### NOTES CORRESPONDING TO SCHEDULE "B'

First American Title Insurance Company commitment dated 03/18/2011, Issuing Office File \$T~84938).

- 7. Ecsements and building line as shown on map recorded in Map Book 30, Page 44 does affect the subject property and is plotted hereon.
- 8. Restrictions appearing of record in Real Volume 207, Page 513, amended by Real Volume 1058, Page 241. NOTE: Covenants, conditions or restrictions indicating a preference, limitation of discrimination based on race, color, religion, sea, handledge, familial actual, or notional origin are hereby deleted to the extent such covenants, conditions or restrictions violate 42 USC 3504(c) does affect the subject property and is plotted hereon. (8)
- 9 . Right of Way granted to Alobama Power Company by Instrument(s) recorded in Volume 115, Page 63; Real Volume 1058, Page 248; Volume 351, Page 409, and Volume 1013, Page 139, Page 139
- 10. Easements with covenants and restrictions in Real Volume 1092, Page 538, First Amendment recorded in instrument No. 200163/5782, and Second Amendment recorded in instrument No. 200352/1734, does affect the subject property and are blanket easements that cannot be plotted.
- 11. Lease Agreement between 59 West Partners, Ltd. to Big B, inc. as recorded in Real Volume 1103, Page 808 affects the subject property within the old property—line as shown.
- 12. Lease Agreement between 59 West Partners, Ltd. and Winn-Dixle Montgornery, Inc. as recorded in Real Volume 1149, Page 831 affects the subject property within the old property-line as shown.
- Reciprocal Easement Agreement with Restrictive Covenants between 59 West Pariners, Ltd., and NOM Bessenner, Ltd., as recorded in Instrument No. 200081/0998 affect subject property is blanket in nature and is not shown hereon.
- 15) 15. Terms and Conditions contained in deed to NOM Beasemer, Ltd. executed by Wal-Mort Stores, inc. as recorded in Instrument No. 200081/0995, does affect the subject property, but do not contain dry liems of a survey nature.
- 16. Right of Way to Jefferson County recorded in Instrument no. 200081/2352 and corrected in Instrument no. 200281/7823, does affect the subject property and is shown hereon.

### STATEMENT OF ENCROACHMENTS

- Parking stripes encroach outside of subject property 2.3'± (Ownership of parking stripes is undetermined).
- Chainlink fence encroaches onto subject property 76.58'±. (Ownership of chainlink fence is undetermined).

### GENERAL NOTES

This is a ALTA/ACSM LAND TITLE SURVEY, made on the ground under the supervision of a Alabama glatered Land Surveyor. Data of field survey is April 11, 2011.

No underground utilities, underground encroachments or building foundations were measured or locate a part of this survey, unless otherwise shown. Trees and shrubs not located, unless otherwise shown. Trees and shrubs not located, unless otherwise shown. This survey was conducted for the purpose of a ALTA/ACSM Land Title Boundary Survey only, and is Intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, maission or other similar entity. The survey may have been reduced or enlarged in size due to rection. This survey was conducted with reference to First American Title Insurance Company commitment ted 03/18/11, issuing Office File \$f^-0.4938.

This survey is not void louises imprinted with an embossed or original Surveyor's Seal.

The required minimum ratio of closure for the boundary of subject property or one/ten thousand (1: 000,) is met in this survey and the rotto of closure for sold property is 1: 108,800.

No observable evidence of earth moving work, building construction or building additions within recent niths.

this.

No changes in street right of way lines either completed or proposed, and available from the railling jurisdiction. No observable evidence of recent street or sidewalk construction or repairs. No observable evidence of site use as a solid waste during, sump or sanitary landfill. No observable evidence of camelery on site.

No evidence of gas service was observed at time of survey.

### BASIS OF BEARINGS

Bearings are based on recorded plat. "59 West Commerce Park" Subdivision recorded in Map Book 30, Page 44.

PARKING	STALLS
TYPE	# OF SPACES
REGULAR	210
HANDICAPPED	6
TOTAL	216

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) <u>\*\*</u> of the Flood insurance Rate Map, Community Panel Na. <u>01073C 06766</u>, which bears an effective date of <u>09/29/06</u> and <u>15 NOT</u> in a Special Flood Hazard Area. By telephone call dated <u>07/02/10</u> to the National Flood insurance Program (800–638–6620) e have learned this community <u>does</u> participates in the program. No field urveying was performed to determine this zone and an elevation certificate may be seded to verify this determination or apply for a variance from the federal emergency management agency.

# VICINITY MAP

# ZONING NOTES

Zoning: C4 "Arterial Service District" Setbacks: 35', Front; 10' Rear; 12' Side Height Restriction: 45' Minimum required parking spaces as required by City of Bessemer Zoning Ordinance No. 2678, section 10.4(3c12) states that (5) spaces r (1,000) sq.ft. of gross floor are Per phone conversation with Don Gaylor, City of Bessemer, Building Inspection Services. 07/6/10. one #(205)-424-4060

### LEGEND

- NUTER VALVE

   WHER VALVE

   LOSIT FOLE

   CONTROL FOLE

   STORE SPEE WANDLE

   COUND POST

   COUND POST MALL

   POWER BOX

   POWER BOX

   POWER BOX

   POWER STALLS

### LAND AREA

362,369.1± SQUARE FEET 8.31± ACRES

### LEGAL DESCRIPTION

A Parcel of land located in the Northwest Quarter of Section 30, Township 19 South, Range 4 West, in Jefferson County, Alchama, and being more particularly described as follows:

Addomes, and being more particularly described on follows:

As a starting point start, if the Nutritivest Corner of the Northeast Quarter of the Northeast Quarter of said Section 30; thence North Section 40; the Northeast Quarter of the Northeast Quarter of 10 all Section 40; the Northeast Quarter of 10 all Section 40; the Northeast Quarter of the Northeast Quarter of 10 all Section 40; the Northeast Quarter of 10 all Parter 10. The Northeast Quarter of 10 all Parter 10 all

PARCEL II -- Part of Lot 1; 148 30, PQ 44.

A Porcel of land located in the Horthwest Quarter of Section 30, Township 19 South, Range 4 West, in Jefferson County, Alaborna, and being more particularly described as follows:

Address, and baring more porticularly described as follows:

As a starting point shart af the substratest course of the Neithboard Courter of the Neithboard Courter of the Section 2 theorem North 18 degrees, 25 minution, and 28 seconds East and along the North boarday of the Northwest Courter of a section 20 for a distance of 311.98 feet to a point; there South 16 degrees 30 minution 32 seconds East for a did of 1000.00 feet to the 700M OF SECONDARY of the property here described a curve end berlog a route of 1775.55 in these South 18 degrees, 18 minutes, and 45 seconds West and observed the South 26 seconds feet and observed to the Secondary of a route of 1775.55 in the theorem South 14 degrees, 31 minutes, and 45 seconds West and observed the South 26 seconds Feet and observed to describe the Secondary of 1800.54 feet to a point; themas South 78 degrees, 31 minutes, and 30 seconds Neet and observed to the Secondary of 1800.55 feet to a point; themas South 78 degrees, 31 minutes, and 30 seconds Section 40 degrees, 43 minutes, and 50 seconds 1800 seconds

A parcel of kind located in the NM1/4 of Section 30, Township 19 South, Range 4 Weet, in Jefferson County, Alabama, sold parcel also being a part of Lcl 1 and all of Parcel 18 Lcl 6, 59 Weet Commerce Park Subchvision, recorded in Map Book 30, Page 44, being the same properly referred to an Parcel 1 and many particularly described on Nelsyes.

TOCETHER WITH rights that constitute an interset in real eaters under that certain "Essensate with Covenants and Restrictions affecting Land (CER)" between Wol-hard Storas, Inc. and Newton Oldocre NicDonald, L.L.C., det

TUGETHER WITH rights that constitute on Interest in real setate under that certain Reciprocal Ensement Agreement with Restrictive Covenants between 59 West Partners, Ltd., on Alabama Limited Partnershy, MOM Bessemer, Ltd., on Alabama Limited Partnershy or recorded in bestument No. 2000s1/09016.

The property hereon described is the same as the pertinent property as described in First American Title is commitment no. T-63329, effective data 08/21/10.



## ALTA/ACSM LAND TITLE SURVEY

SURVEYOR'S CERTIFICATE:

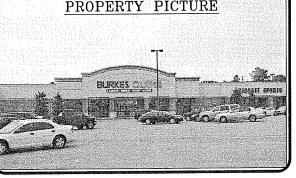
This is to certify to RCG-Bessemer, LLC, State Bank and Trust Company, and First American Title Insurance Company that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1-4,6,7a,7b1,7c,8-11a,14,16-18 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Alabama, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

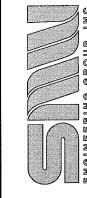
Note: No title or abstract research was performed by the undersigned. Title information provided by client.

GIVEN UNDER MY HAND AND SEAL, this the 11th day of May, 2011

Will Hofor

W.H. Sommerville, III. Alabama Registered No. 19753





CHECKED BY: AAK

DATE 04/25/11

SURVEY

ALTA/ACSM

Group, I nase Drive

SMWV Engineering G 1550 Woods of Rivercha: Suite 10 Hoover, Alabama 35244 Ph.: 205-282-9985 www.smweng.com

PROJECT

TITLE

SHEET

SHEET 1 of 1

PROJECT NUMBER 00 - 041.2

