGOR, receipt of which is hereby acknowledged, the undersigned parties agree as follows:

(1) That the loan balance at the time of this assumption is \$68,450.58; that the ASSOCIATION is presently increasing the interest rate on the balance to 9.5%. That the OBLIGOR agrees to repay said obligation in monthly installments of \$588.85 each with payments to be applied first to interest and then to remaining principal balance due from month to month with the first monthly payment being due June 1, 1980.

(2) Should any installment payment become due for a period in excess of (15) fifteen days, the ASSOCIATION may collect a "LATE CHARGE" not to exceed an amount equal to five per centum (5%) of any such past due installment payment.

(3) That all terms and conditions as set out in the note and mortgage shall continue in full force, except as modified expressly by this Agreement.

(4) That this Agreement shall bind jointly and severally the successors and assigns of the ASSOCIATION and OBLIGOR, his heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have set their hands and seals this 23rd day of May, 1980.

In the presence of:

Georgianna S. Fuhensiden
Jason Richardson

FIDELITY FEDERAL SAVINGS & LOAN ASSOCIATION
BY: John G. Cheros (SEAL)
John G. Cheros Agent (SEAL)
Hugh A. Clarke (SEAL)
Martha L. Clarke (SEAL)
Assuming OBLIGOR(S)

CONSENT AND AGREEMENT OF TRANSFERRING OBLIGOR(S)

In consideration of Fidelity Federal Savings and Loan Association's consent to the assumption outlined above, and in further consideration of One dollar (\$1.00), the receipt of which is hereby acknowledged, I (we), the undersigned(s) as transferring OBLIGOR(S) do hereby consent to the terms of this Modification and Assumption Agreement.

In the presence of:

Margaret M. Avery
Dore K. Bolman

Edward H. Hembree (SEAL)
Edward H. Hembree (SEAL)
Virginia G. Hembree (SEAL)
Virginia G. Hembree (SEAL)
Transferring OBLIGOR(S)

Tennessee
STATE OF ~~SOUTH CAROLINA~~
COUNTY OF ~~GREENVILLE~~

PROBATE

Personally appeared before me the undersigned who made oath that (s)he saw Hugh A. Clarke and Martha L. Clarke sign, seal and deliver the foregoing Agreement(s) and that (s)he with the other subscribing witness witnessed the execution thereof.

SWORN to before me this 23rd day of May, 1980.
Mary Paul Campbell (SEAL)
Notary Public for South Carolina Tenn.
My commission expires: 3-9-82

Georgianna S. Fuhensiden

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

PROBATE

as to Edward H. and Virginia G. Hembree and agent
Personally appeared the undersigned witness and made oath that (s)he saw the within named (grantor(s) sign, seal and as the grantor(s)'s) act and deed deliver the within deed and that (s)he, with other witness subscribed above witnessed the execution thereof.

SWORN to before me this 23rd day of May, 1980.

(SEAL)
Notary Public for South Carolina
My commission expires: 2/26/80

RECORDED MAY 23 1980 at 12:24 P.M.

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