

<input type="checkbox"/> The Debtor is a transmitting utility as defined in ALA CODE 7-9-105(n).		No. of Additional Sheets Presented <b>2</b>	This FINANCING STATEMENT is presented to a Filing Officer for filing pursuant to the Uniform Commercial Code.	
1. Return copy or recorded original to:  John E. Hagefstration, Jr. Bradley, Arant, Rose & White 1400 Park Place Tower Birmingham, Alabama 35203			THIS SPACE FOR USE OF FILING OFFICER Date, Time, Number & Filing Office  <div style="text-align: right;">02727A</div> <div style="text-align: center;">STATE OF ALA. SHELBY CO. I CERTIFY THIS INSTRUMENT WAS FILED 91 JAN 10 AM 10:33 JUDGE OF PROBATE</div>	
2. Name and Address of Debtor  Higginbotham Oil Company, Inc. P. O. Drawer W Calera, Alabama 35040				
2A Name and Address of Debtor  Higginbotham Oil Company, Inc. P. O. Drawer W Calera, Alabama 35040				
2B Name and Address of Debtor  Higginbotham Oil Company, Inc. P. O. Drawer W Calera, Alabama 35040				
3. SECURED PARTY (Last Name First if a Person)  SouthTrust Bank of Alabama, National Association 420 North 20th Street Birmingham, Alabama 35203			4. ASSIGNEE OF SECURED PARTY (Last Name First if a Person)	
5. The Financing Statement Covers the Following Types (or items) of Property:  All equipment, whether now owned or hereafter acquired by Debtor and wherever located, and all proceeds thereof (but inclusion of proceeds shall not be deemed to imply that Secured Party authorizes the sale or other transfer or disposition of any such equipment) located on the real property described on the attached Exhibit A.			5A. Enter Code(s) From Back of Form That Best Describes The Collateral Covered By This Filing:  _____ _____ _____ _____ _____ _____ _____ _____	
6. This statement is filed without the debtor's signature to perfect a security interest in collateral (check X, if so) <input type="checkbox"/> already subject to a security interest in another jurisdiction when it was brought into this state. <input type="checkbox"/> already subject to a security interest in another jurisdiction when debtor's location changed to this state. <input type="checkbox"/> which is proceeds of the original collateral described above in which a security interest is perfected. <input type="checkbox"/> acquired after a change of name, identity or corporate structure of debtor <input type="checkbox"/> as to which the filing has lapsed.			7. Complete only when filing with the Judge of Probate. The initial indebtedness secured by this financing statement is \$ <u>300,000.00</u> Mortgage tax due (15¢ per \$100.00 or fraction thereof) \$ <u>450.00</u>	
8. <input checked="" type="checkbox"/> This financing statement covers timber to be cut, crops, or fixtures and is to be cross indexed in the real estate mortgage records (Describe real estate and if debtor does not have an interest of record, give name of record owner in Box 5)				
Signature(s) of Debtor(s) By <u>HIGGINBOTHAM OIL COMPANY, INC.</u> Signature(s) of Debtor(s)			Signature(s) of Secured Party(ies) (Required only if filed without debtor's Signature — see Box 6)	
Type Name of Individual or Business			Type Name of Individual or Business	

EXHIBIT "A"

**PARCEL I**

Commence at the Northwest corner of the N.W. 1/4 of the S.E. 1/4 of Section 36, Township 18 South, Range 2 West, 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  $117^{\circ}04'$  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  $89^{\circ}59'$  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  $90^{\circ}01'$  to the right in a Northeasterly direction a distance of 133.51 feet to the point of beginning.

Containing 11,142.02 square feet or 0.256 acres.

Less and Except: That portion of the above described parcel subject to a Joint Use Agreement, ~~with~~ Shoney's, Inc. D/B/A between Higginbotham Oil Co., Inc. and

*QMA*

Captain D's Restaurant and more particularly described as follows:

A part of the N.W. 1/4 of the S.E. 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  $117^{\circ}04'$  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  $89^{\circ}59'$  to the right in a Northwesterly direction along said Right-of-Way line a distance of 30.0 feet to a point; thence  $90^{\circ}01'$  to the right in a Northeasterly direction a distance of 155.59 feet to the point of beginning.

Containing 4,897.48 square feet or 0.112 acres.

**PARCEL II**

Commence at the Northwest corner of the N.W. 1/4 of the S.E. 1/4 of Section 36, Township 18 South, Range 2 West 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  $117^{\circ}04'$  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 No. 280; said point lying on a curve to the right having a central angle of  $103^{\circ}1'58''$  and a radius of 5639.58 feet; thence  $89^{\circ}59'$  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  $88^{\circ}29'02''$  to the right (angle measured to tangent) in a Northwesterly direction a distance of 54.60 feet to the point of beginning.

Containing 14,260.40 square feet or 0.327 acres.

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