



20080912000363500 1/6 \$36.00
Shelby Cnty Judge of Probate, AL
09/12/2008 02:14:20PM FILED/CERT

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

Gwen L. Windle, Esq. 205-254-1402

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Haskell Slaughter Young & Rediker, LLC

2001 Park Place North, Suite 1400

Birmingham, AL 35203

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME

HIGGINBOTHAM OIL COMPANY, INC.

OR 1b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

1c. MAILING ADDRESS

562 CAHABA VALLEY ROAD

CITY

PELHAM

STATE

AL

POSTAL CODE

35124

COUNTRY

USA

ADD'L INFO RE
ORGANIZATION
DEBTOR

1e. TYPE OF ORGANIZATION
corporation

1f. JURISDICTION OF ORGANIZATION
Alabama

1g. ORGANIZATIONAL ID #, if any

☒ NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR 2b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

2c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

ADD'L INFO RE
ORGANIZATION
DEBTOR

2e. TYPE OF ORGANIZATION

2f. JURISDICTION OF ORGANIZATION

2g. ORGANIZATIONAL ID #, if any

☐ NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME

Superior Bank

OR 3b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

3c. MAILING ADDRESS

17 North 20th Street

CITY

Birmingham

STATE

AL

POSTAL CODE

35203

COUNTRY

4. This FINANCING STATEMENT covers the following collateral:

The collateral is described in Exhibit "A".

The debtor is the owner of Parcels II, VIII and IX described in Exhibit "B" attached hereto.

Burnie Arnold Higginbotham, Sr. and Viola E. Higginbotham are the owners of Parcel V described in Exhibit "B" attached hereto.

Andress Company, Inc. is the owner of Parcel VII described in Exhibit "B" attached hereto.

This financing statement is filed as additional collateral in connection with the mortgage filed at Book 20080912000363480, Page 1 in the Office of the Judge of Probate of Shelby County, Alabama.

5. ALTERNATIVE DESIGNATION [if applicable]: ☐ LESSEE/LESSOR ☐ CONSIGNEE/CONSIGNOR ☐ BAILEE/BAILOR ☐ SELLER/BUYER ☐ AG. LIEN ☐ NON-UCC FILING

6. ☒ This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. Attach Addendum [if applicable] 7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) [OPTIONAL FEE] ☐ All Debtors ☐ Debtor 1 ☐ Debtor 2

8. OPTIONAL FILER REFERENCE DATA

SHELBY COUNTY JOP

05148-075

Exhibit A

(A) All present and future structures, buildings, improvements and appurtenances of any kind now or hereafter situated on the Land described in Exhibit A (herein called the "Improvements") and all fixtures, fittings, apparatus, equipment and appliances of every kind and character now or hereafter attached or appertaining to the Improvements and all extensions, additions, improvements, betterments, renewals, substitutions, accessions, attachments and replacements to any of the foregoing, including, without limitation, all plumbing fixtures, ornamental and decorative fixtures, elevators, gas, steam, electric, solar and other heating, lighting, ventilating, air conditioning, refrigerating, cooking and washing equipment and appliances and sprinkling, smoke, fire and intrusion detection devices, it being intended and agreed that all such items will be conclusively considered to be a part of the real property conveyed by the mortgage, executed by debtor in connection herewith whether or not attached or affixed to the Land.

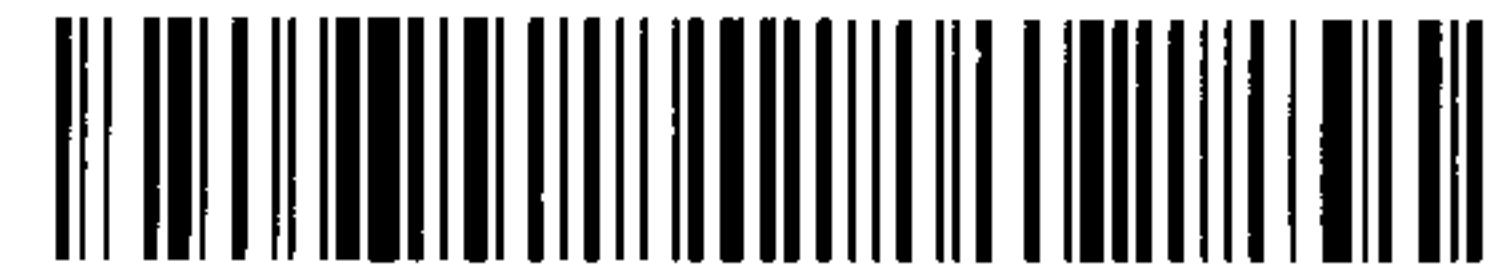
(B) All appurtenances to the Land and all rights of the Debtor in and to any streets, roads, public places, easements or rights of way relating to the Land.

(C) All the Rents, revenues, receipts, royalties, issues, income and profits of the Land and the Improvements and all rights of the Debtor under all present and future leases and subleases affecting the Land and the Improvements.

(D) All proceeds and claims arising on account of any damage to or taking of the Land or any Improvements thereon or any part thereof and all causes of action and recoveries for any loss or diminution in the value of the Land or any Improvements.

(E) All building materials, fixtures, fittings and appliances of every kind and character now owned or hereafter acquired by the Debtor for the purpose of being used for or incorporated in the Improvements, whether such building materials, equipment, fixtures, fittings and appliances are actually located on or adjacent to the Land and whether in storage or otherwise, wheresoever the same may be located, including, without limitation, all lumber and lumber products, bricks, building stones and blocks, sand, cement, roofing and flooring material, paint, doors, windows, hardware, nails, insulations, wires and wiring, plumbing and plumbing fixtures, heating and air conditioning equipment and appliances, electrical and gas equipment and appliances, pipes and piping, ornamental and decorative fixtures and all gas, steam, electric, solar and other heating, lighting, ventilating, air conditioning, refrigerating, cooking and washing equipment and appliances.

(F) All general intangibles relating to the development or use of the Land, including, without limitation, all water and sewer allocations, all licenses, all governmental permits relating to construction on the Land, all names under or by which the Land or any Improvements on the Land may at any time be operated or known, and all rights to carry on business under any such names or any variant thereof, and all trademarks and goodwill in any way relating to the Land; and



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(G) All shares of stock or other evidence of ownership of any part of the Land that is owned by the Debtor in common with others and all documents of membership in any owners' or members' association or similar group having responsibility for managing or operating any part of the Land.

Exhibit B

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PARCEL II:

Part of the NE 1/4 of Section 3, Township 24 North, Range 12 East, more particularly described as follows:

Beginning at the Northeast corner of Lot 16 of Fancher Subdivision, as recorded in Map Book 4, page 31, in the Probate Office of Shelby County, Alabama; and run thence Northerly along the West line of Hick's Street a distance of 320.31 feet to a point on the intersection point of said Hick's Street and Alabama Highway No. 25; thence turn 82°46' left and run Northwesterly along the South right of way line of said Highway #25 a distance of 150.0 feet to a point; thence turn 97°14' left and run Southerly a distance of 327.31 feet to the Northwest corner of said Lot 16 of said Fancher Subdivision; thence turn 82°46' left and run Easterly along the North line of said Lot 16 a distance of 150.0 feet to the point of beginning.

Situated in Shelby County, Alabama.

PARCEL V:

A parcel of land situated in the Southeast 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of said Southeast 1/4 and run along the South line of said 1/4 for a distance of 1826.71 feet; thence leaving said South line turn an exterior angle to the right of 57°00'07" and run in a Northwesterly direction for a distance of 1246.66 feet to the Point of Beginning, said point also being a set capped rebar stamped GSA CA-560-LS; thence turn an exterior angle to the right of 179°51'10" and run in a Northwesterly direction for a distance of 373.65 feet to a found 5/8" rebar, said point also being on the Southeasterly right of way line of Alabama State Highway 119(200' ROW); thence turn an interior angle to the left of 88°42'48" and run in a Northeasterly direction along said Southeasterly right of way line for a distance of 161.52 feet to a found 5/8" rebar; thence leaving said Southeasterly right of way line turn an interior angle to the left of 89°49'44" and run in a Southeasterly direction for a distance of 374.06 feet to a found cross; thence turn an interior angle to the left of 89°59'00" and run in a Southwesterly direction for a distance of 152.01 feet to the Point of Beginning.

PARCEL VII:

Commence at the Northwest corner of the NW 1/4 of the SE 1/4 of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama and run in an Easterly direction along the Northerly line of said 1/4 - 1/4 section a distance of 474.70 feet to the point of beginning; thence continue along the last stated course a distance of 82.20 feet to a point; thence 117°04' to the right in a Southwesterly direction a distance of 170.91 feet to a point on the Northeasterly right of way line of U.S. Highway No. 280; thence 89°59' to

the right in a Northwesterly direction along the Northeasterly right of way line of U.S. Highway No. 280 a distance of 73.20 feet to a point; thence 90°01' to the right in a Northeasterly direction a distance of 133.51 to the point of beginning.

TOGETHER WITH:

Commence at the Northwest corner of the NW 1/4 of the SE 1/4 of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama and run in an Easterly direction along the Northerly line of said 1/4 - 1/4 section a distance of 305.42 feet to the point of beginning; thence continue along the last stated course a distance of 169.28 feet to a point; thence 117°04' to the right in a Southwesterly direction a distance of 133.51 feet to a point on the Northeasterly right of way line of U.S. Highway 280; said point lying on a curve to the right having a central angle of 1°31'58" and a radius of 5639.58 feet; thence 89°59' to the right (angle measured to tangent) and run along the arc of said curve to the right and along said right of way line for a distance of 150.86 feet to a point; thence 88°29'02" to the right (angle measured to tangent) in a Northwesterly direction a distance of 54.60 feet to the point of beginning.

LESS AND EXCEPT:

That portion of the above described parcel subject to a Joint Use Agreement between Higginbotham Oil company, Inc. and Shoney's, Inc. dba Captain D's Restaurant and more particularly described as follows:

A part of the NW 1/4 of the SE 1/4 of Section 36, Township 18 South, Range 2 West, being more particularly described as follows:

Commence at the Northwest corner of said 1/4 - 1/4 section and run Easterly along the North line of said 1/4 - 1/4 section a distance of 523.21 feet to the point of beginning; thence continue along last stated course a distance of 33.69 feet to a point; thence 117°04' to the right in a Southwesterly direction a distance of 170.91 feet to a point on the Northeasterly right of way line of U.S. Highway No. 280; thence 89°59' to the right in a Northwesterly direction along said right of way line a distance of 30.0 feet to a point; thence 90°01' to the right in a Northeasterly direction a distance of 155.59 feet to the point of beginning.

PARCEL VII HEREINABOVE BEING FURTHER AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A parcel of land situated in the Northwest ¼ of the Southeast ¼ of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of Lot 1, Andress Survey, as recorded in Map Book 18, page 118, in the Office of the Judge of Probate, Shelby County, Alabama, said point

also being on the North line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence run in a Westerly direction along said North line for a distance of 370.42 feet to the Point of Beginning; thence leaving said North line, turn a deflection angle of $63^{\circ}03'42''$ to the left and run in a Southwesterly direction for a distance of 154.86 feet to a point on the Northernmost right of way line of U.S. Highway 280 (260' right of way); thence turn an interior angle of $89^{\circ}37'16''$ to the left and run in a Northwesterly direction along said right of way for a distance of 43.55 feet to the point of commencement of a non-tangent curve to the left, said curve having a radius of 5639.58 feet, a central angle of $01^{\circ}32'02''$, an exterior angle of $180^{\circ}05'57''$ to the right to chord for a chord distance of 150.98 feet; thence run along arc of said curve and along said right of way for a distance of 150.99 feet; thence leaving said right of way, turn an interior angle of $90^{\circ}05'49''$ to the left from chord of said curve and run in a Northeasterly direction for a distance of 54.85 feet to a point on the North line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence turn an interior angle of $117^{\circ}19'10''$ to the left and run in an Easterly direction along said North line for a distance of 217.79 feet to the Point of Beginning.

PARCEL VIII:

A parcel of land situated in the Northeast $\frac{1}{4}$ of Section 36, Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly as follows:

Begin at the intersection of the Northernmost right of way line of Valleydale Road (80' right of way) and the Westernmost right of way line of Old Montgomery Highway (100' right of way) and run in a Southwesterly direction along said Northernmost right of way for a distance of 342.64 feet; thence leaving said right of way, turn an interior angle of $61^{\circ}48'21''$ to the left and run in a Northerly direction for a distance of 527.97 feet to a point on the Eastern boundary line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said section; thence turn an interior angle of $89^{\circ}29'00''$ to the left and run in an Easterly direction along said boundary for a distance of 101.62 feet to a point on the Westernmost right of way line of Old Montgomery Highway; thence leaving said boundary, turn an interior angle of $127^{\circ}20'06''$ to the left and run in a Southeasterly direction along said right of way for a distance of 327.65 feet; thence turn an interior angle of $145^{\circ}25'00''$ to the left and run in a Southerly direction along said right of way for a distance of 102.95 feet to the Point of Beginning.

Less and except any portion of subject property lying within a road right of way.

PARCEL IX:

Lot No. 1, according to Chesser Survey a Commercial Subdivision, as recorded in Map Book 10, page 1, in the Probate Office of Shelby County, Alabama.