

20180817000294370
08/17/2018 08:51:07 AM
MORTAMEN 1/4

THIS INSTRUMENT PREPARED BY:
Richard W. Theibert, Esq.
Najjar Denaburg, P.C.
2125 Morris Avenue
Birmingham, AL 35203

THE MATURITY DATE HAS NOT BEEN EXTENDED, AND THIS INSTRUMENT ONLY ADDS REAL PROPERTY TO THE PROPERTY SECURED BY THE MORTGAGE AND, IN ACCORDANCE WITH SECTION 40-22-2(6) OF THE CODE OF ALABAMA 1975, NO ADDITIONAL MORTGAGE RECORDING TAX IS DUE IN CONNECTION WITH THE RECORDING OF THIS AMENDMENT BECAUSE MORTGAGE PRIVILEGE TAX HAS PREVIOUSLY BEEN PAID IN FULL.

STATE OF ALABAMA)
COUNTY OF SHELBY)

MORTGAGE MODIFICATION AGREEMENT

This Agreement is by and between **SouthPoint Bank** ("Bank") and **Sawyer Trail, LLC**, an Alabama limited liability company, **SB Dev. Corp.**, an Alabama domestic corporation, and **Brock Point Partners, LLC**, an Alabama limited liability company (collectively, "Borrower").

WHEREAS, Borrower is indebted to Bank as evidenced by a Revolving Credit Commercial Note dated August 3, 2017, and secured by a Master Future Advance Mortgage dated August 3, 2017, such mortgage being recorded on February 9, 2018, at Instrument #20180209000043030 in the Probate Office of Shelby County, Alabama ("Mortgage", which term also includes all related mortgage modifications); and

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

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

- **By adding the real property listed on the attached Exhibit "A" as additional collateral for the Mortgage.**

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

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective the 16th day of August, 2018.

WITNESS:


BORROWER:

SB Dev. Corp.


By: J. Daryl Spears
Its: CFO

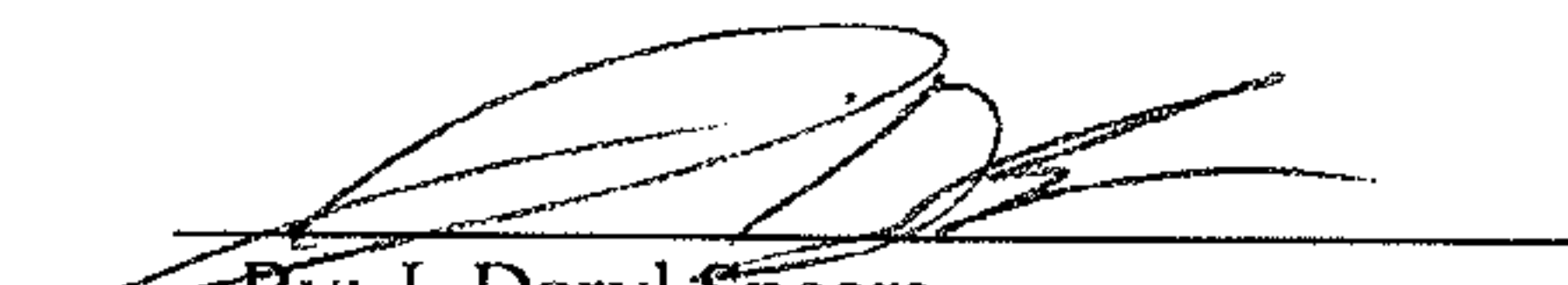
Sawyer Trail, LLC

By: SB Holding Corp.
Its: Managing Member


By: J. Daryl Spears
Its: CFO

Brock Point Partners, LLC

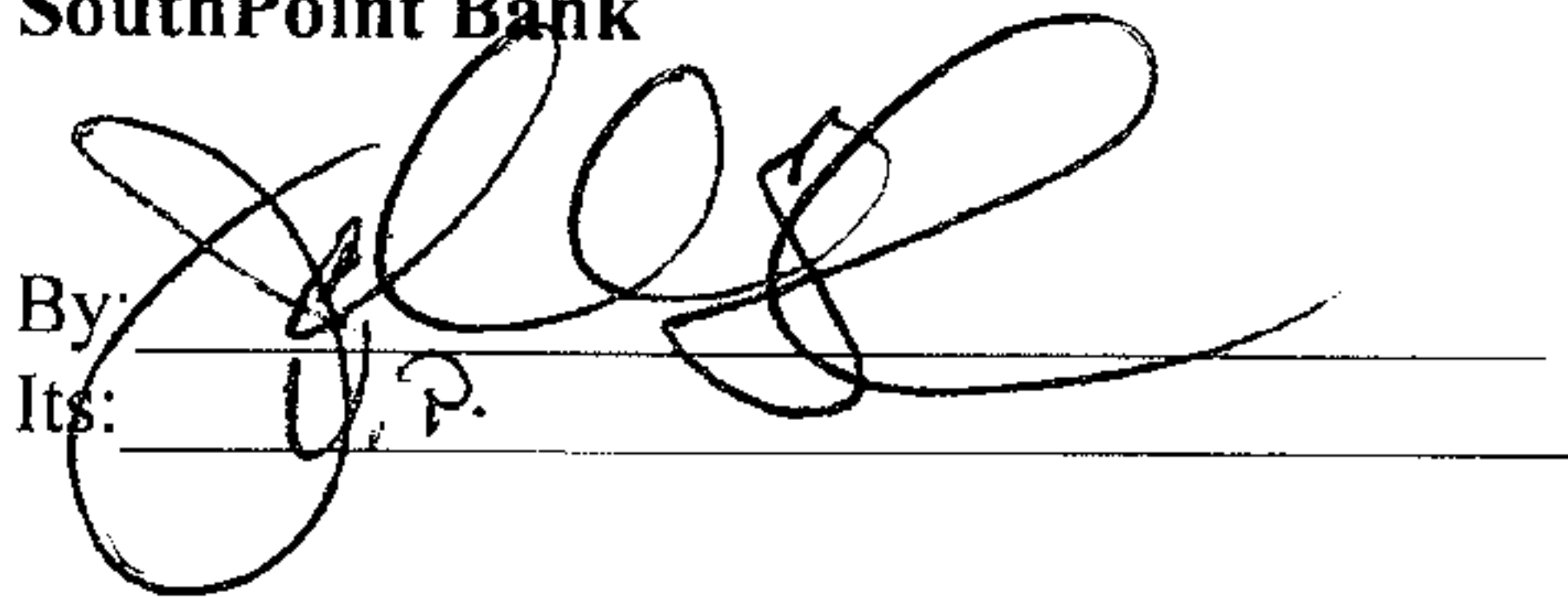
By: SB Holding Corp.
Its: Managing Member


By: J. Daryl Spears
Its: CFO

BANK:

SouthPoint Bank

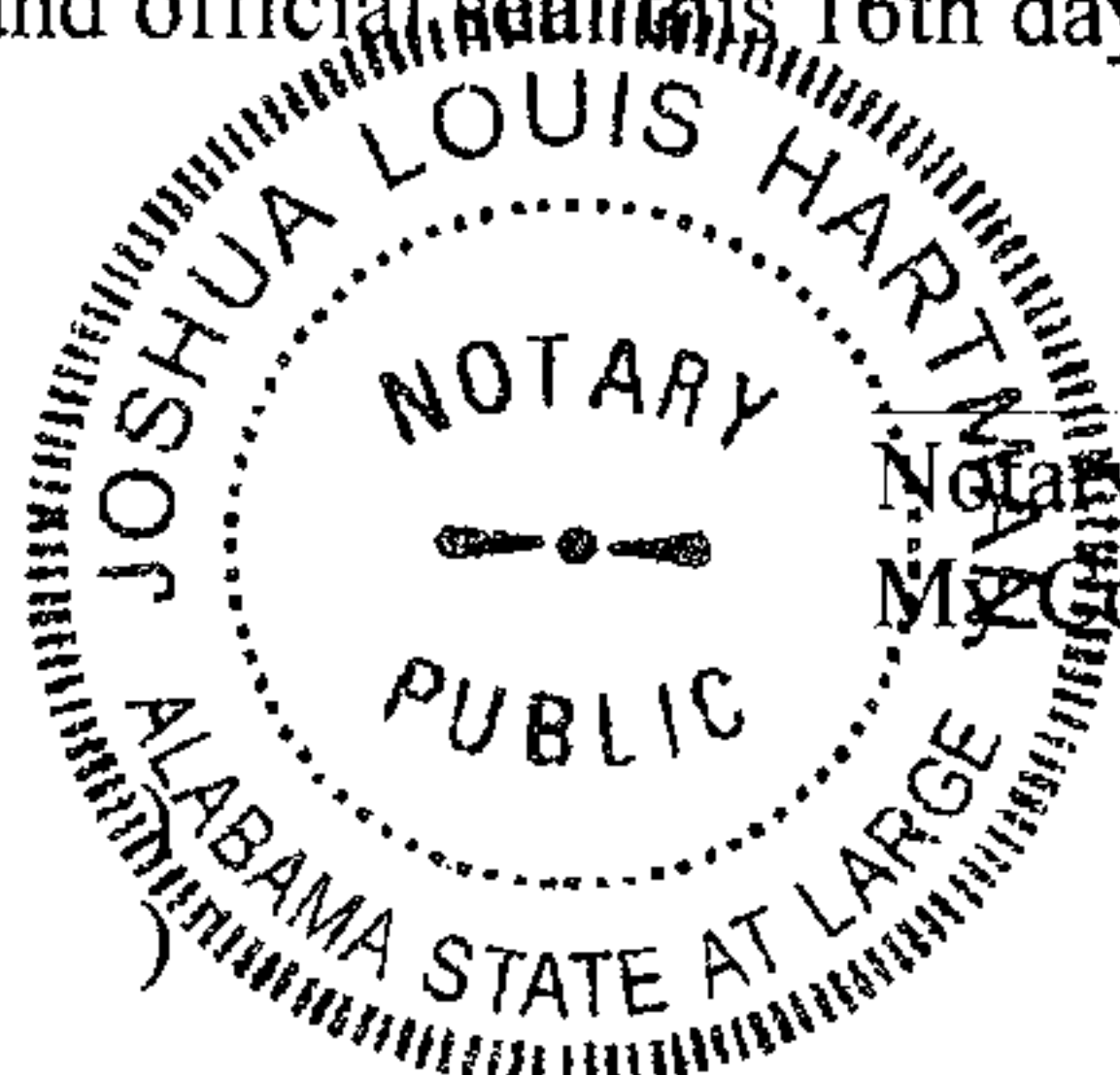
WITNESS:

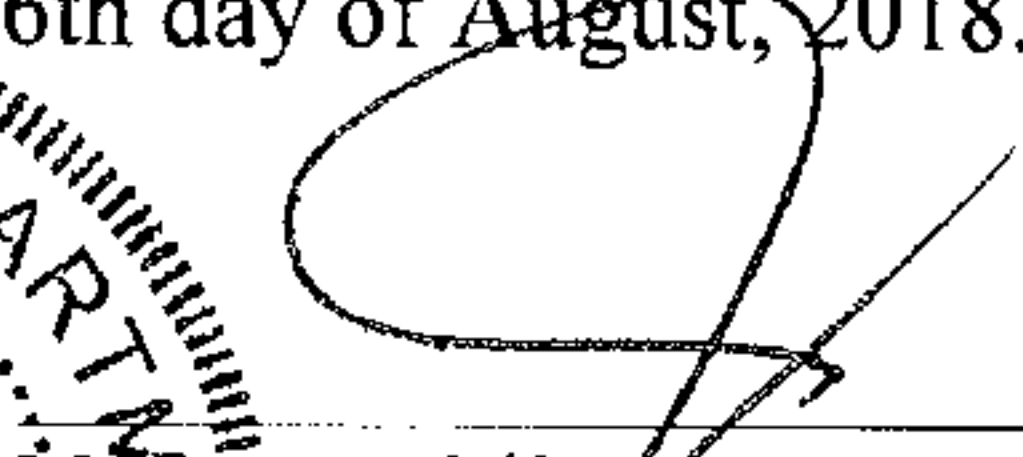

By: U.P.
Its: _____

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned Notary Public in and for said County in said State, hereby certify that J. Daryl Spears, whose name as Chief Financial Officer of **SB Dev. Corp.**, a 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, as such officer and with full authority, executed the same for and as the act of said corporation.

Given under my hand and official seal this 16th day of August, 2018.

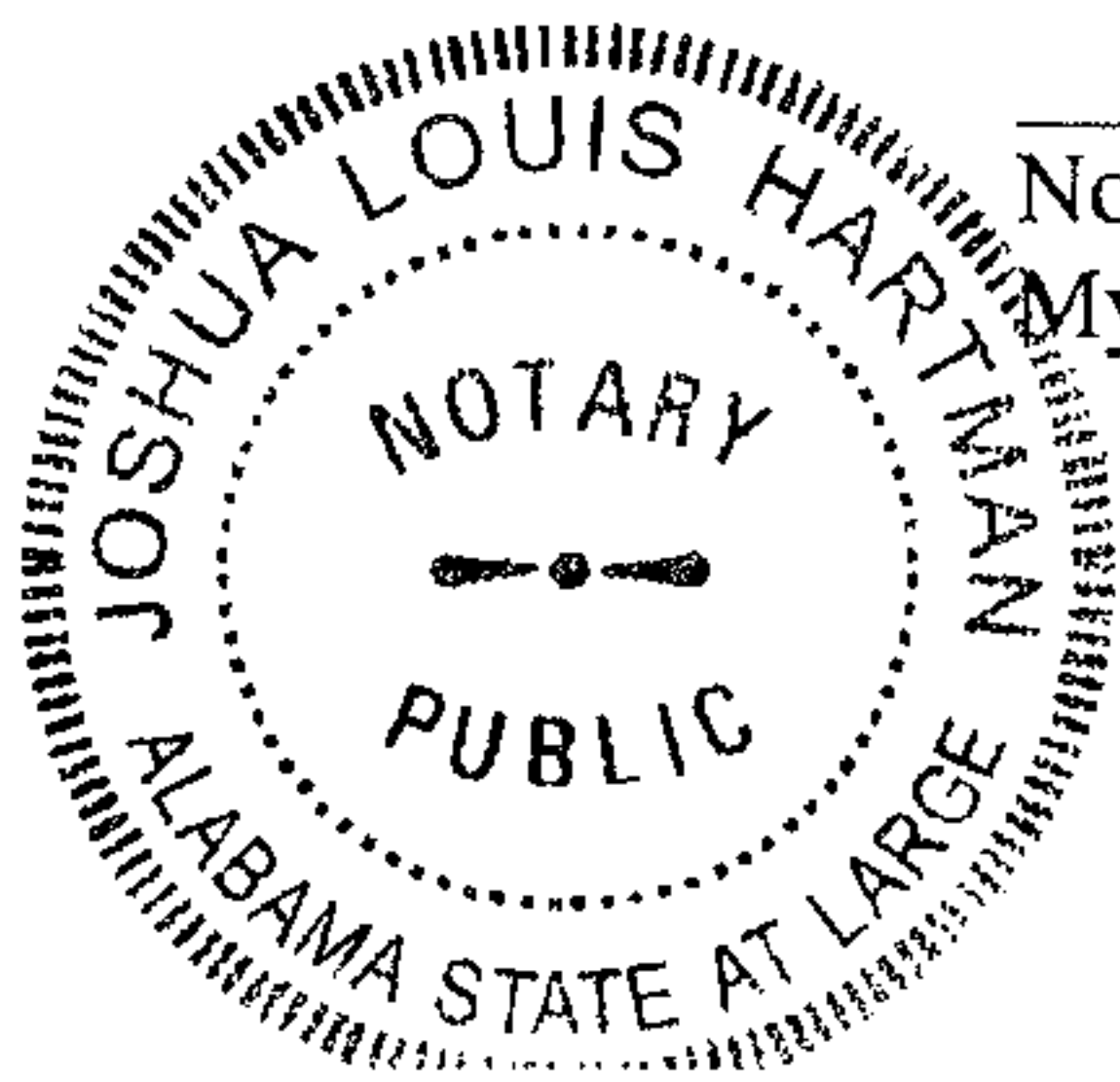


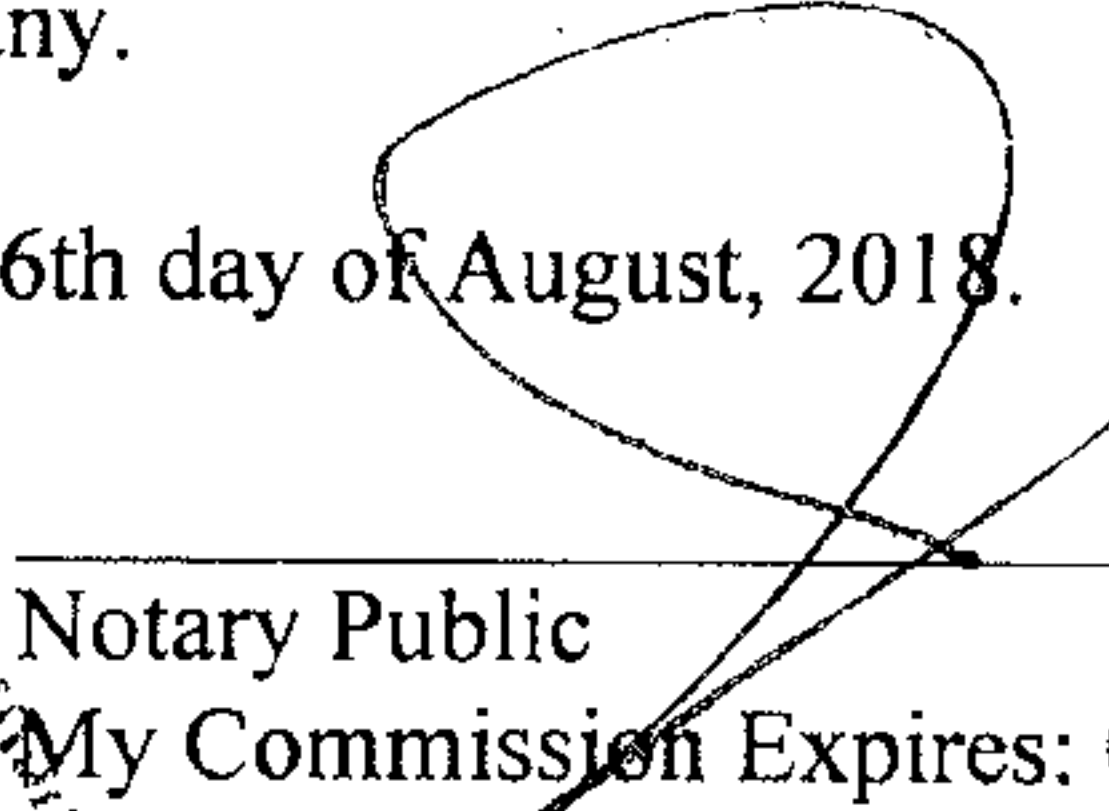

Notary Public
My Commission Expires: 03/19/2020

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned Notary Public in and for said County in said State, hereby certify that J. Daryl Spears, whose name as Chief Financial Officer of SB Holding Corp., Managing Member of **Sawyer Trail, LLC**, a 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, as such officer and with full authority, executed the same for and as the act of said limited liability company.

Given under my hand and official seal this 16th day of August, 2018.

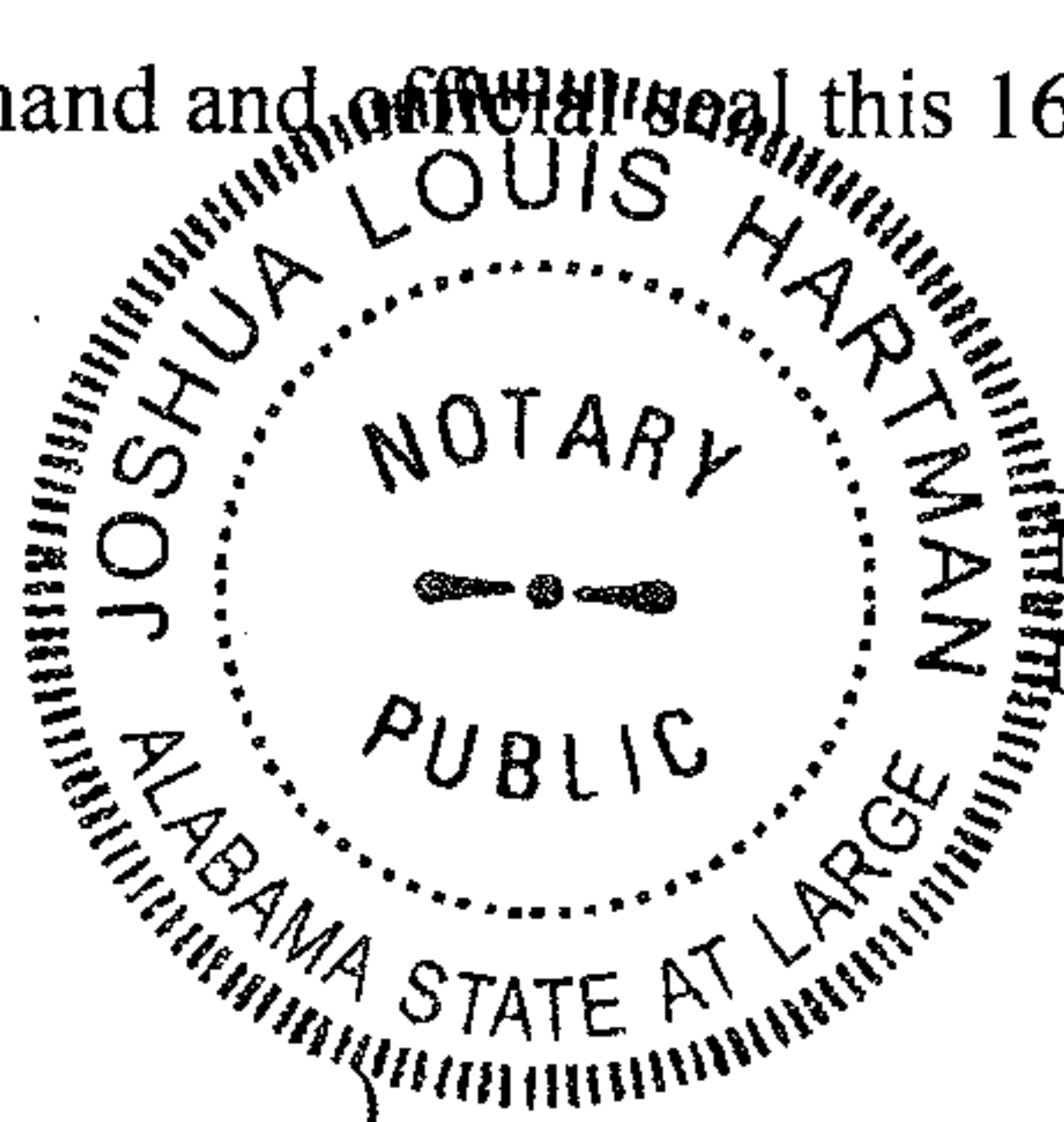



Notary Public
My Commission Expires: 03/19/2020

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned Notary Public in and for said County in said State, hereby certify that J. Daryl Spears, whose name as Chief Financial Officer of SB Holding Corp., Managing Member of **Brock Point Partners, LLC**, a 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, as such officer and with full authority, executed the same for and as the act of said limited liability company.

Given under my hand and official seal this 16th day of August, 2018.



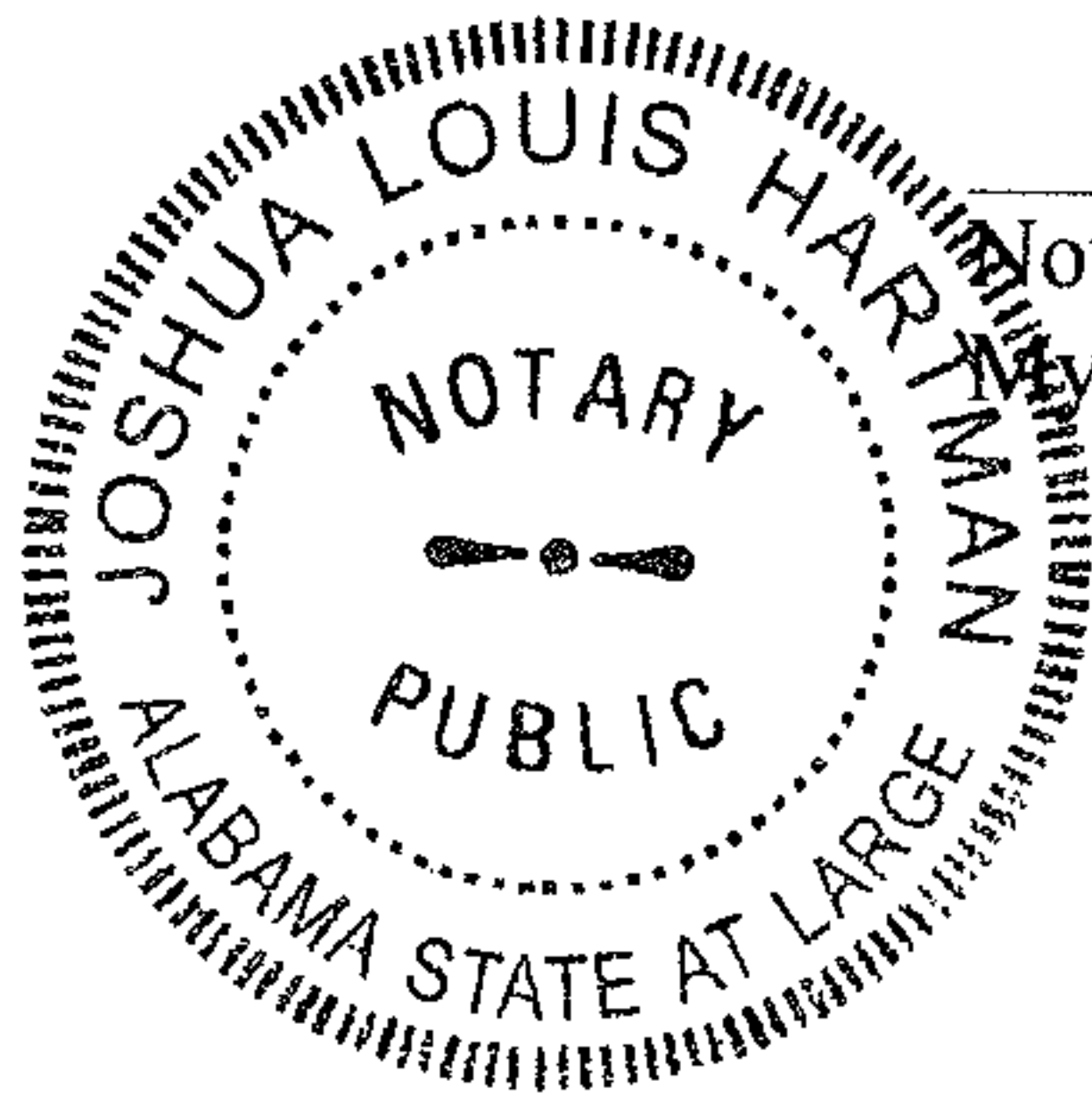


Notary Public
My Commission Expires: 03/19/2020

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, Notary Public in and for said County in said State, hereby certify that John C. Sivley whose name as Vice President of **SouthPoint Bank**, a 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 the instrument, 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 16 day of August, 2018.





Notary Public
My Commission Expires: 3/19/20

EXHIBIT "A"

Lots 14 and 15, according to the Survey of Brock Point Phase 1A, as recorded in Map Book 46, Page 67, in the Probate Office of Shelby County, Alabama.

Lot 93, according to the Survey of Brock Point Phase 1B, as recorded in Map Book 47, Page 43, in the Probate Office of Shelby County, Alabama.

Subject to:

1. Taxes for the year 2018 and subsequent years, not yet due and payable;
2. Easements, building lines, and restrictions as shown on recorded map;
3. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including release of damages;
4. Sanitary Sewer Easement recorded in Instrument No. 2016-33045 and Instrument No. 2016-39397;
5. Right-of-way granted to Alabama Power Company recorded in Volume 338, Page 636 and Volume 340, Page 23;
6. Amended and Restated Restrictive Covenants between Dantract, Inc., Daniel Oak Mountain limited partners, Harry and Jane Brock, et al, dated November 3, 1989 and recorded in Real 265, Page 96, amending restrictions recorded in Misc. Book 12, Page 845 as amended in Misc. Book 15, Page 844 and Misc. Book 12, Page 852 as amended in Misc. Book 15, Page 840;
7. Covenant and agreement for Water Service as recorded in Real 235, Page 574;
8. Restrictions appearing of record in Inst. No. 2017-19952 and Inst. No. 2017-23878.



Filed and Recorded
Official Public Records
Judge James W. Fuhrmeister, Probate Judge,
County Clerk
Shelby County, AL
08/17/2018 08:51:07 AM
\$25.00 CHERRY
20180817000294370

A handwritten signature in black ink, appearing to be "J. Fuhrmeister", is written over the typed name of the County Clerk.