

Shelby, AL

☐ The Debtor is a transmitting utility as defined in ALA CODE 7-9-105(n).

No. of Additional Sheets Presented:

This FINANCING STATEMENT is presented to a Filing Officer for filing pursuant to the Uniform Commercial Code.

1. Return copy or recorded original to:

LexisNexis Document Solutions
PO Box 2969
Springfield, IL 62708

THIS SPACE FOR USE OF FILING OFFICER
Date, Time, Number & Filing Office

Inst # 2001-35941
08/22/2001-35941
01:10 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MSB 17.00

Pre-paid Acct #

2. Name and Address of Debtor

(Last Name First if a Person)

Wen-Alabama, Inc.
4671 Highway 280
BIRMINGHAM, AL 35223

Social Security/Tax ID #

2A. Name and Address of Debtor

(IF ANY)

(Last Name First if a Person)

Social Security/Tax ID #

FILED WITH: AL-Shelby County

☐ Additional debtors on attached UCC-E

3. NAME AND ADDRESS OF SECURED PARTY (Last Name First if a Person)

Heller Financial Leasing, Inc.
900 Circle 75 Parkway, N.W., Suite 1600
ATLANTA, GA 30339

Social Security/Tax ID #

☐ Additional secured parties on attached UCC-E

4. ASSIGNEE OF SECURED PARTY

(IF ANY)

(Last Name First if a Person)

5. ☐ This statement refers to original Financing Statement bearing File No. 1996-41177

Filed with

Date Filed 12/16/1996 19

6. ☒ Continuation. The original financing statement between the foregoing Debtor and Secured Party, bearing file number shown above, is still effective.
7. ☐ Termination. Secured Party no longer claims a security interest under the financing statement bearing the file number shown above.
8. ☐ Partial or ☐ Full Assignment. The Secured Party's right under the financing statement bearing file number shown above to the property described in item 11 or to all of the property listed on this file, is assigned to the assignee whose name and address appears in item 4.
9. ☐ Amendment. Financing statement bearing file number shown above is amended as set forth in item 11.
10. ☐ Partial Release. Secured Party releases the collateral described in item 11 from the financing statement bearing file number shown above.

11.

11A. Enter Code(s) From Back of Form That Best Describes The Collateral Covered By This Filing:

Check X if covered: ☐ Products of Collateral are also covered.

Signature(s) of Debtor(s)

Signature(s) of Debtor(s) (necessary only if item 9 is applicable)

Type Name of Individual or Business

Signature(s) of Secured Party(ies)

Signature(s) of Secured Party(ies)

Heller Financial Leasing, Inc

Type Name of Individual or Business

STANDARD FORM ... UNIFORM COMMERCIAL CODE ... FORM UCC-3
Approved by The Secretary of State of Alabama

(1) FILING OFFICER COPY - ALPHABETICAL
(2) FILING OFFICER COPY - NUMERICAL

(3) FILING OFFICER COPY - ACKNOWLEDGEMENT
(4) FILE COPY - SECURED

(5) FILE COPY DEBTOR(S)

POWER OF ATTORNEY FOR UCC FILINGS

KNOW ALL MEN BY THESE PRESENTS that Heller Financial, Inc. (hereinafter referred to as the "Principal"), a Delaware corporation with its principal place of business at the address last set forth below, authorizes LEXIS DOCUMENT SERVICES, INC. (the "Attorney"), a Delaware corporation with offices at 801 Adlai Stevenson Drive, Springfield, Illinois 62703, to act as its attorney-in-fact for the limited purpose of preparing, executing and filing in the Principal's name, and in the name of any customer or affiliate of the Principal or other third party designated by the Principal to the Attorney in writing from time to time which has authorized the Principal to act on its behalf (the "Principal's Principal") such Uniform Commercial Code financing statements, amendments and continuations thereof ("UCC Forms") as the Principal may request. This Power of Attorney will remain in full force and effect until written notice of its revocation is given by the Principal to the Attorney by registered mail, or until Attorney gives the Principal written notice by certified or registered mail that the Attorney is resigning as such and that this Power of Attorney is terminated.

LIMITATION OF LIABILITY

1. NEITHER ATTORNEY NOR ANY COMPANY AFFILIATED WITH ATTORNEY, OR ANY OFFICER, DIRECTOR, EMPLOYEE, SUBCONTRACTOR, AGENT, SUCCESSOR OR ASSIGN OF ATTORNEY OR ANY SUCH COMPANY (COLLECTIVELY, A "RELATED PARTY") SHALL BE LIABLE TO PRINCIPAL FOR ANY LOSS, INJURY, CLAIM, LIABILITY OR DAMAGE OF ANY KIND RESULTING IN ANY WAY FROM:
 - (A) THE EXISTENCE OF ANY ERRORS OR OMISSIONS IN ANY UCC FORMS, IF THOSE ERRORS OR OMISSIONS WERE ALSO CONTAINED IN THE CORRESPONDING MATERIALS AS RECEIVED BY ATTORNEY FROM PRINCIPAL CONTAINING THE DATA TO BE TYPED OR OTHERWISE INPUTTED ONTO THE UCC FORMS;
 - (B) ATTORNEY'S FAILURE TO PERFORM OR DELAY IN PERFORMING ANY SERVICE FOR PRINCIPAL DUE TO ANY CAUSE OR CIRCUMSTANCE BEYOND THE REASONABLE CONTROL OF ATTORNEY OR ANY RELATED PARTY.
2. NEITHER ATTORNEY NOR ANY RELATED PARTY SHALL BE LIABLE TO PRINCIPAL FOR ANY SPECIAL, INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES ARISING OUT OF THE USE OF ATTORNEY'S SERVICES OR ANY ERRORS OR OMISSIONS IN UCC FORMS PREPARED BY ATTORNEY OR ANY RELATED PARTY, OR OTHERWISE OUT OF OR IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS POWER OF ATTORNEY, OR FOR ANY CLAIM BY ANY THIRD PARTY, EVEN IF ATTORNEY OR ANY RELATED PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES OR CLAIM. ATTORNEY'S SOLE

LIABILITY FOR ACTUAL DIRECT DAMAGES, IF ANY, AND PRINCIPAL'S EXCLUSIVE REMEDY THEREFOR, SHALL NOT EXCEED THE TOTAL OF ALL UCC FILING SERVICE FEES RECEIVED BY ATTORNEY FROM PRINCIPAL DURING THE TWELVE MONTHS PRECEDING THE ACT OR FAILURE TO ACT GIVING RISE TO THE DAMAGES; PROVIDED, HOWEVER, THAT THIS LIMITATION ON LDS'S LIABILITY FOR ACTUAL, DIRECT DAMAGES SHALL NOT APPLY TO LIMIT LDS'S LIABILITY TO CUSTOMER FOR ANY ACTUAL, DIRECT DAMAGES WHICH ARE FINALLY AWARDED AGAINST LDS, AND WHICH ARE DIRECTLY AND SOLELY CAUSED BY LDS'S WILLFUL MISCONDUCT, EXCLUDING BREACH OF CONTRACT.

IN WITNESS WHEREOF, the Principal has caused this instrument to be executed by a duly authorized representative as of the date set forth below.

Principal (legal name and address):

Heller Financial, Inc.
500 West Monroe Street
Chicago, Illinois 60661

By: 

Name: Debra H. Snider

Title: Executive Vice President

Date: April 12, 2000

Inst # 2001-35941

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*** TOTAL PAGE.03 ***