

RECORDING TAX ORDER


20091229000474200 1/2 \$14.00
Shelby Cnty Judge of Probate, AL
12/29/2009 02:47:49 PM FILED/CERT

STATE OF ALABAMA

COUNTY OF MONTGOMERY

A Proceeding Authorized
by Section 40-22-2(B),
Code of Alabama 1975

BEFORE THE ALABAMA DEPARTMENT OF REVENUE

Comes Petitioner, I&G INVERNESS RETAIL, L.L.C., an Illinois limited liability company, and asks the Alabama Department of Revenue to fix and determine the amount of recording tax due, pursuant to § 40-22-2(8), Code of Alabama 1975, upon recordation of a mortgage to be filed in connection with a certain credit agreement ("Credit Agreement"), in the amount of \$91,000,000 from PNC BANK, National Association, to Petitioner. The mortgage encompasses property located within and without the State of Alabama.

Upon consideration of the Petition and evidence offered in support thereof, the Alabama Department of Revenue finds as follows:

1. That the maximum indebtedness owed pursuant to the Credit Agreement, and secured by the Mortgage, Assignment of Rents and Leases and Security Agreement, is \$91,000,000.
2. That the Petitioner desires to pay recording tax on the maximum indebtedness allocable to the secured assets which are located in the State of Alabama.
3. That the total value of all property covered by the mortgage, both within and without the State of Alabama, is \$119,377,500.

4. That the total value of all property located within the State of Alabama, and covered by the mortgage is \$37,200,000.

5. That the amount of indebtedness which is allocable to Alabama, and upon which recording tax is due, is \$28,355,600.

6. That the amount of recording tax to be paid, at the rate of \$.15 for each \$100 of indebtedness, or fraction thereof, which is attributable to the property located within the State of Alabama, is \$42,534.

7. That the mortgage is to be recorded in Shelby County, Alabama.

IT IS ORDERED, THEREFORE, that the Probate Judge of Shelby County shall collect mortgage recording tax in the amount of \$42,534.

DONE this 11th day of December, 2009.

ALABAMA DEPARTMENT OF REVENUE

By: Cynthia Underwood
Its: Assistant Commissioner of Revenue

ATTEST:

[Signature]
As Secretary

[Signature]
Legal Division