

20111014000306810 1/4 \$21.00  
Shelby Cnty Judge of Probate, AL  
10/14/2011 11:37:57 AM FILED/CERT

**THIS INSTRUMENT PREPARED BY:**

Richard W. Theibert, Esq.  
Najjar Denaburg, P.C.  
2125 Morris Avenue  
Birmingham, AL 35203

STATE OF ALABAMA )

**ASSIGNMENT OF RENTS AND LEASES MODIFICATION AGREEMENT**

COUNTY OF SHELBY )

This Agreement is by and between **Compass Bank** ("Bank") and **Issis & Sons Carpet, Inc.** ("Borrower").

WHEREAS, Borrower was formerly known as Issis & Sons, Inc.

WHEREAS, Borrower is indebted to Bank as evidenced by a Promissory Note dated February 7, 2008; and secured in part by an Assignment of Rents and Leases on real property situated in Shelby County, Alabama, such assignment being recorded in Instrument no. 20080219000067050 in the Office of the Judge of Probate, Shelby County, Alabama ("Assignment"); and

WHEREAS, Borrower and Bank desire to modify the terms of the Assignment as set forth herein.

NOW, THEREFORE, for and in consideration of the premises, Borrower and Bank agree that the terms of the Assignment are modified as follows:

- The real property described on the attached Exhibit "A" shall be released as collateral for the Assignment.
- The real property described on the attached Exhibit "B" shall be added as collateral for the Assignment.
- By decreasing the loan amount to \$1,499,900.00.

Except as modified herein, all of the terms and conditions of the Assignment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective the 1st day of August, 2011.

WITNESS



WITNESS



Issis & Sons Carpet, Inc.

By:   
Its: President

Compass Bank

By:   
Its: Vice President

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STATE OF ALABAMA           )  
COUNTY OF JEFFERSON    )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Steve O. Issis, whose name as President of Issis & Sons Carpet, Inc., an Alabama corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of such conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 29 day of September, 2011.

Mary Jo Ann Ferguson  
Notary Public  
My commission expires: Nov 10, 2014

STATE OF ALABAMA           )  
COUNTY OF JEFFERSON    )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Gwen Wampler, whose name as Vice President of Compass Bank, a banking institution, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said bank.

Given under my hand and official seal this the 29 day of September, 2011.

Mary Jo Ann Ferguson  
Notary Public  
My commission expires: Nov. 10, 2014


  
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Exhibit "A"

Lot 4, according to the Final Plat of Circle I Business Complex, as recorded in Map Book 38,  
page 58, in the Probate Office of Shelby County, Alabama.

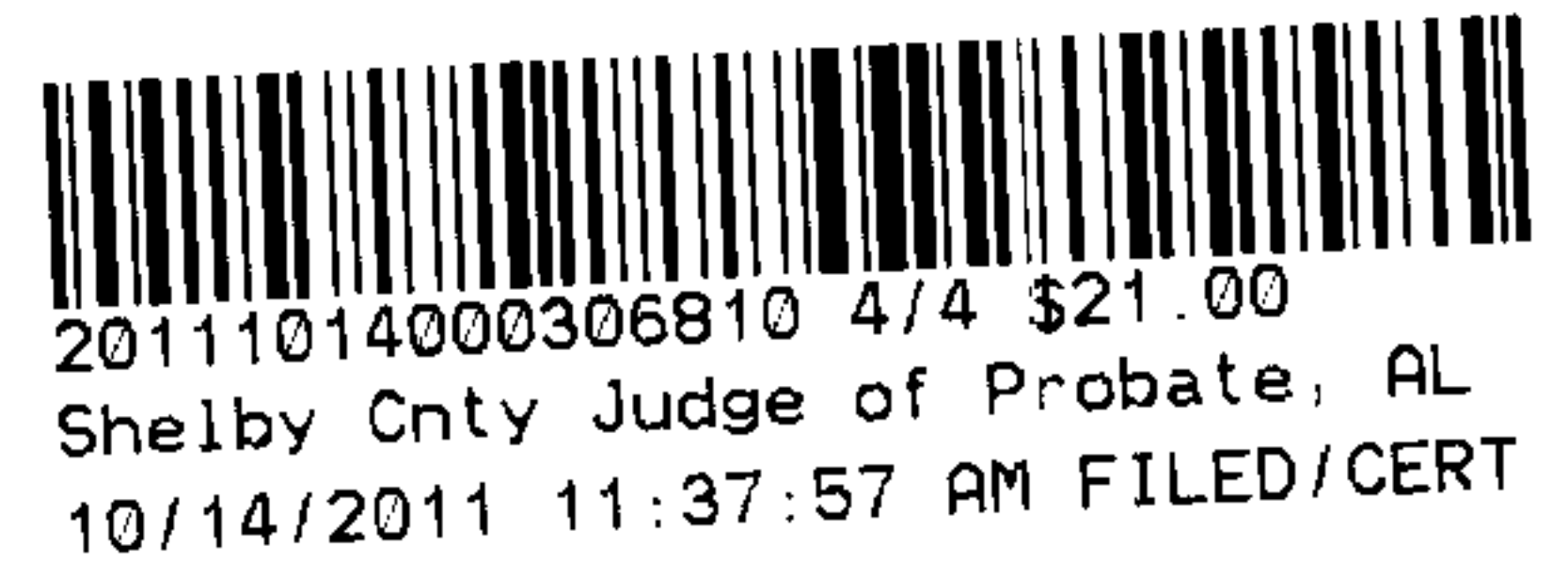


Exhibit "B"

A parcel of land situated in the SE 1/4 of SW 1/4 of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:  
Begin at said southwest corner of SE 1/4 of SW 1/4 and run thence North along the west line of said 1/4-1/4 Section 522.37 feet to a point; thence with a deflection of 31 deg. 20 min. 05 sec. right 225.37 feet to the point of beginning; thence continue along last bearing 44.18 feet to a point; thence with a deflection of 59 deg. 48 min. 50 sec. right 242.24 feet to a point; thence with a deflection of 25 deg. 56 min. 05 sec. right 154.22 feet to the easterly right-of-way line of U.S. Highway 31; thence with a deflection of 90 deg. 00 min. 00 sec. right, 150.00 feet along said easterly right-of-way line of U.S. Highway 31 to a point; thence with a deflection of 90 deg. 00 min. 00 sec. right 375.34 feet to the point of beginning, forming a closing interior angle of 85 deg. 44 min. 55 seconds.

Also:

Commence at the S.W. corner of the SE 1/4 of the SW 1/4 of Section 12, Township 20 south, Range 3 west, Shelby County, Alabama and run thence northerly along the west line of said quarter quarter section a distance of 522.37 feet to a point, Thence run north 28 degrees 45 minutes 38 seconds east a distance of 313.80 feet to the point of beginning of the property being described, Thence continue along last described course a distance of 105.79 feet to a point, Thence run south 65 degrees 44 minutes 46 seconds east a distance of 209.26 feet to a point, Thence run south 88 degrees 1 minutes 09 seconds west a distance of 24) .89 feet to the point of beginning.