

6/15/2010
Polo Farms
\$1,600,000.00

20100713000221740 1/7 \$30.00
Shelby Cnty Judge of Probate, AL
07/13/2010 12:50:20 PM FILED/CERT

Prepared By:
Brooks R. Smith, Esq.
Bradley Arant Boult Cummings LLP (BRS)
1600 Division Street, Suite 700
Nashville, Tennessee 37203

After Recording Return to:
MGC Mortgage Inc
Document Control
PO Box 251686
Plano, Texas 75025-9933
BC: 700657

STATE OF ALABAMA)

COUNTY OF SHELBY)

Record #2nd
**AMENDMENT TO FUTURE ADVANCE MORTGAGE ASSIGNMENT OF RENTS AND
LEASES AND SECURITY AGREEMENT**

**THIS AMENDMENT TO FUTURE ADVANCE MORTGAGE ASSIGNMENT OF RENTS AND
LEASES AND SECURITY AGREEMENT** (this "Amendment") is dated effective as of the 1st day of
November, 2008, by and between **NEW SOUTH FEDERAL SAVINGS BANK**, a federally chartered
savings bank, hereinafter referred to as "Bank," and **POLO FARMS INVESTMENTS, LLC**, an Alabama
limited liability company hereinafter referred to as "Borrower" parties hereto.

RECITALS:

WHEREAS, Borrower has previously executed that certain Future Advance Mortgage Assignment of Rents
and Leases and Security Agreement (Alabama) dated May 15, 2006 and recorded as Instrument Number
20060522000241570 in the Judge of Probate's Office of Shelby County, Alabama (the, "Mortgage"); and

WHEREAS, the Mortgage secures an interest in that certain property located in Shelby County, Alabama,
as more particularly described on Exhibit A, attached hereto and incorporated herein by reference, (the
"Property"); and

WHEREAS, the Borrower and Bank desire to amend the Mortgage as provided herein.

NOW, THEREFORE, in consideration of the premises and for other valuable consideration, the parties
hereto agree as follows:

BC: 700657

1. Maturity Date. The Mortgage is amended to provide notice that the maturity date of the Note (as such term is defined therein), has been extended to May 1, 2012.

2. Ratification. The Mortgage is not amended in any other respect. Borrower affirms all duties and obligations to Bank under the Mortgage, as amended and Borrower affirms that no event has occurred and no claim, offset, defense, or other condition exists that would relieve them of any of its obligations to Bank under the Mortgage.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment or caused this Amendment to be executed as of the date first written above.

BORROWER:

POLO FARMS INVESTMENTS, LLC

By: 

Billy Gossett, Member

By: 

Courtney H. Mason, Jr., Member

By: 

Roger Wilkins, Member



20100713000221740 3/7 \$30.00
Shelby Cnty Judge of Probate, AL
07/13/2010 12:50:20 PM FILED/CERT

BC: 700657

STATE OF Alabama)
COUNTY OF Jefferson)

I, Nancy J. Forshaw, Notary Public in and for said County in said State, hereby certify that Billy Gossett, whose name as Member of Polo Farms Investments, LLC, an Alabama 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 the foregoing instrument, he, as such Member, and with full authority, executed the same voluntarily for and as the act of the said Polo Farms Investments, LLC, an Alabama limited liability company, on the day the same bears date.

GIVEN UNDER MY HAND and official seal on this the 12 day of May, 2009.

Nancy J. Forshaw
Notary Public
Printed Name of Notary: NANCY J. FORSHAW
My Commission Expires: 4/12/2013



20100713000221740 4/7 \$30.00
Shelby Cnty Judge of Probate, AL
07/13/2010 12:50:20 PM FILED/CERT

BC: 700657
STATE OF Alabama)
COUNTY OF Jefferson)

I, Nancy J. Forshaw, Notary Public in and for said County in said State, hereby certify that Courtney H. Mason, Jr., whose name as Member of Polo Farms Investments, LLC, an Alabama 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 the foregoing instrument, he, as such Member, and with full authority, executed the same voluntarily for and as the act of the said Polo Farms Investments, LLC, an Alabama limited liability company, on the day the same bears date.

GIVEN UNDER MY HAND and official seal on this the 12 day of May, 2009.

Nancy J. Forshaw
Notary Public
Printed Name of Notary: NANCY J. FORSHAW
My Commission Expires: 4/12/2013



20100713000221740 5/7 \$30.00
Shelby Cnty Judge of Probate, AL
07/13/2010 12:50:20 PM FILED/CERT

BC: 700657
STATE OF Alabama)
COUNTY OF Jefferson)


I, Nancy J. Forshaw, Notary Public in and for said County in said State, hereby certify that Roger Wilkins, whose name as Member of Polo Farms Investments, LLC, an Alabama 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 the foregoing instrument, he/she, as such Member, and with full authority, executed the same voluntarily for and as the act of the said Polo Farms Investments, LLC, an Alabama limited liability company, on the day the same bears date.

GIVEN UNDER MY HAND and official seal on this the 12 day of May, 2009.

Nancy J. Forshaw
Notary Public
Printed Name of Notary: NANCY J. FORSHAW
My Commission Expires: 4/12/2013

8c:700657

Exhibit A
The Property


20100713000221740 6/7 \$30.00
Shelby Cnty Judge of Probate, AL
07/13/2010 12:50:20 PM FILED/CERT

PARCEL I:


Commence at the Southeast corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, Township 22 South, Range 2 West; thence North 04 deg. 49 min. 51 sec. West and along the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ a distance of 1369.60 feet to the point of beginning of the parcel herein described; thence North 04 deg. 49 min. 51 sec. West a distance of 998.87 feet; thence South 87 deg. 46 min. 51 sec. West a distance of 295.16 feet; thence North 04 deg. 49 min. 46 sec. West a distance of 295.16 feet to the south right of way line of Shelby County Highway #22 (80' ROW); thence South 87 deg. 46 min. 50 sec. West and along said South right of way a distance of 448.83 feet; thence South 00 deg. 04 min. 10 sec. East a distance of 912.13 feet; thence South 89 deg. 51 min. 43 sec. West a distance of 48.00 feet; thence South 06 deg. 42 min. 00 sec. East a distance of 471.37 feet; thence South 06 deg. 40 min. 28 sec. East a distance of 564.75 feet to the Northwestern boundary line of Sunnydale Estates 1st and 2nd Sectors as recorded in Map Book 7 page 75 in the Office of the Judge of Probate of Shelby County, Alabama; thence North 32 deg. 20 min. 05 sec. East and along said northwestern boundary a distance of 397.59 feet; thence North 47 deg. 30 min. 50 sec. East a distance of 531.33 feet; thence North 83 deg. 32 min. 53 sec. East a distance of 146.42 feet; thence South 05 deg. 53 min. 33 Sec. East along the East line of said Sunnydale Estates 1st and 2nd Sectors a distance of 31.94 feet to the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 6, Township 22 South, Range 2 West; thence North 87 deg. 56 min. 14 sec. East and along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ a distance of 25.44 feet to the East line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said section which is the point of beginning.

PARCEL II:

A parcel of land situated in the Southeast Quarter of Section 6, Township 22 South, Range 2 West, in Shelby County, Alabama, and being more particularly described as follows:

Commence at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 6, Township 22 South, Range 2 West; thence North 04 degrees 49 minutes 51 seconds West and along the East line of said Quarter-Quarter a distance of 1369.60 feet; thence North 04 degrees 49 minutes 51 seconds West a distance of 998.87 feet; thence South 87 degrees 46 minutes 51 seconds West a distance of 295.16 feet; thence North 04 degrees 49 minutes 46 seconds West a distance of 295.16 feet to the South right-of-way line of Shelby County Highway No. 22 (80' right-of-way); thence South 87 degrees 46 minutes 50 seconds West and along said South right-of-way a distance of 448.83 feet to the point of beginning of the parcel herein described; thence continue along the last described course a distance of 201.01 feet to the beginning of a curve to the left having a radius of 568.54 feet, a Delta of 47 degrees 27 minutes 17 seconds; thence continue along the arc of said curve a distance of 470.89 feet subtended by a chord which bears South 74 degrees 17 minutes 49 seconds West a distance of 505.07 feet to the East line of a 50-foot Ingress and Egress Easement as recorded in Deed Book 262, Page 125, in the Office of the Judge of Probate of Shelby County, Alabama; thence leaving said right-of-way on a bearing of South 06 degrees 29 minutes 24 seconds East and along East line of said easement a distance of 773.76 feet; thence North 89 degrees 51 minutes 43 seconds East a distance of 552.71 feet; thence continue along the last described course a distance of 48.00 feet; thence North 00 degrees 04 minutes 10 seconds West a distance of 912.13 feet to the point of beginning.

BC: 700657
PARCEL III:


20100713000221740 7/7 \$30.00
Shelby Cnty Judge of Probate, AL
07/13/2010 12:50:20 PM FILED/CERT

A parcel of land situated in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, Township 22 South, Range 2 West in Shelby County, Alabama, and being more particularly described as follows:

Commence at the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, Township 22 South, Range 2 West, Shelby County, Alabama; thence S $88^{\circ} 45' 58''$ W, a distance of 470.10 feet; thence N $0^{\circ} 9' 2''$ W a distance of 621.66 feet; thence N $83^{\circ} 58' 31''$ E, a distance of 975.81 feet; thence N $06^{\circ} 39' 11''$ W, a distance of 925.93 feet to the point of beginning; thence N $06^{\circ} 42' 00''$ W, a distance of 110.10 feet; thence S $89^{\circ} 51' 43''$ W, a distance of 552.58 feet; thence S $17^{\circ} 52' 13''$ E, a distance of 67.92 feet; thence S $65^{\circ} 31' 59''$ E, a distance of 34.73 feet; thence N $89^{\circ} 51' 04''$ E, a distance of 84.63 feet; thence N $87^{\circ} 51' 49''$ E, a distance of 155.82 feet; thence N $88^{\circ} 47' 18''$ E, a distance of 132.75 feet; thence S $82^{\circ} 13' 47''$ E a distance of 59.99 feet; thence S $69^{\circ} 43' 50''$ E, a distance of 85.77 feet to the point of beginning.