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Shelby Cnty Judge of Probate, AL
02/26/2019 02:15:56 PM FILED/CERT

This instrument prepared by and when recorded mail to:

Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, New York 10036
Attention: Jay Neveloff, Esq.
ALFA 18-3363

APG INDUSTRIAL ALABASTER, LLC
(Assignor)

To

ACM CRE SELLER 3, LLC
(Assignee)

AMENDMENT TO ASSIGNMENT OF LEASES AND RENTS

Dated: As of February 12, 2019

Property Location: 2039 Fulton Springs Road, Alabaster, AL 35007

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AMENDMENT TO ASSIGNMENT OF LEASES AND RENTS

THIS AMENDMENT TO ASSIGNMENT OF LEASES AND RENTS (this "**Agreement**") is entered into as of the 12th day of February, 2019 by and between **APG INDUSTRIAL ALABASTER, LLC**, a Delaware limited liability company, having an address c/o Alterra Property Group, LLC, 1613 Walnut Street, 2nd Floor, Philadelphia, Pennsylvania 19103 (together with its permitted successors and assigns, "**Assignor**") and **ACM CRE SELLER 3, LLC**, a Delaware limited liability company (as successor to ACM CRE FUND I-L, LP, a Delaware limited partnership ("**Fund I-L**")), having an address of 444 Madison Avenue, 19th Floor, New York, NY 10022 (together with its successors and assigns, hereinafter referred to as "**Assignee**"), with reference to the following facts:

A. On December 28, 2018, Assignor and Fund I-L, entered into that certain Assignment of Leases And Rents encumbering the property known as 2039 Fulton Springs Road, Alabaster, AL 35007 as more particularly described therein ("**Original ALR**") and recorded in the office of the Shelby County, Alabama, County Clerk on January 2, 2019 as instrument number 20190102000000990, which Original ALR was assigned by Fund I-L to Assignee pursuant to that certain Assignment of Assignment of Leases And Rents dated January 16, 2019 and recorded in the office of the Shelby County, Alabama, County Clerk on January 17, 2019 as instrument number 20190117000019340.

B. On February 2, 2019 Maxim Crane Works, L.P. granted to the Assignor that said additional parcel known as Parcel III on **Exhibit A** as evidenced by that certain Quitclaim Deed recorded in the office of the Shelby County, Alabama, County Clerk on February 2, 2019 as instrument number 20190212000044470.

C. As of the date hereof, Assignor and Assignee have agreed to amend the Original ALR to replace the legal description with the legal description annexed hereto as **Exhibit A**.

NOW, **THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agrees as follows:

1. The recitals set forth above are true and correct and are hereby incorporated into the body of this Agreement by reference.

2. Except as set forth herein, the Original ALR remains unmodified and in full force and effect and is hereby ratified and affirmed.

[***Remainder of Page Intentionally Left Blank; Signatures to Follow***]

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IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have entered into this Amendment to Assignment of Leases And Rents as of the date first set forth above.

ASSIGNOR:

APG INDUSTRIAL ALABASTER, LLC, a Delaware limited liability company

By: _____

Name: Leo Adaimando

Title: Authorized Signatory

Commonwealth
STATE OF Pennsylvania)
:
Philadelphia COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Leo Adaimando, whose name as Authorized Signatory of APG Industrial Alabaster, LLC, a Delaware limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he or she, as such Authorized Signatory and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 14th day of February, 2018.

_____
Katherine Williams
Notary Public

[NOTARIAL SEAL]

My commission expires: April 27, 2020

Commonwealth of Pennsylvania - Notary Seal
Katherine Williams, Notary Public
Philadelphia County
My commission expires April 27, 2020
Commission number 1297963
Member, Pennsylvania Association of Notaries

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ASSIGNEE:

ACM CRE SELLER 3, LLC, a Delaware limited partnership

By: _____
Name: Banu Roso
Title: Authorized Signatory

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

On the 15th day of February in the year 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared Banu Roso, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(Notarial Seal)

_____
Notary Public

LESLYE DENNER
Notary Public, State of New York
No. 01DE6306369
Qualified in Queens County
Certificate Filed in New York County
Commission Expires Feb. 28, 20

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EXHIBIT A

Legal Description of Property

All that certain lot or parcel of land situate in the County of Shelby, State of Alabama, and being more particularly described as follows:

Parcel I:

Commence at the Southeast corner of Section 12, Township 21 South, Range 3 West; thence run West along the South line of said Section a distance of 1048.89 feet to the Northeast right of way line of Interstate Highway I-65; thence turn an angle of 55 degrees 31 minutes to the right and run along said Highway right of way a distance of 237.87 feet; thence turn an angle of 1 degree 08 minutes 06 seconds to the right and run along said right of way line a distance of 210.20 feet; thence turn an angle of 2 degrees 27 minutes 52 seconds to the right and run along a chord of a right of way curve a chord distance of 436.46 feet to a point on the right of way line of Interstate Highway I-65, and the point of beginning; thence turn an angle of 2 degrees 46 minutes 34 seconds to the right to the chord of a right of way curve and run along said right of way curve, (whose delta angle is 3 degrees 05 minutes 15 seconds to the right, tangent distance is 304.82 feet, radius is 11,311.04 feet, chord distance is 609.42 feet, length of arc is 609.50 feet), to a point on the North line of the South 1/2 of the Southeast 1/4 of Section 12; thence continue along said right of way a distance of 194.83 feet to the Southeast right of way line of the L & N Railroad; thence turn to the right and run along said L & N Railroad right of way a distance of 417.32 feet to a point on the South line of the Northwest 1/4 of the Southeast 1/4 of Section 12; thence continue along said right of way a distance of 188.08 feet to the P.C. of a right of way curve; thence continue in the same direction along said right of way curve, (whose delta angle is 14 degrees 44 minutes 28 seconds to the left, radius is 2826.30 feet, length of arc is 727.15 feet), to the North right of way line of a paved county highway; thence turn an angle of 85 degrees 59 minutes to the right from the chord of said curve, and run along said County Highway right of way a distance of 210.00 feet; thence turn an angle of 87 degrees 11 minutes 43 seconds to the right and run a distance of 110.16 feet; thence turn an angle of 1 degree 28 minutes 43 seconds to the right and run a distance of 187.78 feet; thence turn an angle of 17 degrees 09 minutes 34 seconds to the left and run a distance of 512.38 feet to the point of beginning, situated in the South 1/2 of the Southeast 1/4 of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama.

Parcel II:

Commence at the Southeast corner of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama; thence run West along the South line of said Section 12 a distance of 1048.89 feet to the Northeasterly right of way of Interstate Highway #65; thence turn right 55 degrees 31 minutes 00 seconds and run along said right of way a distance of 237.87 feet; thence turn right 01 degree 08 minutes 06 seconds and run along said right of way a distance of 210.0 feet to the point of beginning; thence turn right 02 degrees 27 minutes 52 seconds to the chord of its curve, whose delta angle is 02 degrees 27 minutes 52 seconds to the right, radius 11,311.04 feet, tangent 243.28 for a chord 486.46 feet, and run along said curve a distance of 486.50 feet; thence turn right 112 degrees 34 minutes 54 seconds from chord of said curve a distance of 512.38 feet; thence turn right 17 degrees 09 minutes 52 seconds a distance of 187.78 feet; thence turn right 92 degrees 47 minutes 00 seconds a distance of 60.07 feet; thence turn right 87 degrees 13 minutes 00 seconds a distance of 206.78 feet; thence turn left 58 degrees 47 minutes 24 seconds a distance of 236.82 feet; thence turn left 73 degrees 28 minutes 36 seconds a

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distance of 150.0 feet; thence turn right 84 degrees 11 minutes 00 seconds a distance of 210.0 feet to the point of beginning.

Parcel III:

Commence at the Southeast corner of Section 12, Township 21 South, Range 3 West; thence run West along the South line of said Section S 89°05'00" W 840.2 feet to a point; thence run N 25°25'00" W 343.79 feet to a point in Fulton Springs Road; thence run on a chord line N 31°44'11" E 358.12' feet to a point In said Road; thence leaving said Road run N 74°05'47" W 40.0' to a point on the West right-of-way margin of said Road; thence leaving said right-of-way margin run N 74°05'47" W 73.75 feet to a point; thence run N 8°51'39" E 141.04 feet to a point; thence run S 82°53'52" E 6.25 feet to a point, the point of beginning for the property herein described; thence run N 9°55'47" E 60.07 feet to a point; thence run S 84°22'35" E 79.27 feet to a point on the West right-of-way margin of Fulton Springs Road; thence run along said right-of-way margin S 9°16'36" W 62.09 feet to a point; Thence run N 82°53'52" W 79.84 feet back to the point of beginning, containing 0.11 Acres more or less.