

STATE OF ALABAMA § A Proceeding Authorized
MONTGOMERY COUNTY § by §40-22-2(8), Code of
 § Alabama 1975
 § MORTGAGE TAX ORDER

BEFORE THE ALABAMA DEPARTMENT OF REVENUE:

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Comes now the Petitioner, Continental Bank N.A., formerly known as Continental Illinois National Bank and Trust Company of Chicago, a national banking association, and requests the Alabama Department of Revenue to fix and determine the amount of mortgage privilege tax due pursuant to §40-22-2(2), (6) and (8), Code of Alabama 1975, as amended, upon recordation of a First Amendment to Mortgage, Assignment of Rents and Security Agreement dated June 17, 1991, given by Store Properties Company, an Ohio general partnership, and the Provident Bank, an Ohio banking corporation, as Trustee for the benefit of Store Properties Company, Mortgagors (the "First Amendment," and together with the mortgage amended by the First Amendment, "the Amended Mortgage"), the Amended Mortgage conveying 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 the First Amendment extends the time of payment of \$62,497,019.24 of indebtedness presently incurred under and secured by the Amended Mortgage.

Bradley, Arant, Rose & White

2. That the value of all property conveyed by the Amended Mortgage both within and without the State of Alabama is \$85,255,906.00.

3. That the value of the property conveyed by the Amended Mortgage and located within the State of Alabama is \$5,308,856.00, or 6.23 percent of the total value of all property located both within and without the State of Alabama.

4. That the total amount of extended indebtedness allocable to Alabama upon which mortgage tax is due is \$3,893,564.29.

5. That the amount of tax to be paid at the rate of \$.15 per each \$100.00, or fraction thereof, is \$5,840.40, and is to be distributed according to the relative values in the percentages as follows:

<u>COUNTY</u>	<u>VALUE</u>	<u>%</u>
Jefferson	\$2,386,395.00	45.00
Madison	\$2,293,130.00	43.00
Morgan	\$ 212,279.00	4.00
Shelby	<u>\$ 417,052.00</u>	<u>8.00</u>
	\$5,308,856.00	100.00

IT IS, THEREFORE, ORDERED by the Alabama Department of Revenue that the Judge of Probate of Jefferson County, Alabama, wherein the First Amendment will be recorded first, shall collect mortgage privilege tax in the amount of \$5,840.40, plus

any recording fees which may be due, and after deducting the Probate Judge's commission, shall make distribution of such tax in the percentages as set out in Paragraph 5 above.

DONE at the Capitol, Montgomery, Alabama, this the 20th day of August, 1991.

ALABAMA DEPARTMENT OF REVENUE

By: [Signature]
Assistant Commissioner of Revenue

ATTEST

[Signature]
As Secretary

Ray. Donliffe Edwards
Legal Division

RNE:pj88

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

91 OCT 18 PM 3:33

[Signature]
JUDGE OF PROBATE

1. Dead Tax	\$
2. Mtg. Tax	\$
3. Recording Fee	\$ 7.50
4. Indexing Fee	\$ 2.00
5. No Tax Fee	\$
6. Certified Fee	\$ 1.00
Total	\$ 11.50