

STATE OF ALABAMA)
COUNTY OF SHELBY)

20240807000245170 1/3 \$33.00
Shelby Cnty Judge of Probate, AL
08/07/2024 11:45:51 AM FILED/CERT

DECLARATION OF SUBORDINATION of Right of First Refusal

This Instrument serves to Declare that the terms of the Right of First Refusal contained in that certain Right of First Refusal by and between **Elite Acquisitions, LLC, an Alabama limited liability company**, and **Ethan T. Ott and Sydney Z. Ott**, which said Right of First Refusal was filed in Instrument No. 20240304000058450, in the Probate Office of Shelby County, Alabama, is hereby declared to be Junior and Subordinate to the following described First Mortgage and Second Mortgage:

That certain First Mortgage to be given by **Elite Acquisitions, LLC, an Alabama limited liability company**, to **State Bank & Trust – Main Office**, whose address is 1945 US Hwy 43/P.O. Box 610, Winfield, AL 35594, dated the 29th day of July, 2024, in the amount of Two Hundred Nine Thousand Eight Hundred Twenty Three and 97/100 Dollars (\$209,823.97) and recorded in Instrument No. 20240807000245150, in the Probate Office of Shelby County, Alabama and is now the first mortgage of record;

That certain Second Mortgage given by **Elite Acquisitions, LLC, an Alabama limited liability company**, **Justin Jones and Kristin Martin** to **Richard Phillips**, in the amount of One Hundred Fifty Thousand and NO/100 Dollars (\$150,000.00) dated 08/05/2023 and filed for record on 12/18/2023, in Instrument No. 202312180000361930, in the Probate Office of Shelby County, Alabama and is now the second mortgage of record;

Said property being subordinated is more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof for legal description of Parcel 3 being subordinated

In witness whereof this instrument has been executed on this 30th day of July, 2024.

Ethan T. Ott
Ethan T. Ott

Sydney Z. Ott
Sydney Z. Ott

STATE OF ALABAMA)
COUNTY OF Jefferson)

I, the undersigned, a Notary Public in and for said county and state, hereby certify that Ethan T. Ott and Sydney Z. Ott, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 30 day of July, 2024.

My Commission Expires
September 15, 2025

Alexandra Tedrow

ALEXANDRA BAUER TEDROW
Notary Public
Alabama State at Large

Parcel 3:

09-5-16-0-001-005.000



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Vested Owner: Vested Owner: Elite Acquisitions, LLC, by deed recorded 10/06/2022 in Instrument No. 20221006000381970 in the Office of the Judge of Probate of Shelby County, Alabama.

Legal (Deed):

Commence at the Northwest corner of the NW 1/4 of the SE 1/4 of Section 16, Township 19 South, Range 1 West, Shelby County, Alabama, and thence run in a Westerly direction for a distance of 168.41 feet to the Point of Beginning of the property here in described; thence continue along last mentioned course for a distance of 168.32 feet to a point; thence turn an interior angle to the right of 193° 28' 12" and run in a Northwesterly direction for a distance of 211.21 feet to a point of being on the Southeastern right of way of Dunnivant Valley Road; thence turn an interior angle to the right of 119° 12' 31" and run in a Southwesterly direction for a distance of 627.56 feet to a point; thence turn an interior angle to the right of 92° 26' 41" and run in a Southeasterly direction for a distance of 233.66 feet to a point; thence turn an interior angle to the right of 95° 04' 02" and run in a Northeasterly direction for a distance of 144.55 feet to a point; thence turn an interior angle to the left of 94° 36' 57" and run in a Southeasterly direction for a distance of 164.69 feet to a point; thence turn an interior angle to the right of 103° 14' 02" and run in a Northeasterly direction for a distance of 373.99 feet to a point; thence turn an interior angle to the right of 145° 15' 51" and run in a Northeasterly direction for a distance of 158.80 feet to a point; thence turn an interior angle to the left of 139° 48' 00" and run in a Northeasterly direction for a distance of 102.41 feet to a point; thence turn an interior angle to the left of 142° 22' 02" and run in an Easterly direction for a distance of 83.93 feet to a point; thence turn an interior angle to the left of 173° 57' 58" and run in a Southeasterly direction for a distance of 63.76 feet to a point; thence turn an interior angle to the left of 154° 10' 00" and run in a Southeasterly direction from a distance of 213.44 feet to a point; thence turn an interior angle to the right of 99° 11' 38" and run in a Northeasterly direction for a distance of 151.92 feet to a point; thence turn an interior angle to the right of 68° 25' 10" and run in a Westerly direction for a distance of 224.80 feet to a point; thence turn an interior angle to the left of 173° 26' 37" and run in a Northwesterly direction for a distance of 81.30 feet to a point; thence to turn an interior angle to the left of 179° 51' 34" and run in a Northwesterly direction for a distance of 116.09 feet to a point; thence turn an interior angle to the left of 150° 12' 00" and run in a Northwesterly direction for a distance of 72.24 feet to a point; thence turn an interior angle to the left of 135° 47' 50" and run in a Northerly direction for a distance of 113.93 feet, to the Point of Beginning.

Legal (Weygand Survey):

Commence at the Southeast corner of the Southeast Quarter of the Northwest Quarter of Section 16, Township 19 South, Range 1 West, Shelby County, Alabama; thence run in a Easterly direction for a distance of 156.09; thence turn an interior angle to the left of 43° 20' 41" and run in a Southwesterly direction for a distance of 338.84 feet thence turn an interior angle to the left of 137° 54' 50" and run in a Easterly direction a distance of 320.10 feet to the Point of Beginning; thence turn an interior angle to the right of 49° 05' 27" and run in a Southeasterly direction for a distance of 252.61 feet; thence turn an interior angle to the left of 81° 22' 51" and run in Southwesterly direction a distance of 373.99 feet; thence



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turn an interior angle to the left of $103^{\circ}14'02''$ and run in a Northwesterly direction a distance of 164.69 feet; thence turn an interior angle to the right of $94^{\circ}36'57''$ and run in a Southwesterly a distance of 144.55 feet; thence turn an interior angle to the left of $95^{\circ}04'02''$ and run in a Northwesterly direction a distance of 233.66 feet; thence turn an interior angle to left of $92^{\circ}26'41''$ and run in a Northeasterly a distance of 221.80 feet; thence turn an interior angle to the left of $137^{\circ}47'14''$ and run in a Northeasterly direction a distance of 399.33 feet back to the Point of Beginning.

CL 30' INGRESS/ENGRESS EASEMENT:

Commence at the Southeast corner of the Southeast Quarter of the Northwest Quarter of Section 16, Township 19 South, Range 1 West, Shelby County, Alabama, also will be known as the Point of Beginning, thence run in a Easterly direction for a distance of 200.99 feet; thence turn an interior angle to the right of $89^{\circ}37'23''$ and run in a Southerly direction for a distance of 396.17 feet; thence turn an interior angle to the right of $118^{\circ}52'40''$ and run in a south Easterly direction for a distance of 24.25 feet; thence turn an interior angle to the right of $72^{\circ}40'46''$ thence run in a Northerly direction for a distance of 210.74 feet; thence turn an interior angle to the left of $61^{\circ}04'32''$ and run in a Southeasterly direction for a distance of 210.15 feet; thence turn an interior angle to the left of $119^{\circ}16'40''$ and run in a Southerly direction for a distance of 211.21 feet; thence turn an interior angle to the right of $119^{\circ}12'31''$ and run in a south Easterly direction for a distance of 70.35 feet; thence turn an interior angle to the right of $80^{\circ}48'22''$ and run in a Northeasterly direction for a distance of 66.30 feet; thence turn an interior angle to the right of $167^{\circ}46'05''$ and run in a Northeasterly direction for a distance of 112.48 feet; thence turn an interior angle to the right of $161^{\circ}53'02''$ and run in a distance of 104.86 feet; thence turn an interior angle to the left of $167^{\circ}24'47''$ and run a distance of 114.52 feet; thence turn an interior angle to the left of $170^{\circ}03'10''$ and run a distance of 47.40 feet; thence turn an interior angle to the left of $158^{\circ}40'31''$ and run a distance of 114.40' feet.