

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional] JAY F. PUMROY
B. SEND ACKNOWLEDGMENT TO: (Name and Address) WILSON, PUMROY, TURNER & JAMES, L.L.C. P.O. BOX 2333 ANNISTON, ALABAMA 36202

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME MCWHORTER PROPERTIES-BIRMINGHAM, L.L.C.				
OR				
1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
1c. MAILING ADDRESS 1117 GLENWOOD TERRACE		CITY ANNISTON	STATE AL	POSTAL CODE 36207
				COUNTRY USA
1d. TAX ID #: SSN OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION LIMITED LIABILITY	1f. JURISDICTION OF ORGANIZATION CALHOUN COUNTY	1g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME				
OR				
2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
2c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
				COUNTRY
2d. TAX ID #: SSN OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME COLONIAL BANK				
OR				
3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
3c. MAILING ADDRESS P.O. BOX 370		CITY ANNISTON	STATE AL	POSTAL CODE 36202
				COUNTRY USA

4. This FINANCING STATEMENT covers the following collateral:

ALL OF THE EQUIPMENT, FIXTURES, INVENTORY, MACHINERY, APPLIANCES AND PERSONAL PROPERTY OF EVERY NATURE LOCATED ON THE REAL PROPERTY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND ALL ADDITIONS, REPLACEMENTS, SUBSTITUTIONS, ACCESSIONS THERETO, THE PROCEEDS THEREFROM AND ANY INSURANCE THEREON, LOCATED ON SAID REAL PROPERTY.

REAL PROPERTY AS SHOWN ON EXHIBIT "A" OWNED BY DEVELOPERS DIVERSIFIED OF ALABAMA, INC. AND LEASED TO LOWE'S HOME CENTERS, INC., AS EVIDENCED BY INSTRUMENT NO. 20020809000378380, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA. DEBTOR WAS GRANTED A LEASEHOLD MORTGAGE WHICH HAS BEEN ASSIGNED TO SECURED PARTY.

SEE LEASEHOLD MORTGAGE RECORDED AS INSTRUMENT NO: _____,
PROBATE OFFICE OF SHELBY COUNTY, ALABAMA

5. ALTERNATIVE DESIGNATION (if applicable):	<input type="checkbox"/> LESSEE/LESSOR	<input type="checkbox"/> CONSIGNEE/CONSIGNOR	<input type="checkbox"/> BAILEE/BAILOR	<input type="checkbox"/> SELLER/BUYER	<input type="checkbox"/> AG. LIEN	<input type="checkbox"/> NON-UCC FILING
6. <input checked="" type="checkbox"/> This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum (if applicable)	7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (ADDITIONAL FEE) (optional)		<input type="checkbox"/> All Debtors <input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2			
8. OPTIONAL FILER REFERENCE DATA						

RECORD IN THE PROBATE RECORDS OF SHELBY COUNTY, ALABAMA

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

8a. ORGANIZATION'S NAME

OR MCWHORTER PROPERTIES-BIRMINGHAM, L.L.C.

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME SUFFIX

10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

11a. ORGANIZATION'S NAME

OR	11b. INDIVIDUAL'S LAST NAME
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FIRST NAME

MIDDLE NAME

SUFFIX

11c MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY	
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11d. TAX ID #: SSN OR EIN

ADD'L INFO RE ORGANIZATION DEBTOR	
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11e. TYPE OF ORGANIZATION

11f. JURISDICTION OF ORGANIZATION

11g. ORGANIZATIONAL ID #, if any

☐ NONE

12a. ORGANIZATION'S NAME

OR 12b. INDIVIDUAL'S LAST NAME

DATE	FIRST NAME	LAST NAME	ADDRESS	CITY	STATE	ZIP	PHONE	TELETYPE	TELEFAX	TELEMAIL	TELEFAX	TELEMAIL
1998-01-01	JOHN	DOE	12345	NEW YORK	NY	10001	212-555-1234					
1998-01-01	JANE	DOE	12345	NEW YORK	NY	10001	212-555-1234					
1998-01-01	JOHN	DOE	12345	NEW YORK	NY	10001	212-555-1234					
1998-01-01	JANE	DOE	12345	NEW YORK	NY	10001	212-555-1234					
1998-01-01	JOHN	DOE	12345	NEW YORK	NY	10001	212-555-1234					
1998-01-01	JANE	DOE	12345	NEW YORK	NY	10001	212-555-1234					
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1998-01-01	JANE	DOE	12345	NEW YORK	NY	10001	212-555-1234					
1998-01-01	JOHN	DOE	12345	NEW YORK	NY	10001	212-555-1234					
1998-01-01	JANE	DOE	12345	NEW YORK	NY</							

MIDDLE NAME

SUFFIX

12c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

13. This FINANCING STATEMENT covers ☐ timber to be cut or ☐ as-extracted collateral, or is filed as a ☒ fixture filing.

14. Description of real estate:

SEE ATTACHED EXHIBIT "A"

16. Additional collateral description:

15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):

DEVELOPERS DIVERSIFIED OF
ALABAMA, INC. AND LEASED
TO LOWE'S HOME CENTERS, INC.

17. Check only if applicable and check only one box.

Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust or ☐ Decedent's Estate

18. Check only if applicable and check only one box.

Debtor is a TRANSMITTING UTILITY

☐ Filed in connection with a Manufactured-Home Transaction — effective 30 years

☐ Filed in connection with a Public-Finance Transaction — effective 30 years

EXHIBIT "A"

Parcel I:

Lot 2-A, according to the map of Lowe's Addition to Brook Highland Plaza as recorded in Map Book 30, Page 11, in the Office of the Judge of Probate Office of Shelby County, Alabama.

Said parcel being more particularly described as follows:

Begin at the Southeast corner of said Lot 2-A and run in a Northwesterly direction along the East boundary line of said Lot and the West right of way line of Shelby County Highway 495 for a distance of 621.02 feet; thence turn an interior angle of 90°06'26" to the right and run in a Southwesterly direction for a distance of 471.63 feet; thence turn an interior angle of 166°31'24" to the right and run in a Southwesterly direction for a distance of 28.54 feet; thence turn an interior angle of 193°28'36" to the right and run in a Southwesterly direction for a distance of 210.00 feet; thence turn an interior angle of 90°00'00" to the right and run in a Southeasterly direction for a distance of 46.00 feet; thence turn an interior angle of 270°00'00" to the right and run in a Southwesterly direction for a distance of 184.32 feet; thence turn an interior angle of 90°00'00" to the right and run in a Southeasterly direction for a distance of 340.80 feet; thence turn an interior angle of 270°00'00" to the right and run in a Southwesterly direction for a distance of 51.74 feet to a point on a curve to the right with a radius of 314.45 feet a central angle of 20°15'22" and a chord length of 110.59 feet; thence turn an interior angle to chord of said curve 74°14'15" to the right and run along the arc of said curve in a Southeasterly direction for a distance of 111.17 feet; thence continue in a Southeasterly direction along the tangent extended from said curve for a distance of 204.03 feet; thence turn an interior angle of 51°17'18" to the right and run in a Northeasterly direction for a distance of 31.72 feet; thence turn an interior angle of 224°36'27" to the right and run in a Northeasterly direction for a distance of 566.01 feet; thence turn an interior angle of 89°59'13" to the right and run in a Northwesterly direction for a distance of 63.64 feet; thence turn an interior angle of 270°00'00" to the right and run in a Northeasterly direction for a distance of 307.56 feet to the point of beginning.

Parcel II:

Together with the non-exclusive easements and rights of ingress and egress, parking, utility and other purposes pursuant to that certain Declaration of Easements and Restrictive Covenants as recorded in Real Volume 307, Page 985, and that certain Easement Agreement recorded under Instrument Number 1994-37773 re-executed under Instrument Number 1995-27233.

Also:

Together with beneficial rights and interests as created by the covenants, conditions and restrictions recorded under Instrument Number 20020809000378390.