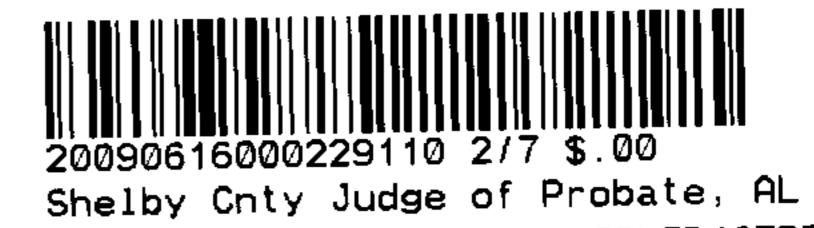


B. SEND ACKNOWLEDGMENT TO: (Name and Address)  Patrick J. Clarke, Esq. Burr & Forman LLP 171 17th Street, NW Suite 1100 Atlanta, GA 30363  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY 10 be fired flor recorded in the Patrick of Control of the Secured Party subtricting the the Secured Party sub	OLLOW INSTRUCTIONS (front and back) CAREFULLY  A. NAME & PHONE OF CONTACT AT FILER [optional]				
Patrick J. Clarke, Esq. Burr & Forman LLP 171 17th Street, NW Suite 1100 Atlanta, GA 30363  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  In International STATEMENT FILE #  DOT 709280004560905  TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement. CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement. ASSIGNMENT (flur or partial): Give name of assignee in item 7 as 77b and address of assignee in item 7c; and also give name of assigner in item 9.  AMENDMENT (PARTY INFORMATION): This Amendment affacts   Debtor at   Secured Party of record. Check only gag of these two boxes. Assoched and of the following time boxes and provide appropriate information is terms of andror?  Also check and of the following time boxes and provide appropriate information is terms of andror?  BABICATION (PARTY INFORMATION): This Amendment affacts   Debtor at   Secured Party of record. Check only gag of these two boxes. Assoched and of the following time boxes and provide appropriate information is terms of andror?  Also check and of the following time boxes and provide appropriate information is terms of andror?  Also check and of the following time boxes and provide appropriate information is terms of andror?  Also check and of the following time boxes and provide appropriate information is terms of a control and the provided information in terms?  CHANGE ACCROIN INFORMATION:  BAB ORGANIZATIONS NAME  CAPITAL REAL ESTAME  FIRST NAME  MIDDLE NAME  SUFFIX  ADDITIONS NAME  CAPITAL REAL CHANGE; there only gag tox.  ADDITION ORGANIZATION  ADDITION ORGAN	SEND ACKNOWI EDGMENT TO: (Name and Address)				
Burr & Forman LLP 171 17th Street, NW Suite 1100 Atlanta, GA 30363  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  a. INTIAL FINANCING STATEMENT FILE # 2007/09/28/00/456090  TERMINATION: Efectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.  OONTINUATION: Efectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Termination Statement is continued for the additional periode by applicable law.  ASSIGNMENT (full or partial): Give name of assignee in item 7 a or 7 b and address of assignee in item 7c, and also give name of assigner in item 9.  AMENDMENT (PARTY INFORMATION): This Amondment affects Debtor or Secured Party of record. Check only gag of these two boxes.  Also eneck gag of the following three boxes and provide appropriate information in term 9 and/or 7.  OHANGE name and/or address: Give ourrent record mane in item 8c of 0 to 8 issele give ener.  OHANGE name and/or address: Give ourrent record mane in item 8c of 0 to 8 issele give ener.  OHANGE name and/or address: Give ourrent record mane in item 8c of 0 to 8 issele give ener.  OURRENT RECORDIN INFORMATION:  Go ORGANIZATIONS NAME  CAPITAL RECORDS.  CAPITAL RECORDS.  CAPITAL RECORDS.  FIRST NAME  MIDDLE NAME  SUFFIX  CHANGED (NEW) OR ADDED INFORMATION:  FIRST NAME  MIDDLE NAME  SUFFIX  CHANGED (NEW) OR ADDED INFORMATION:  FIRST NAME  MIDDLE NAME  SUFFIX  AMENDMENT (COLLATERRA CHANGE): The ORGANIZATION NEVADA  ADDIL INFORME  REAL ESTATE INFORMATIONAL ID #, 4 any  RECORD INFORMATION ID RECORD INFORMATION.  AMENDMENT (COLLATERRA CHANGE): these only gag box.					
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Suite 1100 Atlanta, GA 30363    THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  INTIAL FINANCING STATEMENT FILE # 15. The FINANCING STATEMENT AMENOMENT   100 be filed [for record off) in the filed [for record off] in the filed [for record off] in the filed [for record off] in					
Atlanta, GA 30363    THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY	·				
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Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.    CHANGE name and/or address: Give current record name in item 6a or 6b, also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c.    DELETE name: Give record name in them 7a or 7b, and also name if name change) in item 7a or 7b and/or new address (if address change) in item 7c.    DELETE name: Give record name in them 6a or 6b.    DELETE name: Give record name in t	. ASSIGNMENT (full or partial): Give name of assignee in item 7a	a or 7b and address of assignee in item 7c; and also	give name of assignor in	item 9.	
CHANGE name and/or address: Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b, and also name. The first name (if name change) in item 7a or 7b, and also name. The first name (if name change) in item 7a or 7b, and also name. The first name (if name change) in item 7a or 7b, and also name. The first name (if name change) in item 7a or 7b, and also name (if name change) in item 7a or 7b, and also name. The first name (if name change) in item 7a or 7b, and also name. The first name (if name change) in item 7a or 7b, and also name (if name change) in item 7a or 7b, and also name. The first name (if name change) in item 7a or 7b, and also name. The first name (if name change) in item 7a or 7b, and also name. The first name	. AMENDMENT (PARTY INFORMATION): This Amendment affe	ects Debtor or Secured Party of record. C	heck only <u>one</u> of these	two boxes.	
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Capital Real Estate Investments  6b. INDIVIDUAL'S LAST NAME  FIRST NAME  FIRST NAME  MIDDLE NAME  SUFFIX  C. CHANGED (NEW) OR ADDED INFORMATION:  7a. ORGANIZATION'S NAME  7b. INDIVIDUAL'S LAST NAME  FIRST NAME  FIRST NAME  MIDDLE NAME  SUFFIX  SUFFIX  C. MAILING ADDRESS  4370 La Jolla Village Drive, Suite 850  San Diego  CA  92122  USA  ADDILINFO RE ORGANIZATION DEBTOR LLC  NEVADA  NEVADA  AMENDMENT (COLLATERAL CHANGE): check only one box.					<u>.</u>
66. INDIVIDUAL'S LAST NAME  FIRST NAME  FIRST NAME  MIDDLE NAME  SUFFIX  C. CHANGED (NEW) OR ADDED INFORMATION:  7a. ORGANIZATION'S NAME  7b. INDIVIDUAL'S LAST NAME  FIRST NAME  FIRST NAME  MIDDLE NAME  SUFFIX  STATE  POSTAL CODE  COUNTRY  4370 La Jolla Village Drive, Suite 850  San Diego  CA  92122  USA  ADD'L INFO RE ORGANIZATION  DEBTOR  LLC  NEVADA  AMENDMENT (COLLATERAL CHANGE): check only one box.					
C. CHANGED (NEW) OR ADDED INFORMATION:    Ta. ORGANIZATION'S NAME		TEIDOTNANIE	IMIDDLE	NAME	Teuchy
76. INDIVIDUAL'S LAST NAME  76. INDIVIDUAL'S LAST NAME  FIRST NAME  C. MAILING ADDRESS  4370 La Jolla Village Drive, Suite 850  ADD'L INFO RE 76. TYPE OF ORGANIZATION ORGANIZATION ORGANIZATION DEBTOR LLC  AMENDMENT (COLLATERAL CHANGE): check only one box.	OD. INDIVIDUAL S LAST NAME	FIRSTNAME		INAIVIE	SUFFIX
76. INDIVIDUAL'S LAST NAME  76. INDIVIDUAL'S LAST NAME  FIRST NAME  C. MAILING ADDRESS  4370 La Jolla Village Drive, Suite 850  ADD'L INFO RE 76. TYPE OF ORGANIZATION ORGANIZATION ORGANIZATION DEBTOR LLC  AMENDMENT (COLLATERAL CHANGE): check only one box.	CULANOED (MEIAN OF ADDED INCODIAATION)				<u> </u>
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ORGANIZATION LLC DEBTOR LLC NEVADA  NEVADA 480-361  NEVADA  NEVADA	4370 La Jolla Village Drive, Suite 850	San Diego	CA	92122	USA
DEBTOR LLC NEVADA 480-361 NC  AMENDMENT (COLLATERAL CHANGE): check only one box.	I I	ZATION 7f. JURISDICTION OF ORGANIZATE	ON 7g. ORG	SANIZATIONAL ID#, if ar	ny
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9a. ORGANIZATION'S NAME	adds collateral or adds the authorizing Debtor, or if this is a Termination  9a. ORGANIZATION'S NAME  Wells Fargo Bank, National Association	authorized by a Debtor, check here and enter r	name of DEBTOR auth	orizing this Amendment.	

10, OPTIONAL FILER REFERENCE DATA



# UCC FINANCING STATEMENT AMENDMENT

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2. TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement is continued for the additional period provided by applicable law.  4. ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.  5. AMENDMENT (PARTY INFORMATION): This Amendment affects Debtor of Debtor of Debtor of Check only one of these two boxes.  Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.  CHANGE name and/or address: Give current record name in item 6a or 6b. Secured Party of record. Check only one of these two boxes.  CURRENT RECORD INFORMATION:  6. CURRENT RECORD INFORMATION:  6. CURRENT RECORD INFORMATION:  7. CHANGE Real Estate Investments  6. INDIVIDUAL'S LAST NAME  FIRST NAME  MIDDLE NAME  MIDDLE NAME  SUFFIX  7. CHANGED (NEW) OR ADDED INFORMATION:  7. C	Patrick J. Clarke, Esq. Burr & Forman LLP 171 17th Street, NW Suite 1100 Atlanta, GA 30363  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  In Initial Financing Statement File # 2007/10928000456090  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  In Financing Statement File # 100 to 98 told for record (or recorded) in the recorded in	A. NAME & PHONE OF C						
Patrick J. Clarke, Esq. Burt & Forman LLP 171 17th Street, NW Suite 1100 Atlanta, GA 30363  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY 1a INITIAL FINANCING STATEMENT FILE # 2007/0928000456090  [1] to shifted fire recording freedowly in the record of the secure Party authorizing this Termination Statement 2007/0928000456090  [2] TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement is confined for the additional period provided by applicable above with respect to security interest(s) of the Secured Party authorizing this Termination Statement is confined for the additional period provided by applicable intern 2 or 70 and address of assignee in item 7c. and also give name of assignor in item 9.  [5] AMENDMENT (PARTY INFORMATION): This Amendment affects   Debtor   or   Secured Party of record. Check only one of these two boxes.  Also check age of the following three boxes and provide appropriate information is items 6 and/or 7.  [7] CHANGE frame and/or address. Cive current record mannin in miss or 50 and of the secured name.   ADD name: Complete item 7a or 7b, and all items (frame change) in item 7a or 7b and and items of 6b.  [8] CORRENT RECORD INFORMATION:  [8] ASSIGNATION S NAME  [9] CA   SATION S NAME  [9] ADD NET AND STATE RECORD INFORMATION:  [9]	Patrick J. Clarke, Esq. Burr & Forman LLP 171 17th Street, NW Suite 1100 Atlanta, GA 30363  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  In Initial Financing Statement File # 2007/10928000456090  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  In Financing Statement File # 100 to 98 told for record (or recorded) in the recorded in	B. SEND ACKNOWLEDG	MENT TO: (Nam	ne and Address)	<u></u>			
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171 17th Street, NW Suite 1100 Atlanta, GA 30363    THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  1a INITIAL FINANCING STATEMENT FILE # 20070928000456990    THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  1a INITIAL FINANCING STATEMENT FILE # 20070928000456990    THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  1a INITIAL FINANCING STATEMENT FILE # 20070928000456990    THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  1b Initial Financing Statement dentified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement is continued for the additional period provided by applicable law.  1	171 17th Street, NW Suite 1100 Atlanta, GA 30363		•					
Suite 1100 Atlanta, GA 30363  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  To Initial Financing Statement felle # 20070928000456090  THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY  To be filed flor record) (or recorded) in the Real Estate Records  The Financing Statement dentified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement is continued for the additional period provided by applicable law.  The ABOVE SPACE IS FOR FILING OFFICE USE ONLY  The Financing Statement dentified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement is continued for the additional period provided by applicable law.  The ABSIGNMENT (val or partial): Give name of assignee in term 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 8.  AMB Checking of the following three boxes and provide appropriate information in terms of the following of the following three boxes and provide appropriate information in terms 7c; and also give name of name in mane of name of an error of the nadior new address of the following mane of name of the name of a rest of the following mane of name of the name of a rest of the following mane of the name of the record name of the name of the name of the record name of	Suite 1100 Atlanta, GA 30363    THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY   THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY   THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY   The Financing Statement flee   The Above selecting in the selection of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing the Termination Statement   Continued for the additional period provided by applicable law							
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					· -	-		zed by a Debtor which
	9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor whi	# <del> 17-1 (</del>		or it this is a Termination author	ized by a Debtor, check here and enter name of	DEBIOR auth	orizing this Amendment.	
adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here and enter name of DEBTOR authorizing this Amendment.	adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here and enter name of DEBTOR authorizing this Amendment.			A aan aistiss				
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adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here and entername of DEBTOR authorizing this Amendment.  9a. ORGANIZATION'S NAME  Wells Fargo Bank, National Association	adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here and entername of DEBTOR authorizing this Amendment.  9a. ORGANIZATION'S NAME  Wells Fargo Bank, National Association	9b. INDIVIDUAL'S LAST	INAME		FIRST NAME	MIDULE	: NAME	SUFFIX

## Instructions for National UCC Financing Statement AMENDMENT (Form UCC3)

Please type or laser-print this form. Be sure it is completely legible. Read all Instructions, especially Instruction 1a; correct file number of initial financing statement is crucial. Follow Instructions completely.

Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. Filing office cannot give legal advice. Do not insert anything in the open space in the upper portion of this form; it is reserved for filing office use.

An Amendment may relate to only one financing statement. Do not enter more than one file number in item 1a.

When properly completed, send Filing Office Copy, with required fee, to filing office. If you want an acknowledgment, complete item B and, if filing in a filing office that returns an acknowledgment copy furnished by filer, you may also send Acknowledgment Copy, otherwise detach. Always detach Debtor and Secured Party Copies.

If you need to use attachments, use 8-1/2 X 11 inch sheets and put at the top of each sheet: "AMENDMENT" <u>and</u> the file number of the initial financing statement to which this Amendment relates; you are encouraged to use Amendment Addendum (Form UCC3Ad).

#### Always complete items 1a and 9.

- A. To assist filing offices that might wish to communicate with filer, filer may provide information in item A. This item is optional.
- B. Complete item B if you want an acknowledgment sent to you. If filing in a filing office that returns an acknowledgment copy furnished by filer, present simultaneously with this form a carbon or other copy of this form for use as an acknowledgment copy.
- 1a. File number: Enter file number of initial financing statement to which this Amendment relates. Enter only one file number. In some states, the file number is not unique; in those states, also enter in item 1a, after the file number, the date that the initial financing statement was filed.
- 1b. Only if this Amendment is to be filed or recorded in the real estate records, check box 1b and also, in item 13 of Amendment Addendum, enter Debtor's name, in proper format exactly identical to the format of item 1 of financing statement, and name of record owner if Debtor does not have a record interest.

Note: Show purpose of this Amendment by checking box 2, 3, 4, 5 (in item 5 you must check two boxes) or 8; also complete items 6, 7 and/or 8 as appropriate. Filer may use this Amendment form to simultaneously accomplish both data changes (items 4, 5, and/or 8) and a Continuation (item 3), although in some states filer may have to pay a separate fee for each purpose.

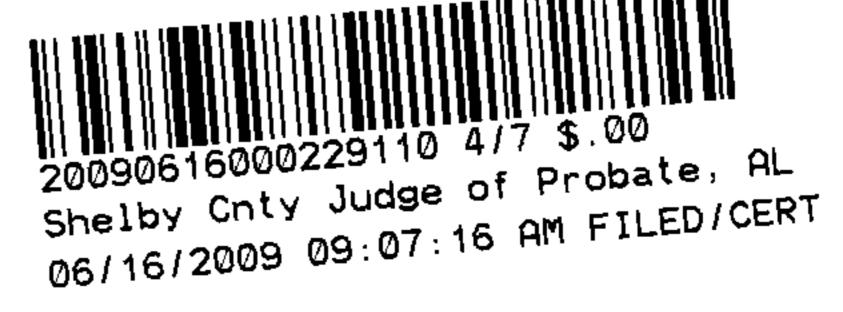
- To terminate the effectiveness of the identified financing statement with respect to security interest(s) of authorizing Secured Party, check box 2.
   See Instruction 9 below.
- 3. To <u>continue</u> the effectiveness of the identified financing statement with respect to security interest(s) of authorizing Secured Party, check box 3. See Instruction 9 below.
- 4. To <u>assign</u> (i) all of assignor's interest under the identified financing statement, or (ii) a partial interest in the security interest covered by the identified financing statement, or (iii) assignor's full interest in some (but not all) of the collateral covered by the identified financing statement: Check box in item 4 and enter name of assignee in item 7a if assignee is an organization, or in item 7b, formatted as indicated, if assignee is an individual. Complete 7a or 7b, but not both. Also enter assignee's address in item 7c. Also enter name of assignor in item 9. If partial Assignment affects only some (but not all) of the collateral covered by the identified financing statement, filer may check appropriate box in item 8 and indicate affected collateral in item 8.
- 5,6,7.To change the name and/or address of a party: Check box in item 5 to indicate whether this Amendment amends information relating to a Debtor or a Secured Party; also check box in item 5 to indicate that this is a name and/or address change; also enter name of affected party (current record name, in case of name change) in items 6a or 6b as appropriate; and also give new name (7a or 7b) and/or new address (7c) in item 7.
- 5,6. To <u>delete</u> a party: Check box in item 5 to indicate whether deleting a Debtor or a Secured Party; also check box in item 5 to indicate that this is a deletion of a party; and also enter name (6a or 6b) of deleted party in item 6.

- 5,7. To <u>add</u> a party: Check box in item 5 to indicate whether adding a Debtor or Secured Party; also check box in item 5 to indicate that this is an addition of a party; also enter all required information in item 7: name (7a or 7b) and address (7c); also, if adding a Debtor, tax ID # (7d) in those states where required, and additional organization Debtor information (7e-g) if added Debtor is an organization. Note: The preferred method for filing against a new Debtor (an individual or organization not previously of record as a Debtor under this file number) is to file a new Financing Statement (UCC1) and not an Amendment (UCC3).
- 6. Collateral change. To change the collateral covered by the identified financing statement, describe the change in item 8. This may be accomplished either by describing the collateral to be added or deleted, or by setting forth in full the collateral description as it is to be effective after the filing of this Amendment, indicating clearly the method chosen (check the appropriate box). If the space in item 8 is insufficient, use item 13 of Amendment Addendum (Form UCC3Ad). A partial release of collateral is a deletion. If, due to a full release of all collateral, filer no longer claims a security interest under the identified financing statement, check box 2 (Termination) and not box 8 (Collateral Change). If a partial assignment consists of the assignment of some (but not all) of the collateral covered by the identified financing statement, filer may indicate the assigned collateral in item 8, check the appropriate box in item 8, and also comply with instruction 4 above.
- Always enter name of party of record authorizing this Amendment; in most cases, this will be a Secured Party of record. If more than one authorizing Secured Party, give additional name(s), properly formatted, in item 13 of Amendment Addendum (Form UCC3Ad). If the indicated financing statement refers to the parties as lessee and lessor, or consignee and consignor, or seller and buyer, instead of Debtor and Secured Party, references in this Amendment shall be deemed likewise so to refer to the parties. If this is an assignment, enter assignor's name. If this is an Amendment authorized by a Debtor that adds collateral or adds a Debtor, or if this is a Termination authorized by a Debtor, check the box in item 9 and enter the name, properly formatted, of the Debtor authorizing this Amendment, and, if this Amendment or Termination is to be filed or recorded in the real estate records, also enter, in item 13 of Amendment Addendum, name of Secured Party of record.
- 10. This item is optional and is for filer's use only. For filer's convenience of reference, filer may enter in item 10 any identifying information (e.g., Secured Party's loan number, law firm file number, Debtor's name or other identification, state in which form is being filed, etc.) that filer may find useful.

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A. NAME & PHONE OF	STATEMENT (front and back) CAREFULLY CONTACT AT FILER (options	il)					
B. SEND ACKNOWLEDG	MENT TO: (Name and Addr	ress)					<b>\</b>
	<b>6</b>	•				$\mathbb{Q}/\mathbb{Q}$	
Burr & Fe	. Clarke, Esq. orman LLP					4	
Suite 110							✓
Atlanta, 4	GA 30363			THE ABOVE SI ONLY	PACE IS FO	OR FILING OF	FICE L
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Wells Fargo	Bank, National As	ssociation					
OR 36 INDIVIDUAL'S LA	ST NAME		FIRST NAME	E	MIODLE	NAME	SUF
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FILING OFFICE COPY - NATIONAL UCC FINANCING STATEMENT (FORM UCC1) (REV. 07/29/98)

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#### EXHIBIT A

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Debtor:

Capital Real Estate Investments

Secured Party:

Wells Fargo Bank, National Association

#### Description of the Land

The land referred to in this commitment is described as follows:

A part of the Southwest quarter of the Southwest quarter of Section 25, Township 20 South, Range 3 West and the Southeast quarter of the Southeast quarter of Section 26, Township 20 South, Range 3 West more particularly described as follows: Begin at the Southwest corner of Section 25 and run East along the South line of said Section 25 a distance of 130.60 feet to a point on the Westerly right of way line of U.S. Highway 31; thence turn an angle to the left of 75° 29' and run Northerly along said Westerly right of way line a distance of 34.0 feet to the point of beginning of the tract herein described; thence continue an angle to the left of 90° 00' and run Westerly a distance of 269.93 feet to a point on the Easterly right of way line of the Louisville and Nashville Railroad; thence turn an angle to the left 97° 38' 30" and run Southerly along said Easterly right of way line a distance of 167.49 feet to a point; thence turn an angle to the left of 82° 21' 30" and run Easterly a distance of 247.66 feet to the point of beginning.

And being further described as:

A part of the Southwest 1/4 of the Southwest 1/4 of Section 25, Township 20 South, Range 3 West and the Southeast 1/4 of the Southeast 1/4 of Section 26, Township 20 South, Range 3 West more particularly described as follows:

Begin at the Southwest Corner of Section 25 and run N 90°00'00" E along the South line of said Section 25 a distance of 130.60 feet to a point on the Westerly right of way line of U.S. Highway 31; thence run N 14°31'00" B along said westerly right of way line a distance of 34.0 feet to the point of beginning of the tract herein described; thence continue N 14°30'57" E a distance of 166.00 feet to a point on the said westerly right-of-way of U.S. Highway 31; thence leaving the said westerly right-of-way of U.S. Highway 31, run N 75°29'00" W for a distance of 269.93 feet to a point on the easterly right-of-way line of the Louisville. and Nashville Railroad; thence run S 06°52'30" W and run along said Easterly right-of-way line of the Louisville and Nashville Railroad a distance of 167.49 feet to a point; thence run S 75°20'00" E a distance of 247.66 feet back to the point of beginning.

Source of title: Instrument 2006/01909 Shelby County, Alabama

### SURVEYOR'S LEGAL DESCRIPTION:

A part of the Southwest 1/4 of the Southwest 1/4 of Section 25, Township 20 South, Range 3 West and the Southeast 1/4 of the Southeast 1/4 of Section 26, Township 20 South, Range 3 West more particularly described as follows:

Begin at the Southwest Corner of Section 25 and run N 90°00'00" E along the South line of said Section 25 a distance of 130.60 feet to a point on the Westerly right of way line of U.S. Highway 31; thence run N 14°31'00" E along said westerly right of way line a distance of 34.0 feet to the point of beginning of the tract herein described; thence continue N 14°30'57" E a distance of 166.00 feet to a point on the said westerly right-of-way of U.S. Highway 31; thence leaving the said westerly right-of-way of U.S. Highway 31, run N 75°29'00" W for a distance of 269.93 feet to a point on the easterly right-of-way line of the Louisville and Nashville Railroad; thence run S 06°52'30" W and run along said Easterly right-of-way line of teh Louisville and Nashville Railroad a distance of 167.49 feet to a point; thence run S 75°20'00" E a distance of 247.66 feet back to the point of beginning.

Land containing 42960.63 sq. ft. and 0.99 acres.

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### EXHIBIT B

Debtor:

Capital Real Estate Investments

Secured Party:

Wells Fargo Bank, National Association

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#### Description of the Property

- (a) All that tract or parcel of land particularly described in Exhibit A attached hereto and made a part hereof.
- (b) All buildings, structures, and improvements of every nature whatsoever now or hereafter situated on the property described in Exhibit A, and all fixtures, machinery, equipment, furniture, furnishings, and personal property of every nature whatsoever now or hereafter owned by the Borrower and located in, on, or used or intended to be used in connection with or with the operation of said property, buildings, structures, or other improvements, including all extensions, additions, improvements, betterments, renewals and replacements to any of the foregoing.
- (c) All building materials, equipment, fixtures, fittings, and personal property of every kind or character now owned or hereafter acquired by Borrower for the purpose of being used or useful in connection with the improvements located or to be located on the real estate described herein, whether such materials, equipment, fixtures, fittings, and personal property are actually located on or adjacent to said real estate or not, and whether in storage or otherwise, wheresoever the same may be located, including, but without limitation, all lumber and lumber products, bricks, building stones, and building blocks, sand and cement, roofing material, paint, doors, windows, hardware, nails, wires and wiring, plumbing and plumbing fixtures, heating and air conditioning equipment and appliances, electrical and gas equipment and appliances, pipes and piping, ornamental and decorative fixtures, furniture, and in general all building materials and equipment of every kind and character used or useful in connection with said improvements.

TOGETHER with all easements, rights of way, gores of land, streets, ways, alleys, passages, sewer rights, waters, water courses, water rights and powers, and all estates, rights, titles, interests, privileges, liberties, tenements, hereditaments, and appurtenances whatsoever, in any way belonging, relating or appertaining to any of the property hereinabove described, or which hereafter shall in any way belong, relate or be appurtenant thereto, whether now owned or hereafter acquired by Borrower, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, property, possession, claim, and demand whatsoever at law, as well as in equity, of Borrower of, in and to the same, including but not limited to:

- (a) All rents, profits, issues, and revenues of the Mortgaged Property from time to time accruing, whether under leases or tenancies now existing or hereafter created, reserving to Borrower, however, so long as Borrower is not in default hereunder, the right to receive and retain the rents, issues, and profits thereof; and
- (b) All judgments, awards of damages, and settlements hereafter made resulting from condemnation proceedings or the taking of the premises or any part thereof under the power of eminent domain, or for any damage (whether caused by such taking or otherwise) to the premises or the improvements thereon or any part thereof, or to any rights appurtenant thereto, including any award for change of grade or streets. Lender hereby is authorized on behalf and in the name of Borrower to execute and deliver valid acquittances for, and appeal from, any such judgments or awards.

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