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02/23/2021 03:01:34 PM
ASSIGN 1/26

County Division Code: AL039 Inst. # 2021020571 Pages: 1 of 26 I certify this instrument filed on: 2/23/2021 10:14 AM
Doc: XFRL Judge of Probate Jefferson County, AL Rec: \$91.00
Clerk: CSBESS

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)
#210245 ②

MODIFICATION TO ASSIGNMENT OF LEASES, RENTS AND PROFITS

THIS MODIFICATION TO ASSIGNMENT OF LEASES, RENTS AND PROFITS (this "Agreement") is made and effective as of the 19th day of February 2021 by and between the following parties:

BARP NOVEMBER 2015, LLC, a Delaware limited liability company, whose address is 790 Montclair Road, Suite 215, Birmingham, Alabama 35213-1966 (the "Assignor") and SOUTHPOINT BANK, an Alabama state banking corporation, whose address is 3501 Grandview Parkway, Birmingham, Alabama 35243 (the "Assignee").

RECITALS:

A. Assignee is, in part, secured by an Assignment of Leases, Rents and Profits, dated December 29, 2020 and recorded on (i) January 5, 2021 at Instrument No. 2021001005 in the Office of the Judge of Probate of Jefferson County, Alabama, and (ii) January 6, 2021 at Instrument No. 20210106000008490 in the Office of the Judge of Probate of Shelby County, Alabama (the "ALR").

B. Assignor has requested and Lender has agreed to increase the amount of the indebtedness of the Promissory Note (as defined in the ALR), which the ALR secures from \$5,051,060.00 to \$14,325,000.00.

C. In consideration for the increase to the amount of the indebtedness of the Promissory Note, Assignee has requested and Assignor has agreed to provide additional real property and leases as collateral for the ALR.

AGREEMENT

NOW, THEREFORE, in consideration Ten and No/100 Dollars (\$10.00), the foregoing Recitals and other good and valuable consideration, the receipt, adequacy and sufficiency whereof are hereby acknowledged, the parties hereto agree as follows:

1. The indebtedness of the Promissory Note described in the Mortgage (as also defined in the ALR) has been increased from \$5,051,060.00 to \$14,325,000.00.
2. Exhibit "A" to the ALR is hereby amended to include that additional real property situated in Jefferson and Shelby Counties, Alabama as described therein.

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3. Exhibit "B" to the ALR is hereby amended to include those additional Leases for the Mortgaged Properties as described therein.
4. Except as herein modified, the ALR, shall remain in full force and effect, and the Mortgage as so modified herein, is hereby ratified and affirmed in all matters and respects.
5. This Agreement will inure to the benefit of the parties her

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LENDER:

SOUTHPOINT BANK,
an Alabama state banking corporation

By: [

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Exhibit A
to
Mortgage and Security Agreement
between
BARP November 2105, LLC and SouthPoint Bank

Legal Description of the Additional Property:

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Lot 5, in Block 12 according to the Survey of Colony Estates, Third Sector, as recorded in Map Book 16, Page 97, in the Office of the Judge of Probate of Jefferson County, Alabama.

Parcel E: 820 Park Lane, F

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Tax Parcel: 09 00 36 4 003 003.000
Lot 58, according to the Survey of Pine Brook Lakes First and Second Sectors, as recorded in Map Book 120 Page 22, in the Probate Office of Jefferson County, Alabama.

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Book 88, Page 13, in the Probate Office of Jefferson County, Alabama.

Parcel R: 6434 Womack Road, Birmingham AL 35213
Jefferson County, Allocation Amount \$94500

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Lot 8, Block 4, according to the Map and Survey of Reese-King Addition to Roebuck, as recorded in Map Book 39, Page 82, in the Probate Office of Jefferson County, Alabama.

Parcel

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Jefferson County, Allocation Amount \$126000
Tax Parcel: 37 00 03 2 009 027.000
Lot 5, Block 22, according to the Survey of Edenwood, Second Sector, as recorded in Map Book 19, Page 23, in the Probate Office of Jefferson County, Alabama, Bessemer Division.

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Lot 8, according to the Survey of Shallowford Townhomes, 2nd Sector, as recorded in Map Book 151, Page 66, in the Probate Office of Jefferson County, Alabama.

Parcel AN: 3549 Brookfield Road, Hoover AL

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Jefferson County, Allocation Amount \$122500
Tax Parcel: 23 00 27 3 014 012.000
Lot 3, Block 2, according to the Survey of the Fifth Addition to Crestview Hills as recorded in Map Book 41, Page 56 in the Probate Office of Jefferson County, Alabama.

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being situated in Jefferson County, Alabama.

Parcel BN: 2412 Wine Ridge Drive, Hoover AL 35244
Jefferson County, Allocation Amount \$101500
Tax Parcel: 40 00 08 4 004 0

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Lot 16, according to the Survey of Calloway Cove Townhomes, Plat No. 1, as recorded in Map Book 31 Page 67, in the Probate Office of Shelby County, Alabama.

Parcel BA: 709 Waterford Lane, Cal

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Shelby County, Alabama.

Parcel BA: Declaration of Restrictions, Covenants and Easements as recorded in Instrument No. 2000-40215 and amended in Instrument No. 2001-12818 and Instrument