

STATE OF ALABAMA)

JEFFERSON COUNTY)

19801219000144680 1/2 \$.00
Shelby Cnty Judge of Probate, AL
12/19/1980 12:00:00 AM FILED/CERT

MORTGAGEE'S WAIVER OF LIEN

ON FIXTURE

WHEREAS, MetroBank, (herein called Bank) is about to enter into a Loan Agreement with Beck Sales and Manufacturing Co., Inc., (herein called Borrower) dated September 10, 1980, under the terms of which Bank is granted a purchase money security interest in Borrower's 120 foot Monorail crane consisting of one Shepard Niles Model Number GALLIKI, 5 ton hoist, 120 feet of tramrail and four 22 foot high support columns along the foundation and miscellaneous electrical parts which is used in Borrower's business and located in Helena, Alabama, and

WHEREAS, said equipment is located at premises described as:

A portion of Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ also Northeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$, Section 15, Township 20 South, Range 3 West, more particularly described as follows: Commence at a point where the South margin of L & N Railroad right of way intersects the center line of Prairie Branch, thence Easterly along South margin of said Railroad right of way 730.5 feet for a point of beginning, thence continue last described course 280 feet, thence $98^{\circ} 42'$ right 404 feet, thence $99^{\circ} 27'$ right 250 feet, thence $75^{\circ} 11'$ right 355.64 feet to the point of beginning,

situated in Shelby County, Alabama, upon which the undersigned holds a first mortgage; and

WHEREAS, Bank is willing to enter into said Loan Agreement only if the undersigned mortgagee, Jefferson Federal Savings and Loan Association, will waive its right to distrain on said equipment for nonpayment of its first mortgage;

NOW, THEREFORE, the undersigned agree as follows:

1. The undersigned waive all right to include the above fixture as part of the property upon which it holds a first mortgage and said mortgagee consents and agrees that said fixture shall not become a part of said premises and further agrees that MetroBank shall have a purchase money first security interest in and to said 120 foot Monorail crane irrespective of the fact that said crane shall be permanently attached to the premises and further agrees that in the event Bank is required to repossess or take possession of said crane Bank shall have the right to enter said premises and remove the same without objection or hindrance from said mortgagee. In the event, bank shall remove said crane from said premises, bank shall restore said premises to the same condition as before the installation of said crane.

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2. Said equipment shall at all times be personal property, and the equipment shall not constitute fixtures or be part of said premises, and neither shall be subject to distraint or execution by, or to any claim of, the undersigned.

3. The undersigned will notify any purchaser of said premises, and any subsequent mortgagee or other encumbrance holder, of the existence of this waiver, which shall be binding upon the successors, assigns, and transferees of the undersigned, and shall inure to the benefit of the successors and assigns of Bank.

IN WITNESS WHEREOF, the undersigned has caused this Waiver to be executed under seal, this the 5th day of December, 19 80.



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JEFFERSON FEDERAL SAVINGS AND LOAN ASSOCIATION
of Birmingham

BY: Brooks Yeilding
Its President - As Mortgagee
Brooks Yeilding

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
DOCUMENT WAS FILED

1980 DEC 19 AM 8:21 Rec. 3.00

Sub. 1.00

1.00

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority in and for said County and State, hereby certify that Brooks Yeilding whose name as President of Jefferson Federal Savings and Loan Association, is signed to the foregoing waiver and who is known to me, acknowledged before me, on this day that, being informed of the contents of such waiver, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Jefferson Federal Savings and Loan Association.

Given under my hand and official seal, this the 5th day of December, 19 80.

Betty Graham
NOTARY PUBLIC
Betty Graham