



20080911000361900 1/4 \$32.00
Shelby Cnty Judge of Probate, AL
09/11/2008 02:21:13PM FILED/CERT

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]	
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
LEITMAN, SIEGAL & PAYNE, P.C. 600 NORTH 20TH STREET, SUITE 400 BIRMINGHAM, AL 35203 ATTN: PHILLIP G. STUTTS	

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				
OR				
1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
SCOTCH		WAYNE	J	
1c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
				USA
1d. <u>SEE INSTRUCTIONS</u>	ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL ID #, if any
				<input checked="" 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
SCOTCH, JR.		JOE	A	
2c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
2d. <u>SEE INSTRUCTIONS</u>	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				
WACHOVIA BANK, NATIONAL ASSOCIATION				
OR				
3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
3c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
8740 RESEARCH DRIVE, NC1120		CHARLOTTE	NC	28262 USA

4. This FINANCING STATEMENT covers the following collateral:

THE PROPERTY DESCRIBED IN SCHEDULE I INCLUDED HEREIN BY REFERENCE FOR DESCRIPTION OF COLLATERAL.

FILED WITH: OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY

THIS FINANCING STATEMENT IS ADDITIONAL SECURITY FOR THE MORTGAGE, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT, RECORDED SIMULTANEOUSLY HERewith IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY RECORDED IN BOOK _____, PAGE _____. THE DEBTOR IS THE OWNER OF THE REAL PROPERTY DESCRIBED ON EXHIBIT A ATTACHED HERETO.

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	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

WACHOVIA/SCOTCH (2008 LOAN)

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UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

9a. ORGANIZATION'S NAME			
OR			
9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX	
SCOTCH	WAYNE	J	

10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one name (11a or 11b) - do not abbreviate or combine names

11a. ORGANIZATION'S NAME				
OR				
11b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
SCOTCH, JR.	JOE	A		
11c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
11d. <u>SEE INSTRUCTIONS</u>	ADD'L INFO RE ORGANIZATION DEBTOR	11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION	11g. ORGANIZATIONAL ID #, if any
				<input type="checkbox"/> NONE

12. ☐ ADDITIONAL SECURED PARTY'S or ☐ ASSIGNOR S/P'S NAME - insert only one name (12a or 12b)

12a. ORGANIZATION'S NAME				
OR				
12b. INDIVIDUAL'S LAST NAME	FIRST NAME	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 SCHEDULE I ATTACHED HERETO
AND MADE A PART HEREOF.

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):

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

Schedule I to UCC

Schedule I to UCC from Wayne J. Scotch and Joe A. Scotch, Jr. ("Debtor") and for the benefit of Wachovia Bank, National Association and its affiliates ("Secured Party").

Description of Collateral:

ALL OF DEBTOR's right, title and interest in and to the following, whether now existing or hereafter acquired: (i) all those certain tracts of land in the County of Shelby, State of Alabama described in EXHIBIT A attached hereto and made part hereof (the "Land"); (ii) all buildings and improvements now or hereafter erected on the Land; (iii) all fixtures, machinery, equipment and other articles of real, personal or mixed property attached to, situated or installed in or upon, or used in the operation or maintenance of, the Land or any buildings or improvements situated thereon, whether or not such real, personal or mixed property is or shall be affixed to the Land; (iv) all building materials, building machinery and building equipment delivered on site to the Land during the course of, or in connection with, any construction, repair or renovation of the buildings and improvements situated or to be situated thereon; (v) all leases, licenses or occupancy agreements of all or any part of the Land and all extensions, renewals, and modifications thereof, and any options, rights of first refusal or guarantees relating thereto; all rents, income, revenues, security deposits, issues, profits, awards and payments of any kind payable under the leases or otherwise arising from the Land; (vi) all contract rights, accounts receivable and general intangibles relating to the Land or the use, occupancy, maintenance, construction, repair or operation thereof; all management agreements, franchise agreements, utility agreements and deposits; all maps, plans, surveys and specifications; all warranties and guaranties; all permits, licenses and approvals; and all insurance policies; (vii) all estates, rights, tenements, hereditaments, privileges, easements, and appurtenances of any kind benefiting the Land; all means of access to and from the Land, whether public or private; and all water and mineral rights; and (viii) all "Proceeds" of any of the above-described property, which term shall have the meaning given to it in the Uniform Commercial Code of the jurisdiction where this Mortgage is recorded (the "UCC"), whether cash or non-cash, and including insurance proceeds and condemnation awards; and all replacements, substitutions and accessions thereof.

Legal Description:

PARCEL I:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 WEST, THENCE RUN NORTH ALONG THE QUARTER LINE 506.79 FEET; THENCE LEFT 121 DEGREES, 25 MINUTES, 36 SECONDS, 1,325.96 FEET; THENCE RIGHT 129 DEGREES, 39 MINUTES, 13 SECONDS, 359.51 FEET TO THE POINT OF BEGINNING; THENCE LEFT 90 DEGREES, 00 MINUTES, 00 SECONDS, 136.86 FEET, THENCE RIGHT, 90 DEGREES, 00 MINUTES, 00 SECONDS, 119.00 FEET; THENCE LEFT 45 DEGREES, 00 MINUTES, 00 SECONDS, 10.10 FEET; THENCE RIGHT 45 DEGREES, 00 MINUTES, 00 SECONDS, 196.03 FEET TO A POINT ON A CURVE TO THE LEFT ALONG THE NEW SOUTHERLY RIGHT OF WAY LINE OF ALABAMA HIGHWAY NO. 119, SAID CURVE HAVING A RADIUS OF 1979.89 FEET, A CENTRAL ANGLE OF 4 DEGREES, 11 MINUTES, 30 SECONDS AND A CHORD DISTANCE OF 144.81 FEET; THENCE TURN AN INTERIOR ANGLE LEFT TO THE CHORD OF 96 DEGREES, 04 MINUTES, 43 SECONDS EASTERLY AND RUN ALONG THE ARC OF THE CURVE 144.84 FEET, BEING ALONG THE NEW SOUTHERLY RIGHT OF WAY OF ALABAMA HIGHWAY NO. 119; THENCE TURN AN INTERIOR ANGLE LEFT FROM THE CURVE CHORD OF 83 DEGREES, 55 MINUTES, 19 SECONDS SOUTHERLY 337.51 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF SUBJECT PROPERTY DEDICATED AS A PUBLIC ROAD BY INSTRUMENT RECORDED IN INST. NO. 1996-22947.

TOGETHER WITH THE FOLLOWING EASEMENTS:

A: UTILITY EASEMENT: A NON-EXCLUSIVE, PERPETUAL EASEMENT, RUNNING WITH THE LAND, FOR UNDERGROUND UTILITIES AND THE MAINTENANCE THEREOF ON AND UNDER THAT PORTION OF THE PROPERTY DESCRIBED ON EXHIBIT C TO THE DEED RECORDED IN INST. NO. 1999-21741 AND INST. NO. 1999-21742 AND INCORPORATED BY REFERENCE HEREIN.

B: PARKING EASEMENT: A NON-EXCLUSIVE EASEMENT, RUNNING WITH LAND, FOR THE PARKING OF VEHICLES ON THAT PORTION OF THE PROPERTY CONVEYED TO CAHABA VALLEY STATION, LLC, IN INST. NO. 1998-38719, AS CORRECTED IN INST. NO. 1999-07606, WHICH PROPERTY IS WEST OF THE INGRESS & EGRESS EASEMENT AS DESCRIBED ON EXHIBIT D, DEED RECORDED IN INST. NO. 1999-21741 AND INST. NO. 1999-21742.

C: DUMPSTER EASEMENT: AN EXCLUSIVE, PERPETUAL EASEMENT, RUNNING WITH THE LAND FOR A GARBAGE DUMPSTER ON THAT PORTION OF THE PROPERTY AS DESCRIBED ON EXHIBIT E, TO THE DEED RECORDED IN INST. NO. 1999-21741 AND INST. NO. 1999-21742.

D: ACCESS EASEMENT: A NON-EXCLUSIVE, PERPETUAL EASEMENT, RUNNING WITH THE LAND FOR VEHICULAR AND PEDESTRIAN INGRESS & EGRESS AND FOR UNDERGROUND UTILITIES OVER, ACROSS AND UNDER THAT PORTION OF THE PROPERTY CONVEYED TO CAHABA VALLEY STATION, LLC IN INST. NO. 1998-38719, AS CORRECTED IN INST. NO. 1999-07606, DESCRIBED ON EXHIBIT D, TO THE DEED RECORDED IN INST. NO. 1999-21741 AND INST. NO. 1999-21742.

E: RIGHTS SET FORTH IN THE ROAD DEDICATION RECORDED IN INST. NO. 1996-22947.

F: INGRESS AND EGRESS AND OTHER RIGHTS (BUT NOT OBLIGATIONS) WITH RESPECT TO THE "FRONTAGE ROAD" AS SET OUT IN INST. NO. 1998-38719 AS AMENDED BY INST. NO. 1999-07606; PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

G: RIGHTS IN DRIVEWAY EASEMENT SET OUT IN EXHIBIT B, SIGN AND UTILITY EASEMENT SET OUT IN EXHIBIT C AND UTILITY EASEMENT SET OUT IN EXHIBIT D, ALL ATTACHED TO DEED RECORDED IN INST. NO. 1996-24720, PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

H: RIGHTS CONTAINED IN DOCUMENT RECORDED IN INST. NO. 1995-26512, PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.