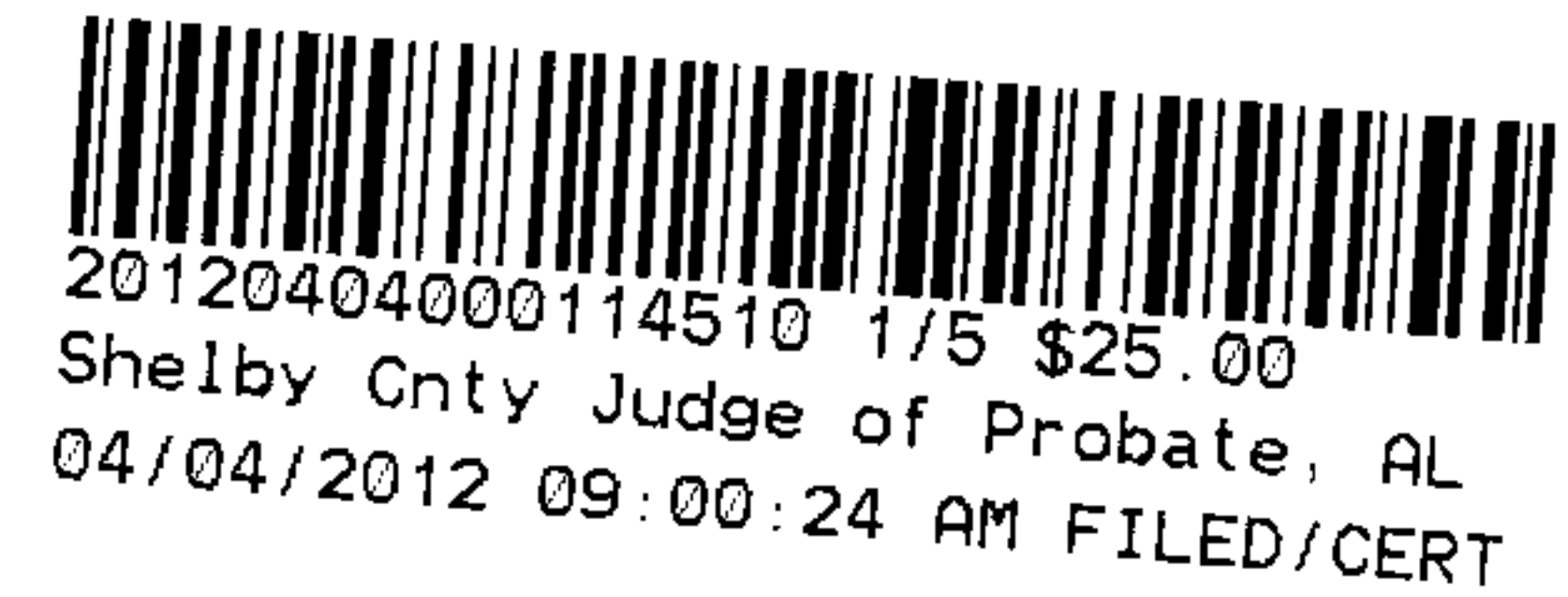


This instrument prepared by  
and after recording return to:

Ray D. Gibbons, Esq.  
Gibbons Graham LLC  
100 Corporate Parkway  
Suite 125  
Birmingham, Alabama 35242



## **SECOND AMENDMENT TO ASSIGNMENT OF RENTS AND LEASES**

**THIS SECOND AMENDMENT TO ASSIGNMENT OF RENTS AND LEASES** (this "Amendment") is made and entered into as of January 31, 2012, by and between **DUNAVANT SQUARE, LLC**, an Alabama limited liability company, whose address is 3570 Grandview Parkway, Suite 100, Birmingham, Alabama 35243, Attention: Mr. William L. Thornton III (the "Assignor"), and **SERVISFIRST BANK**, an Alabama banking corporation, whose address is 850 Shades Creek Parkway, Birmingham, Alabama 35209, Attention: Mr. Clark Zinsmeister (the "Bank"). Capitalized terms used herein but not defined shall have the meanings ascribed thereto in the Assignment (as hereinafter defined).

**WHEREAS**, Assignor executed and delivered in favor of Bank (i) that certain Assignment of Rents and Leases, dated as of July 17, 2008, and recorded in the office of the Judge of Probate of Shelby County, Alabama as Instrument No. 20080724000299120, and (ii) that certain First Amendment to Assignment of Rents and Leases dated as of August 11, 2008 and recorded in the office of the Judge of Probate of Shelby County, Alabama as Instrument No. 20080822000338760 (as so amended, and as otherwise amended from time to time, the "Assignment"); and

**WHEREAS**, Assignor and Bank desire to amend the Assignment in order to add and delete certain property as part of the Mortgaged Property thereunder, as hereinafter provided.

**NOW, THEREFORE**, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Assignor and Bank hereby agree that the Assignment is amended as follows:

1. The Assignment is hereby amended by deleting the prior Exhibit A to the Assignment, and by substituting in lieu thereof the Exhibit "A" attached hereto.

2. To secure the Secured Obligations, Assignor does hereby convey, mortgage and warrant, grant, bargain, sell, assign, transfer, pledge and set over, re-convey, re-mortgage and re-warrant, re-grant, re-bargain, re-sell, re-assign, re-transfer, re-pledge and re-set over to Bank, its successors and assigns, a Lien and security interest on, upon and in the Assigned Leases and the Rents with respect to the Mortgaged Property described on the attached Exhibit A.

3. Except as hereinafter expressly amended, the terms of the Assignment are hereby ratified and affirmed.

\*\*\*\*\*SIGNATURES ON NEXT PAGE\*\*\*\*\*

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

**ASSIGNOR:**

**DUNAVANT SQUARE, LLC,**  
an Alabama limited liability company

By:   
William L. Thornton III, Member

**BANK:**


SERVISFIRST BANK,  
an Alabama banking corporation


By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that William L. Thornton III, whose name as Member of Dunavant Square, LLC, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me that, being informed of the contents of such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of such corporation.

Given under my hand and official seal, this the 9<sup>th</sup> day of March, 2012.

 [SEAL]  
Notary Public  
My Commission Expires: 11/05/2014

  
20120404000114510 2/5 \$25.00  
Shelby Cnty Judge of Probate, AL  
04/04/2012 09:00:24 AM FILED/CERT



IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

**ASSIGNOR:**

**DUNAVANT SQUARE, LLC,**  
an Alabama limited liability company

By: \_\_\_\_\_

William L. Thornton III, Member

**BANK:**

**SERVISFIRST BANK,**  
an Alabama banking corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that William L. Thornton III, whose name as Member of Dunavant Square, LLC, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me that, being informed of the contents of such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of such corporation.

Given under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

[SEAL]

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Clark Ginsmeister, whose name as Vice President of ServisFirst Bank, an Alabama banking corporation, 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/she, as such officer and with full authority, executed the same voluntarily for and as the act of said Alabama banking corporation.

Given under my hand and official seal, this the 12<sup>th</sup> day of March, 2012.

Lukon C Moon

[SEAL]

Notary Public

My Commission Expires

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Mar 19, 2012  
~~ISSUED THRU NOTARY PUBLIC UNDERWRITERS~~




20120404000114510 4/5 \$25.00  
Shelby Cnty Judge of Probate, AL  
04/04/2012 09:00:24 AM FILED/CERT

## **EXHIBIT "A"**

### **Legal Description**

Land situated in the NE 1/4 of the SW 1/4 of Section 3, Township 19 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Lots Nos. 2A, 4A, 6A, 8A, 10A, 12A, 14A, 16A, 18A, 20A, 22A, 24A, 26A, 40A, 42A, 44A, 46A, 50A, 52A, 54A, 62A, 64A, 70A, 72A, 74A, 76A, 78A, 80A, 82A, 84A, 98A, 100A, 102A, 104A, 106A, 108A, 110A, 112A, 114A, 116A, 118A, and 120A, as shown on the Resurvey of Dunnavant Square, recorded in Map Book 42, Pages 123-A, 123-B, and 123-C, in the Office of the Probate Judge of Shelby County, Alabama, to which reference is made for a more complete description.

  
20120404000114510 5/5 \$25.00  
Shelby Cnty Judge of Probate, AL  
04/04/2012 09:00:24 AM FILED/CERT