

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; Alan S. Daniels and Sharon A. Pitts Daniels, hereby agree not to sell or place an additional mortgage on their fee simple interest in the following described real estate situated at 108 Park Forest Terrace, Montevallo, Alabama 35115 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 Alan S. Daniels and Sharon A. Pitts Daniels, 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, SCOTT AND SHARON DANIELS has hereunto set his hand and seal on this 15th day of October, 1998.

x Scott Daniels
x Sharon A. Daniels

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned authority, in and for said County, in said State, hereby certify that Alan S. Daniels and Sharon A. Pitts Daniels 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.

Kimberl C. Stewart
Notary Public

10/15/98 1998-42028
09:40 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CRH 11.00

92021-8861
1998-42028

EXHIBIT A

Lot 37, according to the Survey of Park Forest Subdivision - Fourth Sector, as recorded in Map Book 18, page 95, in the Probate Office of Shelby County, Alabama.

Inst # 1998-42028

**10/27/1998-42028
09:40 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CRH 11.00**