



20191002000362320 1/16 \$70.00  
Shelby Cnty Judge of Probate, AL  
10/02/2019 02:58:38 PM FILED/CERT

County Division Code: AL040  
Inst. # 2019077625 Pages: 1 of 15  
I certify this instrument filed on  
7/31/2019 3:34 PM Doc: MTG  
Alan L. King, Judge of Probate  
Jefferson County, AL. Rec: \$58.00  
MtgTx: \$3,310.95  
Clerk: PEEPLESC

STATE OF ALABAMA )  
BALDWIN COUNTY )  
JEFFERSON COUNTY )  
MADISON COUNTY )  
MONTGOMERY COUNTY )  
SHELBY COUNTY )



Doc ID: 022206220016 Type: MTGAMEND  
Filed/Cert: 09/03/2019 08:15:00 AM  
Fee Amt: \$66.25 Page 1 of 16  
Mtg Tax: \$0.00  
Madison County, AL  
FRANK BARGER Probate Judge

BALDWIN COUNTY, ALABAMA  
HARRY D'OLIVE, JR. PROBATE JUDGE  
Filed/cert. 8/19/2019 8:16 AM  
TOTAL \$ 60.00  
16 Pages

1778640



File **2019-00056744**

**AMENDMENT**

**TO**

**MORTGAGE, ASSIGNMENT OF RENTS AND LEASES  
AND SECURITY AGREEMENT**

**NOTES TO CLERKS:**

- 1) **COUNTERPARTS:** THIS INSTRUMENT IS BEING EXECUTED IN COUNTERPARTS FOR PURPOSES OF RECORDING THIS INSTRUMENT IN THE RESPECTIVE OFFICES OF THE JUDGES OF PROBATE IN EACH COUNTY WHERE MORTGAGED PROPERTY IS LOCATED. EACH COUNTERPART SHALL BE DEEMED TO BE AN ORIGINAL BUT ALL OF WHICH WHEN TAKEN TOGETHER SHALL CONSTITUTE ONE AND THE SAME AGREEMENT GIVEN AS SECURITY FOR THE SAME INDEBTEDNESS.
- 2) **AMENDMENT:** THIS INSTRUMENT IS BEING RECORDED AS AN AMENDMENT TO THAT CERTAIN MORTGAGE, ASSIGNMENT OF RENTS AND LEASES AND SECURITY AGREEMENT DATED MARCH 13, 2014, AND RECORDED IN THE OFFICES OF THE JUDGES OF PROBATE AS FOLLOWS:
  - A. BOOK LR201411, PAGE 22459, PROBATE OFFICE, JEFFERSON COUNTY, ALABAMA, BIRMINGHAM, DIVISION;
  - B. BOOK LR201460, PAGE 25718, PROBATE OFFICE, JEFFERSON COUNTY, ALABAMA, BESSEMER DIVISION;
  - C. INSTRUMENT NO. 1447154, PROBATE OFFICE, BALDWIN COUNTY, ALABAMA;
  - D. INSTRUMENT NO. 20140324000148900, PROBATE OFFICE, MADISON COUNTY, ALABAMA;
  - E. REAL PROPERTY BOOK 04548, PAGE 0167, PROBATE OFFICE, MONTGOMERY COUNTY, ALABAMA; AND
  - f. INSTRUMENT NO. 20140317000073840, PROBATE OFFICE, SHELBY COUNTY, ALABAMA.

AMEND.mtg

ENGEL HAIRSTON & JOHANSON  
P O BOX 11405  
BIRMINGHAM, AL 35202

X

- 3) **INCREASE OF INDEBTEDNESS:** THE MAXIMUM PRINCIPAL INDEBTEDNESS SECURED HEREBY IS INCREASED BY AN AMOUNT EQUAL TO TWO MILLION TWO HUNDRED SEVEN THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS (\$2,207,250.00).
- 4) **MAXIMUM PRINCIPAL INDEBTEDNESS:** THE MAXIMUM PRINCIPAL INDEBTEDNESS FOR RECORDING PURPOSES SECURED BY THE MORTGAGE, AS AMENDED HEREBY, IS TWENTY MILLION THIRTY-SIX THOUSAND AND 00/100 DOLLARS (\$20,036,000.00).
- 5) **PRIVILEGE TAX:** THE MAXIMUM PRINCIPAL INDEBTEDNESS FOR PURPOSES OF RECORDING THIS INSTRUMENT WITH THE OFFICE OF THE JUDGE OF PROBATE OF **JEFFERSON COUNTY, ALABAMA**, IS **\$816,682.50**, WHICH IS THE PRORATA PORTION OF THE INDEBTEDNESS BASED UPON THE PERCENT VALUE ALLOCATED TO THE MORTGAGED PROPERTY LOCATED IN JEFFERSON COUNTY, ALABAMA, FOR WHICH MORTGAGE PRIVILEGE TAX IN THE AMOUNT OF \$1,225.05 IS DUE UPON RECORDING.
- 6) **PRIVILEGE TAX:** THE MAXIMUM PRINCIPAL INDEBTEDNESS FOR PURPOSES OF RECORDING THIS INSTRUMENT WITH THE OFFICE OF THE JUDGE OF PROBATE OF **BALDWIN COUNTY, ALABAMA**, IS **\$289,149.75**, WHICH IS THE PRORATA PORTION OF THE INDEBTEDNESS BASED UPON THE PERCENT VALUE ALLOCATED TO THE MORTGAGED PROPERTY LOCATED IN BALDWIN COUNTY, ALABAMA, FOR WHICH MORTGAGE PRIVILEGE TAX IN THE AMOUNT OF \$433.80 IS DUE UPON RECORDING.
- 7) **PRIVILEGE TAX:** THE MAXIMUM PRINCIPAL INDEBTEDNESS FOR PURPOSES OF RECORDING THIS INSTRUMENT WITH THE OFFICE OF THE JUDGE OF PROBATE OF **MADISON COUNTY, ALABAMA**, IS **\$730,599.75**, WHICH IS THE PRORATA PORTION OF THE INDEBTEDNESS BASED UPON THE PERCENT VALUE ALLOCATED TO THE MORTGAGED PROPERTY LOCATED IN MADISON COUNTY, ALABAMA, FOR WHICH MORTGAGE PRIVILEGE TAX IN THE AMOUNT OF \$1,096.50 IS DUE UPON RECORDING.
- 8) **PRIVILEGE TAX:** THE MAXIMUM PRINCIPAL INDEBTEDNESS FOR PURPOSES OF RECORDING THIS INSTRUMENT WITH THE OFFICE OF THE JUDGE OF PROBATE OF **MONTGOMERY COUNTY, ALABAMA**, IS **\$72,839.25**, WHICH IS THE PRORATA PORTION OF THE INDEBTEDNESS BASED UPON THE PERCENT VALUE ALLOCATED TO THE MORTGAGED PROPERTY LOCATED IN MONTGOMERY COUNTY, ALABAMA, FOR WHICH MORTGAGE PRIVILEGE TAX IN THE AMOUNT OF \$109.35 IS DUE UPON RECORDING.
- 9) **PRIVILEGE TAX:** THE MAXIMUM PRINCIPAL INDEBTEDNESS FOR PURPOSES OF RECORDING THIS INSTRUMENT WITH THE OFFICE OF THE JUDGE OF PROBATE OF **SHELBY COUNTY, ALABAMA**, IS **\$297,978.75**, WHICH IS THE PRORATA PORTION OF THE INDEBTEDNESS BASED UPON THE PERCENT VALUE ALLOCATED TO THE MORTGAGED PROPERTY LOCATED IN SHELBY COUNTY, ALABAMA, FOR WHICH MORTGAGE PRIVILEGE TAX IN THE AMOUNT OF \$447.00 IS DUE UPON RECORDING.

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**THIS AMENDMENT** amends that certain Mortgage, Assignment of Rents and Leases and Security Agreement (hereinafter "**Mortgage**") executed on March 13, 2014, by D. Bruce Irwin (also known as D. Bruce Irwin, MD, and as Donald Bruce Irwin), whose address is 3700 Cahaba River Road, Birmingham, Alabama 35242, and AMERICAN FAMILY CARE, INC., an Alabama corporation,

Amendment to Mortgage

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whose address is 3700 Cahaba River Road, Birmingham, Alabama 35242 (hereinafter collectively the "**Mortgagor**") in favor of **BRANCH BANKING AND TRUST COMPANY**, whose address is 2501 20<sup>th</sup> Place South, Birmingham, Alabama 35223 (hereinafter, along with its successors in interest and/or assigns, collectively the "**Lender**").

**WHEREAS**, the Mortgage is recorded in the Offices of the Judges of Probate as follows:

- a. Book LR201411, Page 22459, Probate Office, Jefferson County, Alabama, Birmingham, Division;
- b. Book LR201460, Page 25718, Probate Office, Jefferson County, Alabama, Bessemer Division;
- c. Instrument No. 1447154, Probate Office, Baldwin County, Alabama;
- d. Instrument No. 20140324000148900, Probate Office, Madison County, Alabama;
- e. Real Property Book 04548, Page 0167, Probate Office, Montgomery County, Alabama; and
- f. Instrument No. 20140317000073840, Probate Office, Shelby County, Alabama.

and pertains to the property described on Exhibit "A" attached hereto (the "**Mortgaged Property**"), and was given as security for indebtedness evidenced by that promissory note in the original principal amount of \$17,828,750.00, along with any renewals, extensions thereof.

**WHEREAS**, proceeds from the Note were used for the development of the Mortgaged Property and any improvements located thereon; and

**WHEREAS**, upon the recordation of the Mortgage a mortgage tax of \$26,743.20 was paid to the Office of the Judge of Probate of Jefferson County, Alabama.

**WHEREAS**, Mortgagor has requested Lender to lend and/or make additional advances under the notes secured by the Mortgaged Property in the principal amount of \$2,207,250.00 for purposes of refinancing obligations associated with the acquisition and development of the Mortgage Property and paying customary closing costs associated therewith, and Lender is agreeable to making such changes, refinance and advances, provided Mortgagor, among other things enters into this Amendment, and cause this additional advance to be secured by the Mortgage.

**NOW THEREFORE**, in consideration of the terms and conditions contained herein, and to induce Lender to lend additional monies to Borrower, the Mortgage is hereby amended as follows:

1. **Modification of Principal Amount Secured.** Henceforth the Mortgage shall specifically secure not only the existing indebtedness of \$17,828,750.00 evidenced by that Note dated March 13, 2014, as modified, amended and renewed, but also an additional advance or loan of

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\$2,207,250.00 made in connection herewith to Borrower, and all the interest thereon. The term "Debt" as used in the Mortgage shall be defined to mean the indebtedness of \$20,036,000.00 including not only the existing indebtedness of \$17,828,750.00 evidenced by the Note dated March 13, 2014, as amended, modified and renewed, together with all interest thereon, and all extensions and renewals thereof, but also the \$2,207,250.00 advance or loan being made in connection herewith, along with all interest thereon, and all extensions, and renewals thereof.

2. **Amendments.** In addition hereto, Mortgagor further amends all of the documents and agreements executed in connection with the Mortgage, or pertaining to the Mortgage (the "Agreements") to the terms as herein cited:


(a) **Books and Records.** Lender and Mortgagor hereby agree to amend Section 34 of the Mortgage so that Mortgagor's obligations with respect to Books and Records shall be the same as required in the Loan Agreement delivered by Mortgagor to Lender on the same date hereof.

3. **Further Action.** Mortgagor hereby agrees and directs Lender to take any action necessary to conform the Mortgage and the Agreements to the terms as herein cited and by these presents accepts and confirms their liability under said Mortgage and Agreements with the terms as herein modified.

4. **Continuing Validity.** All of the terms and provisions of the Mortgage not specifically amended herein, are hereby reaffirmed, ratified and restated. This Amendment amends the Mortgage and is not a novation thereof.

[SIGNATURES AND ACKNOWLEDGEMENT CONTAINED ON THE FOLLOWING PAGE.]

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IN WITNESS WHEREOF, we have hereunto set our hands and seals effective this 18th day of July, 2019.

MORTGAGOR:

*D. Bruce Irwin* L.S.  
D. Bruce Irwin (Individually)  
(a/k/a D. Bruce Irwin, MD, a/k/a Donald Bruce Irwin)

AMERICAN FAMILY CARE, INC., an Alabama corporation  
BY: *Randy Johansen*  
Name: Randy Johansen  
Title: President

BY: *D. Bruce Irwin*  
Name: D. Bruce Irwin (also known as D. Bruce Irwin, MD,  
also known as Donald Bruce Irwin)  
Title: Chief Executive Officer

STATE OF ALABAMA  
STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that D. Bruce Irwin (also known as D. Bruce Irwin, MD, also known as Donald Bruce Irwin), whose name 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 23 day of July, 2019.

NOTARY PUBLIC  
**JAMIE NICOLE GENTILE**  
ALABAMA, STATE AT LARGE  
My Commission Expires March 22, 2021

*Jamie Nicole Gentile*  
NOTARY PUBLIC  
My Commission Expires: 3-22-2021

STATE OF ALABAMA  
JEFFERSON COUNTY


I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Randy Johansen whose name as President of AMERICAN FAMILY CARE, INC., an Alabama 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 voluntarily, as an act of said corporation, acting in its capacity as aforesaid.

Given under my hand and official seal, this the 23 day of July, 2019.

NOTARY PUBLIC  
**JAMIE NICOLE GENTILE**  
ALABAMA, STATE AT LARGE  
My Commission Expires March 22, 2021

*Jamie Nicole Gentile*  
NOTARY PUBLIC  
My Commission Expires: 3-22-2021

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STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that D. Bruce Irwin (also known as D. Bruce Irwin, MD, also known as Donald Bruce Irwin) whose name as Chief Executive Officer of AMERICAN FAMILY CARE, INC., an Alabama 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 voluntarily, as an act of said corporation, acting in its capacity as aforesaid.

Given under my hand and official seal, this the 23 day of July, 2019.

NOTARY PUBLIC  
**JAMIE NICOLE GENTILE**  
ALABAMA, STATE AT LARGE  
My Commission Expires March 22, 2021




NOTARY PUBLIC

My Commission Expires:

3-22-2021

[LENDER'S SIGNATURE AND ACKNOWLEDGEMENT ON FOLLOWING PAGE]

  
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[AMENDMENT TO MORTGAGE, ASSIGNMENT OF RENTS AND LEASES  
AND SECURITY AGREEMENT.]

LENDER:

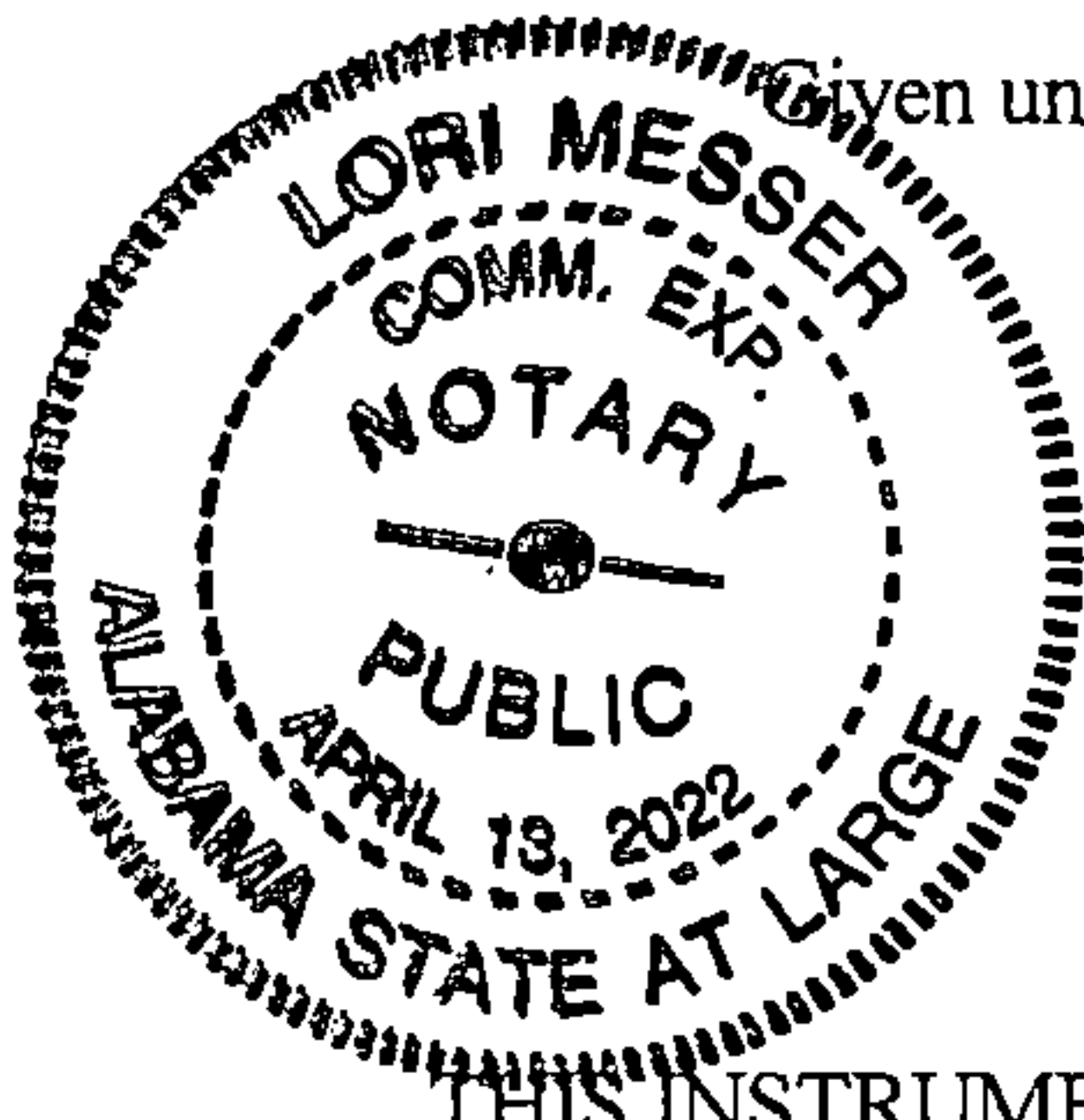
BRANCH BANKING AND TRUST COMPANY

By: [Signature]  
Name: JOSHUA PETTY  
Title: SVP

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Joshua C Petty, whose name as Senior Vice President of the BRANCH BANKING AND TRUST COMPANY, 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 said instrument, he/she, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in its capacity as aforesaid.

Given under my hand and official seal, this the 29 day of July, 2019.



[Signature]  
NOTARY PUBLIC

My Commission Expires: 4-13-22

THIS INSTRUMENT PREPARED BY AND AFTER  
RECORDATION SHOULD BE RETURNED TO:

William C. Brown  
ENGEL, HAIRSTON & JOHANSON, P.C.  
109 North 20th Street, Fourth Floor  
P.O. Box 11405  
Birmingham, Alabama 35202  
(205) 328-4600

[D-\_\_\_\_\_]



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Amendment to Mortgage



**EXHIBIT "A"**

Parcel I: (6631 Park Drive, Daphne, Alabama, 36526)

Beginning at the Northwest corner of Lot 29, Daphne Hills Subdivision, as recorded in Map Book 7, Page 82, in the Office of the Judge of Probate, Baldwin County, Alabama; said point being on the East right of way line of U.S. Highway No. 98; run thence North 19 degrees, 57 minutes, 51 seconds West along said East right of way line of U.S. Highway No. 98, a distance of 70.52 feet to a point; thence parallel with the North line of Lots 25 through 29 of said Daphne Hills Subdivision, run South 89 degrees, 43 minutes, 16 seconds East 94.00 feet to a point; thence run South 77 degrees, 11 minutes, 42 seconds East 244.38 feet to a point; thence run South 00 degrees, 25 minutes East 205.16 feet to the point on the North right of way line of Yancey Road; thence along said North right of way line of Yancey Road run South 89 degrees, 35 minutes West 202.00 feet to a point on the aforementioned East right of way line of U.S. Highway No. 98; thence along said East right of way line U.S. Highway No. 98 run North 53 degrees, 34 minutes, 51 seconds West 62.64 feet to a point; thence continuing along said East right of way line of U.S. Highway No. 98 run North 19 degrees, 57 minutes, 51 seconds West 167.86 feet to the point of beginning.

Together with an non-exclusive reciprocal easement for ingress and egress 38 feet in width lying North of and immediately adjacent to the North boundary of the above described parcel of land and being more particularly described as follows:

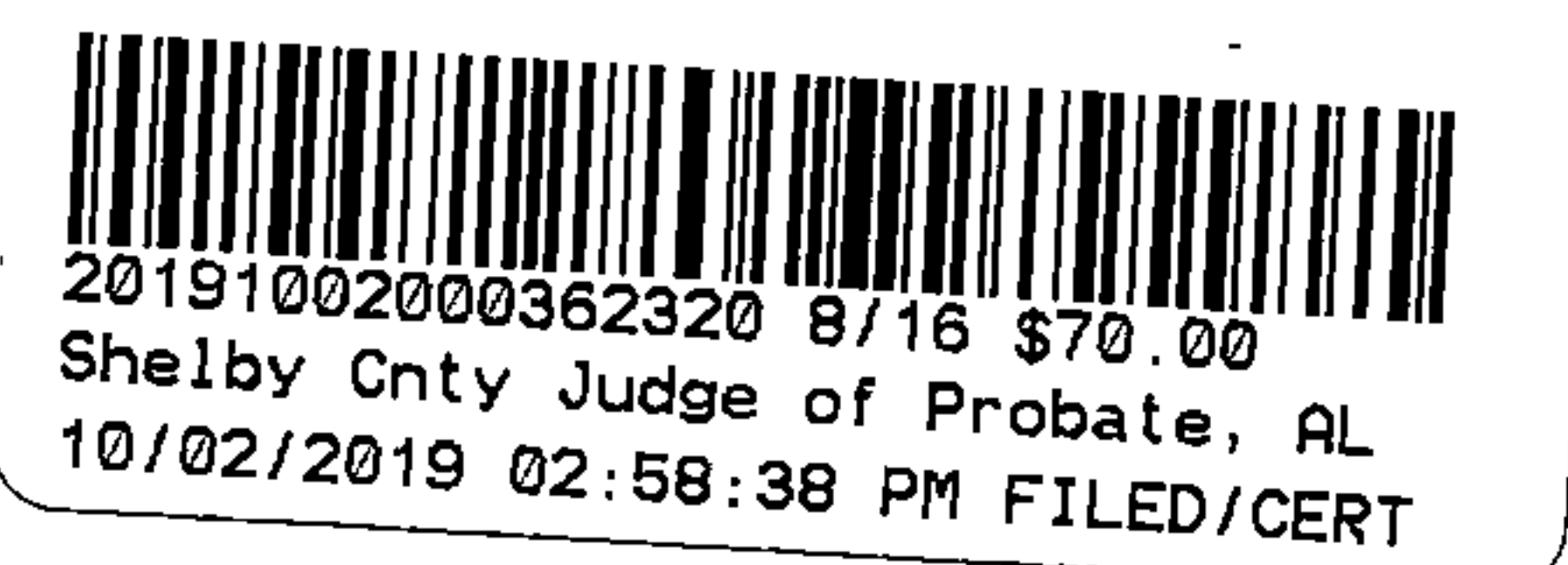
Commencing at the Northwest corner of Lot 29, Daphne Hills Subdivision, as recorded in Map Book 7, Page 82, in the Office of the Judge of Probate, Baldwin County, Alabama; said point being on the East right of way line of U.S. Highway No. 98; run thence North 19 degrees, 57 minutes, 51 seconds West along said East right of way line of U.S. Highway No. 98, a distance of 70.52 feet to the point of beginning of the easement herein described; thence continuing North 19 degrees, 57 minutes, 51 seconds West along said East right of way line of U.S. Highway No. 98, run 40.50 feet to a point; thence run South 89 degrees, 43 minutes, 16 seconds East 112.19 feet to a point; thence run South 77 degrees, 11 minutes, 42 seconds East 248.54 feet to a point; thence run South 12 degrees, 48 minutes, 18 seconds West 38.00 feet to a point; thence run North 77 degrees, 11 minutes, 42 seconds West 244.38 feet to a point; thence run North 89 degrees, 43 minutes, 16 seconds West 94.00 feet to the point of beginning of said easement.

Situated in Baldwin County, Alabama.

Parcel II: (7559 Hwy 72 West, Madison Alabama 35758)

Lot 1E of the McCrary-Crunk Commercial Subdivision, a Resubdivision of Tract 1C of a Resubdivision of Tract 1B of a Resubdivision of Tract 1 and Lot 5 of a Resubdivision of Tract 1 of McCrary-Crunk Commercial Subdivision, a part of Section 27, Township 3 South, Range 2 West, according to the plat of survey recorded as Instrument Number 20041217000572500 in the Probate Records of Madison County, Alabama.

Amendment to Mortgage





Parcel III: (8151 Whitesburg Drive, Huntsville, Alabama 35802)

Lot 8, according to the Plat of Resubdivision of Lot 6, of Lily Flagg Manor, as recorded in Plat Book 22, Page 64, in the Office of the Judge of Probate of Madison County, Alabama.

Situated in Madison County, Alabama.

Parcel IV: (6910 Vaughn Road, Montgomery, Alabama, 36116)

Lot A, according to the Map of Bellwood Commercial Plat No. 4-A, as said Map appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 34, at Page 248.

Situated in Montgomery County, Alabama.

Parcel V: (2757 Green Springs Hwy, Birmingham, Alabama 35209)

Lot 1-E, a Resurvey of Lots 1-C and 1-D, according to the Survey of Ted's Addition to Beacon Park, as recorded in Map Book 112, Page 32, in the Probate Office of Jefferson County, Alabama.

Situated in Jefferson County, Alabama.

Parcel VI: (1664 Forestdale Blvd., Birmingham, Alabama 35214)

Tract I:

A parcel located in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12, Township 17 South, Range 4 West, Jefferson County, Alabama, more particularly described as follows:

Commence at the NE corner of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Section 12; thence run West on the Quarter-Quarter line for 143.33 feet to the point of beginning; thence continue on the same line for 217.09 feet; thence left 98 degrees, 23 minutes, 20 seconds for 50.0 feet; thence left 89 degrees, 58 minutes, 47 seconds for 226.0 feet; thence left 117 degrees, 37 minutes, 41 seconds for 25 feet to the point of beginning.

Tract II:

A tract of land located in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12, Township 17 South, Range 4 West, Jefferson County, Alabama, more particularly described as follows:

Commence at the Northeast corner of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12; thence run West

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on the Quarter-Quarter line for 360.42 feet; thence left 98 degrees, 23 minutes, 20 seconds for 50.0 feet to the point of beginning; thence continue on the same line for 217.40 feet; thence left 85 degrees, 34 minutes, 47 seconds for 115.96 feet; thence left 87 degrees, 13 minutes, 33 seconds for 25.0 feet; thence right 91 degrees, 06 minutes, 00 seconds for 70.0 feet; thence left 30 degrees, 42 minutes, 01 seconds for 117.11 feet; thence left 93 degrees, 31 minutes, 30 seconds for 4.93 feet; thence right 99 degrees, 05 minutes, 43 seconds for 10.21 feet; thence left 99 degrees, 46 minutes, 20 seconds for 174.0 feet; thence left 62 degrees, 22 minutes, 19 seconds for 226.0 feet to the point of beginning.

Situated in Jefferson County, Alabama.

Parcel VII: (5892 Trussville Crossings Parkway, Trussville Alabama, 35235)

Lot 2, according to the Survey of Colonial Promenade at Trussville, as recorded in Map Book 198, Page 29, in the Probate Office of Jefferson County, Alabama.

Situated in Jefferson County, Alabama.

Parcel VIII: (1680 Montgomery Hwy, Hoover Alabama, 35216)

Tract I:

Part of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 12, Township 19 South, Range 3 West, of Jefferson County, Alabama, more particularly described as follows:

Commence at the NW corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section and run thence Eastwardly along the North line thereof 576.97 feet to a point on the West right of way line of U.S. Highway No.31; thence run Southwardly along said right of way line 648.20 feet to a point on the Southerly right of way line of the New Patton Chapel Road, said point being the point of beginning of the property herein described; thence continue Southwardly along said right of way line of U.S. Highway No. 31, 140.80 feet; thence turn 89 degrees, 01 minutes, 30 seconds right and run Westwardly 135.88 feet; thence turn 76 degrees, 27 minutes right and run Northwestwardly 35.18 feet; thence turn 90 degrees, 00 minutes left and run Southwestwardly 99.40 feet to a point on the Northeasterly right of way line of Old Columbiana Road; thence turn 86 degrees, 16 minutes right and run Northwestwardly along last said right of way line 59.10 feet; thence turn 48 degrees, 44 minutes right and run Northeastwardly 23.04 feet to a point on the Southerly right of way line of the New Patton Chapel Road; thence turn 45 degrees, 00 minutes right and run Northeastwardly along last said right of way line 138.76 feet to the beginning of a curve to the right having a radius of 1,121.24 feet; thence continue Northeastwardly along the arc of said curve and along last said right of way line 115.63 feet to the point of beginning.

Tract II:

Part of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 12, Township 19 South, Range 3 West, of Jefferson County, Alabama more particularly described as follows:

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Commence at the NW corner of said  $\frac{1}{4}$   $\frac{1}{4}$  section and run thence eastwardly along the north line thereof 576.97 feet to a point on the west right of way line of U. S. Highway No. 31; thence run southwardly along said right of way line 789.00 feet to the point of beginning of the property herein described; thence continue southwardly along said right of way line 75.00 feet to the NE corner of a tract of land conveyed to the Alabama Power Company; thence turn  $89^{\circ}01'30''$  right and run westwardly along the north line of said tract 212.70 feet to the NW corner thereof, said point being on the northeasterly right of way line of Old Columbiana Road; thence turn  $72^{\circ}43'$  right and run northwestwardly along last said right of way line 90.00 feet; thence turn  $93^{\circ}44'$  right and run eastwardly 99.40 feet; thence turn  $90^{\circ}00'$  right and run southeastwardly 35.18 feet; thence turn  $76^{\circ}27'$  left and run eastwardly 135.88 feet to the point of beginning.

Less and except that portion of subject property condemned by Jefferson County, Alabama in Case No. 197247, recorded in Book LR200804, Page 18806 and Case No. 2008-1746, recorded in Book LR201211, page 25644.

Parcel IX: (9772 Parkway East, Birmingham, Alabama 35215)

Lot 2, according to the Map and Survey of A.F.C. of Roebuck, as recorded in Map Book 187, Page 55, in the Judge of Probate Office of Jefferson County, Alabama.

Together with a perpetual, exclusive easement in, over and to any portion of the following described property, provided that the same is contiguous to the above-referenced Lot 2, for purposes of locating, relocating, installing, constructing, maintaining and using a parking Lot of Eleven (11) spaces, including Two (2) handicapped spaces, to service the said Lot 2: An acreage tract situated in the NW  $\frac{1}{4}$  of Section 31, Township 16 South, Range 1 West, Jefferson County, Alabama and being more particularly described as follows:

Commence at the NW corner of the NW  $\frac{1}{4}$  of said Section 31, Township 16 South, Range 1 West; thence run South along the West line of said NW  $\frac{1}{4}$  for 814.70 feet to a point on the South line of Lot 2 of the A.F.C. of Roebuck Survey as recorded in Map Book 187, Page 55 in the Judge of Probate Office of Jefferson County, Alabama, said point being the point of beginning of the parcel herein described; thence continue South along the last described course and along the East line of Lot 1 of said A.F.C. of Roebuck Survey for 219.63 feet to the SE corner of said Lot 1 and the NE corner of Lot 11, Block 1 of Roebuck Park as recorded in Map Book 18, Page 47 in the Judge of Probate Office of Jefferson County, Alabama; thence run South along the East line of said Lot 11 for 100.00 feet to the NE corner of Lot 1 of The Champion Lincoln Mercury Survey as recorded in Map Book 164, Page 82 in the Judge of Probate Office of Jefferson County, Alabama; thence turn 0 degrees, 29 minutes, 44 seconds right and run Southerly along the East line of said Lot 1 of The Champion Lincoln Mercury Survey for 43.44 feet to a point on the Westerly right of way line of Parkway East (Alabama Highway No. 75); thence turn 165 degrees, 49 minutes, 34 seconds left to the chord of a curve to the left, said curve subtending a central angle of 1 degrees, 38 minutes, 01 seconds and having a radius of 11,356.84 feet; thence run Northeasterly along the arc of said curve and along said right of way line for 323.83 feet to the end of said curve; thence from the chord of said curve turn 0 degrees, 05 minutes, 42 seconds left and run Northeasterly for 27.57 feet to

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the SE corner of said Lot 2 of the A.F.C. of Roebuck Survey; thence turn 90 degrees, left and run Northwesterly along the South line of said Lot 2 for 91.54 feet to the point of beginning.

Situated in Jefferson County, Alabama.

Parcel X: (2970 Pelham Pkwy, Pelham, Alabama 35124)

A parcel of land located in the S.W.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, described as follows:

Commence at the Northwest corner of Lot One of Lunceford's Industrial Park as recorded in Map Book 7, Page 133, in the Office of the Judge of Probate of Shelby County, Alabama; thence run South 88 degrees, 03 minutes, 03 seconds East along the North line of said Lot One and the South right of way of First Alabama Bank Drive a distance of 241.87 feet to the point of beginning; thence continue last course 183.50 feet to a clockwise curve on said right of way having a delta angle of 23 degrees, 35 minutes, 46 seconds and a radius of 166.50 feet; thence run along the arc of said curve 68.57 feet to the point of tangent; thence run South 64 degrees, 27 minutes, 17 seconds East a distance of 86.53 feet to a point on the West right of way of U.S. Highway #31; thence run South 25 degrees, 32 minutes, 43 seconds West 185.75 feet; thence run North 47 degrees, 26 minutes, 00 seconds West 336.06 feet to the point of beginning; being situated in Shelby County, Alabama.

Situated in Shelby County, Alabama.

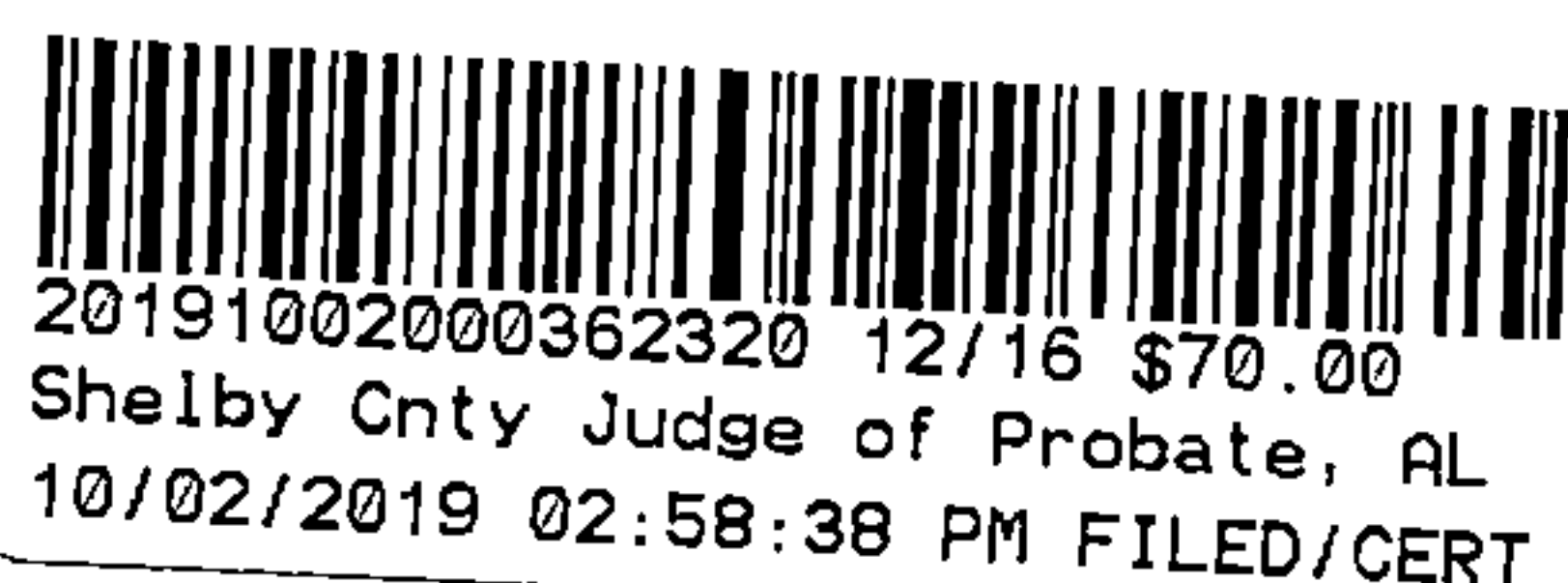
Parcel XI: (2147 Riverchase Office Rd, Hoover, Alabama 35244)

Lot 1, according to the Survey of Irwin's Subdivision as recorded in Map Book 43, page 122, in the Probate Office of Shelby County, Alabama.

**SUBJECT TO:**

- i) Taxes and assessments for the year 2019, a lien but not yet payable;
- ii) Easement granted Park City Water & Fire Authority as recorded in Book 243, Page 691, in the Probate Office of Baldwin County. (Parcel I)
- iii) Right of way to The Utilities Board of the City of Foley as recorded in Instrument #529770, in the Probate Office of Baldwin County. (Parcel I)
- iv) Rights of others in and to the use of the easement recorded in Real 247, page 1081 and Real 564, page 744, in the Probate Office of Baldwin County. (Parcel I)
- v) Building line(s) as shown by recorded map. (Parcel II)
- vi) Easement(s) as shown by recorded map. (Parcel II)
- vii) Restrictions or Covenants appearing of record in Instrument 20041109000495580, in the Probate Office of Madison County, Alabama. (Parcel II)
- viii) Easement to the Water and Wastewater Board of the City of Madison, as recorded in Instrument 20060804000516570, in the Probate Office of Madison County, Alabama. (Parcel II)
- ix) Rights of tenant, as tenants only, under any unrecorded leases. (Parcel II)
- x) Building line(s) as shown by recorded map. (Parcel III)
- xi) Easement(s) as shown by recorded map. (Parcel III)

Amendment to Mortgage





- xii) Restrictions appearing of record in Book 672, Page 370 and Book 829, Page 31, in the Probate Office of Madison County, Alabama. (Parcel III)
- xiii) Easement as recorded in Book 993, Page 52, in the Probate Office of Madison County, Alabama. (Parcel III)
- xiv) Easements and building line as shown on recorded map. (Parcel IV)
- xv) Right of Way granted to Alabama Power Company by instrument(s) recorded in Deed Book 199, page 25, Deed Book 421, Page 437 and Rlpy 1185, Page 8, in the Probate Office of Montgomery County, Alabama. (Parcel IV)
- xvi) Right of way for a public road granted to Montgomery County by Deed Book 527, page 119, in the Probate Office of Montgomery County, Alabama. (Parcel IV)
- xvii) Spillage Easement as recorded in Rlpy 2077, page 8, in the Probate Office of Montgomery County, Alabama. (Parcel IV)
- xviii) Storm Drainage Easement to the State of Alabama as recorded in Rlpy 971, page 361, in the Probate Office of Montgomery County, Alabama. (Parcel IV)
- xix) Easement granted to Union Springs Telephone Company, Inc as recorded in Rlpy 1702, page 841, in the Probate Office of Montgomery County, Alabama. (Parcel IV)
- xx) Building line(s) as shown by recorded map. (Parcel V)
- xxi) Easement(s) as shown by recorded map. (Parcel V)
- xxii) Restrictions, covenants, conditions, limitations and release of damages as recorded in Real Volume 1109, Page 745; Real Volume 1248, Page 379; Real Volume 650, Page 461 and Real Volume 230, Page 24, in the Probate Office of Jefferson County, Alabama. (Parcel V)
- xxiii) Joint Driveway Agreement as recorded in Real Volume 1939, Page 410, in the Probate Office of Jefferson County, Alabama. (Parcel V)
- xxiv) Right of Way granted to Alabama Power Company by instrument(s) recorded in Volume 3207, Page 526 and Volume 4955, Page 179, in the Probate Office of Jefferson County, Alabama. (Parcel VI)
- xxv) Right of way for ingress and egress and Release of Damages, recorded in Volume 2695, Page 283, in the Probate Office of Jefferson County, Alabama. (Parcel VI)
- xxvi) Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Volume 61, Page 74, in the Probate Office of Jefferson County, Alabama. (Parcel VI)
- xxvii) Easements and building line as shown on recorded map. (Parcel VII)
- xxviii) Covenants, conditions, restrictions, release of damages and easements appearing of record in Instrument No. 9813/3717; Instrument No. 9813/3718 and Instrument No. 200002/2739, in the Probate Office of Jefferson County, Alabama. (Parcel VII)
- xxix) Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Instrument No. 9813/3717, in the Probate Office of Jefferson County, Alabama. (Parcel VII)
- xxx) Easement granted to Trussville Partners, Limited Partnership as recorded in Real Volume 4555, Page 944, in the Probate Office of Jefferson County, Alabama. (Parcel VII)
- xxxi) Right of way to Jefferson County, as recorded in Real Volume 4527, Page 116 and Real Volume 4285, Page 781, in the Probate Office of Jefferson County, Alabama. (Parcel VII)
- xxxii) Right of way to Jefferson County, as recorded in Instrument No. 200003/2530, in the Probate Office of Jefferson County, Alabama. (Parcel VII)
- xxxiii) Right of Way granted to Alabama Power Company by instrument(s) recorded in Instrument No. 200103/5 189 and Instrument No. 200103/5190, in the Probate Office of Jefferson County, Alabama. (Parcel VII)
- xxxiv) Right of Way granted to Alabama Power Company by instrument(s) recorded in Real Volume 240, Page 15; Volume 3286, Page 91 and Volume 5192, Page 588, in the Probate Office of Jefferson County, Alabama. (Parcel VIII, Tract I)

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- xxxv) Right of way to Jefferson County, Alabama as recorded in Volume 4838, Page 162 and Volume 4838, Page 156, in the Probate Office of Jefferson County, Alabama (Parcel VIII, Tract I)
- xxxvi) Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Volume 619, Page 137 and Volume 204, Page 339, in the Probate Office of Jefferson County, Alabama. (Parcel VIII)
- xxxvii) Agreement in regard to sanitary sewer system as set out in Real Volume 4025, Page 421 in the Probate Office of Jefferson County, Alabama. (Parcel VIII)
- xxxviii) Less and except any portion of subject property lying within Condemnation Case No. 197247, as recorded in Book LR200804, page 18806 and Book 200805, page 6602, in the Probate Office of Jefferson County, Alabama.
- xxxix) Less and except any portion of subject property lying within Condemnation Case No. CV2008-1746 as recorded in Book LR201211, page 25644, in the Probate Office of Jefferson County, Alabama.
- xl) Building line(s) as shown by recorded map. (Parcel IX)
- xli) Easement(s) as shown by recorded map. (Parcel IX)
- xl ii) Right of Way granted to Alabama Power Company recorded in Volume 4156, Page 290; Volume 6370, Page 301; Volume 1195, Page 242; Volume 6816, Page 426 and Volume 1196, Page 70, in the Probate Office of Jefferson County, Alabama. (Parcel IX)
- xl iii) Right of way to State of Alabama as recorded in Volume 6533, Page 8 and Volume 6533, Page 10, in the Probate Office of Jefferson County, Alabama. (Parcel IX)
- xl iv) Restrictions recorded in Real Volume 3623, Page 439, in the Probate Office of Jefferson County, Alabama. (Parcel IX)
- xl v) Restrictive covenants contained in instrument recorded in Volume 4350, Page 571 and as referred to in Real Volume 4392, Page 594, in the Probate Office of Jefferson County, Alabama. (Parcel IX)
- xl vi) Rights of others in and to the use of the easement. (Parcel IX)
- xl vii) Less and except any portion of subject property with lies within a roadway or right of way specifically Highway 75. (Parcel IX)
- xl viii) Easements and building line as shown on recorded map. (Parcel X)
- xl ix) Right of Way granted to Alabama Power Company by instrument(s) recorded in Deed Book 245, Page 120; Deed Book 118, Page 581 and Deed Book 171, Page 270, in the Probate Office of Shelby County, Alabama. (Parcel X)
- l) Release of damages as recorded in Real Volume 352, Page 686, in the Probate Office of Shelby County, Alabama. (Parcel X)
- li) Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Real Volume 352, Page 686, in the Probate Office of Shelby County, Alabama. (Parcel X)
- lii) Covenants, conditions and restrictions as set out on deed recorded in Instrument # 1999-00024, in the Probate Office of Shelby County, Alabama. (Parcel X)
- liii) Building line(s) as shown by recorded map. (Parcel XI)
- liv) Easement(s) as shown by recorded map. (Parcel XI)
- lv) Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Business), as recorded in Shelby Misc. Book 13, Page 50 refiled in Birmingham Real 1236, Page 881 and refiled in Bessemer Real 348, page 837, Amendment No. 1 to Declaration as recorded in Shelby Misc. Book 15, page 189 refiled in Birmingham Real 1294, Page 30 and refiled in Bessemer Real 348, Page 875, further amended by Amendment No. 2 in Shelby Misc. Book 19, page 633, refiled in Birmingham Real 1437, Page 570 and refiled in Bessemer Real 348, Page 878, in the Probate Office of Shelby County, Alabama. (Parcel XI)
- lvi) Restrictions appearing of record in Deed Book 281, Page 340 and Deed Book 333, Page 321, in the Probate Office of Shelby County, Alabama. (Parcel XI)
- lvii) That certain Land Use Agreement between The Harbert-Equitable Joint Venture and Blue Cross Blue

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- Shield of Alabama recorded in Misc. Book 19, Page 690, in the Probate Office of Shelby County, Alabama. (Parcel XI)
- lviii) Utility easements and sanitary sewer easements as shown on survey of Laurence D. Weygand, dated May 19, 1981, a copy of said survey being attached to Deed Book 333, Page 321, in the Probate Office of Shelby County, Alabama. (Parcel XI)
  - lix) Right of Way granted to Alabama Power Company by instrument(s) recorded in Deed Book 225, Page 998; Deed Book 225, Page 996; Deed Book 337, Page 300 and Deed Book 337, Page 305, disclaimer filed in connection there with in Instrument 2000-31713, in the Probate Office of Shelby County, Alabama. (Parcel XI)
  - lx) Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Deed Book 127, Page 525, in the Probate Office of Shelby County, Alabama. (Parcel XI)
  - lxi) Terms and condition of Lease between D. Bruce Irwin and BellSouth Mobility, LLC as evidenced by Memorandum of Lease recorded in Instrument #2001-45424, Amendment to lease as recorded in Instrument 20110412000113510, in the Probate Office of Shelby County, Alabama. (Parcel XI)
  - lxii) Easement Agreement between DBI Properties, LLC, and R. Charles Stagner, as recorded in Instrument #1999- 50914, in the Probate Office of Shelby County, Alabama. (Parcel XI)
  - lxiii) Terms, Conditions, Site Designation Supplement and Memorandum of Sub-Lease between BellSouth Mobility, LLC and Crown Castle South, Inc. as recorded in Instrument 20020909000430150, in the Probate Office of Shelby County, Alabama. (Parcel XI)
  - lxiv) Memorandum of Site Lease Acknowledgement Lease between Crown Castle South LLC and Sprint Spectrum LP as recorded in Instrument 20040316000133170, in the Probate Office of Shelby County, Alabama. (Parcel XI)
  - lxv) Memorandum of Sublease between Crown Castle South LLC and Cellco Partnership d/b/a Verizon Wireless as recorded in Instrument 20131115000449380, in the Probate Office of Shelby County, Alabama. (Parcel XI); and
  - lxvi) coal, oil, gas and mineral and mining rights which are not owned by Mortgagor.

**PERCENTAGE PROPERTY VALUE BY  
COUNTY**

*(for recording purposes only)*

Jefferson County	37.0 %
Baldwin County	13.1 %
Madison County	33.1 %
Montgomery County	03.3 %
Shelby County	13.5 %

Amendment to Mortgage



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# CERTIFICATE ON MORTGAGE TAX PAYMENT

TO: Judge of Probate of Baldwin County, Alabama  
 Judge of Probate of Madison County, Alabama  
 Judge of Probate of Montgomery County, Alabama  
 Judge of Probate of Shelby County, Alabama

I, the undersigned, the Judge of Probate of Jefferson County Alabama, do hereby certify that the following mortgage recording taxes were paid to me:

\$3,310.95 on this date for a "Amendment to Mortgage, Assignment of Rents and Leases and Security Agreement" executed by **D. Bruce Irwin (also known as D. Bruce Irwin, MD, also known as Donald Bruce Irwin)**, and **AMERICAN FAMILY CARE, INC.**, to **BRANCH BANKING AND TRUST COMPANY** increasing the principal amount of indebtedness by an amount of \$2,207,250.00, which is recorded in Instrument #  
2019077625 in the Office of the Judge of Probate of Jefferson County Alabama.

DATED: July 31, 2019

*Steven L. Reed*

\_\_\_\_\_  
 Judge of Probate



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 Shelby Cnty Judge of Probate, AL  
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## PERCENTAGE PROPERTY VALUE BY COUNTY (for recording purposes only)

Jefferson County	37.0 %
Baldwin County	13.1 %
Madison County	33.1 %
Montgomery County	03.3 %
Shelby County	13.5 %



STATE OF ALA. MONTGOMERY CO.  
 I CERTIFY THIS INSTRUMENT WAS FILED ON  
 RLPY 05285 PG 0835-0850 2019 Sep 16 03:34PM

STEVEN L. REED  
 JUDGE OF PROBATE

INDEX	\$5.00
REC FEE	\$40.00
CERT	\$1.00
CHECK TOTAL	\$46.00
350248	

Clerk: #104 08:08AM

Filed/Cert: 09/03/2019 08:15:00 AM  
 Fee Amt: \$66.25 Page 16 of 16  
 Mtg Tax: \$0.00  
 Madison County, AL  
 FRANK BARGER Probate Judge

File **2019-00056744**