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STATE OF ALABAMA §
DEPARTMENT OF REVENUE § MORTGAGE TAX ORDER §

BEFORE THE ALABAMA DEPARTMENT OF REVENUE:

Comes the Petitioner, AmSouth Bank, N.A., Mortgagee, and Jenkins Brick Company, Inc., Mortgagor, through its attorney and requests the Alabama Department of Revenue to fix and determine the amount of mortgage privilege tax due pursuant to the provisions of §40-22-2, Code of Alabama 1975, upon recordation of two mortgages dated on or about July 10, 1986 securing the same indebtedness, and which said mortgages cover property located both within and without the State of Alabama.

Upon consideration of said petition and evidence offered in support thereof, the Alabama Department of Revenue finds as follows:

1. That said mortgages are open-ended and are intended to secure future advances but do not constitute a revolving loan. The mortgagee has elected the option under §40-22-2(2)b to certify the present indebtedness incurred and as a bank is not required to post a bond.

2. That the total amount of indebtedness presently incurred under the mortgages is \$1,244,088.19. Both mortgages secure the same indebtedness.

3. The total value of the property covered by the mortgages and located both within and without the State of Alabama is equal to the amount of indebtedness, \$1,244,088.19.

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4. The total value of the property covered by the mortgages and located within the State of Alabama, in Montgomery and Shelby Counties, is \$994,088.19, or 79.9050% of the total value of all property located both within and without the State of Alabama.

5. That the amount of mortgage indebtedness allocable to Alabama upon which mortgage tax is due upon recordation is \$994,088.19.

6. That the mortgage privilege tax to be paid, at the rate of \$.15 per each \$100.00, or fraction thereof, is \$1,491.15 and is to be distributed according to the relative property values in the percentages as follows:

	<u>Values</u>	<u>Percentages</u>
Montgomery County	\$744,088.19	74.8513
Shelby County	\$240,000.00	25.1487
	\$994,088.19	100.0000

IT IS, THEREFORE, ORDERED by the Alabama Department of Revenue that the Judge of Probate of Montgomery County, Alabama, wherein the mortgage will be recorded first, shall collect mortgage privilege tax in the amount of \$1,491.15, plus any recording fees which may be due, and after deducting the Judge of Probate's commission shall make distribution of such tax in the percentages as set out in paragraph 6 above.

IT IS FURTHER ORDERED that the Judge of Probate of Montgomery County shall in September of each year hereafter collect any mortgage tax that may become due on future advances equal to 79.9050% of the amount certified by Petitioner to him pursuant to §40-22-2(2) as having been advanced under said

mortgages during the preceding twelve month period, and he shall distribute said additional tax to the appropriate counties in the percentages set out above; provided that, simultaneously with its certification of future advances, the Petitioner shall also certify to the Judge of Probate and the Department of Revenue that the relative values of the mortgaged properties have not materially changed.

DONE at the Capitol, Montgomery, Alabama, this the 21st day of July, 1986.

ALABAMA DEPARTMENT OF REVENUE

By: Joe C. White
Assistant Commissioner

Charles E. Carby
Approved - Legal Division

ATTEST:

Wm. A. Gentry
As Secretary

01	INDEX	1.00
02	REC FE	7.50
TOTAL		8.50

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STATE OF ALA.
MONTGOMERY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED

JUL 24 3 34 PM '86

Wm. A. Gentry

JUDGE OF PROBATE

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

1986 AUG -4 AM 9:53

Thomas A. Shanderson, Jr.
JUDGE OF PROBATE

RECORDING FEES
Recording Fee \$ 7.50
Index Fee 1.00
TOTAL 8.50