

**THIS INSTRUMENT WAS
PREPARED BY:**

Faige P. Klein, Esq.

Arent Fox LLP

1301 Avenue of the Americas

New York, New York 10019

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO
ABOVE**

When Recorded Return To:
First American Title Insurance Company
National Commercial Services
420 S. Orange Ave, Ste 250
Orlando, FL 32801
File No.: NCS 930934 AL 2A

**ASSIGNMENT OF AMENDED AND RESTATED MULTIFAMILY MORTGAGE,
ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE
FILING and ASSIGNMENT OF SUBORDINATION, ASSIGNMENT AND SECURITY
AGREEMENT**

This Assignment of Amended and Restated Multifamily Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing and Assignment of Subordination, Assignment and Security Agreement (this "Assignment") is made and entered into as of February 15, 2019, by and among CAPITAL ONE, NATIONAL ASSOCIATION, a banking association having offices at 2 Bethesda Metro Center, 10th Floor, Bethesda, Maryland, 20814 ("Assignor"), and FANNIE MAE, a corporation organized and existing under the Federal National Mortgage Association Charter Act, 12 U.S.C. §1716 et seq., as amended from time to time, having an office at 3900 Wisconsin Avenue, N.W., Washington, D.C. 20016 ("Assignee").

W I T N E S S E T H:

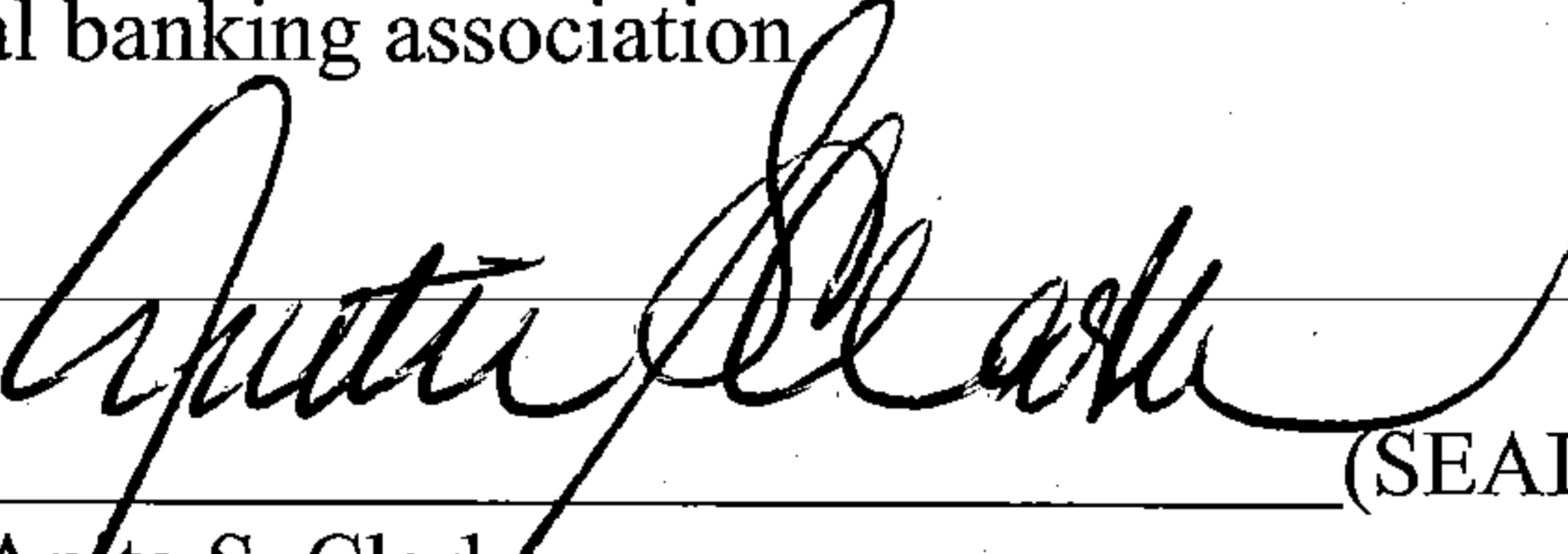
That for good and valuable consideration, Assignor does hereby assign, sell, convey, set over and deliver to Assignee as their respective interests may appear all of Assignor's right, title, and interest in and to the instrument described on EXHIBIT "A", ("Security Instrument") encumbering the real property located in Shelby County, State of Alabama, as more particularly described in EXHIBIT "B" attached hereto and made a part hereof, and the Subordination, Assignment and Security Agreement, as described on EXHIBIT "A" (the "Subordination Agreement" and with the Security Instrument, the "Collateral Documents"), together with the

Multifamily Note secured thereby, the money due and to become due thereon with interest, and all rights accrued or to accrue under said Collateral Documents.

WITNESS, this Assignment has been duly executed as of the day and year first above written.

ASSIGNOR:

CAPITAL ONE, NATIONAL ASSOCIATION,
a national banking association

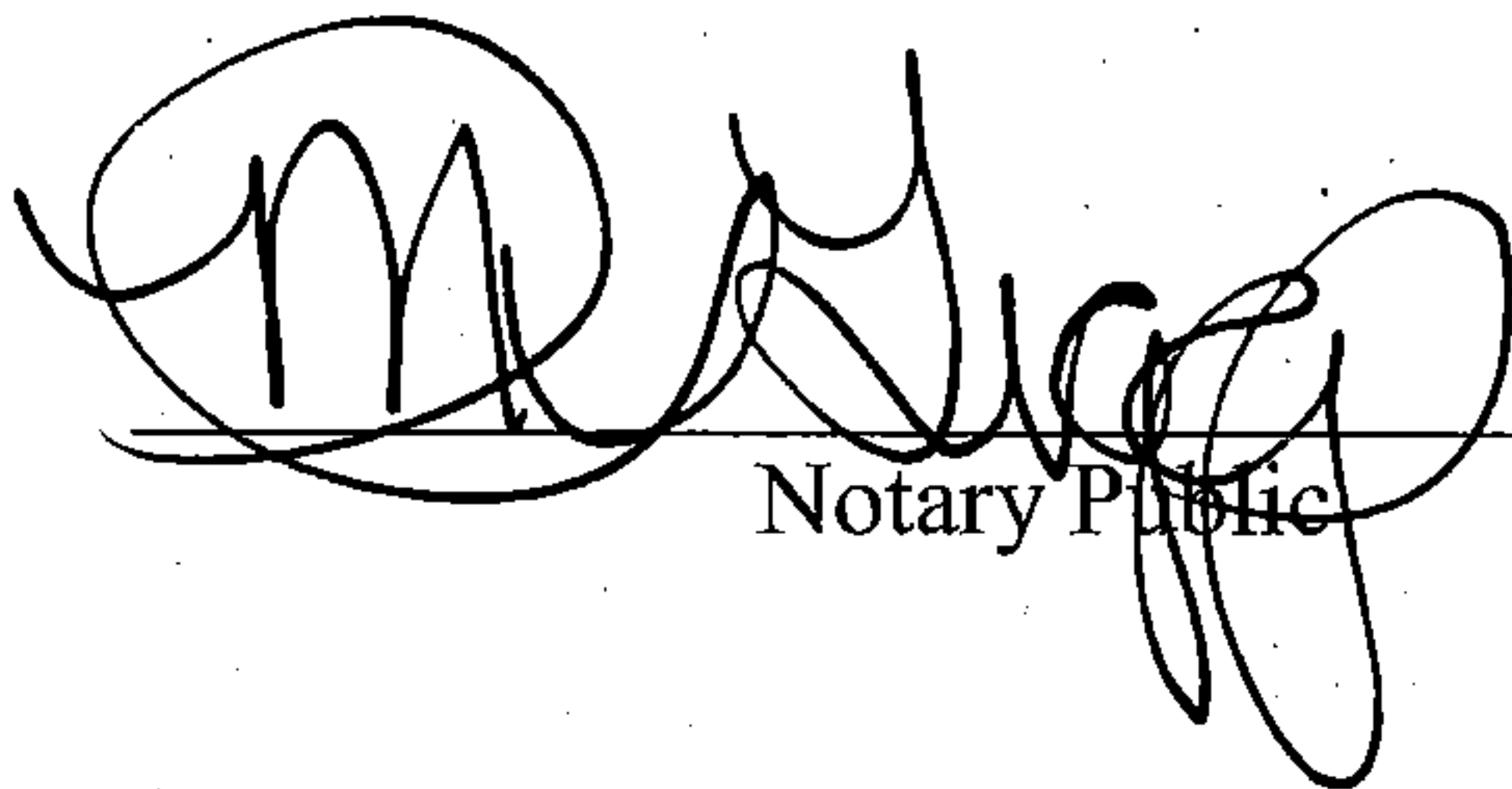
By:  (SEAL)
Name: Anita S. Clarke
Title: Senior Vice President

ACKNOWLEDGMENT

STATE OF Maryland)
COUNTY OF Montgomery) ss.

On this 17th day of February, 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Anita S. Clarke of Capital One, National Association, a national banking association proved to me through satisfactory evidence of identification, being [*check whichever applies*]: [] a driver's license, [] other state or federal governmental document bearing a photographic image, or ☒ my own personal knowledge of the identity of the signatory, to be the person whose name is signed to the attached document and acknowledged to me that she/he signed such document voluntarily for its stated purpose as Senior Vice President of Capital One, National Association and as the voluntary act of Capital One, National Association.

WITNESS my hand and official seal.


Notary Public

(Seal)

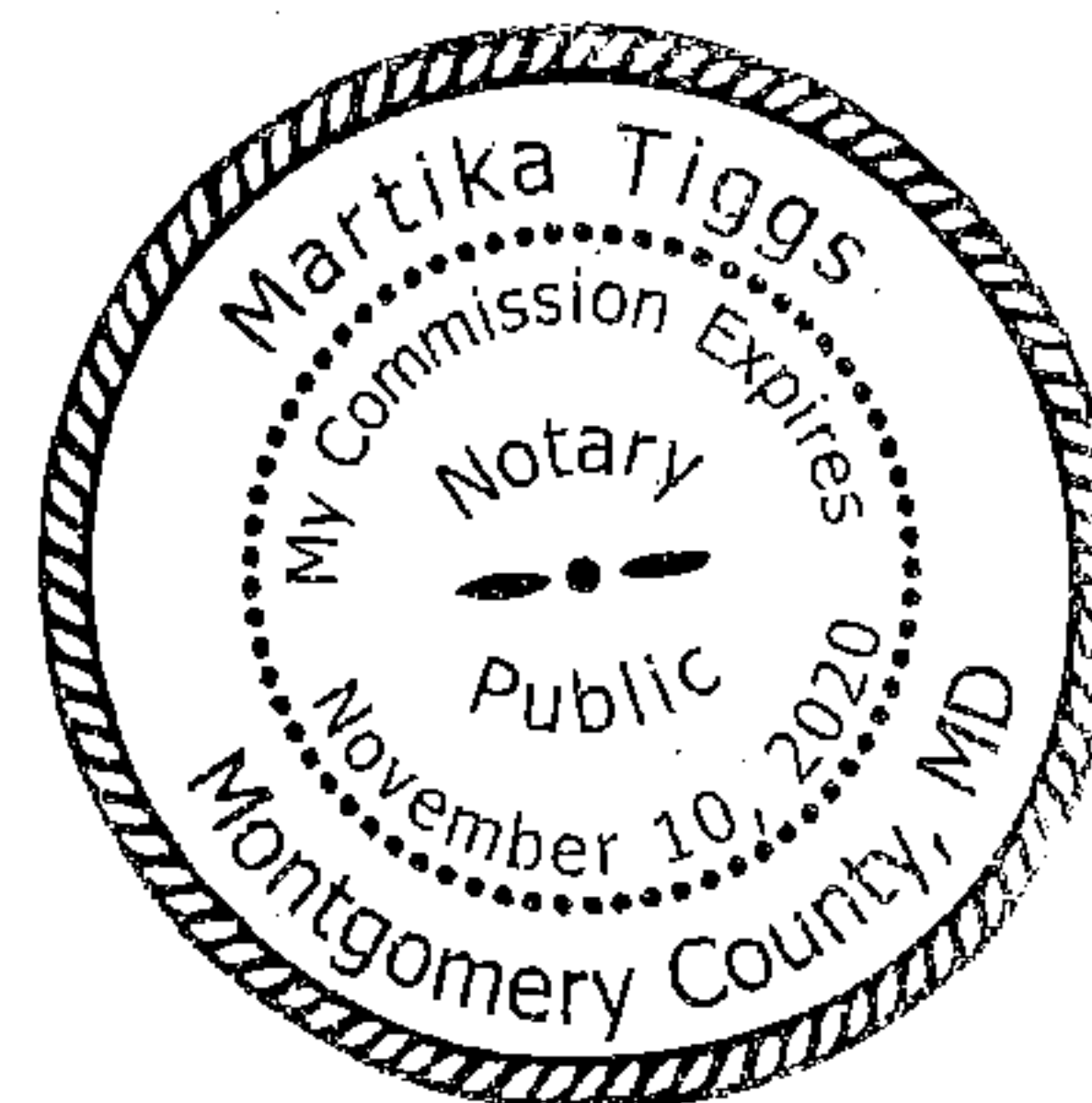


EXHIBIT "A"

1. Security Instrument

That certain Amended & Restated Multifamily Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated as of February 15, 2019, by Birmingham AL Senior Property LLC, a limited liability company organized and existing under the laws of the State of Delaware, whose address is c/o BSH II Holdings 2 LLC, 1000 Legion Place, Suite 1600, Orlando, Florida, 32801, as mortgagor ("**Borrower**"), to and for the benefit of **CAPITAL ONE, NATIONAL ASSOCIATION**, a national banking association, having an office at 2 Bethesda Metro Center, 10th Floor, Bethesda, Maryland, 20814, as mortgagee ("**Lender**") as recorded on _____ in Book _____, Page _____ in the Office of the Judge of Probate of Shelby County, Alabama.

2. Subordination Agreement

That certain Subordination, Assignment and Security Agreement, dated as of February 15, 2019, among Borrower, Lender and NINETEEN SENIOR CARE LLC, a Delaware limited liability company, and SOMERBY SENIOR LIVING SERVICES, LLC, an Alabama limited liability company, as recorded simultaneously herewith in Book _____, Page _____ in the Office of the Judge of Probate of Shelby County, Alabama.

EXHIBIT "B"

LEGAL DESCRIPTION OF SOMERBY OF ST. VINCENT'S ONE NINETEEN

PARCEL 1:

LOT 1-B, ST. VINCENT'S HOSPITAL HIGHWAY NO. 119 SURVEY, MAP BOOK 39, PAGE 103 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF LOT 1, GREYSTONE - 3RD SECTOR AS RECORDED IN MAP BOOK 14, PAGE 79 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA AND SITUATED IN THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 1 WEST SHELBY COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEASTERLY CORNER OF LOT 1, GREYSTONE - 3RD SECTOR AS RECORDED IN MAP BOOK 14, PAGE 79 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF GREYSTONE WAY AS RECORDED IN MAP BOOK 29, PAGE 123 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA, AND RUN IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1 A DISTANCE OF 569.13 FEET TO A POINT; THENCE 3°53'00" TO THE LEFT IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1 AND IT'S PROLONGATION A DISTANCE OF 424.81 FEET TO A POINT; THENCE 76°04'07" TO THE LEFT IN A NORTHWESTERLY DIRECTION A DISTANCE OF 352.05 FEET TO A POINT; THENCE 58°04'29" TO THE LEFT IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 72.43 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 655.00 FEET AND A CENTRAL ANGLE OF 47°12'36"; THENCE 78°56'03" TO THE LEFT (ANGLE MEASURED TO TANGENT) IN A SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE A DISTANCE OF 539.70 FEET TO THE P.T. (POINT OF TANGENT) OF SAID CURVE; THENCE TANGENT TO SAID CURVE IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 39.65 FEET TO A POINT; THENCE 90°00'00" TO THE RIGHT IN A NORTHWESTERLY DIRECTION A DISTANCE OF 25.00 FEET TO A POINT; THENCE 90°00'00" TO THE LEFT IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 70.27 FEET TO THE P.C. (POINT OF CURVE) OF A CURVE TO THE RIGHT HAVING A RADIUS OF 517.00 FEET AND A CENTRAL ANGLE OF 24°29'13"; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE A DISTANCE OF 220.95 FEET TO THE P.R.C. (POINT OF REVERSE CURVE) OF A CURVE TO THE LEFT HAVING A RADIUS OF 370.50 FEET AND A CENTRAL ANGLE OF 23°26'54"; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE A DISTANCE OF 151.63 FEET TO THE P.T. (POINT OF TANGENT) OF SAID CURVE; THENCE TANGENT TO SAID CURVE IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 72.81 FEET TO A POINT

**ON THE NORTHERLY RIGHT-OF-WAY LINE OF GREYSTONE WAY;
THENCE 91°09'24" TO THE LEFT IN A SOUTHEASTERLY DIRECTION
ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF GREYSTONE WAY A
DISTANCE OF 207.31 FEET TO THE P.C. (POINT OF CURVE) OF A CURVE
TO THE LEFT HAVING A RADIUS OF 410.00 FEET AND A CENTRAL
ANGLE OF 43°51'30"; THENCE IN A SOUTHEASTERLY, EASTERLY, AND
NORTHEASTERLY DIRECTION ALONG THE NORTHERLY RIGHT-OF-WAY
LINE OF GREYSTONE WAY AND ALONG THE ARC OF SAID CURVE A
DISTANCE OF 313.84 FEET TO THE POINT OF BEGINNING.**

**FOR INFORMATIONAL PURPOSES ONLY, SAID PARCEL BEING KNOWN
AS 200 ONE NINETEEN BOULEVARD, BIRMINGHAM, AL 35242, TAX
PARCEL NO. 03-9-32-0-001-005.005.**

PARCEL 2:

**BENEFICIAL EASEMENT SET FORTH IN RESTRICTIVE COVENANTS AND
RECIPROCAL EASEMENT AGREEMENT RECORDED AS INSTRUMENT NO.
20071228000583600, AS AMENDED IN INSTRUMENT NO.
20111221000387420, AND AS FURTHER AMENDED BY SECOND
AMENDMENT RECORDED AS INSTRUMENT NO. 20170428000146960.**



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
02/21/2019 09:10:59 AM
\$30.00 CHERRY
20190221000055010

Allen S. Bayl