

STATE OF ALABAMA)
JEFFERSON COUNTY)

THIRD 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 27th day of October 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:

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, (ii) January 6, 2021 at Instrument No. 20210106000008490 in the Office of the Judge of Probate of Shelby County, Alabama, as modified by that certain Modification to Assignment of Leases, Rents, and Profits dated February 19, 2021 and recorded on (iii) February 23, 2021 at Instrument No. 2021020571 in the Office of the Judge of Probate of Jefferson County, Alabama, and (iv) February 23, 2021 at Instrument No. 20210223000091480 in the Office of the Judge of Probate of Shelby County, Alabama, and further modified by that certain Second Modification to Assignment of Leases, Rents, and Profits, dated August 11, 2021 and recorded on (v) August 12, 2021 at Instrument No. 2021093536 in the Office of the Judge of Probate of Jefferson County, Alabama, and (vi) October 28, 2021 at Instrument No. 20211028000522130 in the Office of the Judge of Probate of Shelby County, Alabama, (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. Exhibit "A" to the ALR is hereby amended to include the additional Real Estate situated in Jefferson County, Alabama and Shelby County, Alabama as described therein.
2. Exhibit "B" to the ALR is hereby amended to include those additional Leases Assigned.



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3. 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.
4. This Agreement will inure to the benefit of the parties hereto, their respective heirs, personal representatives and assigns. This Agreement shall be governed in accordance with the laws of the State of Alabama.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day and year first above written.

ASSIGNOR:

BARP NOVEMBER 2015, LLC,
a Delaware limited liability company

By: RTO I, LLC, an Alabama limited liability
company

Its: Manager

By: 
Robert F. Ashurst

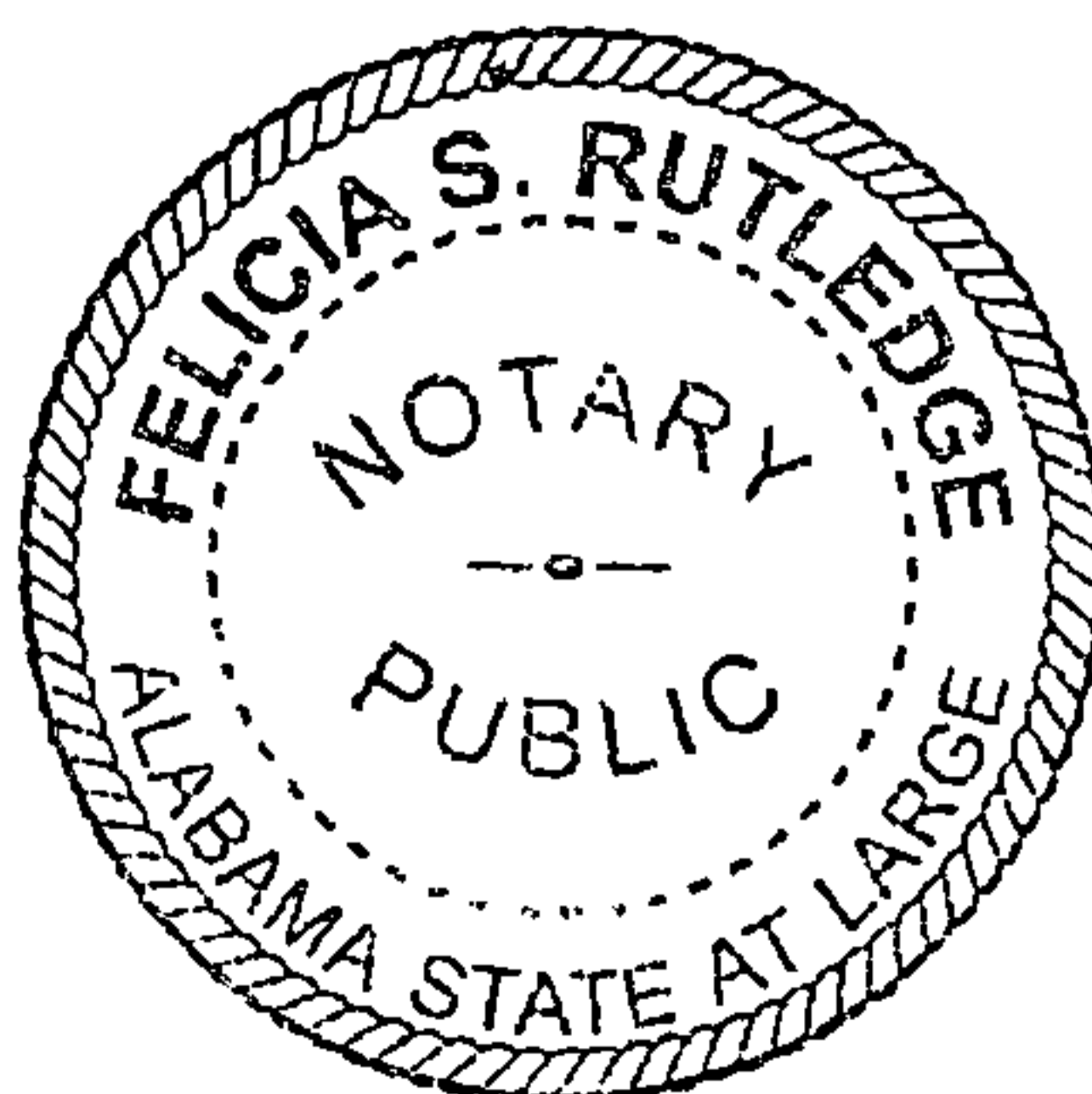
Its: Manager

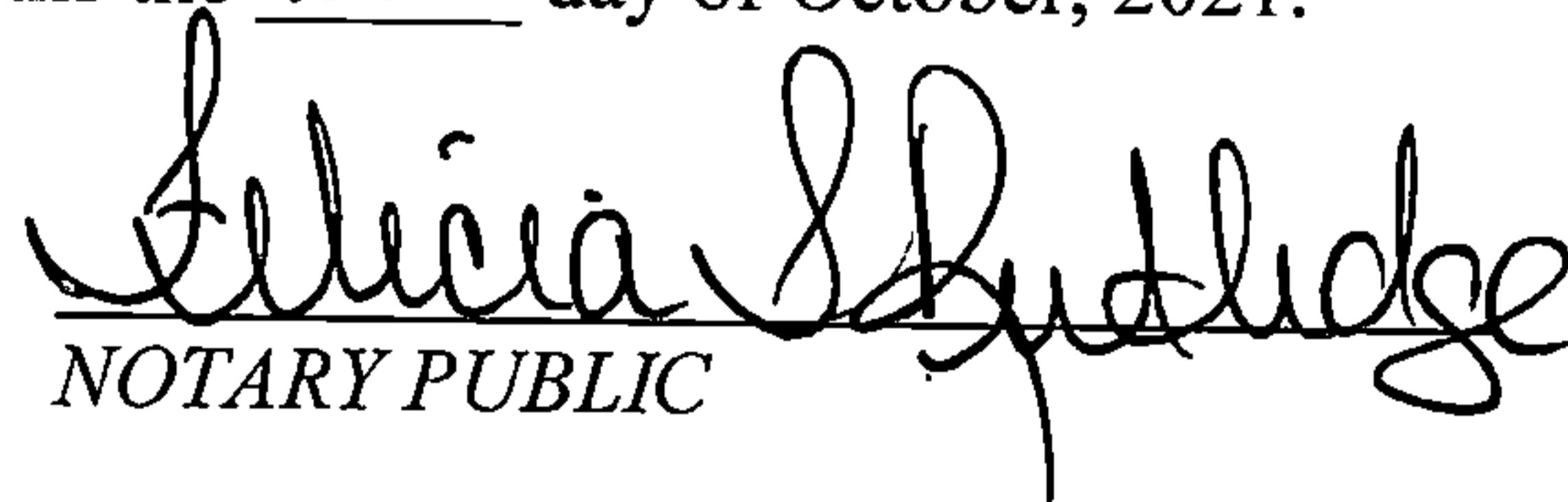
STATE OF ALABAMA)
JEFFERSON COUNTY)

ACKNOWLEDGMENT

I, the undersigned, a notary public in and for said county in said state, hereby certify that Robert F. Ashurst, whose name as Manager of RTO I, LLC, as Manager of BARP NOVEMBER 2015, LLC, a Delaware limited liability company, is signed to the foregoing Agreement and who is known to me, acknowledged before me on this day that, being informed of the contents of the Agreement, he, as such Manager and with full authority, executed the same voluntarily for and on behalf of said limited liability company in its capacity as such Manager of said limited liability company.

Given under my hand and official seal this the 27th day of October, 2021.




NOTARY PUBLIC


My Commission Expires
12/12/2023



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LENDER:

SOUTHPOINT BANK,
an Alabama state banking corporation

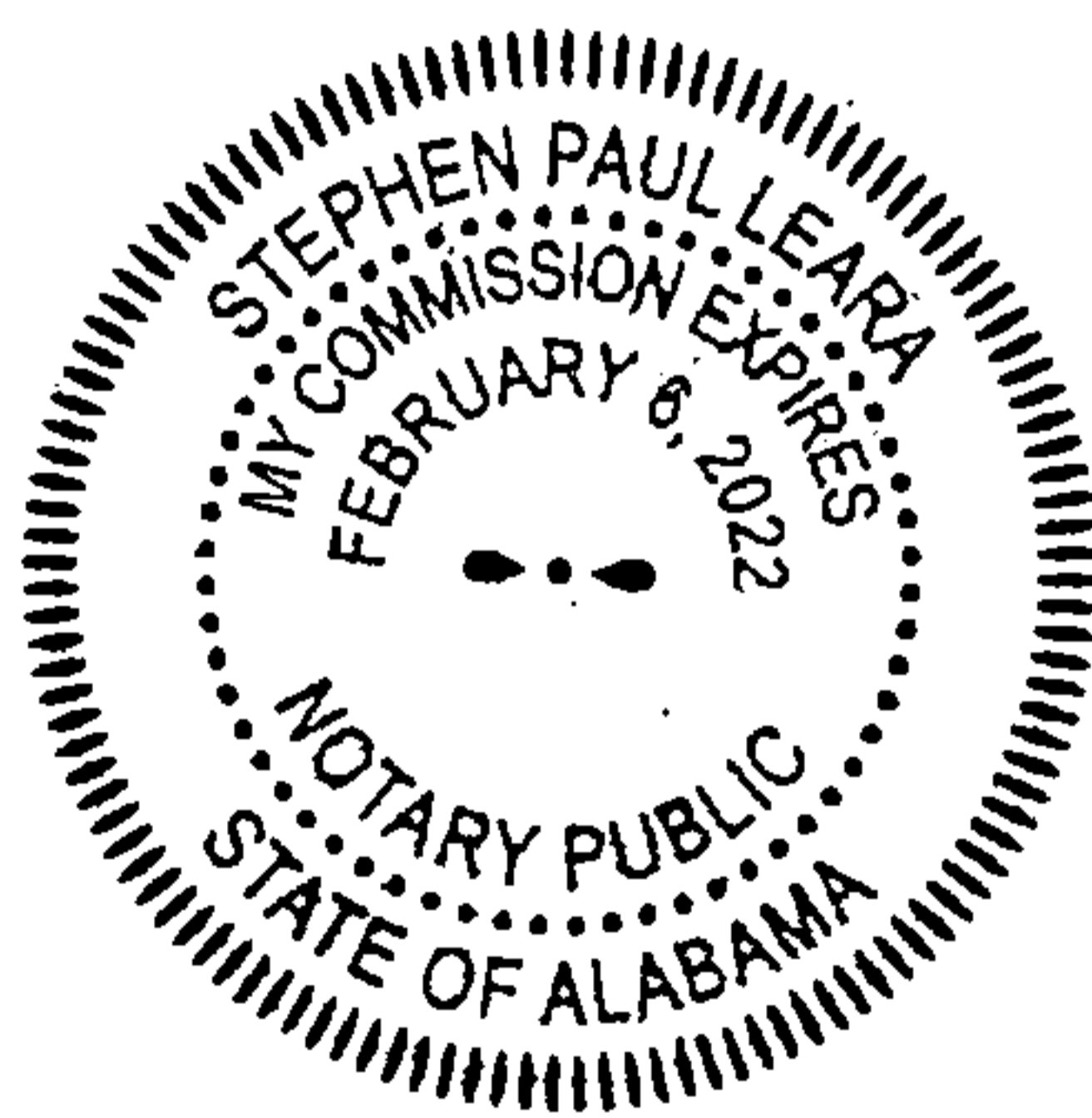
By: 
Rob Richardson
Its: Executive Vice President


STATE OF ALABAMA)
)
JEFFERSON COUNTY)

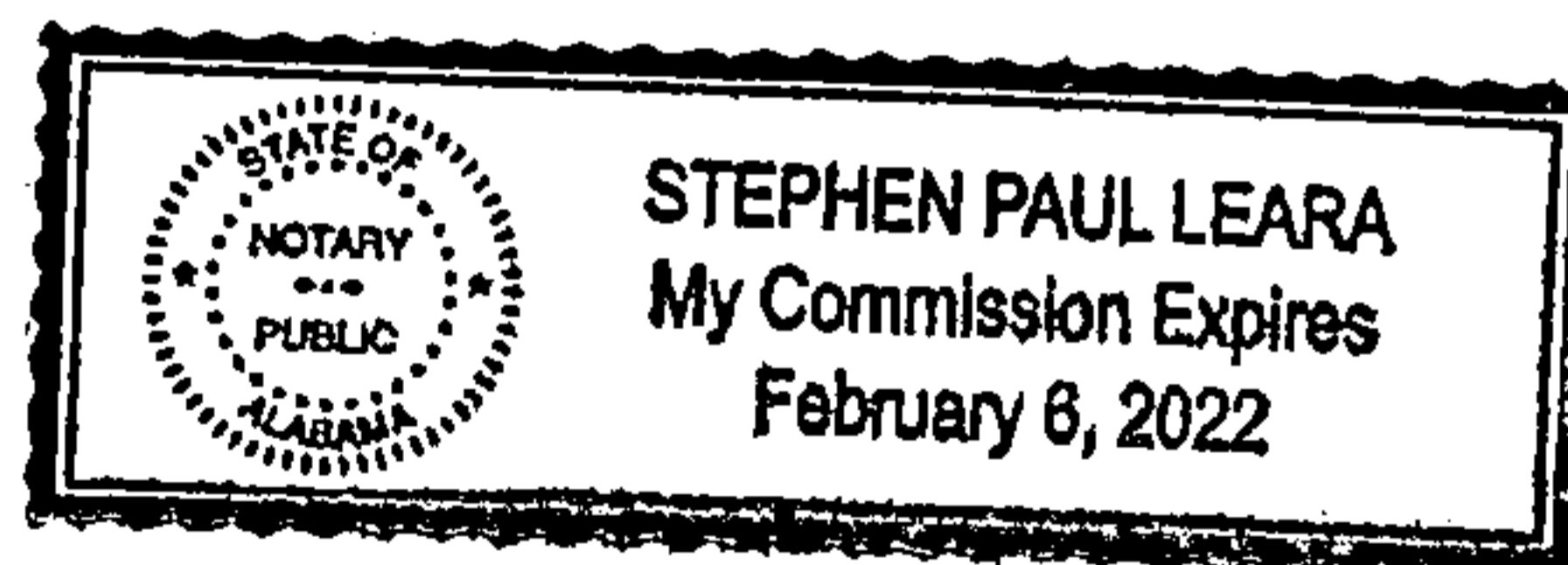
ACKNOWLEDGMENT

I, the undersigned, a notary public in and for said county in said state, hereby certify that Rob Richardson, whose name as Executive Vice President of SOUTHPOINT BANK, an Alabama state banking corporation, is signed to the foregoing Agreement and who is known to me, acknowledged before me on this day that, being informed of the contents of the Agreement, he, as such officer and with full authority, executed the same voluntarily as and for the act of said corporation.

Given under my hand and official seal this the 31st day of October, 2021.




NOTARY PUBLIC





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Exhibit A
to
Third Modification to Assignment of Leases, Rents and Profits
between
BARP November 2105, LLC and SouthPoint Bank

Legal Description of the Additional Property:

As to property located in Jefferson County, Alabama:

- 1. 900 Lynn Dale Ln, Birmingham, AL 35211 \$77,000**
Parcel # 21 00 13 3 002 029.000
Legal: Part of the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, Township 11 South, Range 4 West, Jefferson County, Alabama, more particularly described as follows: Commence at the Southeast corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 13, run thence Northwardly along the East line thereof for a distance of 331.88 feet; thence turning an angle to the left of 88°48'30" and run Westwardly along the North line of said S $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section, for a distance of 269.5 feet to the point of beginning in the center of Mimosa Lane, from the point of beginning thus obtained run West along the North line of said S $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, for a distance of 175 feet; thence turning an angle to the left of 90 degrees run southwardly for a distance of 100 feet; thence turning an angle to the left of 90 degrees run eastwardly for a distance of 193.50 feet to the center line of said Mimosa Lane; thence turning an angle to the left of 100°29' run Northerly along the center line of said Mimosa Lane for a distance of 101.10 feet, to the point of beginning.
- 2. 1036 Arcadia Cir, Bessemer, AL 35020 \$98,000**
Parcel # 38 00 06 4 004 015.001
Legal: Lot 15, Block 31, according to the Survey of Bessemer North Highlands Survey of Blocks 32 and 34 and a part of 31, as recorded in Map Book 11, Page 68, in the Probate Office of Jefferson County, Alabama.
- 3. 1304 Pineview Rd, Birmingham, AL 35228 \$65,100**
Parcel # 29 00 18 2 002 037.000
Legal: Lot 11, Block 7, according to the amended map of Garber Cook & Hulsey's 2nd addition to Green Acres, as recorded in Map Book 32, Page 89, in the Probate Office of Jefferson County, Alabama.
- 4. 648 Sheridan Rd, Birmingham, AL 35214 \$87,500**
Parcel # 22 00 19 2 010 023.000
Legal:
Parcel 1:
Commence at the SE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 19, Township 17 South, Range 3 West, Jefferson County, Alabama; thence West along the South line thereof a distance of 144.00 feet; thence turn an angle to the right of 10 degrees 31 minutes in a Northwesterly direction a distance of 401.70 feet to the Point of Beginning; thence continue along same line a distance of 75.0 feet; thence turn an angle to the right of 79 degrees 10



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minutes in a Northerly direction a distance of 464.35 feet; thence turn an angle to the right of 78 degrees 01 minutes in a Northeasterly direction a distance of 75.30 feet; thence turn an angle to the right of 101 degrees 59 minutes in a Southerly direction a distance of 494.08 feet to the Point of Beginning.

Parcel 2:

Begin at the Southeast corner of the SW 1/4 of the NW 1/4, Section 19, Township 17 South, Range 3 West, Jefferson County, Alabama; thence in a Westerly direction along the South boundary of said quarter-quarter section 144 feet; thence turning an angle of 10 degrees 31 minutes to the right in a Northwesterly direction 478.3 feet; thence turning an angle of 79 degrees 10 minutes to the right in a Northerly direction 208 feet to the Point of Beginning of the property herein described; thence turn an angle of 79 degrees 10 minutes to the left in a Northwesterly direction 104 feet; thence turn an angle 79 degrees 10 minutes to the right in a Northerly direction 214.4 feet; thence turn an angle 78 degrees 1 minute to the right in a Northeasterly direction 104.4 feet; thence South to the Point of Beginning.

Parcel 3:

Begin at the Southeast corner of the Southwest quarter of the Northwest quarter, Section 19, Township 17 South, Range 3 West, Jefferson County, Alabama; thence in a Westerly direction along the South boundary of said quarter-quarter section 144 feet; thence turning an angle of 10 degrees 31 minutes to the right in a Northwesterly direction 478.3 feet to the Point of Beginning of the boundary of tract of land herein described; thence continue in a Northwesterly direction along a projection of above described course 104 feet; thence turning an angle of 79 degrees 10 minutes to the right in a Northerly direction 208 feet; thence turning an angle of 100 degrees 50 minutes to the right in a Southeasterly direction, 104 feet; thence turning an angle of 79 degrees 10 minutes to the right in a Southerly direction 208 feet to the Point of Beginning.

5. 1057 Northwood Dr, Birmingham, AL 35217 \$98,000

Parcel # 13 00 34 4 004 003.002

Legal: Lot 41, Carver Heights as recorded in Map Book 29, in Page 96, in the Office of the Judge of Probate of Jefferson County, Alabama.

6. 1213 Sloan Ave, Birmingham, AL 35217 \$52,500

Parcel # 23 00 05 3 019 009.000

Legal: The NW 50 feet of the SE 200 feet of the NE 1/2 of Block G, according to the Survey of Tarrant City, as recorded in Map Book 10, Page 107, in the Probate Office of Jefferson County, Alabama.

7. 1241 Five Mile Rd, Birmingham, AL 35215 \$77,000

Parcel # 13 00 25 1 015 005.000

Legal: Lot Five, Block Sixteen, according to the Survey of Roebuck Gardens Estates, as recorded in Map Book 40, Page 74 A & B in the Probate Office of Jefferson County, Alabama.

8. 12 Freda Jane Ln, Birmingham, AL 35215 \$119,000

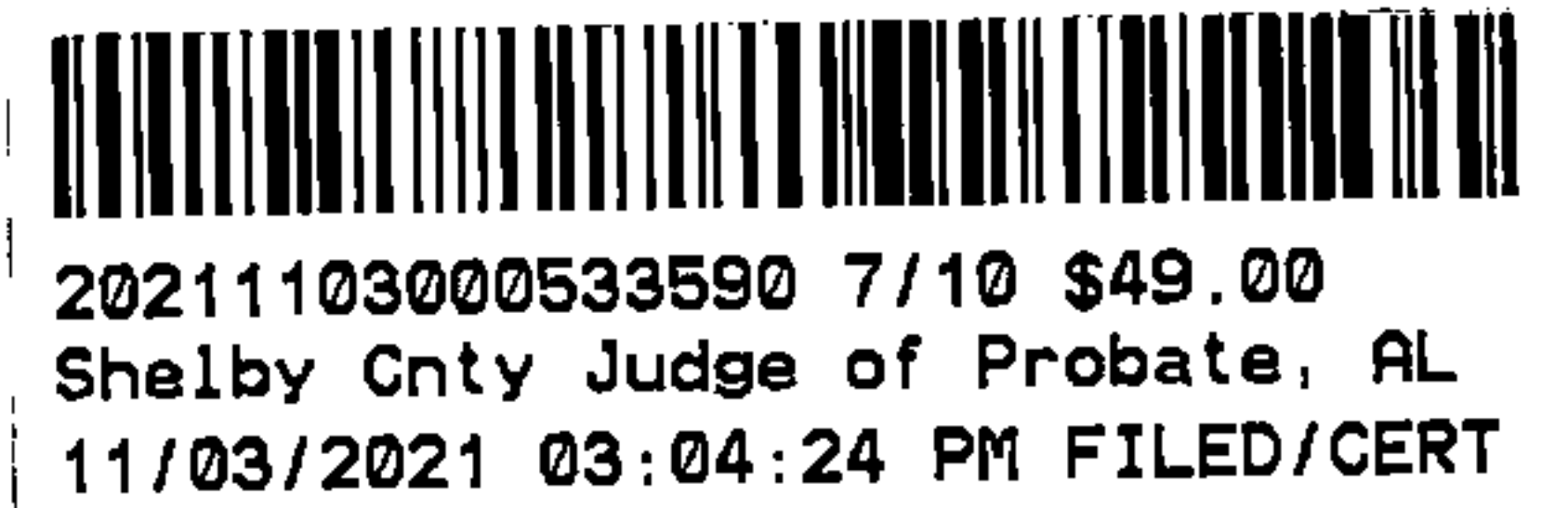
Parcel # 13 00 26 3 000 118.000



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Legal: Lot 9, Block 9, according to the Survey of Sunrise East, Second Sector, as recorded in Map Book 120, Page 7, in the Probate Office of Jefferson County, Alabama.

- 9. 5501 Woodcreek Dr, Pinson, AL 35126 \$129,500**
Parcel # 12 00 03 2 001 007.000
Legal: Lot 4, Block 3, according to the Survey of Wood Creek, First Sector, as recorded in Map Book 103, Page 91, in the Probate Office of Jefferson County, Alabama.
- 10. 1712 Neil Rd, Birmingham, AL 35214 \$98,000**
Parcel # 22 00 07 1 002 104.000
Legal: Lots 5, 6 and 7, in Block 4, according to the corrected map of Home Gardens, as recorded in Map Book 27, Page 95, in the Probate Office of Jefferson County, Alabama.
- 11. 508 Seminole Dr, Fairfield, AL 35064 \$52,500**
Parcel # 30 00 14 4 006 009.000
Legal: Lot 3, Block 4, according to the Survey of Donald's First Addition to Forest Hills, as recorded in Map Book 7, Page 30, in the Office of the Judge of Probate of Jefferson County, Alabama, Bessemer Division.
- 12. 656 27th St SW, Birmingham, AL 35211 \$45,500**
Parcel # 29 00 08 3 026 013.000
Legal: Lots 15 and 16, Block 2, according to the Survey of Germania Place, as recorded in Map Book 5, Page 35, in the Office of the Judge of Probate of Jefferson County, Alabama.
- 13. 722 28th Ter S, Bessemer, AL 35020 \$59,500**
Parcel # 38 00 11 2 006 003.000
Legal: Lot 3, Block 3, according to the Map and Survey of Sloss Village Sector B, as recorded in Map Book 9, Page 28A & Page 28B, in the Office of the Judge of Probate of Jefferson County, Alabama, Bessemer Division.
- 14. 2817 3rd St NW, Center Point, AL 35215 \$80,500**
Parcel # 13 00 12 1 008 008.000
Legal: Lot 7, Block 7, according to the Survey of Valley Dale Third Sector, as recorded in Map Book 64, Page 31, in the Office of the Judge of Probate of Jefferson County, Alabama.
- 15. 3025 15th St Ensley, Birmingham, AL 35208 \$94,500**
Parcel # 22 00 32 4 010 007.000
Legal: Lot 20, Block 1, according to the Survey of Oakhurst, as recorded in Map Book 16, Page 7, in the Office of the Judge of Probate of Jefferson County, Alabama.
- 16. 5225 Ave Q, Birmingham, AL 35208 \$45,500**
Parcel # 29 00 07 4 034 006.000
Legal: Lot 7, Block 4, according to the Survey of Ferrell and Byars Resurvey of Central Addition, as recorded in Map Book 16, Page 64, in the Office of the Judge of Probate of Jefferson County, Alabama.



17. **5289 Bridle Path Ln, Pinson, AL 35126** **\$164,500**
Parcel # 12 00 05 1 000 102.000
Legal: Lot 10, according to the Survey of Palmetto Gardens Sector 1, as recorded in Map Book 197, Page 13, in the Office of the Judge of Probate of Jefferson County, Alabama.
18. **5290 Bridle Path Ln, Pinson, AL 35126** **\$147,000**
Parcel # 12 00 05 1 000 099.000
Legal: Lot 7, according to the Survey of Palmetto Gardens Sector 1, as recorded in Map Book 197, Page 13, in the Office of the Judge of Probate of Jefferson County, Alabama.
19. **5293 Bridle Path Ln, Pinson, AL 35126** **\$147,000**
Parcel # 12 00 05 1 000 103.000
Legal: Lot 11, according to the Survey of Palmetto Gardens Sector 1, as recorded in Map Book 197, Page 13, in the Office of the Judge of Probate of Jefferson County, Alabama.
20. **2901 Fairfax Ave, Bessemer, AL 35020** **\$80,500**
Parcel # 38 00 02 3 034 007.000
Legal: Lot 9, in Block 56, according to the present plan and survey of City of Bessemer as recorded in Map Book 5, Page 108, in the Probate Office of Jefferson County, Alabama, Bessemer Division.
21. **564 Zinnia Ln, Birmingham, AL 35215** **\$92,400**
Parcel # 13 00 25 4 002 032.000
Legal: Lot 34, Block 12, according to the Survey of Roebuck Garden Estates, Second Sector, as recorded in Map Book 44, Page 33 in the Office of the Judge of Probate of Jefferson County, Alabama.
22. **7601 15th Street Rd, Bessemer, AL 35023** **\$133,000**
Parcel # 31 00 15 3 000 022.001
Legal: A LOT OR PARCEL OF- LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 5 WEST IN JEFFERSON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE ABOVE SAID QUARTER-QUARTER; THENCE RUN EASTERLY AND ALONG THE SOUTH LINE FOR A DISTANCE OF 70.0 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE C.C.C. PAVED COUNTY ROAD AND THE POINT OF BEGINNING. THENCE TURN 137 DEGREES, 56 MINUTES TO THE LEFT FOR A DISTANCE OF 94.38 FEET TO A CONCRETE RIGHT OF WAY MARKER ON THE EASTERLY RIGHT OF WAY OF 15TH STREET ROAD; THENCE TURN 35 DEGREES, 33 MINUTES TO THE RIGHT AND



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ALONG SAID RIGHT OF WAY OP SAID 15TH STREET ROAD A DISTANCE OF 139.97 FEET;
THENCE TURN 90 DEGREES, 00 MINUTES TO THE RIGHT FOR A DISTANCE OF 210.0 FEET;
THENCE TURN 91 DEGREES, 30 MINUTES TO THE RIGHT FOR A DISTANCE OF 246.85 FEET TO A
POINT ON THE NORTH RIGHT OF WAY OF SAID C.C.C. ROAD; THENCE RUN WEST AND ALONG
SAID RIGHT OF WAY FOR A DISTANCE OF 150.65 FEET TO THE POINT OF BEGINNING.

- 23. 455 Pinellas St, Birmingham, AL 35206** **\$171,500**
Parcel # 23 00 12 1 011 006.000
Legal: Lots 1, 2, and 13, in Block 3, according to the Survey of Oakville, as recorded in Map Book 8, Page 103, in the Probate Office of Jefferson County, Alabama.
- 24. 1229 Forrest St, Birmingham, AL 35217** **\$51,100**
Parcel # 23 00 08 1 004 009.000
Legal: Lot 7, Block 4, according to the Amended Map of Oak Park, as recorded in Map Book 9, Page 85, in the Probate Office of Jefferson County, Alabama.
- 25. 6812 6th Ct S, Birmingham, AL 35212** **\$94,500**
Parcel # 23 00 22 4 007 009.000
Legal: Lot 4, according to the Survey of Tuskegee Crest, as recorded in Map Book 39, Page 37, in the Probate Office of Jefferson County, Alabama.
- 26. 8030 Rugby Ave, Birmingham, AL 35206** **\$77,000**
Parcel # 23 00 14 1 004 001.000
Legal: Lots 3 and 4, Block 35, according to the Map and Survey of South Highlands of East Lake Property of East Lake Land Co., as recorded in Map Book 6, Page 66 and 67, also known as Lots 3 and 4, Block 35, according to the Map and Survey of Rugby Highlands Property of Rugby Land and Improvement Company as recorded in Map Book 5, Page 51, 52 and 53, in the Probate Office of Jefferson County, Alabama.

Total for Jefferson County:

\$2,438,100



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As to property located in Shelby County, Alabama:

- 1. 100 Sommersby Cir, Pelham, AL 35124 \$140,000**
Parcel # 13 1 02 4 002 055.000
Legal: Lot 55, according to the Survey of Sommersby Townhomes, as recorded in Map Book 20, Page 112, in the Office of the Judge of Probate of Shelby County, Alabama.
- 2. 104 Sommersby Cir, Pelham, AL 35124 \$140,000**
Parcel # 13 1 02 4 002 054.000
Legal: Lot 54, according to the Survey of Sommersby Townhomes, as recorded in Map Book 20, Page 112, in the Office of the Judge of Probate of Shelby County, Alabama.
- 3. 106 Sommersby Cir, Pelham, AL 35124 \$154,000**
Parcel # 13 1 02 4 002 053.000
Legal: Lot 53, according to the Survey of Sommersby Townhomes, as recorded in Map Book 20, Page 112, in the Office of the Judge of Probate of Shelby County, Alabama.
- 4. 114 Sommersby Cir, Pelham, AL 35124 \$147,000**
Parcel # 13 1 02 4 002 049.000
Legal: Lot 49, according to the Survey of Sommersby Townhomes, as recorded in Map Book 20, Page 112, in the Office of the Judge of Probate of Shelby County, Alabama.

Total for Shelby County:

\$581,000

END



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EXHIBIT "B"
TO
THIRD MODIFICATION TO ASSIGNMENT OF LEASES, RENTS AND
PROFITS

Leases Assigned