


THIS INSTRUMENT PREPARED BY:

James E. Vann
Sirote & Permutt, P.C.
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(205) 930-5484

STATE OF ALABAMA

COUNTY OF JEFFERSON

COUNTY OF SHELBY


20170627000228270 1/16 \$63.00
Shelby Cnty Judge of Probate, AL
06/27/2017 08:24:19 AM FILED/CERT

Note to Probate Court: A total of \$16,841.80 in mortgage recording tax was paid on the maximum principal amount of \$11,224,867.71 in connection with the recording of the mortgage at BK: LR201214, Page 10623 in the Office of the Judge of Probate of Jefferson County, Alabama, and at Instrument No. 20120606000199340 in the Office of the Judge of Probate of Shelby County, Alabama. The maximum principal indebtedness secured by the Mortgage is not being increased. Accordingly, no mortgage tax is due.

AMENDMENT TO MORTGAGE AND SECURITY AGREEMENT AND
ASSIGNMENT OF RENTS AND LEASES

THIS AMENDMENT TO MORTGAGE AND SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES (this "Amendment") is entered into as of the 27th day of June, 2017 by and between **Jack W. Kidd** (aka Jack Whitson Kidd) (hereinafter sometimes referred to for convenience as "**Mr. Kidd**"), **280 Station, LLC**, an Alabama limited liability company (hereinafter sometimes referred to for convenience as "**280 Station**"), **AJK, LLC**, an Alabama limited liability company (hereinafter sometimes referred to for convenience as "**AJK**"), **Jack Rabbit, LLC**, an Alabama limited liability company (hereinafter sometimes referred to for convenience as "**Jack Rabbit**"), and **JWK, LLC**, an Alabama limited liability company (hereinafter sometimes referred to for convenience as "**JWK**"; for convenience, Mr. Kidd, 280 Station, AJK, Jack Rabbit, and JWK are sometimes referred to individually and collectively as "**Mortgagor**") and **First Commercial Bank, a division of Synovus Bank**, a state banking corporation ("**Lender**").

WITNESSETH:

WHEREAS, Mortgagor, along with Faye D. Kidd ("Mrs. Kidd"), FDK, L.L.C. ("FDK"), and Eastwood Mini Storage Company ("Eastwood"), have made and delivered to Lender (i) a Mortgage and Security Agreement (as extended, renewed, modified or amended from time to time, the "Mortgage") dated May 25, 2012, recorded in Instrument No. 20120606000199340 in the Office of the Judge of Probate of Shelby County, Alabama, and recorded at LR201214, Page 10623 in the Office of the Judge of Probate of Jefferson County, Alabama, and (ii) an Assignment of Rents and Leases (as extended, renewed, modified or amended from time to time, the "Assignment") dated May 25, 2012, recorded in Instrument No. 20120606000199350 in the Office of the Judge of Probate of Shelby County, Alabama, and recorded at LR201214, Page 10660 in the Office of the Judge of Probate of Jefferson County, Alabama. The Mortgage and the Assignment secure the Loan (as defined in the Mortgage) and the Note (as defined in the Mortgage). Capitalized terms used herein and shall have the meanings set forth in the Mortgage, unless otherwise defined herein.

WHEREAS, the Mortgage and the Assignment cover approximately 41 separately described parcels of real property, as more particularly described in Exhibit A attached to the Mortgage and the Assignment. Since the execution and recordation of the Mortgage and the Assignment (i) several parcels have been sold or transferred by Mortgagor, and at Mortgagor's request Lender has agreed to remove and release certain parcels covered by the Mortgage and the Assignment, (ii) certain parcels have been re-platted, and (iii) a portion of the Mortgaged Property was mistakenly released pursuant to a Partial Mortgage Release recorded in LR201512, Page 2940 in the Office of the Judge of Probate of Jefferson County, Alabama..

WHEREAS, Mortgagor and Lender mutually desire to amend Exhibit A to the Mortgage and the Assignment in order to specifically and accurately identify the parcels of real property that are now and will continue to be covered by the Mortgage and the Assignment. Mortgagor agrees that any previously recorded releases or partial releases of any property described in Exhibit A attached hereto are null and void.

WHEREAS, upon the date of execution of this Amendment, the portion of the Mortgaged Property owned by Mrs. Kidd at the time of execution of the Mortgage (Parcel 20) will no longer be covered by the Mortgage and the Assignment. Therefore, Mrs. Kidd and her successors in interest are not parties to this Amendment.

WHEREAS, the portion of the Mortgaged Property owned by FDK at the time of execution of the Mortgage (Parcel 18) has been sold and will no longer be covered by the Mortgage and the Assignment. Therefore, FDK and its successors are not parties to this Amendment.

WHEREAS, the portion of the Mortgaged Property owned by Eastwood at the time of execution of the Mortgage and the Assignment (Parcels 15 and 40) has been conveyed to Mr. Kidd. Therefore, Eastwood is not a party to this Amendment.

NOW, THEREFORE, in consideration of the above provisions, and in further consideration of the mutual covenants contained in this Amendment, the parties agree as follows:

1. **Amendment to Exhibit A to the Mortgage and Assignment.** Effective as of the date hereof, Exhibit A to the Mortgage and Assignment is hereby amended to be identical to Exhibit A attached hereto. Mortgagor expressly understands and agrees that any previously recorded releases or partial releases of any property described in Exhibit A attached hereto are null and void *ab initio*.

2. **Authority to Amend or File UCC-Financing Statements.** Mortgagor hereby authorizes Lender to prepare and to file new or amended UCC Financing Statements covering the Mortgaged Property in form satisfactory to Lender in all public offices wherever filing is deemed by the Lender to be necessary or desirable.


3. **Confirmation Regarding Jack Rabbit Lease:** Mortgagor represents, warrants, covenants, and agrees with Lender that (i) the Jack Rabbit Lease (as defined in the Mortgage) has been amended and extended pursuant to that certain Corrective, Amended and Restated Lease Amendment recorded at Instrument No. 2017064350 in the Office of the Judge of Probate

of Jefferson County, Alabama, and (ii) the Corrective, Amended and Restated Lease Amendment is a part of the Mortgaged Property (as defined in the Mortgage).

4. **Continued Effectiveness of Documents.** In all other respects the Mortgage and the Assignment shall remain unchanged and in full force and effect, and Mortgagor affirms that it has no offsets or defenses to its obligations pursuant to the Mortgage, the Assignment, or other documents executed in connection therewith.

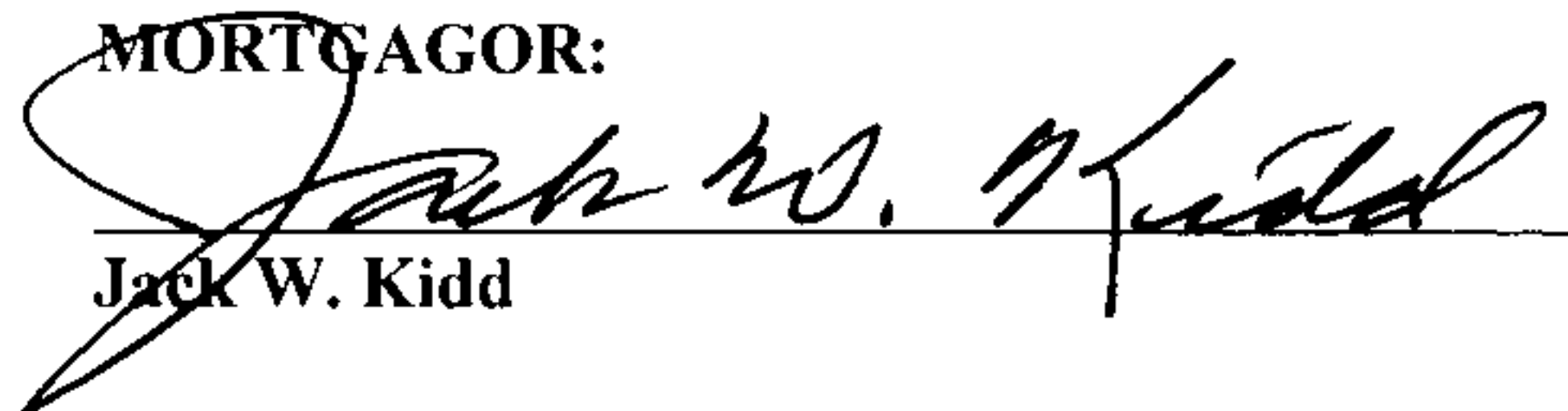
5. **Mortgage Tax and Other Charges.** In the event any taxing authority shall require any additional mortgage recording tax or filing fees or impose any interest or penalties incident to this Amendment, Mortgagor will promptly pay the same. Mortgagor also agrees to pay any title insurance premium or charges in connection with any endorsements to Lender's title insurance policy.

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20170627000228270 3/16 \$63.00
Shelby Cnty Judge of Probate, AL
06/27/2017 08:24:19 AM FILED/CERT

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date appearing as of the first page of this Amendment.

MORTGAGOR:

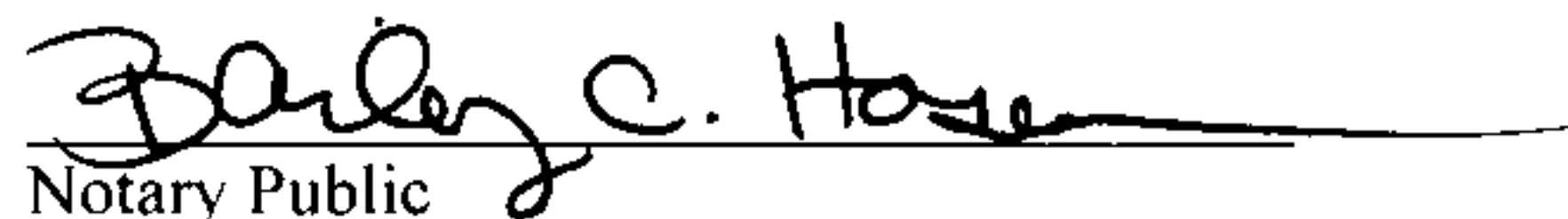


Jack W. Kidd

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Jack W. Kidd** 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 this said instrument, he executed the same voluntarily.

Given under my hand and official seal, this the 26th day of June, 2017.



Notary Public

My Commission Expires: MY COMMISSION EXPIRES JUNE 19, 2019



20170627000228270 4/16 \$63.00
Shelby Cnty Judge of Probate. AL
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MORTGAGOR:

280 Station, LLC

By: _____

Name: **Jack W. Kidd**

Title: **Sole Manager and Sole Member**

STATE OF ALABAMA

Jefferson **COUNTY**

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Jack W. Kidd** whose name as Sole Manager and Sole Member of **280 Station, LLC**, an Alabama limited liability company, 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 this said instrument, he as such Sole Manager and Sole Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this the **26th** day of June, 2017.

Bailey C. Haze
Notary Public

My Commission Expires **MY COMMISSION EXPIRES JUNE 19, 2019**



20170627000228270 5/16 \$63.00
Shelby Cnty Judge of Probate, AL
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MORTGAGOR:

AJK, LLC

By: *Jack W Kidd*

Name: Jack W. Kidd

Title: Sole Member

STATE OF ALABAMA)

Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Jack W. Kidd** whose name as Sole Member of **AJK, LLC**, an Alabama limited liability company, 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 this said instrument, he as such Sole Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this the 26th day of June, 2017.

Barley C. Host
Notary Public


My Commission Expires: MY COMMISSION EXPIRES JUNE 19, 2019



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MORTGAGOR:

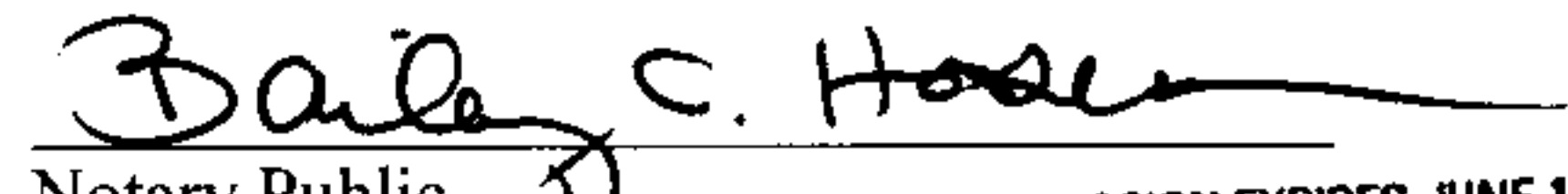
JWK, LLC

By: 
Name: Jack W. Kidd
Title: Sole Member

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Jack W. Kidd** whose name as Sole Member of **JWK, LLC**, an Alabama limited liability company, 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 this said instrument, he as such Sole Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this the 26th day of June, 2017.


Notary Public)
My Commission Expires: _____ MY COMMISSION EXPIRES JUNE 19, 2019



20170627000228270 7/16 \$63.00
Shelby Cnty Judge of Probate, AL
06/27/2017 08:24:19 AM FILED/CERT

MORTGAGOR:

Jack Rabbit, LLC

By: 

Name: Jack W. Kidd

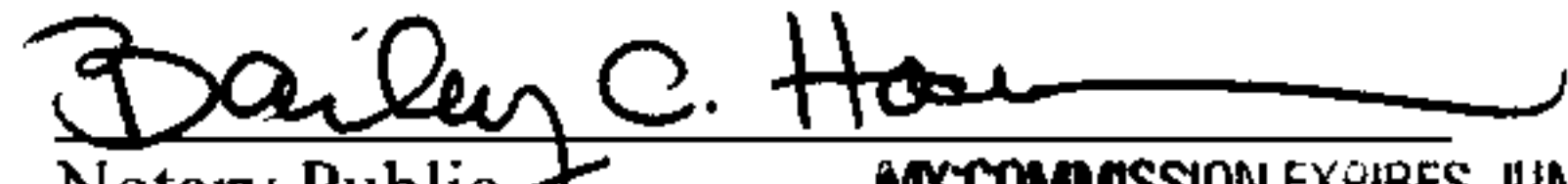
Title: Sole Manager and Sole Member

STATE OF ALABAMA

Jefferson COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Jack W. Kidd** whose name as Sole Manager and Sole Member of **Jack Rabbit, LLC**, an Alabama limited liability company, 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 this said instrument, he as such Sole Manager and Sole Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this the 26th day of June, 2017.


Notary Public

MY COMMISSION EXPIRES JUNE 19, 2019

My Commission Expires: _____



20170627000228270 8/16 \$63.00
Shelby Cnty Judge of Probate, AL
06/27/2017 08:24:19 AM FILED/CERT

LENDER (Mortgagee, Secured Party):

First Commercial Bank, a division of Synovus
Bank

By: Alan T. Drennon III

Name:

Title: SENIOR VICE PRES.

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Alan T. Drennon III whose name as the SVP of **First Commercial Bank, a division of Synovus 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 26th day of June, 2017.

Barbara C. Hose
Notary Public) MY COMMISSION EXPIRES JUNE 19, 2019
My Commission Expires: _____



20170627000228270 9/16 \$63.00
Shelby Cnty Judge of Probate, AL
06/27/2017 08:24:19 AM FILED/CERT

EXHIBIT A

PARCEL 1: (Intentionally Deleted.)

PARCEL 2: (Intentionally Deleted.)

PARCEL 3: (West Park Drive)

Lot 20A, according to the Survey of West Park Resurvey No. 2, as recorded in Map Book 240, Page 12, in the Probate Office of Jefferson County, Alabama.

PARCEL 4: (Intentionally Deleted.)

PARCEL 5: (Brookhurst)

Lot B, according to the Map and Survey of Roebuck Crest Addition to Brookhurst, as recorded in Map Book 114, Page 2, in the Probate Office of Jefferson County, Alabama.

PARCEL 6: (Jack Rabbit)

Lot 5A, Block 3, according to a Resurvey of Lots 5 and 6, Block 3, of Rosedale Park, as recorded in Map Book 151, Page 57, in the Probate Office of Jefferson County, Alabama.

PARCEL 7: (Auto Pride Car Wash)

Lot 36A, Block 2, according to the First Amendment to a Resurvey of Lots 36, 37 and 38, Block 2, of Rosedale Park, as recorded in Map Book 156, Page 21, in the Probate Office of Jefferson County, Alabama.

PARCEL 8: (HWY 280/Office/Warehouse)

Commence at the Northwest corner of the Northwest quarter of the Northeast quarter of Section 5, Township 19 South, Range 1 West, thence run North 86 degrees 43 minutes 38 seconds East for a distance of 333.88 feet to the Point of Beginning; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet; thence run South 23 degrees 59 minutes 16 seconds West for a distance of 275.63 feet; thence run North 67 degrees 10 minutes 15 seconds West for a distance of 104.08 feet; thence run North 12 degrees 30 minutes 00 seconds West for a distance of 37.00 feet; thence run North 30 degrees 17 minutes 51 seconds East for a distance of 239.82 feet to the point of beginning.

Situated in Shelby County, Alabama

ALSO: An easement described as follows:

Commence at the northwest corner of the Northwest one-quarter of the Northeast one-quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East along the North line of said quarter-quarter for a distance of 333.88 feet; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet; thence run South 23 degrees 59 minutes 16 seconds West for a distance of 260.63 feet to the POINT OF BEGINNING; thence run South 71 degrees 19 minutes 30 seconds East for a distance of 29.78 feet to the point of intersection with a curve to the left, said curve having a central angle of 18 degrees 42 minutes 34 seconds, a radius of 183.00, a chord of 59.49 and a chord bearing of South 26 degrees 50 minutes 01 seconds West; thence run along the arc of said curve for a distance of 59.76 feet to the end of said curve; thence run South 17 degrees 28 minutes 44 seconds West for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve having a central angle of 50 degrees 45 minutes, a radius of 146.77 feet, a chord of 125.79 and a chord bearing of South 42 degrees 51 minutes 14 seconds; thence run along the arc of said curve for a distance of 130.00 feet to the end of said curve; thence run South 68 degrees 13 minutes 44 seconds West for a distance of



20170627000228270 10/16 \$63.00
Shelby Cnty Judge of Probate: AL
06/27/2017 08:24:19 AM FILED/CERT

30.04 feet to a point on the northeasterly right of way line of U. S. 280, said right of way being situated on a curve to the left and having a central angle of 0 degrees 35 minutes 01 seconds, a radius 2944.79 feet, a chord of 30.00 feet and a chord bearing of North 21 degrees 46 minutes 15 seconds West; thence run along the arc of said curve and the Northeasterly right of way line of U. S. Highway No. 280 for a distance of 30.00 feet; thence run North 68 degrees 13 minutes 44 seconds East for a distance of 30.04 feet to the point of commencement of a curve to the left, said curve having a central angle of 50 degrees 45 minutes, a radius of 116.77 feet, a chord of 100.08 feet and a chord bearing of North 42 degrees, 51 minutes 14 seconds East; thence run along the arc of said curve for a distance of 103.43 feet to the end of said curve; thence run North 17 degrees 28 minutes 44 seconds East for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve, having a central angle of 16 degrees 10 minutes 47 seconds, a radius of 213.00 feet, a chord of 59.95 feet and a chord bearing of North 25 degrees 34 minutes 08 seconds East; thence run along the arc of said curve for a distance of 60.15 feet to the end of said curve; thence run South 71 degrees, 19 minutes 30 seconds East for a distance of 1.46 feet to the POINT OF BEGINNING.

PARCEL 9: (Linden)

Lot 1, Block D, according to the Survey of Shades Heights, as recorded in Map Book 6, Page 97, in the Probate Office of Jefferson County, Alabama.

PARCEL 10: (Pears)

Lot 15, Block C, according to the Survey of Shades Heights, as recorded in Map Book 6, Page 97, in the Probate Office of Jefferson County, Alabama.

PARCEL 11: (Adams)

Sub-Parcel I:

A parcel of land located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Commence at the NW corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence in an Easterly direction along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; a distance of 470.20 feet to the point of beginning; thence continue along last described course, a measured distance of 31.33 (31.24 feet deed); thence 42 degrees 06 minutes 46 seconds right, in a Southeasterly direction a distance of 244.75 feet to a point on a curve having a radius of 50 feet last described course being radial to said curve; thence in a Southwesterly direction along the arc of said curve to the left a distance of 23.90 feet; thence 39 degrees 19 minutes 16 seconds right from line tangent to said curve in a Southwesterly direction a distance of 197.05 feet; thence 104 degrees 30 minutes right; in a Northwesterly direction a measured distance of 271.44 (271.40 feet deed); thence 71 degrees 40 minutes 30 seconds right, in a Northeasterly direction a distance of 74.50 feet to the point of beginning.

Sub-Parcel II:

A parcel of land located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, more particularly described as follows: Commence at the NW corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section and run thence in an Easterly direction along the Northerly line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section a distance of 501.44 feet to point of beginning; thence continue along last described course a distance of 396.00 feet; thence 89 degrees 19 minutes 08 seconds right in a Southerly direction a distance of 82.27 feet; thence 54 degrees 43 minutes 51 seconds right in a Southwesterly direction a distance of 163.39 feet to a point of a curve having a radius of 50 feet; thence 103 degrees 01 minutes 59 seconds right to tangent to said curve and in a Northwesterly direction along the arc of said curve to the left a distance of 100.33 feet; thence in a Northwesterly direction along a line radial to said curve a distance of 244.75 feet to the point of beginning. Situated in Shelby County, Alabama.



20170627000228270 11/16 \$63.00
Shelby Cnty Judge of Probate, AL
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Less and Except the following:

A portion of Sub-Parcel II, described as a parcel of land located in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, more particularly described as follows:

Commence at the Northwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25 and run South 89 degrees 55 minutes 20 seconds East along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 761.20 feet to the point of beginning; from the point of beginning thus obtained continue along the last described course for a distance of 135.60 feet; thence turn an angle of 89 degrees 17 minutes 37 seconds to the right and run in a Southerly direction for a distance of 82.24 feet; thence turn an angle of 54 degrees 43 minutes 54 seconds to the right and run in a Southwesterly direction for a distance of 163.14 feet; thence turn an angle of 124 degrees 30 minutes 03 seconds to the right and run in a Northerly direction for a distance of 178.13 feet to the point of beginning.

PARCEL 12: (Rainbow Paint Center)

Lot 1, Carnaggio's Survey, as recorded in Map Book 121, Page 23, in the Probate Office of Jefferson County, Alabama.

PARCEL 13: (Rainbow Paint Center)

Lot 2-C, according to a resurvey of Lot 2-A, Meeks 1st Addition to Shady Springs and part of Lot D-1, being a part of a resurvey of Lot D, Meeks 1st Addition to Shady springs, as recorded in Map Book 123, Page 59, in the Probate Office of Jefferson County, Alabama.

PARCEL 14: (Rainbow Paint Center)

A parcel of land being part of Lot 3, according to the Survey of Meeks 1st Addition to Shady Springs as recorded in Map Book 15, Page 31, and being bounded on the Southeasterly side by the Northwesterly line of Lot 1, Carnaggio's Survey Map Book 121, Page 23; on the Southwesterly side by the Northeasterly line of Lot 2C, a Resurvey of Lot 2-A Meeks 1st Addition to Shady Springs and part of Lot D-1, being a part of a Resurvey of Lot D, Meeks 1st Addition to Shady Springs as recorded in Map Book 123, Page 59, and by one of the Northeasterly lines of the Cabana Condominium Survey, Map Book 103, Page 55A, on the Northwesterly side by one of the Southeasterly lines of the same Cabana Condominium Survey, and on the Northeasterly side by one of the Southwesterly sides of the same Cabana Condominium Survey, and by the Southwesterly boundary of Lot 3A according to a Resurvey of part of Lots 3 & 4, Meeks 1st Addition to Shady Springs, as recorded in Map Book 76, Page 64, and on the Southeasterly side by the Northwesterly right of way of U. S. Highway No. 31.

PARCEL 15: (Vacant Homewood Land and Xpress Lube)

All of Lots 32, 33, 34 and 35, in Block 2, according to the Survey of Rosedale park, as recorded in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 3, Page 26, less and except any portion lying in road right of way and being more particularly described as follows:

Beginning at the NW corner of said Lot 35, run in an Easterly direction along the North line of said Lot 35, for a measured distance of 150.03 feet to an existing iron pin being the Northeast corner of said Lot 35 and being on the West right of way of 18th Place South; thence turn an angle to the right of 89 degrees 47 minutes and run in a Southerly direction along the East line of said Lot 35 for a distance of 50.0 feet to an existing iron rebar being on the North right of way line of 29th Avenue, South; thence turn an angle to the right of 90 degrees 13 minutes and run in a Westerly direction along the North right of way line of 29th Avenue, South, for a distance of 222.43 feet to an existing iron pin being on the East right of way line of 18th Street; thence turn an angle to the right of 90 degrees 09 minutes 14 seconds and run in a Northerly direction along the East right of way line of 18 the Street for a distance of 102.26 feet, more or less, to an existing concrete right of way monument; thence turn an angle to the right of 43 degrees 37 minutes 28 seconds and run in a Northeasterly direction for a distance of 66.11 feet to an existing iron pin being on the North line of said Lot 32; thence turn an angle to the right of 46 degrees 13 minutes 18 seconds and run in an Easterly direction along the North line of said Lot 32, for a distance of 25.05 feet, more or less,

to an existing iron pin, being the Northeast corner of said Lot 32; thence turn an angle to the right of 88 degrees 56 minutes 18 seconds and run in a Southerly direction along the East line of said Lot 32, for a distance of 50.0 feet to an existing PK nail, being the Southeast corner of said Lot 32; thence turn a measured angle to the right of 0 degrees 48 minutes 42 seconds and run in a Southerly direction for a distance of 50.0 feet, more or less; to the point of beginning.

Situated in Jefferson County, Alabama. A portion of said property now known as Lot 1, according to Kidd's Rosedale Park Resurvey, as recorded in Map Book 220, Page 43, in the Probate Office of Jefferson County, Alabama.

PARCEL 16: (Intentionally Deleted.)

PARCEL 17: (Highlander)

Lots 3 and 4, in Block 4, according to the Survey of Highland Office Park, as recorded in Map Book 55, Page 91, in the Probate Office of Jefferson County, Alabama.

PARCEL 18: (Intentionally Deleted.)

PARCEL 18A: (Intentionally Deleted.)

PARCEL 19: (Intentionally Deleted.)

PARCEL 20: (Intentionally Deleted.)

PARCEL 21: (Intentionally Deleted.)

PARCEL 22: (Intentionally Deleted.)

PARCEL 23: (Intentionally Deleted.)

PARCEL 24: (Intentionally Deleted.)

PARCEL 25: (Intentionally Deleted.)

PARCEL 26: (Intentionally Deleted.)

PARCEL 27: (Intentionally Deleted.)

PARCEL 28: (Intentionally Deleted.)

PARCEL 29: (Intentionally Deleted.)


PARCEL 30: (Intentionally Deleted.):

PARCEL 31: (Intentionally Deleted.)

PARCEL 32: (Intentionally Deleted.)

PARCEL 33: (Intentionally Deleted.)

PARCEL 34: (Intentionally Deleted.)


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Shelby Cnty Judge of Probate, AL
06/27/2017 08:24:19 AM FILED/CERT

PARCEL 35: (Intentionally Deleted.)

PARCEL 36: (Intentionally Deleted.)

PARCEL 37: (Intentionally Deleted.)

PARCEL 38: (Intentionally Deleted.)

PARCEL 39: (AJK, LLC)

Commence at the Northwest corner of the Northwest One-Quarter of the Northeast One-Quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 Degrees 43 minutes 38 seconds East along the North line thereof for a distance of 333.88 feet; thence run South 30 degrees 17 minutes 31 seconds West for a distance of 239.82 feet; thence run South 12 degrees 30 minutes 00 seconds East for a distance of 37.00 feet to the point of beginning of the herein described parcel; from the point of beginning thus obtained; thence continue last described course for a distance of 60.30 feet; thence run South 23 degrees 00 minutes 00 seconds West for a distance of 108.00 feet; thence run South 53 degrees 00 minutes 00 seconds West for a distance of 97.82 feet to a point on the Easterly right of way of U.S. Highway No. 280, said point also being the point of commencement of a curve to the right, said curve having a central angle of 2 degrees 16 minutes 46 seconds, a radius of 2944.79 feet and a chord bearing of South 22 degrees 54 minutes 38 seconds East; thence run Southeasterly along said right of way and the arc of said curve for a distance of 117.15 feet; thence run North 68 degrees 13 minutes 44 seconds East for a distance of 30.00 feet to the point of commencement of a curve to the left, said curve having a central angle of 50 degrees 45 minutes 00 seconds and a radius of 131.77 feet and a chord bearing of North 42 degrees 51 minutes 14 seconds East; thence run Northeasterly and Northerly along said arc for a distance of 116.72 feet; thence run North 17 degrees 28 minutes 44 seconds East for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve having a central angle of 0 degrees 34 minutes 43 seconds, a radius of 198.00 feet and a chord bearing of North 17 degrees 46 minutes 05 seconds East; thence run Northeasterly along the arc of said curve for a distance of 2.00 feet; thence run North 17 degrees 46 minutes 05 seconds East for a distance of 41.76 feet; thence run North 67 degrees 10 minutes 15 seconds West for a distance of 111.15 feet to the point of beginning.

LESS AND EXCEPT:

Commence at the northwest corner of the Northwest one-quarter of the Northeast one-quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East along the North line of said quarter-quarter for a distance of 333.88 feet; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet; thence run South 23 degrees 59 minutes 16 seconds West for a distance of 260.63 feet to the POINT OF BEGINNING; thence run South 71 degrees 19 minutes 30 seconds East for a distance of 29.78 feet to the point of intersection with a curve to the left, said curve having a central angle of 18 degrees 42 minutes 34 seconds, a radius of 183.00, a chord of 59.49 and a chord bearing of South 26 degrees 50 minutes 01 seconds West; thence run along the arc of said curve for a distance of 59.76 feet to the end of said curve; thence run South 17 degrees 28 minutes 44 seconds West for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve having a central angle of 50 degrees 45 minutes, a radius of 146.77 feet, a chord of 125.79 and a chord bearing of South 42 degrees 51 minutes 14 seconds West; thence run along the arc of said curve for a distance of 130.00 feet to the end of said curve; thence run South 68 degrees 13 minutes 44 seconds West for a distance of 30.04 feet to a point on the northeasterly right of way line of U. S. 280, said right of way being situated on a curve to the left and having a central angle of 0 degrees 35 minutes 01 seconds, a radius 2944.79 feet, a chord of 30.00 feet and a chord bearing of North 21 degrees 46 minutes 15 seconds West; thence run along the arc of said curve and the Northeasterly right of way line of U. S. Highway No. 280 for a distance of 30.00 feet; thence run North 68 degrees 13 minutes 44 seconds East for a distance of

30.04 feet to the point of commencement of a curve to the left, said curve having a central angle of 50 degrees 45 minutes, a radius of 116.77 feet, a chord of 100.08 feet and a chord bearing of North 42 degrees, 51 minutes 14 seconds East; thence run along the arc of said curve for a distance of 103.43 feet to the end of said curve; thence run North 17 degrees 28 minutes 44 seconds East for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve, having a central angle of 16 degrees 10 minutes 47 seconds, a radius of 213.00 feet, a chord of 59.95 feet and a chord bearing of North 25 degrees 34 minutes 08 seconds East; thence run along the arc of said curve for a distance of 60.15 feet to the end of said curve; thence run South 71 degrees, 19 minutes 30 seconds East for a distance of 1.46 feet to the POINT OF BEGINNING.

EASEMENT FOR INGRESS AND EGRESS OVER PROPERTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the northwest corner of the Northwest one-quarter of the Northeast one-quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East along the North line of said quarter-quarter for a distance of 333.88 feet; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet; thence run South 23 degrees 59 minutes 16 seconds West for a distance of 260.63 feet to the POINT OF BEGINNING; thence run South 71 degrees 19 minutes 30 seconds East for a distance of 29.78 feet to the point of intersection with a curve to the left, said curve having a central angle of 18 degrees 42 minutes 34 seconds, a radius of 183.00, a chord of 59.49 and a chord bearing of South 26 degrees 50 minutes 01 seconds West; thence run along the arc of said curve for a distance of 59.76 feet to the end of said curve; thence run South 17 degrees 28 minutes 44 seconds West for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve having a central angle of 50 degrees 45 minutes, a radius of 146.77 feet, a chord of 125.79 and a chord bearing of South 42 degrees 51 minutes 14 seconds West; thence run along the arc of said curve for a distance of 130.00 feet to the end of said curve; thence run South 68 degrees 13 minutes 44 seconds West for a distance of 30.04 feet to a point on the northeasterly right of way line of U. S. 280, said right of way being situated on a curve to the left and having a central angle of 0 degrees 35 minutes 01 seconds, a radius 2944.79 feet, a chord of 30.00 feet and a chord bearing of North 21 degrees 46 minutes 15 seconds West; thence run along the arc of said curve and the Northeasterly right of way line of U. S. Highway No. 280 for a distance of 30.00 feet; thence run North 68 degrees 13 minutes 44 seconds East for a distance of 30.04 feet to the point of commencement of a curve to the left, said curve having a central angle of 50 degrees 45 minutes, a radius of 116.77 feet, a chord of 100.08 feet and a chord bearing of North 42 degrees, 51 minutes 14 seconds East; thence run along the arc of said curve for a distance of 103.43 feet to the end of said curve; thence run North 17 degrees 28 minutes 44 seconds East for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve, having a central angle of 16 degrees 10 minutes 47 seconds, a radius of 213.00 feet, a chord of 59.95 feet and a chord bearing of North 25 degrees 34 minutes 08 seconds East; thence run along the arc of said curve for a distance of 60.15 feet to the end of said curve; thence run South 71 degrees, 19 minutes 30 seconds East for a distance of 1.46 feet to the POINT OF BEGINNING.

Situated in Shelby County, Alabama.

PARCEL 40: (JWK, LLC)

Commence at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East for a distance of 333.88 feet; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.2 feet; thence run South 23 degrees 59 minutes 08 seconds West for a distance of 260.68 feet to the POINT OF BEGINNING; thence run South 71 degrees 16 minutes 34 seconds East for a distance of 261.39 feet; thence run South 23 degrees 46 minutes 12 seconds West for a distance of 14.21 feet; thence run South 71 degrees 16 minutes 03 seconds East for a distance of 261.76 feet; thence run South 24 degrees 57 minutes 11 seconds West for a distance of 130.09 feet; thence run North 61 degrees 30 minutes 13 seconds West

for a distance of 508.82 feet; thence run North 17 degrees 45 minutes 59 seconds East for a distance of 41.76 feet; thence run North 67 degrees 10 minutes 15 seconds West for a distance of 7.05 feet; thence run North 23 degrees 58 minutes 58 seconds East for a distance of 14.95 feet to the POINT OF BEGINNING.

ALSO an easement for ingress and egress described as follows:

Parcel A

Commence at the northwest corner of the Northwest one-quarter of the Northeast one-quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East along the North line of said quarter-quarter for a distance of 333.88 feet; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet; thence run South 23 degrees 59 minutes 16 seconds West for a distance of 260.63 feet to the POINT OF BEGINNING; thence run South 71 degrees 19 minutes 30 seconds East for a distance of 29.78 feet to the point of intersection with a curve to the left, said curve having a central angle of 18 degrees 42 minutes 34 seconds, a radius of 183.00, a chord of 59.49 and a chord bearing of South 26 degrees 50 minutes 01 seconds West; thence run along the arc of said curve for a distance of 59.76 feet to the end of said curve; thence run South 17 degrees 28 minutes 44 seconds West for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve having a central angle of 50 degrees 45 minutes, a radius of 146.77 feet, a chord of 125.79 and a chord bearing of South 42 degrees 51 minutes 14 seconds; thence run along the arc of said curve for a distance of 130.00 feet to the end of said curve; thence run South 68 degrees 13 minutes 44 seconds West for a distance of 30.04 feet to a point on the northeasterly right of way line of U. S. 280, said right of way being situated on a curve to the left and having a central angle of 0 degrees 35 minutes 01 seconds, a radius 2944.79 feet, a chord of 30.00 feet and a chord bearing of North 21 degrees 46 minutes 15 seconds West; thence run along the arc of said curve and the Northeasterly right of way line of U. S. Highway No. 280 for a distance of 30.00 feet; thence run North 68 degrees 13 minutes 44 seconds East for a distance of 30.04 feet to the point of commencement of a curve to the left, said curve having a central angle of 50 degrees 45 minutes, a radius of 116.77 feet, a chord of 100.08 feet and a chord bearing of North 42 degrees, 51 minutes 14 seconds East; thence run along the arc of said curve for a distance of 103.43 feet to the end of said curve; thence run North 17 degrees 28 minutes 44 seconds East for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve, having a central angle of 16 degrees 10 minutes 47 seconds, a radius of 213.00 feet, a chord of 59.95 feet and a chord bearing of North 25 degrees 34 minutes 08 seconds East; thence run along the arc of said curve for a distance of 60.15 feet to the end of said curve; thence run South 71 degrees, 19 minutes 30 seconds East for a distance of 1.46 feet to the POINT OF BEGINNING.

Situated in Shelby County, Alabama.

PARCEL 41: (280 Station, LLC)

Begin at a point on the West line of Southeast $\frac{1}{4}$ of Section 5, Township 19, Range 1 West, which point is 170 feet South of the Northwest corner of said Southeast $\frac{1}{4}$, Section 5; run thence South along such Quarter-Section line 210 feet; thence East at a right angle to the Florida Short Route Highway right-of-way; thence North along such right-of-way to a point which is 170 feet South of the North line of such Southeast $\frac{1}{4}$, Section 5; thence West to the point of beginning, situated in Northwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$, Section 5, Township 19, Range 1 West, in Shelby County, Alabama according to the Survey of Laurence D. Weygand, REG. P.E. & L.S. #10373, dated October 18, 1994.