

STATE OF ALABAMA
SHELBY COUNTY

AGREEMENT NOT TO MORTGAGE OR CONVEY REAL ESTATE

In consideration of AmSouth Bank (Bank) funding a loan to D&M Capital, Inc. in the amount of \$50,000.00 for a line of credit with maturity on demand; Renee Smith Myers and Frank Wilson Myers, Jr., hereby agree not to sell or place an additional mortgage on their fee simple interest in the following described real estate situated at 112 King James Ct. Alabaster, Alabama 35007 in Shelby County, Alabama:

See Attached Exhibit A for legal description

without prior written consent of the Bank, so long as D&M Capital Inc., is indebted to the Bank in connection with said line of credit. It is also understood that Renee Smith Myers and Frank Wilson Myers, Jr., would allow AmSouth (at it's option) to secure the debt from D&M Capital, Inc. by the above described real estate if the loan is not paid out under the normal terms of the line of credit loan with a second mortgage on the above described real estate.

IN WITNESS WHEREOF, FRANK AND RENEE MYERS has hereunto set his hand and seal on this 15th day of October, 19 98

x Renee Myers
x Frank Myers

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned authority, in and for said County, in said State, hereby certify that Renee Smith Myers and Frank Wilson Myers, Jr. whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this Oct. 15 day of 1998.

Kimberly C. Stewart
Notary Public

1-103127-1998-42027
09:40 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CRH 11.00

Insl # 1998-42027

Exhibit A

(herein referred to as GRANTEES) as joint tenants with right of survivorship, the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 39, according to the Survey of Spring Gate Sector One, Phase Three, as recorded in Map Book 20, page 82, in the Probate Office of Shelby County, Alabama.

Inst # 1998-42027

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