

TX42340362-19

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**NINTH AMENDMENT
TO
DEED OF TRUST**

THE STATE OF TEXAS

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Know All Men By These Presents

COUNTY OF DALLAS

THIS NINTH AMENDMENT TO DEED OF TRUST (this "Amendment") dated effective as of June 5, 2019, is made and entered into by and between **JBGL BUILDER FINANCE, LLC**, a Texas limited liability company ("Beneficiary"), and **CENTRE LIVING SWISS, LLC**, a Texas limited liability company ("Grantor").

WITNESSETH:

WHEREAS, Grantor has heretofore entered into that certain Deed of Trust which was dated as of April 17, 2018, recorded on April 18, 2018, as Instrument No. 201800102101, Real Property Records of Dallas County, Texas, and as amended by that certain First Amended Deed of Trust, dated July 30, 2018, recorded August 3, 2018, as Instrument No. 201800207622, Real Property Records of Dallas County, Texas, Second Amended Deed of Trust, dated August 16, 2018, recorded August 27, 2018, as Instrument No. 201800230651, of the Real Estate Records of Dallas County, Texas, and as amended by that certain Third Amended Deed of Trust, dated October 10, 2018, recorded October 15, 2018, as Instrument No. 201800274211, of the Real Estate Records of Dallas County, Texas, and as amended by that certain Fourth Amended Deed of Trust, dated October 10, 2018, recorded October 15, 2018, as Instrument No. 201800274330, of the Real Estate Records of Dallas County, Texas, and as amended by that certain Fifth Amended Deed of Trust, dated October 24, 2018, recorded October 26, 2018, as Instrument No. 201800285510, of the Real Estate Records of Dallas County, Texas, and as amended by that certain Sixth Amended Deed of Trust, dated April 17, 2019, recorded April 18, 2019, as Instrument No. 201900097467, of the Real Estate Records of Dallas County, Texas, and as amended by that certain Seventh Amended Deed of Trust, dated April 17, 2019, recorded April 23, 2019, as Instrument No. 201900101028, of the Real Estate Records of Dallas County, Texas, and as amended by that certain Eighth Amended Deed of Trust, dated June 5, 2019, recorded June 6, 2019, as Instrument No. 201900145336, of the Real Estate Records of Dallas County, Texas (the "Deed of Trust"), encumbering certain real estate more particularly described on Exhibit A-1 (the "Original Collateral") and made a part hereof to secure the repayment of the indebtedness evidenced by or arising under that certain Real Estate Lien Note dated as of April 17, 2018 (as modified, the "Note") in the stated principal amount of Seven Million and No/100 Dollars (\$7,000,000.00) (the "Loan") executed by Grantor and made payable to Beneficiary; and

WHEREAS, pursuant to the terms of the Loan Documents (as defined in the Note), it was contemplated that Grantor and Beneficiary would enter into amendments to the Deed of Trust after the closing of the Loan to provide Beneficiary with a first lien security interest in and to such certain Parcels (as defined in the Note) acquired by Grantor after the closing of the Loan;

WHEREAS, pursuant to the terms of the Loan Agreement, Grantor has requested that Beneficiary fund Advances (as defined in the Loan Agreement (as defined in the Note)) for the real property more particularly described on Exhibit A-2 (the "Additional Collateral");

WHEREAS, Beneficiary has agreed to make Advances for the Additional Collateral subject to satisfaction of the conditions contained in the Loan Documents and the Additional Collateral is deemed to be a Parcel under the Loan Documents;

WHEREAS, Grantor and Beneficiary have agreed to make certain amendments and modifications to the Deed of Trust, so that the Loan is additionally secured by all of Grantor's right, title and interest in and to the Additional Collateral;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and total sufficiency of which are hereby acknowledged, Grantor and Beneficiary hereby agree as follows:

1. Amendments to Deed of Trust. The Deed of Trust is hereby modified and amended in the following respects:

(a) The definition of "Loan Documents" contained in the Deed of Trust is hereby modified and amended to include this Amendment.

(b) The definition of "Property" contained in the Deed of Trust is hereby modified and amended to include the Additional Collateral.

(c) The legal description of the Additional Collateral set forth on Exhibit A-2 attached hereto is hereby added as Exhibit A to the Deed of Trust so that it acts as collateral for the Loan and is secured by the Deed of Trust.

(d) Exhibit B is hereby replaced in its entirety with the Exhibit B attached hereto.

(e) Consistent with Section 29 of the Deed of Trust, advances for construction are made on Lot 20, Block 10A/740, of Swiss Avenue Limited, an Addition to the City of Dallas, Dallas County, Texas, according to Map/Plat thereof recorded in Instrument No. 201800076105, Map Records of Dallas County, Texas, commonly known as 1120 Lavender Ridge ("Lot 20/740"), the City of Dallas, Dallas County, Texas. The advances for construction are in the following amounts:

Construction Loan Amount – 20/740: \$363,561.00 with Interest Reserve

2. Additional Collateral. Effective upon the recording of this Amendment and without the necessity of any additional documentation, Beneficiary's lien under the Deed of Trust and the other Loan Documents shall be deemed to be additionally secured by the Additional Collateral.

3. Continuing Effect. Except as expressly modified by the terms and provisions of this Amendment, each and every of the terms and provisions of the Deed of Trust are unchanged and continued in full force and effect and the lien and security interest created by the Deed of Trust are valid and subsisting.

4. Parties Bound. This Amendment shall be binding upon the parties hereto and their respective successors and assigns.

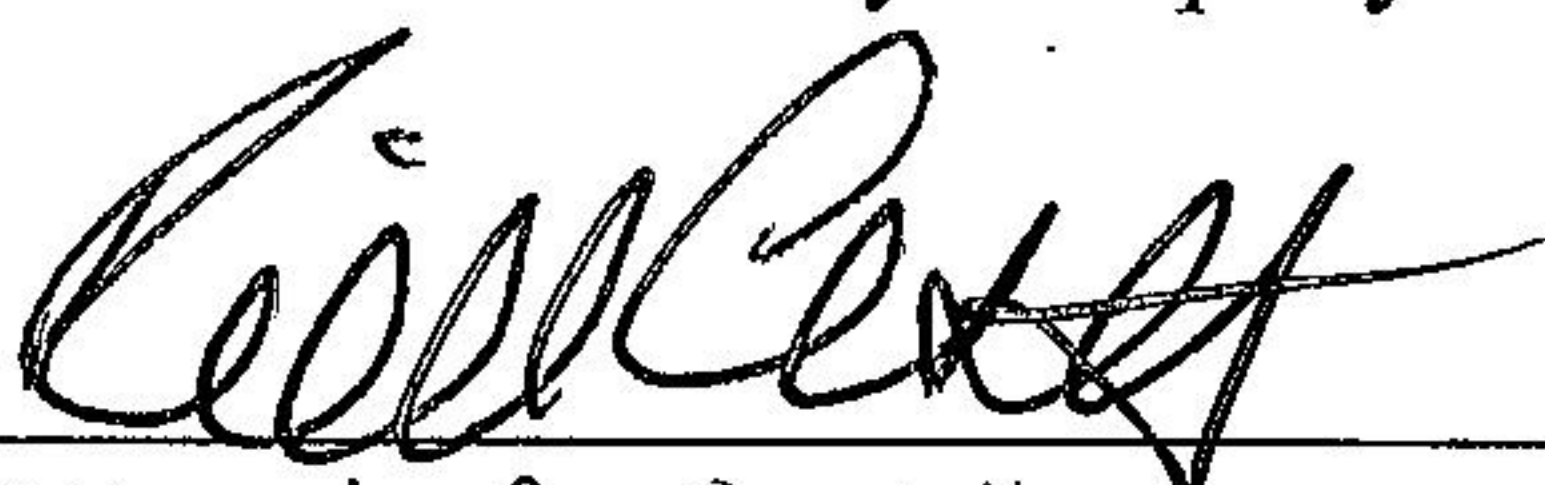
5. Counterparts. This Amendment may be executed in several counterparts by one or more of the undersigned and all such counterparts so executed shall together be deemed and constitute one final Amendment, as if one document had been signed by all parties hereto; and each such counterpart shall be deemed an original, binding the parties subscribed hereto and multiple signature pages affixed to a single copy of this Amendment shall be deemed to be a fully executed original Amendment.

6. Authority. Each party hereto has the full legal authority to execute and deliver this Amendment. In addition, the individual who executes this Amendment on behalf of each party hereto is authorized to act for and on behalf of such party and to bind such party to the terms and provisions hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year set forth above.


BENEFICIARY:

JBGL BUILDER FINANCE LLC,
a Texas limited liability company

By: 
Richard A. Costello, President

GRANTOR:

CENTRE LIVING SWISS, LLC,
a Texas limited liability company

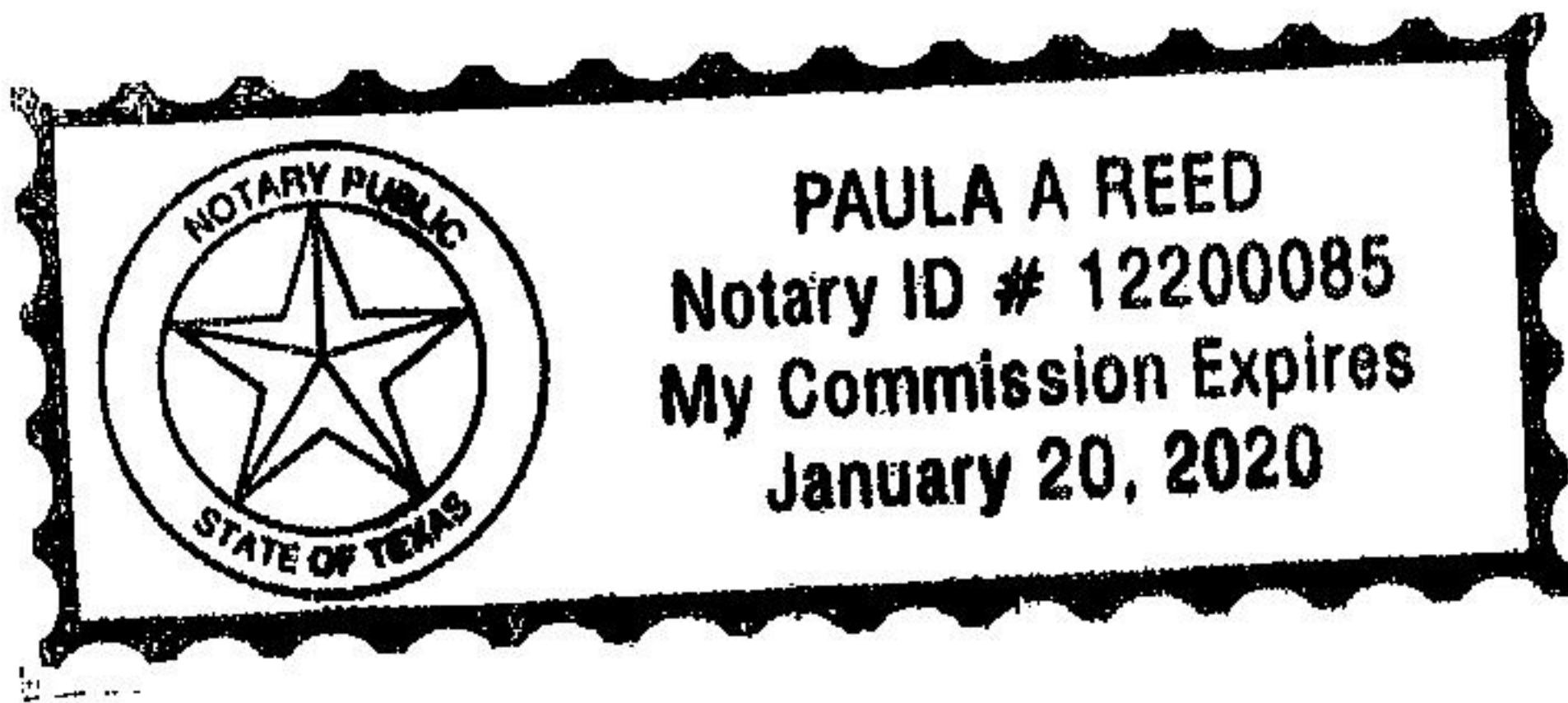
By: 
Trevor Brickman, Manager

STATE OF TEXAS §
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COUNTY OF COLLIN §

This instrument was acknowledged before me this 5th day of June, 2019, by Richard A. Cosello, Manager of JBGL Builder Finance LLC, a Texas limited liability company, on behalf of said limited liability company.

Paula A Reed
Notary Public

Paula A. Reed
Printed Name of Notary

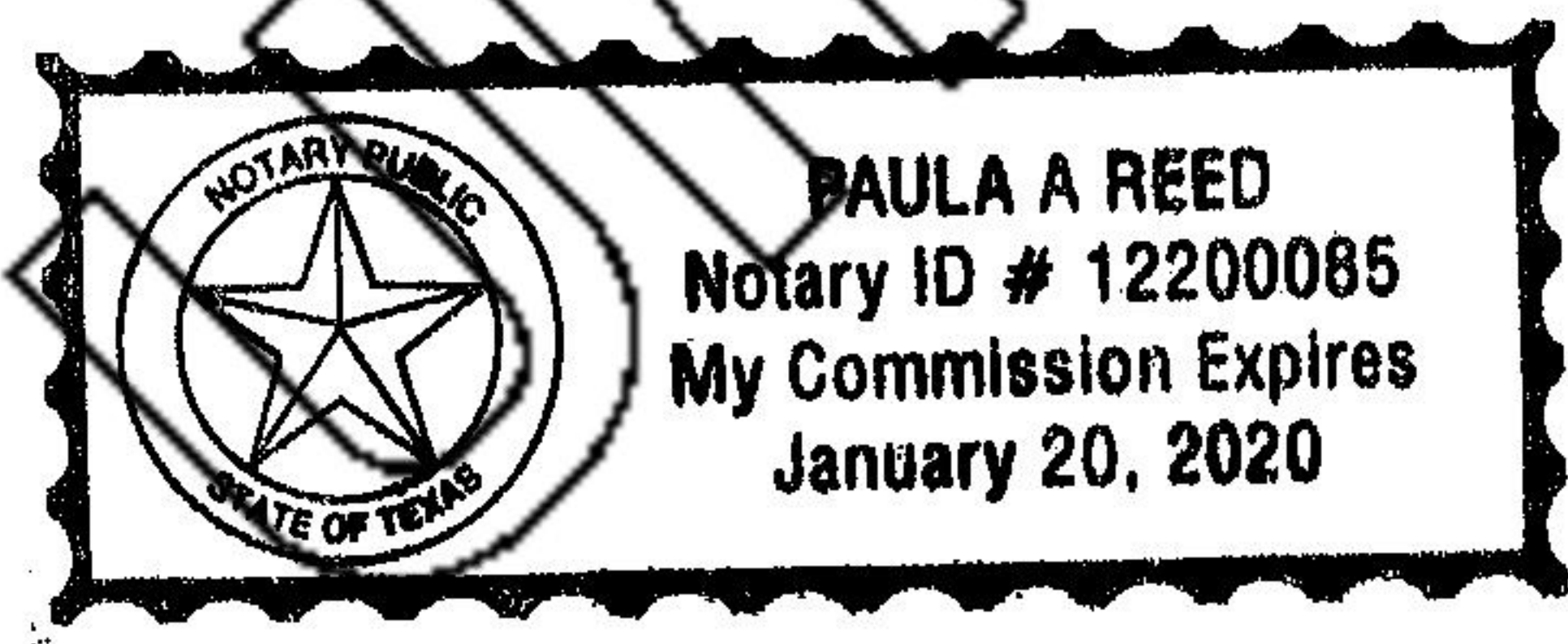


STATE OF TEXAS §
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COUNTY OF COLLIN §

This instrument was acknowledged before me this 5th day of June, 2019, by Trevor Brickman, Manager of Centre Living Swiss, LLC, a Texas limited liability company, on behalf of said limited liability company.

Paula A Reed
Notary Public

Paula A. Reed
Printed Name of Notary



After Recording, Return To:
Green Brick Title, LLC, 2805 N Dallas Pkwy, Ste 100, Plano, TX 75093

EXHIBIT A-1

Original Collateral

Lots 4, 5, and 6, Block 10A/740, of Swiss Avenue Limited, an Addition to the City of Dallas, Dallas County, Texas, according to Map/Plat thereof recorded in Instrument No. 201800076105, Map Records of Dallas County, Texas.

LOTS 9A AND 9B, BLOCK 192/3251, situated in the George L. Leonard Survey, Abstract No. 770 in the City of Dallas, Dallas County, Texas and being all of Lots 9 and 10, Block 192/3251, George J. Bryan's revised map of 63 acres of Dallas Land and Loan Company Addition No. 3, an addition to the City of Oak Cliff, Dallas County, Texas, according to the map thereof recorded in Volume 131, Page 518, Deed Records, Dallas County, Texas, and being Tract II of the land conveyed to GREK Frisco LLC, by Special Warranty Deed, recorded in Instrument No. 201700086031, Official Public Records, Dallas County, Texas;

BEGINNING at a 3-1/4 inch metallic disk stamped "PP & RPLS 5390" on a 1/2 inch iron rod set lying on the westerly right-of-way line of Polk Street (60 foot right-of-way) and lying on the northerly right-of-way line of Ninth Street (60 foot right-of-way) and same being the southeasterly corner of said Lot 10, Block 192/3251;

THENCE South 89 degrees 19 minutes 13 seconds West, along the northerly right-of-way line of said Ninth Street, a distance of 90.16 feet to a 3-1/4 inch metallic disk stamped "PP & RPLS 5390" on a 1/2 inch iron rod set for the southeasterly corner of Lot 11, Block, 22/3262, Winnetka Heights Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 1, Page 194, Map Records, Dallas County, Texas;

THENCE North 00 degrees 14 minutes 00 seconds West, along the westerly line of said George J. Bryan's revised map of 63 acres of Dallas Land and Loan Company Addition No. 3, common with the easterly line of said Winnetka Heights Addition, a distance of 116.00 feet to a 3-1/4 inch metallic disk stamped "PP & RPLS 5390" on a 1/2 inch iron rod set lying on the southerly right-of-way line of a 20 foot alley and same being the northwesterly corner of Lot 9, Block 192/3251 of said George J. Bryan's revised map of 63 acres of Dallas Land and Loan Company Addition No. 3;

THENCE North 89 degrees 19 minutes 13 seconds East, along the southerly right-of-way line of said 20 foot alley, a distance of 89.31 feet to a 3-1/4 inch metallic disk stamped "PP & RPLS 5390" on a 1/2 inch iron rod set lying on the westerly right-of-way line of said Polk Street;

THENCE South 00 degrees 39 minutes 10 seconds East, along the westerly right-of-way line of said Polk Street, a distance of 116.00 feet to the POINT OF BEGINNING and containing 10,409 square feet or 0.239 acre of land.

Lots 1, 2, 3, Block 10A/740, of Swiss Avenue Limited, an Addition to the City of Dallas, Dallas County, Texas, according to Map/Plat thereof recorded in Instrument No. 201800076105, Map Records of Dallas County, Texas.

Being Lot 7, Block 10A/740, of SWISS AVENUE LIMITED, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Instrument No. 201800076105, Map Records, Dallas County, Texas.

EXHIBIT A-1

Original Collateral

(Continued)

Being Lots 8 and 9, Block 10A/740, of SWISS AVENUE LIMITED, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Instrument No. 201800076105, Map Records, Dallas County, Texas.

Being Lot 10, Block 10A/740, of SWISS AVENUE LIMITED, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Instrument No. 201800076105, Map Records, Dallas County, Texas.

Being Lot 12, Block 10A/740, of SWISS AVENUE LIMITED, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Instrument No. 201800076105, Map Records, Dallas County, Texas.

Being Lot 11, Block 10A/740, of SWISS AVENUE LIMITED, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Instrument No. 201800076105, Map Records, Dallas County, Texas.

Being Lot 19, Block 10A/740, of SWISS AVENUE LIMITED, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Instrument No. 201800076105, Map Records, Dallas County, Texas.

EXHIBIT A-2

Additional Collateral

Being Lot 20, Block 10A/740, of SWISS AVENUE LIMITED, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Instrument No. 201800076105, Map Records, Dallas County, Texas.

Unofficial Copy

EXHIBIT "B"

Other Exceptions to Conveyance and Warranty

Any and all of record in the Real Property Records of Dallas County, Texas.

Unofficial Copy

**Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
06/07/2019 02:27:18 PM
\$54.00
201900147444**

