

FILED  
GREENVILLE CO. S. C.  
OCT 27 5 00 PM '83  
DONNIE S. WATKINS  
R.M.C.  
FIRST AMENDMENT TO  
FIRST MORTGAGE  
AND SECURITY AGREEMENT

3200

This First Amendment (the "First Amendment") is made and entered into this *27th* day of October, 1983, between and among (i) The First National Bank of Chicago, a national banking association (the "Mortgagee"), (ii) Orchard Park Associates Joint Venture (the "Joint Venture"), a South Carolina joint venture partnership (comprised of Orchard Park Apartments Limited Partnership [the "Hutton Partnership"], AmReal Corporation and N. Barton Tuck, Jr.), and (iii) U.S. Shelter Corporation, a South Carolina corporation ("Shelter").

This First Amendment is made with reference to the following:

A. That Certain First Mortgage and Security Agreement dated July 22, 1983 (the "First Mortgage"), made by Shelter in favor of Mortgagee, securing a Promissory Note in a face amount of \$3,550,000 and recorded July 22, 1983 in Book 1617 at Page 293 in the Official Records of Greenville County, South Carolina.

B. That certain Assumption Agreement dated concurrently herewith (the "Assumption Agreement") between the Joint Venture and the Mortgagee, whereby the Joint Venture has assumed the loan secured by the First Mortgage.

C. The parties desire to amend the First Mortgage in certain respects, as more particularly set forth below. Any defined terms used in this First Amendment shall, unless otherwise provided, have the same meaning as set forth in the First Mortgage.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby amend the First Mortgage in the following respects only:

1. The second recital on page 1 is hereby deleted in its entirety and the following is substituted in lieu thereof:

"NOW, THEREFORE, (a) to secure the performance and observance by Mortgagor of all covenants and

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