

THIS INSTRUMENT WAS  
PREPARED BY AND AFTER  
RECORDING SHOULD BE  
RETURNED TO:

Winston & Strawn LLP  
200 Park Avenue  
New York, NY 10166  
Attn: Patricia M. Dineen

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STATE OF ALABAMA)  
SHELBY COUNTY)

**ASSIGNMENT OF MORTGAGE AND OTHER  
RECORDED DOCUMENTS AND SECURED INDEBTEDNESS**

**FOR VALUE RECEIVED**, the undersigned **BANK OF AMERICA, N.A.**, as successor by merger to Bank of America National Trust and Savings Association, as Collateral Agent ("Assignor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to Assignor by **GE CAPITAL CFE, INC.**, a Delaware corporation, not in its individual capacity, but as Agent on behalf of the Lenders ("Assignee"), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey, assign, transfer, and deliver unto Assignee, its successors and assigns, all of Assignor's right, title, and interest in and to the following (collectively, the "Assigned Interests"): that certain Mortgage, Assignment of Rents and Leases, Security Agreement, Financing Statement and Fixture Filing, dated as of April 12, 1999, from **DRAVO LIME COMPANY**, a Delaware corporation ("Borrower") to Assignor and recorded April 22, 1999 as Instrument No. 1999-16941 in the Office of the Recorder of Shelby County, Alabama (the "Office of the Recorder"), as modified by Partial Release of Mortgage, dated October 2, 2003 and recorded December 15, 2003 as Instrument No. 2003-807320 in the Office of the Recorder, (the "Mortgage"), with respect to the parcel(s) of real property identified on Exhibit A attached hereto and made a part hereof by this reference; together with the promissory note(s), if any, therein described and secured thereby, the money due and to become due thereon, with interest, and all rights accrued or to accrue under the Mortgage. All capitalized terms not defined herein shall have the meanings set forth in the Mortgage.

Assignor and Assignee agree that this assignment is an absolute, unconditional and presently effective assignment (and not merely a collateral assignment or security interest) of all of Assignor's right, title and interest in and to the Assigned Interests; provided, however, that if Assignor is ever held or deemed to have a residual or ownership (or any other interest) in or to

Highway 31 South  
Saginaw, AL 35137

the Assigned Interests, Assignor hereby grants to Assignee a security interest in and to such interest (and agrees in such case that this assignment shall constitute a security and pledge agreement and that Assignee shall have all rights and remedies available under applicable law to a secured party).

Assignor agrees at any time and from time to time to promptly execute and deliver all further instruments and documents and take all further action that may be necessary or desirable or that Assignee may reasonably request in order to protect or perfect any assignment and/or security interest created hereby and to enable Assignee to enforce its rights and remedies hereunder with respect to the Assigned Interests.

**[Signature and Notary Pages Follow]**

Highway 31 South  
Saginaw, AL 35137

IN WITNESS WHEREOF, the Assignor has caused this assignment to be executed by its duly authorized officer as of 18<sup>th</sup> day of November 2004.

ASSIGNOR:

BANK OF AMERICA, N.A.,  
as Collateral Agent

By: Paul Folino  
Name: Paul Folino  
Its: Assistant Vice President

STATE OF ILLINOIS )  
COUNTY OF COOK )

I, the undersigned authority, a Notary Public, in and for said County in said State, hereby certify that Paul Folino, whose name as assistant vice president of BANK OF AMERICA, N.A., a national banking association, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said national banking association.

Given under my hand and official seal this the 18<sup>th</sup> day of November, 2004.

Maria Paggao  
Notary Public

[NOTARIAL SEAL]

My Commission Expires: 2/1/05



**EXHIBIT A**  
**Legal Description**



LOAN POLICY  
SCHEDULE -A PARAGRAPH 5  
CONTINUED

PARCEL I:

The South half of the Northeast quarter of Southwest quarter; the Southwest quarter of the Southwest quarter and the North half of the Southeast quarter of Southwest quarter of Section 7, Township 21 South, Range 2 West, situated in Shelby County, Alabama.

LESS AND EXCEPT the following described four parcels:

Exception 1:

Begin at a point on Section line of Section 7, Township 21 South, Range 2 West, 480 feet East of the Southwest corner of said Section 7, Township 21 South, Range 2 West and run East along said Section line 150 feet; thence due North 300 feet; thence due West 150 feet; thence South 300 feet to the point of beginning. This parcel was conveyed by Saginaw Lumber Co. to Trustees of Saginaw M.E. Church South by deed dated October 4, 1901, and recorded in Deed Book 24, page 585.

Exception 2:

Commencing at the Southeast corner of the Southwest quarter of Southwest quarter of Section 7, Township 21 South, Range 2 West, running West along the Section line 180 yards to a pine knot; thence North 257 yards to the Columbiana Road to a pine knot; thence South 130 yards to the beginning, three acres, more or less. This parcel was conveyed to J. S. Patton by deed dated July 29, 1985 and recorded in Deed Book 57, page 526.

Exception 3:

Begin at the point of intersection of the South right of way line of the L & N Railroad with the west boundary line of the Southwest quarter of the Southwest quarter of Section 7, Township 21 South, Range 2 West, in Shelby County, Alabama and run Easterly on said South right of way line a distance of 200 feet; thence turn to the right and run parallel to said West boundary line 330 feet; thence turn right and run parallel to said railroad's South right of way line 200 feet to said quarter-quarter section's West boundary line; thence turn right on said West boundary line and run 330 feet to point of beginning. This parcel as conveyed to Lucius G. Brantley, Jr. and Elia Brantley by deed recorded in Book 217, page 408.

Exception 4:

From the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 7, Township 21 South, Range 2 West, looking South along the West line of said quarter-quarter section; turn an angle to the left of 80° 41' and run Southeasterly for a distance of 1877.08 feet to the point of beginning of the property herein described; thence turn an angle to the left of 28° 33' and run Northeasterly for a distance of 406.32 feet; thence turn an angle to the right of 90° and run Southeasterly for a distance of 70 feet; thence turn an angle to the right of 90° and run Southwesterly for a distance of 435.3 feet; thence turn an angle to the right of 90° and run Northwesterly (SEE ATTACHED CONTINUATION PAGE)

LOAN POLICY  
SCHEDULE -A PARAGRAPH 5  
CONTINUED

for a distance of 70 feet to a point which is 28.98 feet from the point of beginning; thence go in a Northeasterly direction in a straight line 28.98 feet to the point of beginning.

Exception 5:

Less and except that part conveyed to Solon E. Edmondson and Wylodine F. Edmondson in Instrument 1992-14964.

PARCEL II:

A part of the Northeast quarter of the Southwest quarter of Section 17, Township 21 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Northeast corner of said quarter-quarter section; thence South along the East line of said quarter-quarter section 52.28 feet to the point of beginning of Tract herein described; thence 94° 06' to the right West 571.05 feet; thence 1° 36' right West 192.78 feet; thence 84° 22' left, South 526.43 feet; thence 99° 59' left, East 865.11 feet to the East line of said quarter-quarter section; thence 91° 21' left, North along said East 476.57 feet to the point of beginning. According to survey of Marve Butler, RLS #10548, dated July 9, 1990. Situated in Shelby County, Alabama.

PARCEL III:

A parcel of land in the Southeast quarter of the Southeast quarter of Section 7, Township 21 South, Range 2 West, Shelby County, Alabama, described as follows:

Begin at the Northwest corner of said quarter-quarter section; thence run East along the North quarter-quarter line 1036.81 feet; thence turn right 87° 21' 07" and run South 298.35 feet; thence turn right 92° 51' 55" and run West 1036.21 feet; thence turn right 86° 58' 50" and run North 294.40 feet to the point of beginning.

PARCEL V:

From the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 7, Township 21 South, Range 2 West, looking South along the West line of said quarter-quarter section; turn an angle to the left of 80° 41' and run Southeasterly for a distance of 1877.08 feet to the point of beginning of the property herein described; thence turn an angle to the left of 28° 33' and run Northeasterly for a distance of 406.32 feet; thence turn an angle to the right of 90° and run Southeasterly for a distance of 70 feet; thence turn an angle to the right of 90° and run Southwesterly for a distance of 435.3 feet; thence turn an angle to the right of 90° and run Northwesterly for a distance of 70 feet to a point which is 28.98 feet from the point of beginning; thence go in a Northeasterly direction in a straight line 28.98 feet to the point of beginning.

PARCEL V:

TRACT A:

(SEE ATTACHED CONTINUATION PAGE)



LOAN POLICY  
SCHEDULE -A PARAGRAPH 5  
CONTINUED

The West half of Southeast quarter of Southwest quarter and the West half of the South ten acres of the Northeast quarter of the Southwest quarter of Section 8, Township 21 South, Range 2 West, Shelby County, Alabama.

TRACT B:

Ten acres of land of equal width across the North side of the Northwest quarter of Southeast quarter of Section 8, and all of the Northeast quarter of the Southwest quarter, except 10 acres of equal width off the South side of said Northeast quarter of the Southwest quarter of Section 8, and all that part of the Southeast quarter of the Northwest quarter of Section 8, described as follows:

Begin at the Southwest corner of the said Southeast quarter of the Northwest quarter and run thence North along the West line of said forty acres a distance of 350 feet, more or less, to the Right of Way of the Saginaw Lumber Co.'s old R.R. bed; run thence in a Northeasterly direction along said old R.R. right of way bed to its intersection with the East line of the said Southeast quarter of the Northwest quarter, which point of intersection is 788 feet, more or less, South of the Northeast corner of said quarter-quarter section; run thence South along the East line of said last named 40 acres a distance of 532 feet, more or less, to the Southeast corner of said Southeast quarter of the Northwest quarter; run West along the South line of said last described 40 acres a distance of 1320 feet, more or less, to the Southwest corner of said last described 40 acres, and being the point of beginning, all of said tract being in Section 8, Township 21 South, Range 2 West.

PARCEL VI:

PARCEL "A":

The South half of the North half; the West half of the Southeast quarter; the North half of the Northeast quarter of the Southwest quarter; the South half of the Southeast quarter of Southwest quarter; the Northwest quarter of the Southwest quarter, and that part of the Northeast quarter of the Northeast quarter lying South and East of the old right of way of Saginaw Lime & Stone Co., Narrow Gauge Railroad, all lying and being in Section 7, Township 21 South, Range 2 West, Shelby County, Alabama. LESS AND EXCEPT three parcels which are part of the Southwest quarter of Southeast quarter and part of the Southeast quarter of the Southwest quarter.

Exception 1:

A tract of land in the Southwest quarter of Southeast quarter and Southeast quarter of Southwest quarter of Section 7, Township 21 South, Range 2 West, in Shelby County, Alabama and more particularly described as follows:

Start at the Southeast corner of the Southwest quarter of Southeast quarter of said Section 7; thence run in a Westerly direction along the South line of the Southwest quarter of Southeast quarter for a distance of 1046.50 feet to a point; thence turn an

(SEE ATTACHED CONTINUATION PAGE)



LOAN POLICY  
SCHEDULE -A PARAGRAPH 5  
CONTINUED

angle of 90° to the right and run for a distance of 59.87 feet to the point of beginning of the boundary of the tract of land hereby conveyed; from said point of beginning turn an angle of 90° to the left and run a distance of 210.0 feet to a point; thence turn an angle of 90° to the right and run 67.50 feet; thence turn an angle of 90° to the left and run a distance of 85.0 feet; thence at an angle of 47° and 31' to the right run a distance of 101.61 feet; thence turn an angle of 132° and 29' to the right and run 153.62 feet; thence turn an angle of 90° to the left and run 67.50 feet; thence at an angle of 90° to the right run 210.0 feet; thence at an angle of 90° to the right run 210.0 feet to the point of beginning, as shown on the map attached hereto and made a part hereof, minerals and mining rights excepted. This parcel was conveyed to Trustees for Community Church of Saginaw by deed recorded in Deed Book 220, page 762.

Exception 2:

Begin at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 7, Township 21 South, Range 2 West, and run West along the South line of said quarter-quarter section a distance of 946.50 feet to the point of beginning of the property hereby conveyed; thence turn an angle of 90° 00' to the left and run for 26.07 feet to a point; thence turn an angle of 87° 26' to the right and run for 100.40 feet to a point; thence turn an angle of 5° 14' to the right and run for 156.61 feet to a point; thence turn an angle of 44° 51' to the right and run for 204.600 feet to a point; thence turn an angle of 132° 29' to the right and run for 85.0 feet to a point; thence turn an angle of 90° 00' to the right and run for 67.50 feet to a point; thence turn an angle of 90° 00' to the left and run for 210 feet to a point; thence turn an angle of 90° 00' to the left and run for 210 feet to a point; thence turn an angle of 90° 00' right and run for 100 feet to a point; thence turn an angle of 90° 00' to the right and run for 269.87 feet to the point of beginning. Situated in Shelby County, Alabama. This parcel was conveyed to Trustees of Galilee Baptist and Mt. Pleasant A.M.E. Union Church by deed recorded in Deed Book 231, page 129.

Exception 3:

All that part of the Southwest quarter of the Southeast quarter of the Southwest quarter lying West of the Columbiana Road. This parcel was conveyed to J.S. Patton by deed recorded in Deed Book 57, page 525.

PARCEL "B":

The East half of the Southeast quarter; the Northwest quarter of the Southeast quarter, EXCEPT 10 acres of even width across the North end thereof; the West half of the Southwest quarter of the Southeast quarter; the East half of the Southeast quarter of the Southwest quarter; the East half of the South 10 acres of the Northeast quarter of the Southwest quarter; West half of the Southeast quarter of the Northeast quarter; Southwest quarter of the Northeast quarter; Northwest quarter of the Northwest quarter; all in Section 8, Township 21 South, Range 2 West, Shelby County, Alabama.

ALSO, begin at the Northeast corner of the Southwest quarter of the Northwest quarter of Section 8, Township 21 South, Range 2 West and run thence West along the North line of

(SEE ATTACHED CONTINUATION PAGE)



LOAN POLICY  
SCHEDULE -A PARAGRAPH 5  
CONTINUED

said quarter-quarter section a distance of 525 feet to the point of beginning of the tract herein described; thence run South 450 feet; thence run West 300 feet; thence run North 450 feet to the North line of said quarter-quarter section; thence run East along said North line to the point of beginning.

ALSO, that part of the Northeast quarter of the Northwest quarter of Section 8, Township 21 South, Range 2 West, lying North and West of an old railroad bed.

ALSO, that part of the Southeast quarter of the Northwest quarter of Section 8, Township 21 South, Range 2 West, particularly described as follows:

Begin at the Northwest corner of said Southeast quarter of Northwest quarter and run thence South along the West line of said quarter-quarter section 1,005 feet, more or less, to the South line of the Old Saginaw Logging Railroad Bed; thence run Eastwardly along the South line of said railroad bed to a point on the East line of said quarter-quarter section, which point is 853 feet South of the Northeast corner of said quarter-quarter section; thence run North along said East line 853 feet to said Northeast corner; thence run West along the North line of said quarter-quarter section 1,320 feet, more or less, to the point of beginning.

PARCEL "C":

The West half of the Southeast quarter of Section 17, Township 21 South, Range 2 West, Shelby County, Alabama, EXCEPT four acres in a square out of the Northwest corner of the Northwest quarter of the Southeast quarter.

ALSO, that part of the North half of the Southwest quarter of Section 17, Township 21 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Begin at the Northwest corner of said Southwest quarter and run thence South 43° 45' East for a distance of 29 feet; thence run South 88° 10' East 2,616 feet to a point on the East line of said Southwest quarter; thence run North along said East line to the Northeast corner of said Southwest quarter; thence run West along the North line of said Southwest quarter to the point of beginning.

ALSO, that part of the East half of the Southwest quarter of Section 17, Township 21 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Begin at the Northwest corner of the Southwest quarter of said Section 17; run thence South 43° 45' East, 29 feet; thence South 88° 10' East 2,616 feet to the East line of the Southwest quarter of Section 17; thence South 2° 15' East along said East line 1,061 feet to the North boundary of the Old Tram line; said point being the point of beginning of the tract herein described; thence run South 49° 45' West along the North boundary of the Old Tram line 400 feet; thence run South 61° 45' West along said North boundary 214.4 feet; thence run South 70° 45' West along said North boundary for a distance of 746.3 feet, more or less, to a point 500 feet Northeast of the East line of U.S. Highway #31, said 500 feet being measured along the North line of said Old Tram line; thence turn an angle to the left of 110° 16' and run Southeastwardly and along the Northeasterly line of parcels

(SEE ATTACHED CONTINUATION PAGE)



LOAN POLICY  
SCHEDULE -A PARAGRAPH 5  
CONTINUED

conveyed to Alton Eugene Carden by deed recorded in Deed Book 228, page 32, to James E. Carden by deed recorded in Deed Book 228, page 163 and to Lula B. Massey by deed recorded in Deed Book 228, page 30, for a distance of 616.58 feet, more or less, to the most Northerly corner of tract described in deed to Lucille S. Farris, by deed recorded in Deed Book 264, page 226; thence run Southeastwardly along the Northeasterly line of said Farris tract for a distance of 229.31 feet to a point which is 630 feet East of and 210 feet North of the Southwest corner of Southeast quarter of Southwest quarter of Section 7; thence run South 210 feet to the South line of said Southeast quarter of Southwest quarter; thence run East 675.71 feet to the Southeast corner of said Southwest quarter; thence run North along said East line to the point of beginning.

ALSO, a part of the Southeast quarter of Northwest quarter of Section 17, Township 21 South, Range 2 West, Shelby County, Alabama, particularly described as follows:

Begin at the Southeast corner of said forty and run in a Westerly direction along the South line of said forty a distance of 1002.28 feet to center line of a ditch; thence turn an angle of 86° 06' to the right and run along center line of ditch for a distance of 322.63 feet; thence turn an angle of 0° 23' left and run along center line of ditch a distance of 466.32 feet; thence turn an angle of 8° 23' to the right and run along centerline of ditch a distance of 114.01 feet; thence turn an angle of 0° 09' to the left and run along center line of ditch a distance of 247.80 feet; thence turn an angle of 0° 05' to the left and run along center line of ditch to intersection with South line of the present paved Columbiana Road; thence in an Easterly and Southeasterly direction along the South line of said road to intersection with East line of said forty; thence South along East line of said forty to the Southeast corner, the point of beginning.

PARCEL "D":

The South half of Southeast quarter; Northwest quarter of Southeast quarter; Southwest quarter of Northeast quarter; and the East 210 feet of the South 630 feet of the Southeast quarter of the Northwest quarter all in Section 21, Township 21 South, Range 2 West, situated in Shelby County, Alabama.

PARCEL VII:

The Northeast quarter of Southeast quarter of Section 7, Township 21 South, Range 2 West, Shelby County, Alabama.

PARCEL VIII:

As a point of beginning, commence at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 8, Township 21 South, Range 2 West, Shelby County, Alabama; thence South and on the West boundary of Section 8, Township 21 South, Range 2 West, Shelby County, Alabama, a distance of 100 feet to a point; thence South 88° 21' East a distance of 443.44 feet to a point on the South right of way of a public road; thence in a Westerly direction and on the South right of way of a public road a chord distance of 90.63 feet to a point, said chord bearing North 75° 00' West; thence North 85° 25' West and on the South right of way of said public road a distance of 144.86 feet to a point;

(SEE ATTACHED CONTINUATION PAGE)



LOAN POLICY  
SCHEDULE -A PARAGRAPH 5  
CONTINUED

thence in a Northwesterly direction and on the South margin of said public road a chord distance of 235.52 feet to a point, said chord bearing North 63° 47' West, said point being the point of intersection of the South right of way of said public road and the West boundary of Section 8, Township 21 South, Range 2 West, Shelby County, Alabama; thence South and on the East boundary of said Section 8 a distance of 26.28 feet to the point of beginning.

All lying and being in the Southwest quarter of the Northwest quarter and in the Northwest quarter of the Southwest quarter of Section 8, Township 21 South, Range 2 West, Shelby County, Alabama.

PARCEL IX:

Together with the easement rights for ingress and egress in favor of Darvo Basic Materials Company, Inc. as set forth in Paragraph B, Section 4, of that certain instrument by and between Ralph B. Pfeiffer and wife, Arlene Pfeiffer, and Longview Lime Corporation, dated February 1, 1965, as recorded in Deed Book 234, Page 115, as amended by instrument dated June 27, 1966, recorded in Deed Book 243, Page 336, as assigned to Woodward Corporation, by instrument dated July 30, 1968, recorded in Deed Book 254, Page 298 as further assigned to Southern Stone Company, Inc. by assignment of lease dated July 14, 1977, recorded in Misc. Book 25, Page 805 in Probate Office of Shelby County, Alabama.

Commonly known as: Longview plant and quarry  
Highway 31 South  
Saginaw, AL 35137  
(Shelby county)

**LESS AND EXCEPT:**

**PARCEL I:**

A parcel of land situated in the NW 1/4 of the SW 1/4 of Section 7, Township 21 South, Range 2 West, and in a portion of the NE 1/4 of the SE 1/4 of Section 12, Township 21 South, Range 3 West, Huntsville Meridian, Shelby County, Alabama being more particularly described as follows:

Commence at the NW corner of the NW 1/4 of the SW 1/4 of Section 7, Township 21 South, Range 2 West, Huntsville Meridian, Shelby County, Alabama; thence run South along the West line of Section 7 for a distance of 156.00 feet (survey) to the POINT OF BEGINNING; thence turn a deflection angle to the left of 90°00'00" and leaving said section line run in an Easterly direction for a distance of 200.00 feet; thence turn a deflection angle to the right of 90°00'00" and run in a Southerly direction for a distance of 404.69 feet; thence turn a deflection angle to the right of 52°36'41" and run in a Southwesterly direction for a distance of 251.72 feet to the aforementioned section line; thence turn a deflection angle to the right of 40°56'54" and run in a Westerly direction for a distance of 69.97 feet; thence turn a deflection angle to the right of 40°49'43" (40°54' survey) and run in a Northwesterly direction for a distance of 299.66 feet (299.78 feet survey); thence turn a deflection angle to the right of 85°11'11" (85°10' survey) and run in a Northeasterly direction for a distance of 445.74 feet (445.68 feet survey), to the Point of Beginning.