



20220610000232270 1/5 \$35.00
Shelby Cnty Judge of Probate, AL
06/10/2022 10:38:13 AM FILED/CERT

THIS INSTRUMENT PREPARED BY:

Michael B. Odom
McGlinchey Stafford PLLC
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(205) 725-6411

STATE OF ALABAMA
COUNTY OF JEFFERSON
COUNTY OF ST. CLAIR
COUNTY OF SHELBY

2022 27834

Recorded in the Above
MORTGAGE Book & Page
05-17-2022 10:10:07 AM
Andrew Heathington - Judge of Probate
St. Clair County, Alabama

County Division Code: AL040
Inst. # 2022058916 Pages: 1 of 5
I certify this instrument filed on
5/26/2022 12:13 PM Doc: MTG
Judge of Probate
Jefferson County, AL. Rec: \$29.00

Clerk: NICOLE

**FIFTH AMENDMENT TO
MASTER MORTGAGE**

NOTES TO CLERK: (1) THIS AMENDMENT DOES NOT CHANGE THE TERM OF THE MORTGAGE; (2) THIS FIFTH AMENDMENT ADDS PROPERTY LOCATED IN SHELBY COUNTY, ALABAMA AND ST. CLAIR COUNTY, ALABAMA, TO THE MORTGAGE AND DOES NOT RELEASE OR REPLACE ANY PORTION OF THE MORTGAGE; (3) THIS IS A FIFTH AMENDMENT TO THAT CERTAIN MORTGAGE RECORDED AS INSTRUMENT NO. 20211007000489430 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA; RECORDED IN MORTGAGE BOOK 2021, PAGE 61464 IN THE PROBATE OFFICE OF ST. CLAIR COUNTY, ALABAMA; AND RECORDED AS INST. # 2021108863 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA.

THIS FIFTH AMENDMENT TO MASTER MORTGAGE ("**Fifth Amendment**") amends that certain Master Mortgage, executed on August 26, 2021 (the "**Mortgage**") by **NEWCASTLE CONSTRUCTION, INC.**, an Alabama corporation, whose address is 3978 Parkwood Road SE, Bessemer, Alabama 35022, (the "**Mortgagor**") in favor of **TRUSTMARK NATIONAL BANK**, a national banking association, whose address is 1808 29th Avenue South, Homewood, Alabama 35209 (the "**Lender**").

WHEREAS, the Mortgage was recorded (a) September 10, 2021 in Mortgage Book 2021, Page 61464, in the Office of the Judge of Probate of St. Clair County, Alabama, (b) September 20, 2021 as Instr. # 2021108863 in the Office of the Judge of Probate of Jefferson County, Alabama, and (c) October 7, 2021 as Instr. # 20211007000489430 in the Office of the Judge of Probate of Shelby County, Alabama.

WHEREAS, the Mortgage was amended by an Amendment to Master Mortgage dated November 5, 2021, and recorded in (a) Mortgage Book 2021, Page 82546, in the Office of the Judge of Probate of St. Clair County, Alabama; (b) Inst. # 2022009584 in the Office of the Judge of Probate of Jefferson County, Alabama; and (c) in Instrument 22020218000070110 in the Office of the Judge of Probate of Shelby County, Alabama (the "**First Amendment**").

WHEREAS, the Mortgage was amended by a Second Amendment to Master Mortgage dated January 13, 2022, recorded in Mortgage Book 2022, Page 5970-5972, in the Office of the Judge of Probate of St. Clair County, Alabama (the "**Second Amendment**").



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WHEREAS, the Second Amendment was not recorded in Jefferson or Shelby Counties because it only added property located in St. Clair County, Alabama, to the Mortgage.

WHEREAS, the Mortgage was amended by a Third Amendment to Master Mortgage dated February 9, 2022, recorded in Mortgage Book 2022, Page 11764, in the Office of the Judge of Probate of St. Clair County, Alabama (the "**Third Amendment**").

WHEREAS, the Third Amendment was not recorded in Jefferson or Shelby Counties because it only added property located in St. Clair County, Alabama, to the Mortgage.

WHEREAS, the Mortgage was amended by a Fourth Amendment to Master Mortgage dated March 10, 2022, recorded in Mortgage Book 2022, Page 19514, in the Office of the Judge of Probate of St. Clair County, Alabama; recorded in Instrument # _____, in the Office of the Judge of Probate of Shelby County, Alabama; and recorded in Inst. # _____, in the Office of the Judge of Probate of Jefferson County, Alabama (the "**Fourth Amendment**").

WHEREAS, by this Fifth Amendment the Mortgage is amended to add the property in Shelby County, Alabama and St. Clair County, Alabama, described on Exhibit A attached hereto to the Mortgage (the "**Added Property**"). This Amendment adds property to the Mortgage and does not release or replace any portion of the Mortgage.

WHEREAS, the Mortgage was given as security in accordance with the terms of a Master Promissory Note (For Revolving Construction Loan) dated August 26, 2021 (along with all Sub-Notes, renewals, extensions, amendments and modifications thereto shall be collectively referred to herein as the "**Note**") and payable in accordance with the terms thereof and as provided in the Master Loan Agreement (For Revolving Construction Loan) dated August 26, 2021 ("**Master Agreement**") executed in connection with the Note, (Note and Master Agreement along with all amendments, collectively the "**Agreement**").

WHEREAS, the Mortgage is the Mortgage referred to in the Agreement and given to secure the principal amount of the Note, together with interest, and all renewals, extension and modifications thereto, along with all refinancings and all other additional indebtedness of Mortgagor to Lender.

WHEREAS, upon the recordation of the Mortgage privilege taxes in the amount of \$4,500.00 (as required by Ala. Code 1975 § 40-22-2) were paid to the Office of the Judge of Probate of St. Clair County, Alabama, and certified to the Office of the Judge of Probate of Jefferson County, Alabama and the Office of the Judge of Probate of Shelby County, Alabama.

WHEREAS, the Mortgage was amended by the First Amendment dated November 5, 2021, to increase the amount of the Mortgage from \$3,000,000.00 to \$4,000,000.00, and to add property to the Mortgage.



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WHEREAS, upon the recordation of the First Amendment privilege taxes in the amount of \$1,500.00 (as required by Ala. Code 1975 § 40-22-2) were paid to the Office of the Judge of Probate of St. Clair County, Alabama.

WHEREAS, the Second Amendment added property to the Mortgage and did not increase the amount of the Mortgage.

WHEREAS, the Third Amendment added property to the Mortgage and did not increase the amount of the Mortgage.

WHEREAS, the Mortgage was amended by the Fourth Amendment dated March 10, 2022, to increase the amount of the Mortgage from \$4,000,000.00 to \$7,000,000.00, and to add property to the Mortgage.

WHEREAS, upon recordation of the Fourth Amendment privilege taxes in the amount of \$4,500.00 (as required by Ala. Code 1975 § 40-22-2) were paid to the Office of the Judge of Probate of St. Clair County, Alabama.

NOW THEREFORE, in consideration of the terms and conditions contained herein, and to induce Lender to lend additional monies to Mortgagor under the terms of the Mortgage, Mortgagor does hereby grant, bargain, sell, and convey (in accordance with the terms of the Mortgage) to Lender the Added Property, and the Mortgage is hereby amended as follows:

1. **Added Property.** Henceforth, Exhibit A to the Mortgage and the Mortgaged Property described in the Mortgage, without being replaced or removing any portion thereof, shall include the Added Property.
2. **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.

[Signature Page to Follow]



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IN WITNESS WHEREOF, we have hereunto set our hands and seals effective this 6th
day of May, 2022.

NEWCASTLE CONSTRUCTION, INC.,
an Alabama corporation

By: 

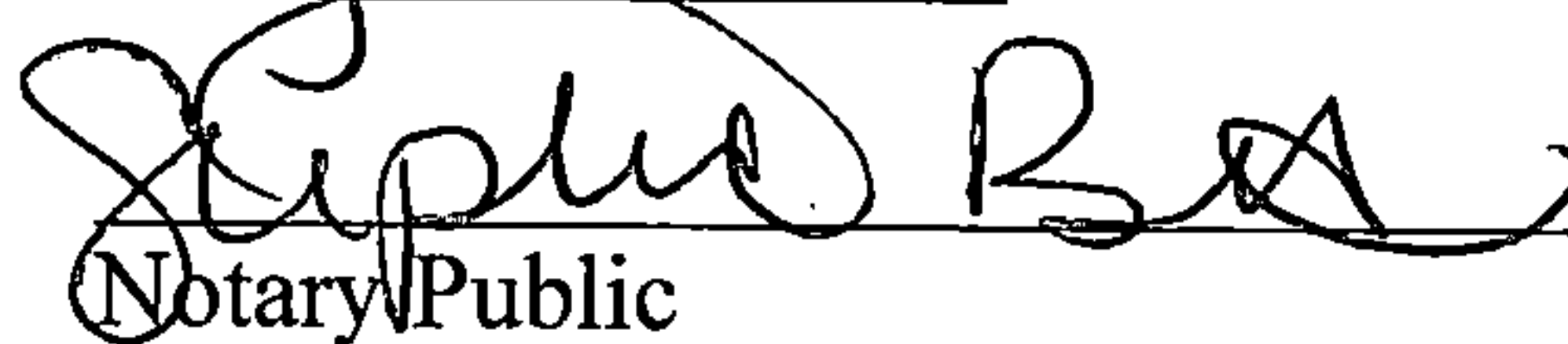
Robin Trimm

Its: Chief Financial Officer

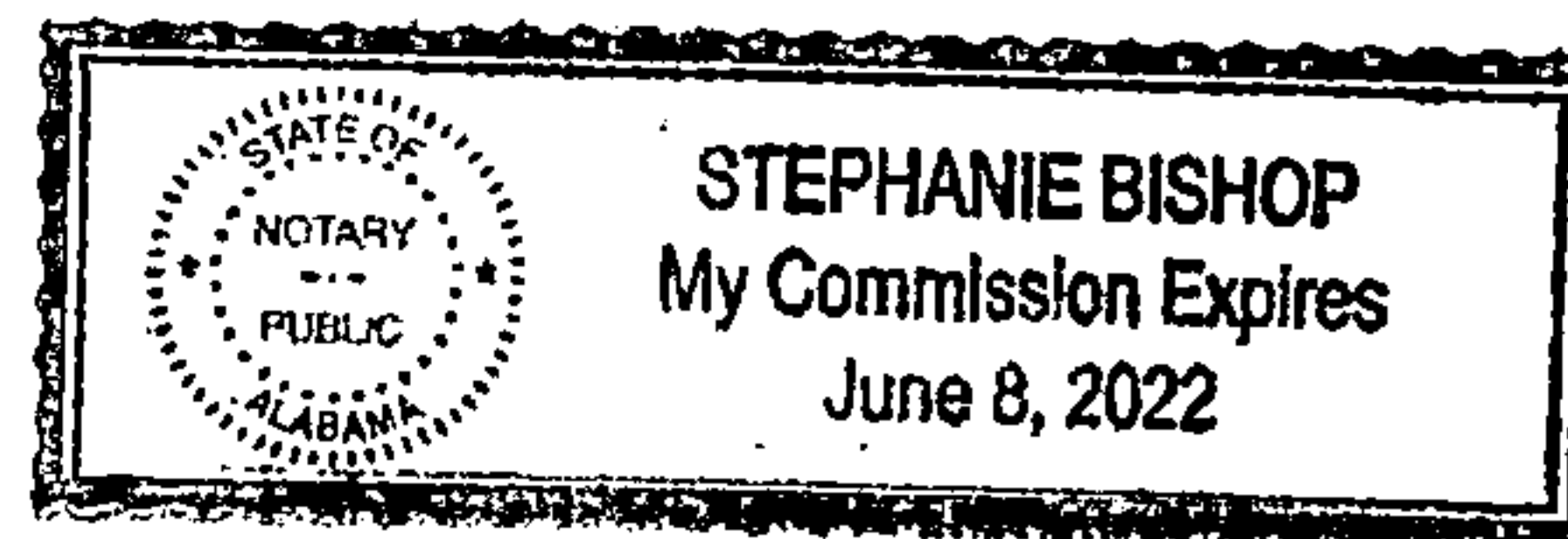
STATE OF Alabama)
COUNTY OF Shelby)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Robin Trimm**, whose name as Chief Financial Officer of **Newcastle Construction, Inc.**, 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 Chief Financial Officer executed the same voluntarily for **Newcastle Construction, Inc.**

Given under my hand this 6th day of May, 2022.


Notary Public

My Commission Expires: _____



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Andrew Heathington - Judge of Probate
St. Clair County, Alabama

EXHIBIT A

ADDED PROPERTY

Lot 9 of McKesie Crossing Subdivision as shown on map or plat as recorded in Plat Book 2021, Page 21 and 21.1, in the Office of the Judge of Probate of St. Clair County, Alabama.

Lot 10 of McKesie Crossing Subdivision as shown on map or plat as recorded in Plat Book 2021, Page 21 and 21.1, in the Office of the Judge of Probate of St. Clair County, Alabama.

Lot 103, according to the Final Plat of Barimore Phase 1, Sector 1, as recorded in Map Book 55, Page 93, in the Probate Office of Shelby County, Alabama.

Lot 104, according to the Final Plat of Barimore Phase 1, Sector 1, as recorded in Map Book 55, Page 93, in the Probate Office of Shelby County, Alabama.

Lot 108, according to the Final Plat of Barimore Phase 1, Sector 1, as recorded in Map Book 55, Page 93, in the Probate Office of Shelby County, Alabama.

Lot 109, according to the Final Plat of Barimore Phase 1, Sector 1, as recorded in Map Book 55, Page 93, in the Probate Office of Shelby County, Alabama.

Lot 115, according to the Final Plat of Barimore Phase 1, Sector 1, as recorded in Map Book 55, Page 93, in the Probate Office of Shelby County, Alabama.

Lot 118, according to the Final Plat of Barimore Phase 1, Sector 1, as recorded in Map Book 55, Page 93, in the Probate Office of Shelby County, Alabama.

Lot 184, according to the Final Plat of Barimore Phase 1, Sector 1, as recorded in Map Book 55, Page 93, in the Probate Office of Shelby County, Alabama.

Book/Pg: 2022/27834

Term/Cashier: S PC-PROB-REC-02 / dwyatt

Tran: 14213.347857.485531

Recorded: 05-17-2022 10:11:09

CER Certification Fee 3.00

MHF Mental Health Fee 6.50

NTX NO TAX COLLECTED 1.00

PJF Special Index Fee 5.50

REC Recording Fee 15.00

Total Fees: \$ 31.00