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STATE OF ALABAMA

MONTGOMERY COUNTY

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MORTGAGE TAX ORDER

BEFORE THE STATE DEPARTMENT OF REVENUE:

Comes now Petitioner, ABC Rail Corporation, a corporation incorporated under the laws of Delaware, with its principal place of business in Chicago, Illinois, by and through its attorney of record, Charles H. Moses, III, and presents its petition to the State Department of Revenue asking said Department to fix and determine the amount of mortgage privilege tax due under §40-22-2(b) and (8), Code of Alabama 1975, (Supp. 1985), upon the recordation of a certain First Term and Open End Mortgage from Petitioner, as Mortgagor, to the First National Bank of Chicago, Chicago, Illinois, a national banking association, as Mortgagee, covering property located both within and without the State of Alabama.

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

1. That the total amount of indebtedness presently incurred under said mortgage is \$50,000,000.00.
2. That this instrument has no revolving loan provision and the actual amount of money to be lent by Mortgagee at the time of the execution of this instrument is \$50,000,000.00.
3. That said mortgage is an open-end mortgage given to secure future advances, and Mortgagee has chosen to certify the amount of the present indebtedness, and file a report to the

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Probate Judge of Shelby County, Alabama, each September, showing the amount of any advances in excess of \$50,000,000.00, pursuant to the provisions of §40-22-2(2)b, Code of Alabama 1975, (Supp. 1985).

4. That the value of all property covered by said mortgage and located both within and without the State of Alabama is \$70,000,000.00.

5. That the value of the property covered by the mortgage and located within the State of Alabama, namely, Shelby County, is \$5,000,000.00.

6. That the amount of indebtedness allocable to the State of Alabama is \$3,500,000.00, vis a vis, 0.07% of \$50,000,000.00.

7. That the amount of mortgage privilege tax due at the rate of \$.15 per each \$100.00, or fraction thereof is \$5,250.00.

IT IS THEREFORE ORDERED that mortgage privilege tax in the amount of \$5,250.00 be paid to the Judge of Probate of Shelby County, the county in which all of the Alabama property is located, as well as any applicable recording fees which may be due upon presentation of said instrument for recordation.

DONE at the Capitol, Montgomery, Alabama, this the 27th day of July, 1987.

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

1987 JUL 10 PM 3:29

STATE DEPARTMENT OF REVENUE

W. McElroy
BY Assistant Commissioner

R.N.E.

ATTEST:

JUDGE OF PROBATE

Secretary

Rec. 500
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