

Fifth Modification to Assignment of Leases, Rents and Profits

by and between

BARP November 2015, LLC, a Delaware limited liability company

And

SouthPoint Bank, an Alabama state banking corporation

Dated June 9, 2023

Prepared by:
Galloway, Scott and Hancock, LLC
Steven Leara
2200 Woodcrest Pl, Ste 310
Birmingham AL 35209

County Division Code: AL039 Inst. # 2023055868 Pages: 1 of 9 I certify this instrument filed on: 6/14/2023 1:30 PM
Doc: XFRL Judge of Probate Jefferson County, AL Rec: \$40.00
Clerk: PWBESS

STATE OF ALABAMA)
JEFFERSON COUNTY)

FIFTH 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 9th day of June 2023 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, and further modified by that certain Third Modification to Assignment of Leases, Rents, and Profits, dated October 27, 2021 and recorded on (vii) November 3, 2021 at Instrument No. 20211127115 in the Office of the Judge of Probate of Jefferson County, Alabama, and (viii) November 3, 2021 at Instrument No. 20211103000533590 in the Office of the Judge of Probate of Shelby County, Alabama, and further modified by that certain Fourth Modification to Assignment of Leases, Rents, and Profits, dated January 7, 2022 and recorded on (ix) January 10, 2022 at Instrument No. 2022002724 in the Office of the Judge of Probate of Jefferson 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:

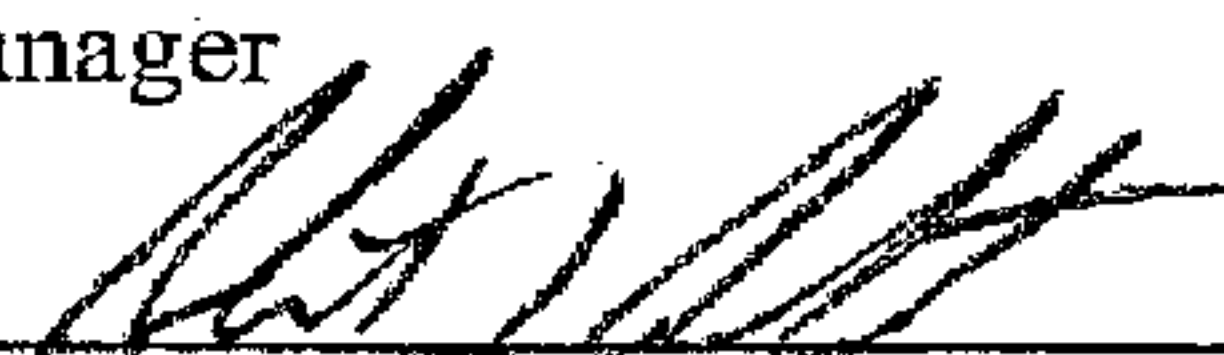
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1. Exhibit "A" to the ALR is hereby amended to include the additional Real Estate situated in Jefferson County, Alabama and Shelby County, Alabama as described therein.
2. Exhibit "B" to the ALR is hereby amended to include those additional Leases Assigned.
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

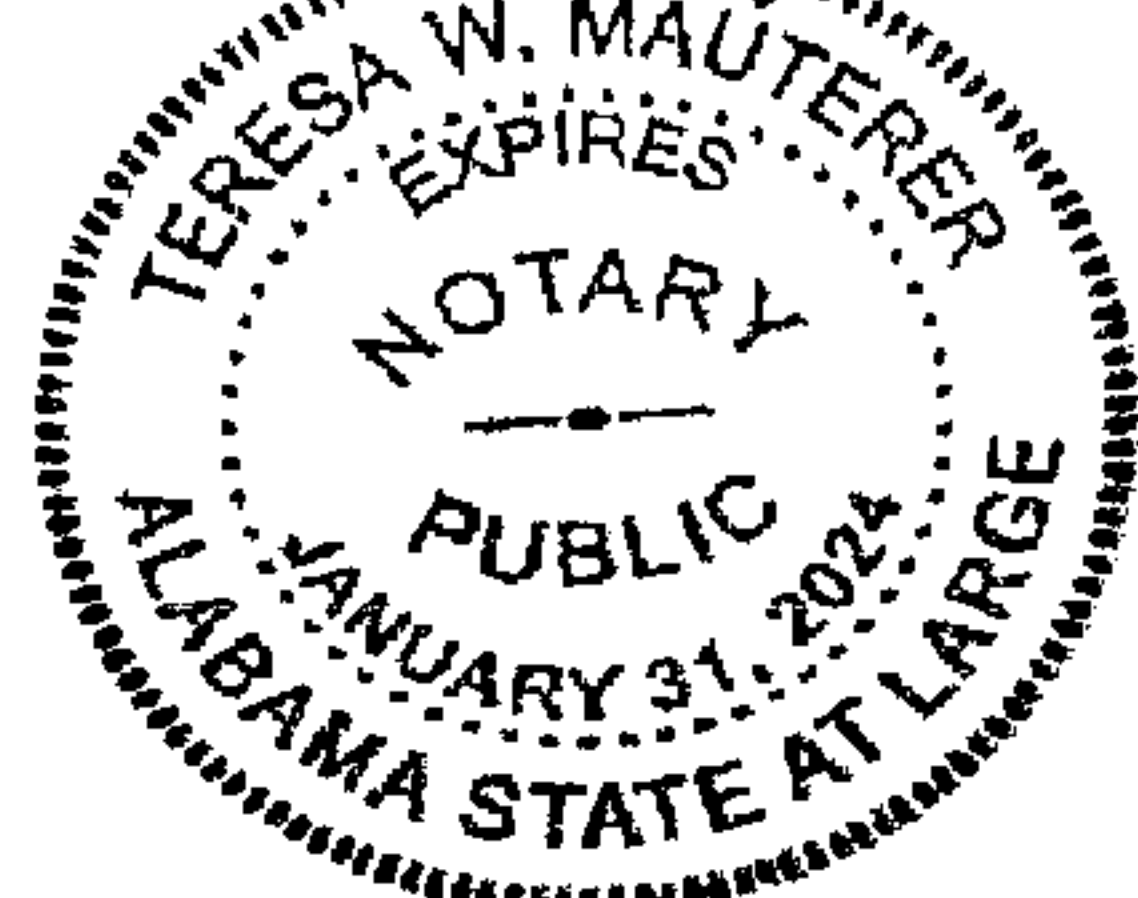
By: 
Robert F. Ashurst
Its: Manager


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 9th day of June 2023.




NOTARY PUBLIC

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LENDER:

SOUTHPOINT BANK,
an Alabama state banking corporation

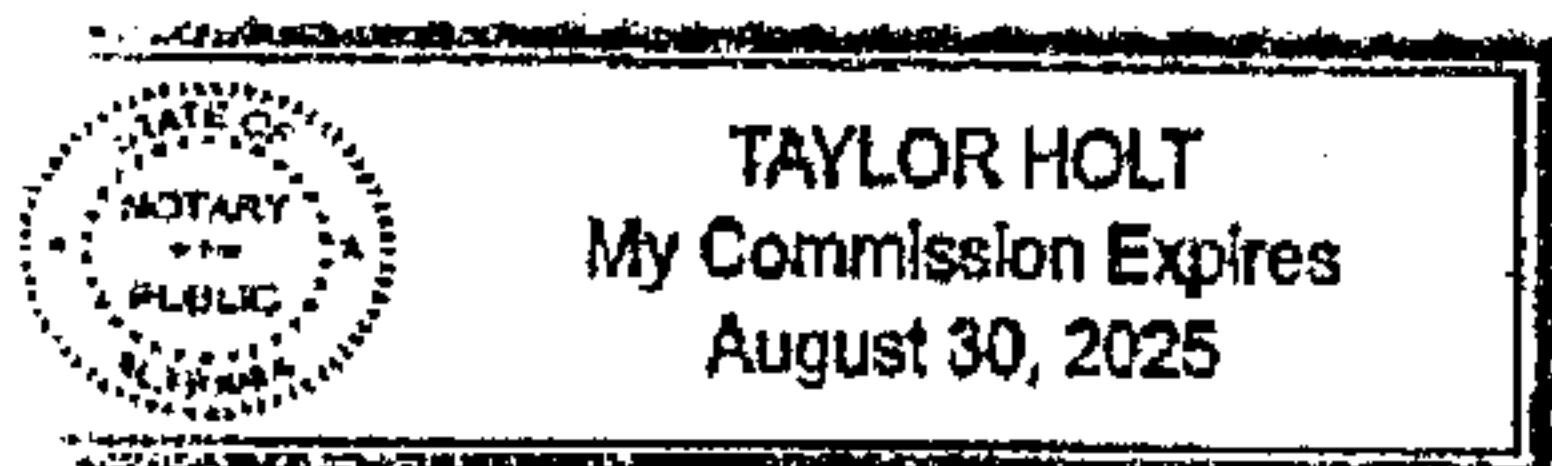
By: 
Rob Richardson
Its: Executive Vice President

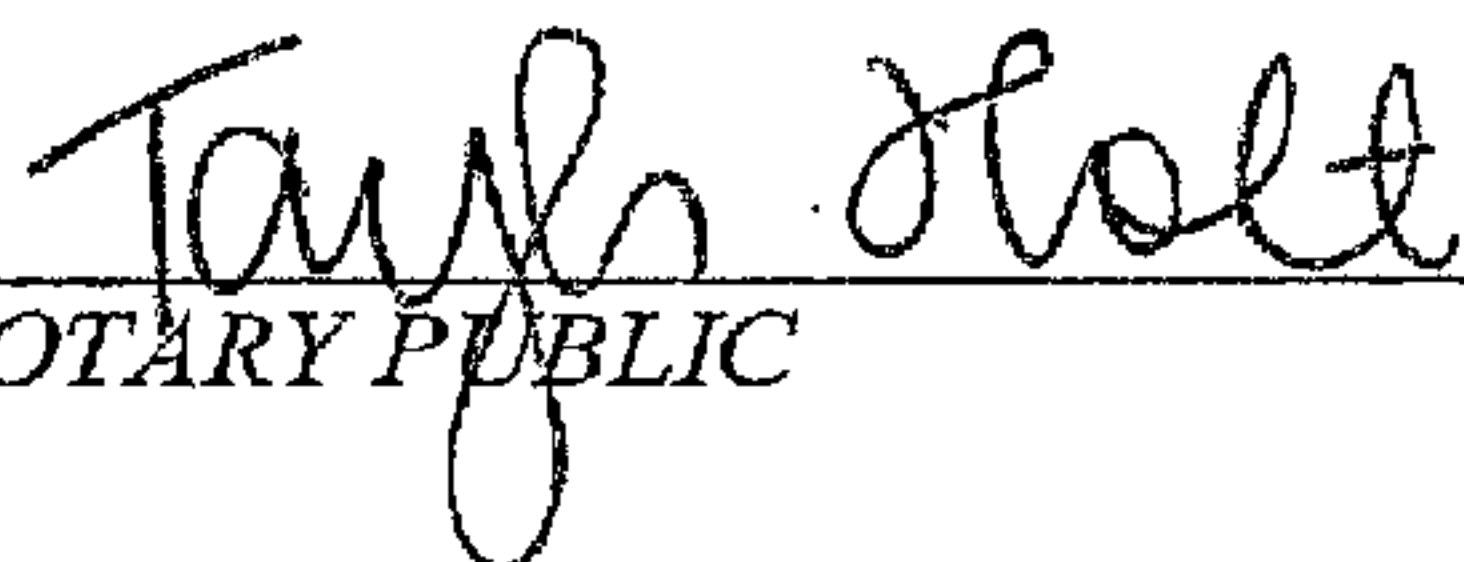
STATE OF ALABAMA)
)
JEFFERSON COUNTY)

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 9th day of January ~~2022~~ ²⁰²³.




NOTARY PUBLIC

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Exhibit A
to
Fifth 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:

Tract 1-103 Fox Hill Court, Birmingham AL 35215

Jefferson County

Allocation \$89,050.00

Parcel ID 12 00 07 3 007 003.000

LOT 2 BLOCK 2 ACCORDING TO THE MAP AND SURVEY OF FOX HILL FIRST SECTOR AS RECORDED IN MAP BOOK 92 PAGE 34 IN THE PROBATE OFFICE OF JEFFERSON COUNTY ALABAMA.

Tract 2-1129 Linwood Street, Birmingham AL 35215

Jefferson County

Allocation \$101,500.00

Parcel ID 13 00 25 1 009 007.000

Lots 66 and 67, according to the Survey of Berkley Hills, as recorded in Map Book 17, Page 44, in the Probate Office of Jefferson County, Alabama.

Tract 3-1133 3rd Plaza, Pleasant Grove AL 35127

Jefferson County

Allocation \$166,200.00

Parcel ID 30 00 09 3 003 107.000

Lot 19, in Block 3, according to the Survey of Fifth Sector, Woodland Forest Estates, as recorded in Map Book 20 Page 54, in the Probate Office of Jefferson County, Alabama, Bessemer Division.

Tract 4-1653 Azalea Drive, Birmingham AL 35235

Jefferson County

Allocation \$120,900.00

Parcel ID 12 00 21 3 001 055.000

Lot 29, Block P, according to the Survey of Unit 2, Spring Lake Manor Subdivision, as recorded in Map Book 36 Page 96, in the Probate Office of Jefferson County, Alabama.

Tract 5-1700 Edgehill Drive, Birmingham AL 35213

Jefferson County

Allocation \$173,600.00

Parcel ID 38 00 06 1 004 010.000

Lots 23, 24 and 25, Block 84, according to the Survey of Bessemer North Highlands, as recorded in Map Book 8 Page 77 in the Probate Office of Jefferson County, Alabama.

Tract 6-Intentionally deleted.

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Tract 7-2240 2nd Place NE, Center Point AL 35215

Jefferson County

Allocation \$105,100.00

Parcel ID 12 00 18 1 009 009.000

Part of the Southwest 1/4 of the Northeast 1/4 of Section 18, Township 16 South, Range 1 West, Jefferson County, Alabama described as follows: Begin at the Northeast corner of the Southwest 1/4 of the Northeast 1/4 of Section 18, Township 16 South, Range 1 West and run West along the North line of said Quarter-Quarter Section 350 feet; thence 90 degrees 29 minutes left 324.49 feet for the Point of Beginning; thence 90 degrees right 165 feet; thence 90 degrees left 100 feet; thence 90 degrees left 165 feet; thence 90 degrees left 100 feet to the Point of Beginning.

Tract 8-2449 Tracy Lane, Birmingham AL 35215

Jefferson County

Allocation \$120,500.00

Parcel ID 12 00 08 3 012 001.008

Lot 21, according to the Map and Survey of Meadow Wood Estates 1st Sector, as recorded in Map Book 113, Page 3, in the Probate Office of Jefferson County, Alabama.

Tract 9-2757 Wood Drive NE, Birmingham AL 35215

Jefferson County

Allocation \$129,100.00

Parcel ID 12 00 07 1 002 019.007

Lot 6, according to the Survey of River Oaks, as recorded in Map Book 147, Page 21, in the Probate Office of Jefferson County, Alabama.

Tract 10-2812 Creek Lane NE, Birmingham AL 35213

Jefferson County

Allocation \$121,900.00

Parcel ID 12 00 08 2 007 020.000

Lot 23, in Block 4, according to the Survey of Arrowhead, First Sector, as recorded in Map Book 88, Page 13, in the Probate Office of Jefferson County, Alabama.

Tract 11-2817 Wesley Avenue SW, Birmingham AL 35211

Jefferson County

Allocation \$54,000.00

Parcel ID 29 00 17 2 018 004.000

Lot 8, Block 1, according to the Survey of Jefferson Park Estates, as recorded in Map Book 43, Page 17, in the Probate Office of Jefferson County, Alabama.

Tract 12-3011 Sartain Drive, Adamsville AL 35005

Jefferson County

Allocation \$157,400.00

Parcel ID 16 00 36 4 000 030.000

Lot 13, according to a Re-Survey of Lots 13 and 14, Shady Brook Estates, as recorded in Map Book 106, Page 81, in the Office of the Judge of Probate of Jefferson County, Alabama.

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Tract 13-3025 15th St, Birmingham AL 35208

Jefferson County

Allocation \$69,700.00

Parcel ID 22 00 32 4 010 007.000

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.

Tract 14-3077 Teresa Drive, Birmingham AL 35217

Jefferson County

Allocation \$165,100.00

Parcel ID 13 00 19 2 005 009.000

LOT 300, ACCORDING TO THE SURVEY OF TOWN AND COUNTRY ESTATES, SECOND ADDITION, AS RECORDED IN MAP BOOK 76 PAGE 41, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

Tract 15-3146 Sleepy Hollow Drive, Pinson AL 35215

Jefferson County

Allocation \$119,600.00

Parcel ID 12 00 05 2 000 023.000

Lot 4, according to the Survey of First Addition to Sleepy Hollow, First Sector, as recorded in Map Book 114, Page 57, in the Probate Office of Jefferson County, Alabama.

Tract 16-428 86th Street S, Birmingham AL 35206

Jefferson County

Allocation \$57,800.00

Parcel ID 23 00 11 1 020 009.000

Lot 11, Block 4, according to the Survey of Eastwood Park, as recorded in Map Book 18, Page 50, in the Probate Office of Jefferson County, Alabama.

Tract 17-440 Bridle Trace Drive, Leeds AL 35094

Jefferson County

Allocation \$122,600.00

Parcel ID 25 00 30 4 000 033.000

Lot 6, Block 3, according to the Survey of Bridle Trace Subdivision, Sector 1-B, as recorded in Map Book 121, Page 29, in the Probate Office of Jefferson County, Alabama.

Tract 18-511 10th Ave, Midfield AL 35228

Jefferson County

Allocation \$58,600.00

Parcel ID 30 00 22 4 027 017.000

Lot 5 and the West 1/2 of Lot 4, Block 52, according to the Map and Survey of First Addition to Fairfield Highlands, as recorded in Map Book 2, Page 40, 41 and 42, in the Probate Office of Jefferson County, Alabama.

Tract 19-5781 Walnut Grove Road, Pinson AL 35215

Jefferson County

Allocation \$135,000.00

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Parcel ID 13 00 01 2 001 024.000

LOTS 21, 22 AND 23, ACCORDING TO THE SURVEY OF PINSON HEIGHTS FIRST SECTOR, AS RECORDED IN MAP BOOK 51 PAGE 9, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

Tract 20-605 Vaughn Circle, Birmingham AL 35235

Jefferson County

Allocation \$95,700.00

Parcel ID 12 00 29 2 001 011.000

Lot 4, Block 3, according to the Map and Survey of Spring Lake Hills, First Sector, a survey and subdivision of Lot 1, of Lots 1 and 2, of Armstrong and Vaughn Addition to Spring Lake Hills and a subdivision of part of Northeast Quarter of Northwest Quarter, Section 29, Township 16 South, Range 1 West, as recorded in Map Book 60, Page 22, in the Probate Office of Jefferson County, Alabama, Birmingham Division.

Tract 21-700 14th Avenue NW, Birmingham AL 35215

Jefferson County

Allocation \$77,900.00

Parcel ID 13 00 24 3 008 031.000

LOT 14, BLOCK 11, ACCORDING TO THE SURVEY OF SECOND SECTOR, QUEENSBURY EAST, AS RECORDED IN MAP BOOK 127, PAGE 15, IN THE PROBTE OFFICE OF JEFFERSON COUNTY, ALABAMA.

Tract 22-713 Martinwood Road, Birmingham AL 35235

Jefferson County

Allocation \$127,900.00

Parcel ID 12 00 31 2 012 016.000

Part of Lot 1, according to the Map of Huffman Farm Estates, as recorded in Map Book 25, Page 61, in the Probate Office of Jefferson County, Alabama, being more particularly described as follows: Begin at the Northeast corner of said Lot 1; thence South along the East line of said Lot a distance of 170 feet; thence run West parallel with the North line of said lot a distance of 100 feet; thence North parallel with the East line of said Lot a distance of 170 feet to the North line of said Lot; thence East along said North line a distance of 100 feet to the point of beginning.

Tract 23-722 28th Terrace S, Bessemer AL 35020

Jefferson County

Allocation \$79,300.00

Parcel ID 38 00 11 2 006 003.000

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.

Tract 24-821 19th Place SW, Birmingham AL 35211

Jefferson County

Allocation \$41,900.00

Parcel ID 29 00 08 4 028 007.000

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Lot 8, Block 12, according to the Survey of Eureka, as recorded in Map Book 5, Page 68, in the Probate Office of Jefferson County, Alabama.

Tract 25-9268 Briarmont Drive, Birmingham AL 35217

Jefferson County

Allocation \$140,300.00

Parcel ID 23 00 03 2 008 008.000

Lot 19, according to the Survey of Briarmont, as recorded in Map Book 71, Page 64, in the Probate Office of Jefferson County, Alabama.

Tract 26-9704 Pape Avenue, Tarrant AL 35217

Jefferson County

Allocation \$68,800.00

Parcel ID 13 00 34 3 006 011.002

Lot 5 of Block 1, according to the Survey of Bookerwood Heights as recorded in Map Book 15, Page 84, in the Probate Office of Jefferson County, Alabama.

Total Jefferson County Allocation:

\$2,699,450.00

As to property located in Shelby County, Alabama:

Tract 27-100 Sommersby Circle, Pelham AL 35124

Shelby County

Allocation \$162,900.00

Parcel ID 13 1 02 4 002 055.000

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.

Total Shelby County:

\$162,900.00

END

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

Leases Assigned



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
06/15/2023 10:25:31 AM
\$52.00 BRITTANI
20230615000179530

Allen S. Bayl