

STATE OF ALABAMA  
COUNTY OF SHELBY

**AGREEMENT OF REAFFIRMATION OF MORTGAGE AND SECURITY**  
**AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES**

**THIS AGREEMENT OF REAFFIRMATION OF MORTGAGE AND SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES** (the "Agreement") is made this 16<sup>th</sup> day of December, 2008 by and between **William Bew White, III a/k/a Wm. Bew White III** ("Borrower") and **First Commercial Bank** ("Lender") as of the 16<sup>th</sup> day of December, 2008.

**RECITALS:**

A. As security for a loan by Lender to Borrower in the original principal sum of \$245,000.00, on December 16, 1997, Borrower executed and delivered to Lender (i) a Mortgage and Security Agreement covering the property described in Exhibit A (the "Mortgage") and recorded in the Office of the Judge of Probate of Shelby County, Alabama in Instrument No. 1997-41597 and (ii) an Assignment of Rents and Leases (the "Assignment") recorded in the Office of the Judge of Probate of Shelby County, Alabama in Instrument No. 1997-41599.

B. On or about January 5, 2004, Lender mistakenly and erroneously recorded a release of the Mortgage (the "Void Mortgage Release"). The Void Mortgage Release is recorded at Document #20040105000005270 in the Office of the Judge of Probate of Shelby County, Alabama. On or about January 5, 2004, Lender mistakenly and erroneously recorded a release of the Assignment of Rents and Leases (the "Void Assignment Release"). The Void Assignment Release is recorded at Document #20040105000005280 in the Office of the Judge of Probate of Shelby County, Alabama.

C. Borrower and Lender desire to record this Agreement of Reaffirmation of Mortgage and Security Agreement and Assignment of Rents and Leases in order to make clear in the public records of Shelby County, Alabama that the Mortgage and the Assignment remain in full force and effect and that the Void Mortgage Release and the Void Assignment Release are of no force and effect.

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

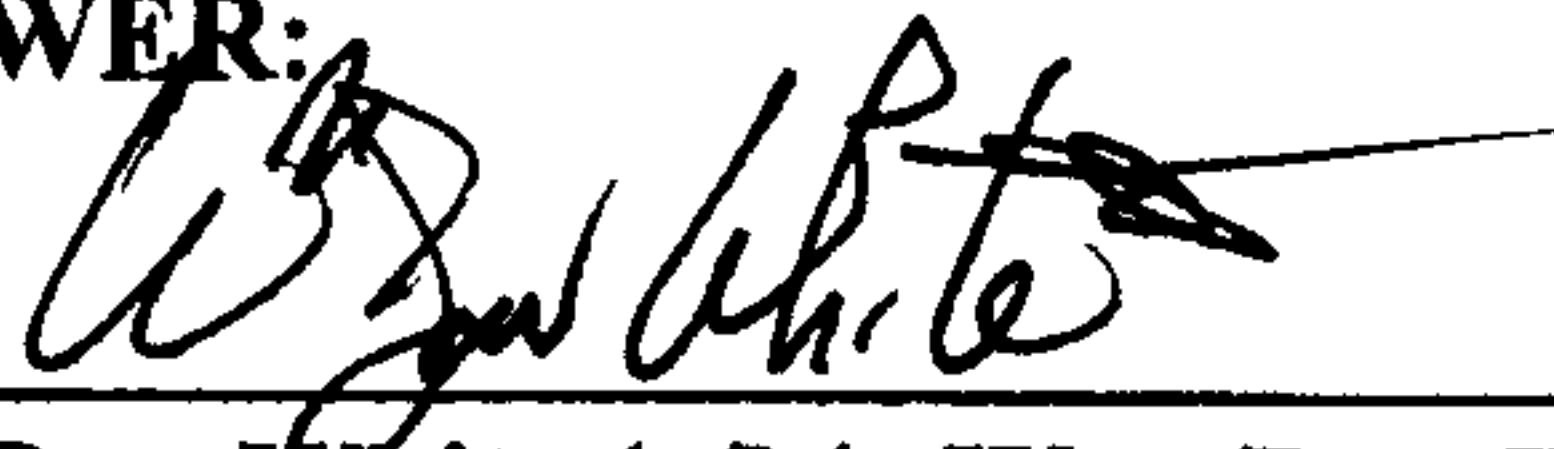
1. The Mortgage, the Assignment and all other Loan Documents (as defined in the Mortgage) are presently and shall remain in full force and effect in accordance with their terms, and are hereby ratified and affirmed in all respects.

2. The Void Mortgage Release and the Void Assignment Release were recorded in error, and are hereby declared to be void ab initio.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first written above.

**CAUTION: IT IS IMPORTANT THAT YOU THOROUGHLY READ THE CONTRACT BEFORE YOU SIGN IT.**

**BORROWER:**

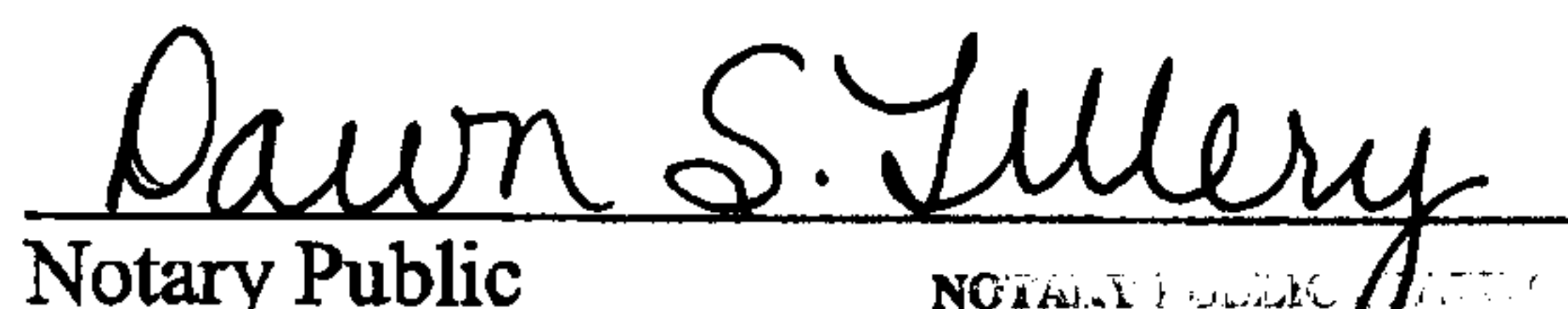


**William Bew White (a/k/a Wm. Bew White, III)**

**STATE OF ALABAMA**  
**COUNTY OF** State at Large )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **William Bew White, III (a/k/a Wm. Bew White, III)** whose name 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 the instrument, he executed the same voluntarily.

Given under my hand this 16<sup>th</sup> day of December, 2008.



Notary Public

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA  
**MY COMMISSION EXPIRES: July 14, 2012**  
~~BONDED THRU NOTARY PUBLIC UNDERWRITERS~~

LENDER:

First Commercial Bank

By: Anne H. Lorette  
Name: Anne H. Lorette  
Title: Vice President

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Anne H. Lorette whose name as the Vice President of **First Commercial Bank**, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 16th day of December, 2008.

Dawn S. Lilly  
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: July 14, 2012  
~~BONDED THRU NOTARY PUBLIC UNDERWRITERS~~

THIS INSTRUMENT PREPARED BY:  
JAMES E. VANN, ESQUIRE  
SIROTE & PERMUTT, P.C.  
2311 HIGHLAND AVENUE SOUTH  
BIRMINGHAM, AL 35205



## EXHIBIT A

### PARCEL #I:

Description of the Northerly part of Lot 6-B, according to a resurvey of Ralph Tully Industrial Park, as recorded in Map Book 6, Page 89, in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows: Begin at the most northerly corner of said Lot 6-B and run in an easterly direction along the Northerly line of Lot 6-B for a distance of 80 feet; thence turn an angle to the right of 54 degrees 26 minutes 50 seconds, and run in a southeasterly direction along the Northeasterly line of 6-B for a distance of 242.25 feet, thence turn an angle to the left of 1 degree, 52 minutes, 30 seconds and continue along the Northeasterly line of Lot 6-B in a Southeasterly direction for a distance of 50 feet; thence turn an angle to the right of 117 degrees, 21 minutes 07 seconds and run in a southwesterly direction for a distance of 69.85 feet; thence turn an angle to the right of 17 degrees, 35 minutes 53 seconds and run in a northwesterly direction along the common lot line between Lot 2-A and Lot 6-B of said survey for a distance of 154.85 feet; thence turn an angle to the right of 75 degrees 15 minutes 50 seconds and run in a northwesterly direction along the Westerly lot line of said Lot 6-B for a distance of 230.57 feet to the point of beginning.

### PARCEL #II:

Lot 5-B, according to a resurvey of Ralph Tully Industrial Park, as recorded in Map Book 6, Page 89, in the Probate Office of Shelby County, Alabama, but not including the following portion of Lot 5-B: Commence at the Southeast corner of the Northeast One-Quarter of the Northeast One-Quarter of Section 23, Township 20 South, Range 3 West; run thence in a Westerly direction along the South line of said Quarter-Quarter Section for a distance of 812.44 feet; thence turn an angle to the right of 70 degrees, 22 minutes 42 seconds and run in a northwesterly direction along the Southwesterly right of way line of a public road for a distance of 462.84 feet; thence turn an angle to the left of 71 degrees, 57 minutes, 40 seconds, and run in a Westerly direction along the North line of Lot 5-B of a resurvey of Ralph Tully Industrial Park, as recorded in Map Book 6, page 89, in the Office of the Judge of Probate, Shelby County, Alabama, for a distance of 34.64 feet to the point of beginning. From the point of beginning thus obtained, thence continue along last described course for a distance of 167.31 feet; thence turn an angle to the left of 110 degrees, 17 minutes, 20 seconds and run in a southeasterly direction for a distance of 43.59 feet; thence turn an angle to the left of 84 degrees, 45 minutes and run in a northeasterly direction for a distance of 157.59 feet to the point of beginning.

### PARCEL #III:

Commence at the Southeast corner of the Northeast One-Quarter of the Northeast One-Quarter of Section 23, Township 20 South, Range 3 West; run thence in a Westerly direction along the South line of said Quarter-Quarter Section for a distance of 812.44 feet; thence turn an angle to the right of 70 degrees, 22 minutes, 42 seconds and run in a Northwesterly direction along the Southwesterly right of way line of a public road for a distance of 462.84 feet to the Northeast corner of Lot 5-B of a resurvey of Ralph Tully Industrial Park, as recorded in Map Book 6, page 89, in the Office of the Judge of Probate, Shelby County, Alabama, said point being the point of beginning. From the point of beginning thus obtained, thence continue along last described course for a distance of 9.0 feet; thence turn an angle to the left of 87°00' and run in a southwesterly direction for a distance of 32.98 feet to a point on the North line of said Lot 5-B; thence turn an angle to the left of 164°57' 40" and run in an Easterly direction along the North line of said Lot 5-B for a distance off 34.64 feet to the point of beginning.

### PARCEL IV:





Commence at the Southeast corner of the Northeast One-Quarter of the Northeast One-Quarter of Section 23, Township 20 South, Range 3 West; run thence in a westerly direction along the South line of said Quarter-Quarter Section for a distance of 812.44 feet; thence turn an angle to the right of 70°22'42" and run in a northwesterly direction along the Southwesterly right-of-way line of a public road for a distance of 462.84 feet; thence turn an angle to the left of 71°57'40" and run in a Westerly direction along the North line of Lot 5-B of a resurvey of Ralph Tully Industrial Park, as recorded in Map Book 6, Page 89, in the Office of the Judge of Probate, Shelby County, Alabama, for a distance of 201.95 feet to the point of beginning. From the point of beginning thus obtained; thence turn an angle to the right of 69°42'40" and run in a northwesterly direction for a distance of 55.85 feet to a point on the Southeasterly right-of-way line of the Helena Highway; thence turn an angle to the left of 96°06'28" and run in a southwesterly direction along the Southeasterly right-of-way line of the Helena Highway for a distance of 102.23 feet to the point of beginning of a curve to the right, said curve having a central angle of 1°24'40" and a radius of 649.66 feet; thence run along the arc of said curve to the right, continuing in a southwesterly direction along the Southeasterly right-of-way line of the Helena Highway for a distance of 16.0 feet to the Northwest corner of Lot 6-B of a resurvey of Ralph Tully Industrial Park, as recorded in Map Book 6, Page 89, in the Office of the Judge of Probate of Shelby County, Alabama; thence run in an easterly direction along the North line of Lot 6-B and Lot 5-B of said resurvey for a distance of 125.35 feet to the point of beginning.

PARCEL #V:

A part of the NE ¼ of the NE ¼ of Section 23, Township 20 South, Range 3 West, more particularly described as follows: Begin at the intersection of the North line of Lot 6-B, according to Resurvey of Ralph Tully Industrial Park, as recorded in Map Book 6, Page 89, in the Probate Office of Shelby County, Alabama, with the South right of way line of Pelham-Helena Highway and run in an Easterly direction along the North line of Map of Resurvey of Ralph Tully Industrial Park and Extension thereof, to the center of Buck Creek; thence in a Northerly direction along the meanderings of the center of Buck Creek to the South right of way line of Pelham-Helena Highway; thence run in a Southwesterly direction along the South right of way line of said Highway to the Point of Beginning; EXCEPTING that portion of above described property sold to Sharer, Door & Window, Inc., as recorded in Deed Book 311, Page 935, in the Probate Office of Shelby County, Alabama.

ALSO: A part of Lot 5-B, according to a Resurvey of Ralph Tully Industrial Park, as recorded in Map Book 6, Page 89, in the Probate Office of Shelby County, Alabama, more particularly described as follows: Commence at the Southeast corner of the NE ¼ of NE ¼ of Section 23, Township 20 South, Range 3 West, and run thence in a Westerly direction along the South line of said ¼ - ¼ section for a distance of 812.44 feet; thence turn an angle to the right of 70 deg. 22' 42" and run in a Northwesterly direction along the Southwesterly right of way line of a public road for a distance of 462.84 feet; thence turn an angle to the left of 71 deg. 57' 40" and run in a Westerly direction along the North line of said Lot 5-B of a Resurvey of Ralph Tully Industrial Park as recorded in Map Book 6, Page 89, in the Probate Office of Shelby County, Alabama, for a distance of 34.64 feet to the point of beginning; from the point of beginning continue along last described course for a distance of 167.31 feet; thence turn an angle to the left of 110 deg. 17' 20" and run in a Southeasterly direction for a distance of 43.59 feet, thence turn an angle to the left of 84 deg. 45' and run in a Northeasterly direction for a distance of 157.59 feet to the point of beginning.