

STATE OF ALABAMA — UNIFORM COMMERCIAL CODE — FINANCING STATEMENT FORM UCC-1 ALA.

Important: Read Instructions on Back Before Filling out Form.

<input type="checkbox"/> The Debtor is a transmitting utility as defined in ALA CODE 7-9-105(n).	No. of Additional Sheets Presented: <u>1</u>	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 G. Lowther Attorney at Law 3500 Independence Drive Birmingham, Al 35209 Pre-paid Acct. # _____		THIS SPACE FOR USE OF FILING OFFICER Date, Time, Number & Filing Office
2. Name and Address of Debtor (Last Name First if a Person) The Mount Properties, L.L.C. 1776 Independence Court, Suite 301 Birmingham, Al 35216 Social Security/Tax ID # _____		<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> Inst # 1997-13151 04/29/1997-13151 11:18 AM CERTIFIED SHELBY COUNTY JUDGE OF PROBATE 002, MCD 17.00 </div>
2A. Name and Address of Debtor (IF ANY) (Last Name First if a Person) Anchor, L.L.C. d/b/a Pelham Dairy Queen 557 Cahaba Valley Road Pelham, Al 35124 Social Security/Tax ID # _____		
<input type="checkbox"/> Additional debtors on attached UCC-E		
3. SECURED PARTY (Last Name First if a Person) Southern Development Council, Inc. 4101-C Wall Street Montgomery, Al 36106 Social Security/Tax ID # _____		
<input type="checkbox"/> Additional secured parties on attached UCC-E		4. ASSIGNEE OF SECURED PARTY (IF ANY) (Last Name First if a Person) U.S. Small Business Administration 2121 8th Avenue North, Suite 200 Birmingham, Al 35203
5. The Financing Statement Covers the Following Types (or Items) of Property: All fixtures, now owned or hereafter acquired, together with all replacements thereof, all attachments, accessories, parts and tools belonging thereto, or for use in connection therewith; This is a fixture filing filed as additional security along with a mortgage recorded herewith. The fixtures are located at 557 Cahaba Valley Road, Pelham, Alabama 35124, and described in Exhibit "A" attached hereto and incorporated herein. The record owners of said property are: The Mount Properties, L.L.C.		
Check X if covered: <input checked="" type="checkbox"/> Products of Collateral are also covered.		
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>553,000.00</u> Mortgage tax due (15¢ per \$100.00 or fraction thereof) \$ _____ 8. <input 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>Mark W. DiGiorgio</u> Signature(s) of Debtor(s) Mark W. DiGiorgio, Manager Type Name of Individual or Business <u>Manager</u>		Signature(s) of Secured Party(ies) (Required only if filed without debtor's Signature — see Box 6) BY: <u>Erick F. Gamble</u> Signature(s) of Secured Party(ies) or Assignee Erick F. Gamble Type Name of Individual or Business <u>Southern Development Council, Inc.</u>

EXHIBIT "A"

TO

MORTGAGE
LIEN AFFIDAVIT
FINANCING STATEMENT (UCC-1)
PRIOR LIENHOLDER'S AGREEMENT
ENVIRONMENTAL INDEMNITY AGREEMENT

MORTGAGOR/

OWNER: The Mount Properties, L.L.C.

BORROWER: The Mount Properties, L.L.C. and Anchor, L.L.C., d/b/a Pelham Dairy Queen

LENDER: SOUTHERN DEVELOPMENT COUNCIL, INC.

LEGAL DESCRIPTION:

A parcel of land located in the W 1/2 of the SE 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the NE corner of the SW 1/4 of Section 31, Township 19 South, Range 2 West; thence run in a Westerly direction along the Northern line of said 1/4 Section for a distance of 301.28 feet; thence turn an angle to the left of 51 deg. 49 min. 38 sec. and run in a Southwesterly direction for a distance of 524.90 feet; thence turn an angle to the right of 15 deg. 42 min. 53 sec. and run in a Southwesterly direction for a distance of 15.00 feet; thence turn an angle to the left of 102 deg. 10 min. 58 sec. and run in a Southeasterly direction for a distance of 195.60 feet; thence turn an angle to the right of 13 deg. 53 min. 06 sec. and run in a Southeasterly direction for a distance of 185.50 feet; thence turn an angle to the right of 03 deg. 06 min. 00 sec. and run in a Southeasterly direction for a distance of 201.40 feet; thence turn an angle to the right of 03 deg. 14 min. 59 sec. and run in a Southeasterly direction for a distance of 894.19 feet to the Northwestern right of way line of Alabama Highway No. 119; thence turn an angle to the left of 93 deg. 41 min. 50 sec. and run in a Northeasterly direction along said right of way for a distance of 218.07 feet; thence turn an angle to the left of 30 deg. 20 min. 28 sec. and run in a Northeasterly direction for a distance of 115.40 feet; thence turn an angle to the right of 30 deg. 28 min. 26 sec. and run in a Northeasterly direction for a distance of 159.41 feet to the point of beginning, from the point of beginning thus obtained; thence continue the course last described for a distance of 193.52 feet; thence turn an angle to the left of 90 deg. 00 min. 00 sec. and run in a Northwesterly direction for a distance of 249.86 feet; thence turn an angle to the left of 90 deg. 00 min. 00 sec. and run in a Southwesterly direction for a distance of 185.25 feet; thence turn an angle to the left of 88 deg. 06 min. 12 sec. and run in a Southeasterly direction for a distance of 250.00 feet to the point of beginning; being situated in Shelby County, Alabama.

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SHELBY COUNTY JUDGE OF PROBATE
002 MCD 17.00