


THIS INSTRUMENT PREPARED BY:

NAME: Clayton T. Sweeney, Attorney at Law

ADDRESS: 2700 Highway 280 East, Suite 160

Birmingham, AL 35223


20030806000513180 Pg 1/6 146.00
Shelby Cnty Judge of Probate, AL
08/06/2003 13:28:00 FILED/CERTIFIED

MORTGAGE

STATE OF ALABAMA }
SHELBY COUNTY }

Know all Men by These Presents, that whereas the undersigned **HIDDEN RIDGE ESTATES, LLC, an Alabama limited liability company**, is justly indebted to **SPRATLIN CONSTRUCTION COMPANY, INC., an Alabama corporation** in the sum of **Eighty Thousand and 00/100 Dollars (\$80,000.00)** as evidenced by promissory note(s) in the amount of \$80,000.00, given prior to the date of this mortgage and whereas it is desired by the undersigned to secure the prompt payment of said indebtedness with interest when the same falls due, according to the terms therein.

Now Therefore in consideration of the said indebtedness, and to secure the prompt payment of the same at maturity, the undersigned, **HIDDEN RIDGE ESTATES, LLC** do, or does, hereby grant, bargain, sell and convey unto the said **SPRATLIN CONSTRUCTION COMPANY, INC.** (hereinafter called Mortgagee) the following described real property situated in Shelby County, Alabama, to-wit:

See Exhibit "A" attached hereto and made a part hereof

The first and second phase of the development shall consist of nineteen (19) lots. Upon completion of the development of the first and second phase and the plat has been approved by the appropriate county authorities and filed for record, the Lender if necessary shall release Lots 10 and 15 from the loan. These two lots shall be released from the lien of the mortgage without payment or reduction of principal being paid to Lender. The release of all subsequent lots shall require the payment of \$5,000.00 from each lot sale, shall be paid toward the reduction of principal until the indebtedness is paid in full.

This is a purchase money second mortgage. This mortgage is second and subordinate to that certain mortgage given by Hidden Ridge Estates, LLC to First Commercial Bank in the amount of \$656,000.00 dated July 30, 2003.

Said property is warranted free from all encumbrances and against any adverse claim.

TO HAVE AND TO HOLD the above granted premises unto the said Mortgagee forever; and for the purpose of further securing the payment of said indebtedness, the undersigned, agrees to pay all taxes, or assessments, when legally imposed upon said premises and should default be made in the payment of same, said Mortgagee has the option of paying off the same; and to further secure said indebtedness, the undersigned agrees to keep the improvements on said real estate insured against loss or damage by fire, lightning and tornado for the reasonable insurable value thereof, in companies satisfactory to the Mortgagee, with loss, if any payable to said Mortgagee, as the interest of said Mortgagee may appear, and promptly to deliver said policies, or any renewals of said policies, to said Mortgagee; and if undersigned fail to keep said property insured as above specified, or fail to deliver said insurance policies to said Mortgagee, then said Mortgagee has the option of insuring said property for said sum for the benefit of said Mortgagee, the policy, if collected, to be credited on said indebtedness, less cost of collecting same; all amounts so expended by said Mortgagee for taxes, assessments or insurance, shall become a debt to said Mortgagee, additional to the debt hereby specially secured, and shall be covered by this mortgage, and bear interest from the date for payment by said Mortgagee, and be at once due and payable.

Upon condition, however, that if the said Mortgagor pays said indebtedness, and reimburse said Mortgagee for any amounts Mortgagee, may have expended for taxes, assessments and insurance, and the interest thereon, then this conveyance to be null and void, but should default be made in the payment of any sum expended by the said Mortgagee, or should said indebtedness hereby secured, or any part thereof, or the interest thereon, remain unpaid at maturity, or should the interest of said Mortgagee in

CLAYTON T. SWEENEY, ATTORNEY AT LAW

said property become endangered by reason of the enforcement of any prior lien or incumbrance thereon, so as to endanger the debt hereby secured, or if any statement of lien is filed under the Statutes of Alabama relating to the liens of mechanics and materialmen without regard to form and contents of such statement and without regard to the existence or non-existence of the debt or any part thereof or of the lien on which such statement is based, then in any one of said events, the whole of said indebtedness hereby secured shall at once become due and payable, and this mortgage be subject to foreclosure as now provided by law in case of past due mortgages, and the said Mortgagee shall be authorized to take possession of the premises hereby conveyed and with or without first taking possession, after giving twenty-one days notice by publishing once a week for three consecutive weeks, the time, place and terms of sale, in some newspaper published in said County and State, to sell the same in lots or parcels, or en masse, as Mortgagee may deem best, in front of the Court House door in said County, at public outcry, to the highest bidder for cash and apply the proceeds of said sale; First, to the expense of advertising, selling and conveying, including a reasonable attorney's fee; Second, to the payment of any amount that may have been expended, or that it may be necessary then to expend in paying insurance, taxes or other encumbrances, with interest thereon; Third, to the payment of said indebtedness in full, whether the same shall or shall not have fully matured, at the date of said sale, but no interest shall be collected beyond the day of sale; and Fourth, the remainder, if any, to be turned over to the said Mortgagor; and the undersigned further agree that said Mortgagee may bid at said sale and purchase said property, if the highest bidder therefor, as though a stranger hereto, and the person acting as auctioneer at such sale is hereby authorized and empowered to executed a deed to the purchase thereof in the name of the Mortgagor by such auctioneer as agent, or attorney in fact; and undersigned further agree to pay a reasonable attorney's fee to said Mortgagee for the foreclosure of this mortgage in Chancery, should the same be so foreclosed, said fee to be a part of the debt hereto secured.

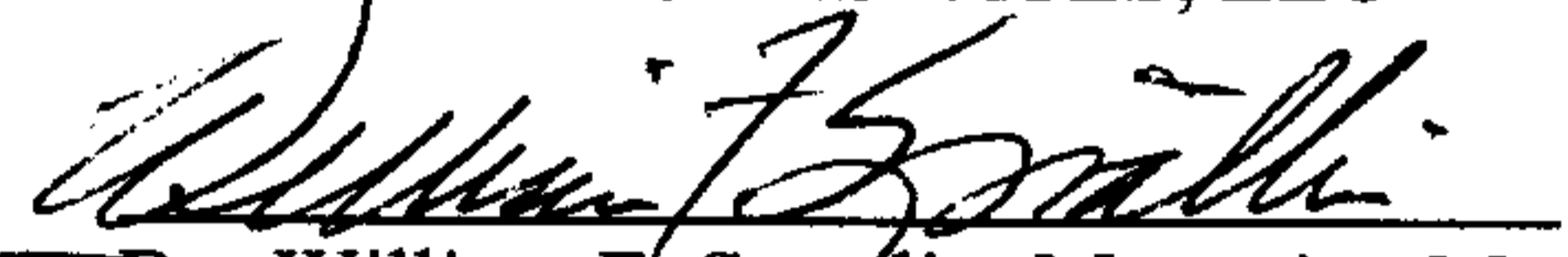

It is expressly understood that the word "Mortgagee" wherever used in this mortgage refers to the person, or to the persons, or to the corporation named as grantee or grantees in the granting clause herein.

Any estate or interest herein conveyed to said Mortgagee, or any right or power granted to said Mortgagee in or by this mortgage is hereby expressly conveyed and granted to the heirs, and agents, and assigns, of said Mortgagee, or to the successors and agent and assigns of said Mortgagee, if a corporation.

IN WITNESS WHEREOF, the said Mortgagor has hereunto set it hand by its duly authorized officer this the 30th day of July, 2003.

WITNESSES:

HIDDEN RIDGE ESTATES, LLC



By: William F. Spratlin, Managing Member

By: Donald M. Acton, Member

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Corporate Acknowledgment

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that William F. Spratlin and Donald M. Acton, whose names, respectively as Managing Member and Member of HIDDEN RIDGE ESTATES, LLC, an Alabama limited liability company, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that being informed of the contents of the conveyance, they, as such members and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this the 30th day of July, 2003.


Notary Public

My commission expires: 6-5-2007

First American Title Insurance Company

SCHEDULE A – LEGAL DESCRIPTION

Agent's File No.: 142677

A parcel of land situated in Section 25, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a railroad rail found locally accepted to be the Northeast corner of the Northeast quarter of Section 25, Township 20 South, Range 2 West and run in a Westerly direction along the North line of said Northeast quarter for a distance of 487.05 feet to an iron pin found at the point of beginning; thence turn an angle to the left of 92 degrees, 09 minutes, 34 seconds and run in a Southerly direction for a distance of 1,342.02 feet to an iron pin found; thence turn an angle to the left of 87 degrees, 44 minutes, 34 seconds and run in an Easterly direction for a distance of 487.23 feet to a point on the East line of said Northeast quarter; thence turn an angle to the right of 87 degrees, 43 minutes, 10 seconds and run in a Southerly direction along the East line of said Northeast quarter for a distance of 949.95 feet to a point; thence turn an angle to the right of 89 degrees, 35 minutes, 04 seconds and run in a Westerly direction for a distance of 302.46 feet to a point; thence turn an angle to the left of 90 degrees, 00 minutes, 00 seconds and run in a Southerly direction for a distance of 829.35 feet to a point; thence turn an angle to the right of 90 degrees, 00 minutes, 00 seconds and run in a Westerly direction for a distance of 1,033.84 feet to a point; thence turn an angle to the right of 90 degrees, 35 minutes, 13 seconds and run in a Northerly direction for a distance of 1,017.23 feet to a point; thence turn an angle to the left of 74 degrees, 06 minutes, 21 seconds and run in a Northwesterly direction for a distance of 360.83 feet to a point; thence turn an angle to the right of 90 degrees, 00 minutes, 00 seconds and run in a Northeasterly direction for a distance of 60.00 feet to a point; thence turn an angle to the right of 90 degrees, 00 minutes, 00 seconds and run in a Southeasterly direction for a distance of 45.00 feet to a point on a curve to the left, having a central angle of 90 degrees, 00 minutes, 00 seconds and a radius of 25.00 feet; thence run along the arc of said curve in a Southeasterly to Northeasterly direction for a distance of 39.27 feet to a point; thence run tangent to last stated curve in a Northeasterly direction for a distance of 12.83 feet to a point on a curve to the right, having a central angle of 45 degrees, 34 minutes, 11 seconds and a radius of 205.00 feet; thence run along the arc of said curve in a Northeasterly direction for a distance of 163.05 feet to a point; thence run tangent to last stated curve in a Northeasterly direction for a distance of 174.94 feet to a point; thence turn an angle to the left of 61 degrees, 27 minutes, 50 seconds and run in a Northerly direction for a distance of 986.38 feet to a point on a curve to the left, having a central angle of 22 degrees, 44 minutes, 56 seconds and a radius of 170.00 feet; thence turn an angle to the chord of said curve of 63 degrees, 59 minutes, 54 seconds and run in a Northwesterly direction along the arc of said curve for a distance of 67.50 feet to a point; thence run tangent to last stated curve in a Northwesterly direction for a distance of 134.27 feet to a point on a curve to the left, having a central angle of 39 degrees, 32 minutes, 58 seconds and a radius of 173.28 feet; thence run in a Northwesterly to Southwesterly direction along the arc of said curve for a distance of 119.61 feet to a point; thence run tangent to last stated curve in a Southwesterly direction for a distance of 199.41 feet to a point on a curve to the left, having a central angle of 10 degrees, 11 minutes, 21 seconds and a radius of 530.83 feet; thence run in a Southwesterly direction along the arc of said curve for a distance of 94.40 feet to a point; thence run tangent to last stated curve in a Southwesterly

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SCHEDULE A – LEGAL DESCRIPTION (Continued)

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direction for a distance of 121.59 feet to a point on a curve to the right, having a central angle of 17 degrees, 08 minutes, 40 seconds and a radius of 1,100.09 feet; thence run in a Southwesterly direction along the arc of said curve for a distance of 329.18 feet to a point; thence run tangent to last stated curve in a Southwesterly direction for a distance of 89.72 feet to a point on a curve to the right, having a central angle of 70 degrees, 35 minutes, 56 seconds and a radius of 205.00 feet; thence run in a Southwesterly to Northwesterly direction along the arc of said curve for a distance of 252.60 feet to a point; thence run tangent to last stated curve in a Northwesterly direction for a distance of 48.73 feet to a point on a curve to the left, having a central angle of 34 degrees, 39 minutes, 20 seconds and a radius of 245.00 feet; thence run in a Northwesterly direction along the arc of said curve for a distance of 148.19 feet to a point; thence run tangent to last stated curve in a Northwesterly direction for a distance of 122.96 feet to a point on a curve to the left, having a central angle of 115 degrees, 32 minutes, 42 seconds and a radius of 25.00 feet; thence run along the arc of said curve in a Northwesterly to Southwesterly direction for a distance of 50.42 feet to a point on the Easterly right of way line of Shelby County Highway No. 331 also known as Fire Tower Road; thence turn an angle to the right from the chord of said curve of 122 degrees, 13 minutes, 39 seconds and run in a Northwesterly direction along the Easterly right of way line of said Shelby County Highway No. 331 for a distance of 121.92 feet to a point on a curve to the left, having a central angle of 64 degrees, 27 minutes, 18 seconds and a radius of 25.00 feet; thence turn an angle to the right to the chord of said curve of 147 degrees, 46 minutes, 21 seconds and run in a Southeasterly direction along the arc of said curve for a distance of 28.12 feet to a point; thence run tangent to last stated curve in a Southeasterly direction for a distance of 175.53 feet to a point on a curve to the right, having a central angle of 34 degrees, 39 minutes, 20 seconds and a radius of 305.00 feet; thence run in a Southeasterly direction along the arc of said curve for a distance of 184.48 feet to a point; thence run tangent to last stated curve in a Southeasterly direction for a distance of 48.73 feet to a point on a curve to the left, having a central angle of 70 degrees, 35 minutes, 56 seconds and a radius of 145.00 feet; thence run along the arc of said curve in a Southeasterly to Northeasterly direction for a distance 178.67 feet to a point; thence run tangent to last stated curve in a Northeasterly direction for a distance of 89.72 feet to a point on a curve to the left, having a central angle of 17 degrees, 08 minutes, 40 seconds and a radius of 1,040.09 feet; thence run in a Northeasterly direction along the arc of said curve for a distance of 311.22 feet to a point; thence run tangent to last stated curve in a Northeasterly direction for a distance of 121.59 feet to a point on a curve to the right, having a central angle of 10 degrees, 11 minutes, 21 seconds and a radius of 590.83 feet; thence run along the arc of said curve in a Northeasterly direction for a distance of 105.07 feet to a point; thence run tangent to last stated curve in a Northeasterly direction for a distance of 199.41 feet to a point on a curve to the right, having a central angle of 38 degrees, 01 minutes, 51 seconds and a radius of 233.28 feet; thence run in a Northeasterly to Southeasterly direction along the arc of said curve for a distance of 154.84 feet to a point; thence turn an angle to the left from the chord of said curve of 23 degrees, 24 minutes, 42 seconds and run in a Northeasterly direction for a distance of 207.63 feet to a point; thence turn an angle to the left of 60 degrees, 40 minutes, 53 seconds and run in a Northerly direction for a distance of 573.63 feet to an iron pin found on the North line of said Northeast quarter; thence turn an angle to the right of 92 degrees 04 minutes 03

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SCHEDULE A – LEGAL DESCRIPTION (Continued)

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seconds and run in an Easterly direction along the North line of said Northeast quarter for a distance of 835.08 feet to the point of beginning.

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SCHEDULE A – LEGAL DESCRIPTION (Continued)

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Less and Except:

Proposed Lot 15 in Hidden Ridge Estates, situated in the E ½ of the E ½ of Section 25, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows: Commence at a Rail Road rail found locally accepted to be the NE corner of said Section 25; thence run South along the East line of said Section 25 for a distance of 4,028.58 feet to an iron pin found at the SE corner of the NE ¼ of the SE ¼ of said Section 25; thence turn an angle to the right of 92 deg. 30 min. 05 sec. and run in a Westerly direction along the South line of said ¼ ¼ section for a distance of 1,333.24 feet to an iron pin found at the SW corner of NE ¼ of the SE ¼ of said Section 25; thence turn an angle to the right of 87 deg. 39 min. 10 sec. and run in a Northerly direction along the West line of said ¼ ¼ section for a distance of 838.16 feet to the point of beginning; thence continue along last stated course for a distance of 1,017.23 feet to an iron pin set on the SW right of way line of a proposed County Road; thence turn an angle to the right 105 deg. 53 min. 39 sec. and run in a Southeasterly direction along said SW right of way line for a distance of 26.61 feet to a point on a curve to the right having a central angle of 30 deg. 11 min. 20 sec. and a radius of 385.00 feet; thence run in a Southeasterly direction along the arc of said curve and also along said SW right of way line for a distance of 202.85 feet to a point; thence turn an angle to the right from the chord of last stated curve of 58 deg. 25 min. 28 sec. and run in a Southerly direction for a distance of 904.63 feet to a point; thence turn an angle to the right of 90 deg. 00 min. 00 sec. and run in a Westerly direction for a distance of 206.77 feet to the point of beginning; situated in Shelby County, Alabama.

A parcel of land situated in the SE ¼ of the NE ¼ of Section 25, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a crimped iron found locally accepted to be the NE corner of said ¼ ¼ section; thence run West along the North line of said ¼ ¼ section for a distance of 408.51 feet to a point 78.72 feet East of a crimped iron found; thence turn an angle to the left of 92 deg. 40 min. 47 sec. and run in a Southerly direction for a distance for a distance of 243.15 feet to an iron pin set at the point of beginning; thence continue along last stated course for a distance of 726.00 feet to the centerline of Hidden Ridge; thence turn an angle to the left of 90 deg. 00 min. 00 sec. and run in an Easterly direction for a distance of 300.00 feet to a point; thence turn an angle to the left of 90 deg. 00 min. 00 sec. and run in a Northerly direction for a distance of 726.00 feet to an iron pin set; thence turn an angle to the left of 90 deg. 00 min. 00 sec. and run in a Westerly direction for a distance of 300.00 feet to the point of beginning.

Less and Except:

Commence at a crimped iron found locally accepted to be the NE corner of said ¼ ¼ section; thence run West along the North line of said ¼ ¼ section for a distance of 408.51 feet to a point, 78.72 feet East of a crimped iron found; thence turn an angle to the left of 92 deg. 41 min. 47 sec. and run in a Southerly direction for a distance of 883.29 feet to the point of beginning, said point of beginning also being on the North right of way line of proposed Hidden Ridge; thence continue along last stated course for a distance of 85.86 feet to a point on the centerline of said Hidden Ridge; thence turn an angle to the left of 90 deg. 00 min. 00 sec. and run in an Easterly direction and along the centerline of said Hidden Ridge for a distance of 98.56 feet to a point, said point also being on a curve to the left, having a central angle of 163 deg. 59 min. 06 sec. and a radius of 66.00 feet; thence turn an angle to the left to the chord of said curve of 138 deg. 56 min. 12 sec. and run in a Northwesterly direction along the arc of said curve for a distance of 188.90 feet to the point of beginning; being situated in Shelby County, Alabama.