

## CONSENT OF MORTGAGEE

**FIRST COMMERCIAL BANK** ("Mortgagee"), a state bank having its principal office located at 2000 SouthBridge Parkway, Suite 150, Birmingham, Alabama 35209, in its capacity as the owner and holder of that certain mortgage executed by FS Partnership, Ltd. ("FS") and recorded in Book 331, Page 803, in the Probate Office of Shelby County, Alabama (the "Probate Office"), has executed, acknowledged and delivered this Consent in order to acknowledge and agree that the terms and provisions of the following Instruments: (i) that certain Drainage Easement from FES Properties to Wilson Oil Company, Inc., dated as of February 13, 1995, and recorded in Book 199 at Page 485 in said Probate Office; and (ii) that certain Temporary Slope Easement from FES Properties to Wilson Oil Company, Inc., dated as of February 13, 1995 and recorded in Book 199 Page 492 in the Probate Office, shall survive any foreclosure of said mortgage or conveyance in lieu of foreclosure.

**IN WITNESS WHEREOF**, First Commercial Bank has caused this instrument to be executed, acknowledged and delivered on February 10, 1995, for the purposes stated above.

### **FIRST COMMERCIAL BANK**

By: [Signature]  
Its Sr / Senior Vice President

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Michael R. Washburn, whose name as Sr. Vice Pres. of **FIRST COMMERCIAL BANK**, a corporation, is signed to the foregoing **CONSENT OF MORTGAGEE** and who is known to me, acknowledged before me on this day that, being informed of the contents of the **CONSENT OF MORTGAGEE**, he, in    capacity as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand this the 10th day of February, 1995.

[Signature: Nancy Patterson Thomas]  
Notary Public  
My Commission Expires: 7/27/97

This Instrument prepared by:  
William R. Sylvester, Esq.  
Berkowitz, Lefkovits, Isom & Kushner, P.C.  
1600 SouthTrust Tower  
Birmingham, Alabama 35203

02/27/1995-04987  
10:45 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 SNA 8.50