

STATE OF ALABAMA)

COUNTY OF SHELBY)

BOND FOR RELEASE OF LIS PENDENS

KNOW ALL MEN BY THESE PRESENTS, that Weatherly Investment Group, L.L.C. ("WIG) as Principal and Aetna Casualty & Surety Company, as Surety, are held and firmly bound unto the Judge of Probate of Shelby County, Alabama in the sum of TWO HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS (\$280,000.00) to be paid to the Judge of Probate of Shelby County, Alabama, his successor and assigns, to which payment will and truly be made, the parties hereto bind themselves, their successors and assigns, jointly and severally, firmly by these presents. This bond shall be payable against the land described in Exhibit "A" attached hereto for any sum of money found to be a lien against such land up to the fair market value of said land, said payment to be made by 12:00 noon on the day and at the place appointed for the sale thereof.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed in the name of each of them and their seals to be attached hereto on this the 13th day of January, 1995.

The condition of the above obligation is such that if the Principal and Surety shall pay any lien found to be a lien against the land described in Exhibit "A" attached hereto up to the fair market value of the said land, together with any cost incurred therein. This obligation shall be void and of no effect, but

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SHELBY COUNTY JUDGE OF PROBATE
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Inst # 1995-01207

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otherwise to remain in full force and effect.

Geri Sisson
WITNESS

WEATHERLY INVESTMENT GROUP,
L.L.C.

Thomas J. Thornton
THOMAS J. THORNTON
Its Managing Partner

Geri Sisson
WITNESS

Aetna Casualty & Surety Company

By: Patricia T. Houseal
Its Attorney-In-Fact
Patricia T. Houseal

EXHIBIT "A"

The N.W. 1/4 of the S.W. 1/4 of Section 31, Township 20 South, Range 2 West, Shelby County, Alabama, and the North ten acres of the S.W. 1/4 of the S.W. 1/4 of Section 31, Township 20 South, Range 2 West, Shelby County, Alabama.

Said parcel containing 50 acres more or less.

Commence at the S.W. corner of the S.W. 1/4 of the N.W. 1/4 Section 31, Township 20 South, Range 2 West; thence N 01deg-32'38" W and run a distance of 411.53' to The Point of Beginning; thence continue along the last described course a distance of 861.44'; thence N 89deg-11'03" W and run a distance of 443.22' to the Easterly Right-Of-Way of I-65(R.O.W. varies); thence N 24deg-23'28" E and run along said Right-Of-Way a distance 23.98'; thence N 02deg-07'48" W and along said R.O.W. a distance of 661.44'; thence N 89deg-54'26" E and leaving said R.O.W. run a distance of 1075.24'; thence S 01deg-32'38" E and run a distance of 1622.56'; thence S 89deg-54'26" W and run a distance of 635.97' to The Point of Beginning.

Said parcel contains 30.55 acres more or less.

Commence at the S.W. corner of the S.W. 1/4 of the N.W. 1/4 Section 31, Township 20 South, Range 2 West; thence N 01deg-32'38" W and run a distance of 1272.97'; thence N 89deg-11'03" W and run a distance of 443.22' to the Easterly Right-Of-Way; thence N 24 deg-23'28" E and along said Right-Of-Way and run a distance of 23.98'; thence N 02deg-07'48" W and along said Right-Of-Way and run a distance of 661.44' to The Point of Beginning; thence continue along the last described course and along said Right-Of-Way a distance of 947.77' to the intersection Shelby County Highway 11 (R.O.W. Varies); thence N 49deg-48'43" E and run a distance of 100.00'; thence N 89deg-39'26" E and run a distance of 80.34'; thence N 44deg-17'210" E and run a distance of 364.72'; thence N 25deg-43'10" E and run a distance of 109.61'; thence N 49deg-45'56" E and run a distance of 246.18'; thence S 41deg-09'31" E and run a distance of 662.14'; thence S 01deg-32'38" E and run a distance of 1031.09'; thence S 89deg-54'26" W and run a distance of 1075.24' to The Point of Beginning.

Said parcel contains 30.27 acres more or less.

Commence at the S.W. corner of the S.W. 1/4 of the N.W. 1/4 Section 31, Township 20 South, Range 2 West; thence N 89deg-54'-26" E and run a distance of 635.97'; thence N 01deg-32'38" W and run a distance of 411.53'; thence S 89deg-54'26" W and run a distance of 635.97'; thence S 01deg-32'38" E and run a distance of 411.53' to The Point of Beginning.

Said parcel contains 6.00 acres more or less.

Less and except the following:

Part of the SE 1/4 of the SE 1/4 of Section 25, Township 20 South, Range 3 West and part of the NE 1/4 of the NE 1/4 of

Section 36, Township 20 South, Range 3 West, and part of the SW 1/4 of the SW 1/4 of Section 30, Township 20 South, Range 2 West, and part of the NW 1/4 of the NW 1/4 of Section 31, Township 20 South, Range 2 West, all in Shelby County, Alabama, being more particularly described as follows:

From a point of intersection of the southeast right-of-way line of Shelby County Highway #11 with the east right-of-way line of I-65 Highway run in a northeasterly direction along said southeast right-of-way line of Shelby County Highway #11 for a distance of 60.0 feet to an existing iron pin being the point of beginning; thence continue in a northeasterly direction along said southeast right-of-way line of Shelby County Highway #11 for a distance of 40.0 feet to an existing iron pin; thence turn an angle to the right of 39 degrees 50 minutes 43 seconds and run in an easterly direction for a distance of 80.34 feet to an existing iron pin; thence turn an angle to the left of 45 degrees 22 minutes 16 seconds and run in a northeasterly direction along said southeast right-of-way of Shelby County Highway #11 for a distance of 364.72 feet; thence turn an angle to the left of 18 degrees 34 minutes 03 seconds and run in a northeasterly direction for a distance of 109.61 feet; thence turn an angle to the right of 24 degrees 02 minutes 49 seconds and run in a northeasterly direction along said southeast right-of-way line of Shelby County Highway #11 for a distance of 246.18 feet; thence turn an angle to the right of 89 degrees 04 minutes 33 seconds and run in a southeasterly direction for a distance of 662.14 feet; thence turn an angle to the right of 39 degrees 36 minutes 53 seconds and run in a southerly direction for a distance of 435.0 feet; thence turn an angle to the right of 90 degrees 01 minute 24 seconds and run in a westerly direction for a distance of 1080.22 feet to an existing iron pin being on the east right-of-way line of I-65 Highway; thence turn an angle to the right of 89 degrees 23 minutes 37 seconds and run in a northerly direction along said east right-of-way line of I-65 Highway for a distance of 302.67 feet to an existing iron pin; thence turn an angle to the right of 51 degrees 56 minutes 31 seconds and run in a northeasterly direction for a distance of 60.0 feet; thence turn an angle to the left of 51 degrees 56 minutes 31 seconds and run in a northerly direction for a distance of 76.21 feet, more or less, to the point of beginning.

Said parcel contains 16.5 acres more or less.

bond



POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, THAT THE AETNA CASUALTY AND SURETY COMPANY, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, hath made, constituted and appointed, and does by these presents make, constitute and appoint Gerald L. Young, Jr., William T. Moor, Patricia T. Houseal, J. William Blair, Elaine Roddam or Selina Simpson - -

of Birmingham, Alabama, its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, or, if the following line be filled in, within the area there designated, the following instrument(s):
by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any and all consents incidents thereto not exceeding the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS -

and to bind THE AETNA CASUALTY AND SURETY COMPANY, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of THE AETNA CASUALTY AND SURETY COMPANY, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Company which Resolutions are now in full force and effect:

VOTED: That each of the following officers: Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys-in-Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the Chairman, the Vice Chairman, the President, an Executive Vice President, a Senior Vice President, a Vice President, an Assistant Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Board of Directors of THE AETNA CASUALTY AND SURETY COMPANY which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, THE AETNA CASUALTY AND SURETY COMPANY has caused this instrument to be signed by its Senior Vice President, and its corporate seal to be hereto affixed this 19th day of November, 1992.



THE AETNA CASUALTY AND SURETY COMPANY

By Joseph P. Kiernan
Joseph P. Kiernan
Senior Vice President

State of Connecticut }
County of Hartford } ss. Hartford

On this 19th day of November, 1992, before me personally came JOSEPH P. KIERNAN, Senior Vice President of THE AETNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; and that he/she executed the said instrument on behalf of the corporation by authority of his/her office under the Standing Resolutions thereof.



Rosalind R. Christie
My commission expires March 31, 1993
Rosalind R. Christie
Notary Public

CERTIFICATE

I, the undersigned, Secretary of THE AETNA CASUALTY AND SURETY COMPANY, a stock corporation of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Board of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut, Dated this 13th day of January, 1995.



By John W. Welch
John W. Welch
Secretary

IN RE:

THE MATTER OF NOTICE OF LIS
PENDENS FILED IN INSTRUMENT
#1994-37841

IN THE PROBATE COURT OF

SHELBY COUNTY, ALABAMA

ORDER

The foregoing cause was presented to the undersigned Judge of Probate on this the 13th day of January, 1995, and, after consideration thereof, the Court finds as follows:

1. That on December 27, 1994, a Notice of Lis Pendens was filed in Instrument #1994-37481, which Notice of Lis Pendens described various tracts of land located in Shelby County, Alabama.

2. A bond has been filed with this Court under the provisions of Title 35-4-137, Code of Ala., 1975, and this Court finds that the bond is in an amount which is equal to double the fair market value of the land sought to be released under the Petition filed in this Court and as described in the said bond.

3. The Court finds that the bond meets all of the requirements of Title 35-4-137, Code of Ala., 1975, and that the lands described in the Petition and bond filed herewith, are due to be released from the effect of the above described Lis Pendens.

Based upon the foregoing findings of fact,

It is hereby ORDERED, ADJUDGED and DECREED that the lands described in the Petition and bond filed simultaneously herewith are hereby released from the operation of that certain Lis Pendens described in Instrument #1994-37481 filed in this Court on December

27, 1994, and, as to those lands, the said Lis Pendens is hereby declared to be cancelled, set aside and held for naught.

DONE and ORDERED on this the 13th day of January, 1995.


JUDGE OF PROBATE

Filed this 13th day of Jan 1995
THOMAS A. SNOWDEN JR.
Judge of Probate

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