

STATE OF GEORGIA

COUNTY OF DEKALB

The indebtedness referred to in that certain Second Priority Mortgage Security Agreement and Assignment of Leases from Intown Suites Southpark, LLC to Tucker Federal Bank, dated July 11, 1997, and recorded on July 14, 1997 at Instrument #1997-22114 in the Probate Office of ~~Shelby County, Alabama~~, having been paid in full and the undersigned be the present recordholder and owner of such deed by virtue of being the original grantee or by virtue of assignments of record at _____, the Probate Clerk of such Court is authorized to cancel that deed of record as provided in Code Section 44-14-4 of the O.C.G.A. for other mortgage cancellations.

In witness whereof the undersigned has set its hand and seal this 13th day of November, 1997.

Z1519091-37 1/4

Return To
CT Corporation Systems
UCC Division
17 South High St. #1100
Columbus, OH 43215

TUCKER FEDERAL BANK

BY: Helen F. Barry (SEAL)

HELEN F. BARRY
ASST. VICE PRESIDENT

Signed, sealed, and delivered
on the date above shown

Cherita N. Stoker

Witness

Will Roy

Notary Public

Notary Public, Gwinnett County, Georgia
My Commission Expires August 16, 1999

Inst # 1998-50659

12/21/1998-50659
08:03 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CRH 11.00

EXHIBIT "B"

to

SECOND PRIORITY MORTGAGE
SECURITY AGREEMENT
AND ASSIGNMENT OF LEASES

PERMITTED EXCEPTIONS

- i) taxes and assessments for 1997, a lien but not yet payable;
- ii) mineral and mining rights and all rights incident thereto including any release of damages as set forth in Deed Book 127, page 140 as to the Northwest quarter of the Southwest quarter of Section 30 Township 19 South, Range 2 West;
- iii) Easements rights and obligations reserved by Sunlink Corporation in deed to EES Joint Venture set forth in Book 285, page 203;
- iv) Agreement between the Harbert-Equitable Joint Venture and EES Joint Venture dated February 15, 1990 as referred to in deed to EES Joint Venture recorded in Book 285, page 207, and recorded as Instrument #1996-744 and Instrument #1996-745;
- v) all rights of parties concerning that certain Temporary Construction and Grading Easement Agreement dated March 30, 1990 among Sunlink Corporation; Bell South Services, Incorporated and others recorded in Real Book 285, page 207;
- vi) transmission line permits to Alabama Power Company as recorded in Deed Book 101, page 523, Deed Book 139, page 157, Deed Book 292, page 356, and as shown on survey by Sain Associates, Inc. dated 12-2-96 and revised 2-21-97.
- vii) Right of way in favor of Shelby County Alabama in Deed Book 153, page 212 (as to Highway 31) and as shown on survey by Sain Associates, Inc. dated 12-2-96 and revised 2-21-97;
- viii) Building set back lines and all easements shown on the plat of South Park Map Book 20, page 100 and Map Book 14, page 25, and Map Book 22, page 17;
- ix) utility and drainage easement as set out in Map Book 22, page 17 and as shown on survey by Sain Associates, Inc. dated 12-2-96 and revised 2-21-97;
- x) landscape area defined on record Map Book 22, page 17; and
- xi) Yard inlets located along Northwest side and Southwest side and fire hydrant located along northwest side as shown on survey by Sain Associates, Inc. dated 12-2-96 and revised 2-21-97.
- xii) Mortgage, Assignments and Security Interest granted by Grantor to BANK UNITED.

Inst # 1998-50659

12/21/1998-50659
08:03 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
Inst # 1997-22114
002 CRH

07/14/1997-22114
02:03 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
038 MEL 1442.00