

## NON-ENCUMBRANCE AGREEMENT

THIS AGREEMENT, dated this 30<sup>th</sup> day of September,  
1994, between First Baptist Church of Alabaster  
("Borrower"), and SOUTHTRUST BANK OF ALABAMA, NATIONAL  
ASSOCIATION, a national banking association ("Bank").

### RECITALS

A. Borrower is indebted to Bank pursuant to that certain  
Installment Note dated of even date herewith (the "Note").

B. As a condition to its advancement of funds pursuant  
to the Note, Bank has required that Borrower agree in  
writing not to convey or encumber certain real property  
owned by Borrower on the terms and conditions set forth  
herein.

### AGREEMENT

NOW, THEREFORE, in consideration of Bank's advancement of  
funds pursuant to the Note, Borrower hereby covenants and  
agrees with Bank as follows:

1. Borrower is the owner of the real property described on  
Exhibit A attached hereto and made a part hereof (the "Real  
Estate"), which constitutes all real property used or useful  
by Borrower in the operation of a church.  
The Real Estate is not subject to any mortgages, liens, or  
other encumbrances.

2. As long as the Reimbursement Agreement remains in effect,

Inst # 1994-30475  
10706/1994-30475  
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SHELBY COUNTY JUDGE OF PROBATE  
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Borrower will not, without the prior written consent of Bank,  
(a) sell, transfer or convey the Real Estate or any interest  
therein or (b) create or suffer to exist any lien, mortgage,  
security interest, encumbrance, easement or restriction with  
respect to the Real Estate.

IN WITNESS WHEREOF, Borrower has executed and delivered this  
instrument, on the day and year first above written.

FIRST BAPTIST CHURCH OF ALABASTER

By William E. Kines  
William E. Kines  
Its Trustee

By Ann F. Branyon  
Ann F. Branyon  
Its Trustee

By Douglas C. Moore  
Douglas C. Moore  
Its Trustee

STATE OF ALABAMA )  
SHELBY COUNTY )

I, Cynthia Williams, a Notary Public in and for said county,  
in said State, hereby certify that \_\_\_\_\_  
, whose name as Trustees of First Baptist Church of Alabaster,  
is signed to the foregoing Agreement, and who is known to me,  
acknowledged before me on this day, this being informed of the  
contents of said Agreement, they, as such Trustees, and with  
full authority, executed the same voluntarily for and as the act of  
said First Baptist Church of Alabaster.

Cynthia Williams  
Notary Public MY COMMISSION EXPIRES  
My commission expires: MAY 27, 1996

This instrument was prepared by:

Stewart Moore  
SOUTHRUST BANK OF ALABAMA, NATIONAL ASSOCIATION  
P. O. Box 2554  
Birmingham, Alabama 35290

FIRST BAPTIST CHURCH OF ALABASTER

EXHIBIT A  
SCHEDULE A, CONTINUED  
LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18, 19, 20, 21, 22, 23, 24, 25 and 26 in Block 9;  
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in Block 15 all according to Map of  
Alabaster Gardens, as recorded in Map Book 3, Page 156 in the Probate Office of Shelby  
County, Alabama.

Also a parcel of land located in the SW 1/4 of Section 35, Township 20 South, Range 3  
West, Shelby County, Alabama, more particularly described as follows:  
Begin at the NE corner of the SW 1/4 of SW 1/4 of said section; thence in a Westerly  
direction along the North line of said 1/4-1/4 section, a distance of 603.21 feet to the  
Easterly right-of-way line of 10th Street Northwest; thence 91 degrees 14 minutes left in  
a Southerly direction a distance of 127.58 feet to the North line of Block 15 of Alabaster  
Gardens; thence 88 degrees 42 minutes 45 seconds left, in an Easterly direction along the  
North line of said Block 15 a distance of 625.77 feet to the Westerly right-of-way of  
County Highway #95; thence 89 degrees 53 minutes 48 seconds left, in a Northerly direction  
along said right-of-way a distance of 128.54 feet; thence 90 degrees 09 minutes 27 seconds  
left, in a Westerly direction a distance of 25.66 feet to the point of beginning.

Also a 50-foot wide vacated avenue being 450 feet long, more or less, described as 4th  
Avenue, N.W. lying East of the East boundary of Lot 10 in Blocks 9 & 15 of Alabaster  
Gardens Subdivision and West of the West boundary of 9th Street, N.W. running along the  
North borderline of Block 9, Alabaster Gardens Subdivision in the S 1/2 of SW 1/4 of  
Section 35, Township 20, Range 3 West, as recorded in Map Book 3, Page 156 in the Probate  
Office of Shelby County, Alabama.

10/06/1994-30475  
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STEWART TITLE  
GUARANTY COMPANY

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