

by
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NO FORWARDED BY:
E. A. CRUDUP, JR.
CRUDUP & HENDRICKS LLP
P.O. BOX 187
CANTONMENT, GEORGIA 30103



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Georgia Transfer Tax Paid : \$0.00

KATHY N. TROST
CLERK SUPERIOR COURT, WALTON COUNTY
RE 02384 PC 0009-0014

DEED UNDER POWER

STATE OF GEORGIA
COUNTY OF WALTON

THIS INDENTURE, made this 3rd day of January, 2006, by BROOKLAND COMMERCIAL GROUP, INC., acting by and through its duly appointed agent and attorney-in-fact, FIRST NATION BANK, as party of the first part, and FIRST NATION BANK, a Georgia banking corporation with its principal office in Newton County, Georgia, as party of the second part;

- WITNESSETH -

WHEREAS, the said BROOKLAND COMMERCIAL GROUP, INC., on April 30, 2003, executed and delivered to FIRST NATION BANK, a certain Deed to Secure Debt which has been duly recorded in Deed Book 1668, at pages 182-190 public records of Walton County, Georgia, as modified by the Corrective Deed to Secure Debt of even date therewith recorded in Deed Book 2141, at pages 258-270, aforesaid records, conveying the after-described property to secure the payment of a promissory note dated April 30, 2003, in the total original principal amount of ONE MILLION FOUR HUNDRED EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (\$1,485,000.00) and any note given in renewal thereof; and

WHEREAS, default in payment of said promissory note occurred; and

WHEREAS by reason of said default, FIRST NATION BANK elected pursuant to the terms of the said Deed to Secure Debt and promissory note, to declare and did declare the entire principal balance of said promissory note and accrued interest thereon immediately due and payable; and

WHEREAS, the said entire indebtedness still being in default, the said FIRST NATION BANK, in behalf of the said BROOKLAND COMMERCIAL GROUP, INC., and according to the terms of the said Deed to Secure Debt, did advertise the said property for sale once a week for four (4) weeks in a newspaper in Walton County, Georgia, wherein the Sheriff carried his advertisement, namely The Walton Tribune, said dates of publication being December 7, 14, 21 and 28, 2005; and

WHEREAS, the said FIRST NATION BANK did expose said property for sale to the highest bidder for cash on the first Tuesday in January, 2006, within the legal hours of sale at the usual place for conducting Sheriff's sales in Walton County before the Walton County Government Building door at Monroe, Georgia, and offered said property for sale at public outcry to the highest bidder for cash, when and where FIRST NATION BANK bid \$4,072,000.00; and

WHEREAS, the said property was knocked off to FIRST NATION BANK for the sum of FOUR MILLION SEVENTY-TWO THOUSAND AND NO/100 DOLLARS (\$4,072,000.00);

NOW THEREFORE, in consideration of the premises and said sum of money and by virtue and in exercise of the power of sale contained in the aforesaid Deed To Secure Debt, the party of the first part has bargained, sold, granted and conveyed, and by these presents does hereby bargain, sell, grant and convey to the party of the second part, its successors and assigns:

All those two tracts or parcels of land lying and being in Land Lots 102 and 103, Third Land District, Walton County, as more particularly described in Exhibits A and B annexed hereto and by this reference incorporated herein and made a part hereof.

Said property is more commonly known as 913 Good Hope Road, Monroe, Georgia 30055.

Said property is conveyed subject to any outstanding ad valorem taxes, covenants, easements, assessments, and/or prior encumbrances of record affecting said property.

Together with all and singular the rights, members and appurtenances thereto appertaining, also all the estate, right, title, interest, claim or demand of the said BROOKLAND COMMERCIAL GROUP, INC., its successors and assigns, legal, equitable

or otherwise whatsoever, in and to the same.

Notice of the initiation of proceedings to exercise the said power of sale and to collect attorneys fees as provided in the said note has been given to BROOKLAND COMMERCIAL GROUP, INC. as provided by law in §§44-14-162.2 and 13-1-11, respectively, Official Code of Georgia Annotated.

IN WITNESS WHEREOF, the said FIRST NATION BANK, as agent and attorney-in-fact for BROOKLAND COMMERCIAL GROUP, INC., has hereunto set its hand and affixed its corporate seal the day and year first above written.

FIRST NATION BANK, as attorney-in-fact for
BROOKLAND COMMERCIAL GROUP, INC.

By: [Signature]
Title: SVP

(BANK SEAL)

Signed, sealed and delivered
in the presence of:

Cheryl E. Denton
Unofficial Witness

[Signature]
Notary Public
AUG 27, 2008
NEWTON COUNTY
SEAL AFFIXED


EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 102 & 103 OF THE 3RD DISTRICT OF WALTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEING AT THE CENTER LINE OF YOUNG STREET AND THE SOUTHERN RIGHT OF WAY LINE OF GOOD HOPE ROAD A/K/A CHURCH STREET (HAVING A 80 FOOT RIGHT OF WAY), RUN THENCE NORTH 86 DEGREES 30 MINUTES 49 SECONDS EAST A DISTANCE OF 195.58 FEET TO A POINT; RUN THENCE SOUTH 28 DEGREES 25 MINUTES 41 SECONDS EAST A DISTANCE OF 552.24 FEET TO A POINT AND THE POINT OF BEGINNING; RUN THENCE NORTH 52 DEGREES 21 MINUTES 05 SECONDS EAST A DISTANCE OF 254.67 FEET TO A REBAR SET; RUN THENCE NORTH 78 DEGREES 17 MINUTES 02 SECONDS EAST A DISTANCE OF 201.59 FEET TO A REBAR SET; RUN THENCE NORTH 24 DEGREES 42 MINUTES 00 SECONDS EAST A DISTANCE OF 200.00 FEET TO A REBAR SET; RUN THENCE SOUTH 18 DEGREES 19 MINUTES 32 SECONDS EAST A DISTANCE OF 1322.81 FEET TO A POINT ON THE CENTER LINE OF GRUBBY CREEK, THE CENTER LINE OF SAID CREEK IS THE PROPERTY LINE; RUN THENCE THE FOLLOWING DISTANCE AND COURSES ALONG SAID CREEK;

SOUTH 72 DEGREES 28 MINUTES 34 SECONDS WEST A DISTANCE OF 14.42 FEET
SOUTH 79 DEGREES 33 MINUTES 33 SECONDS WEST A DISTANCE OF 40.25 FEET
SOUTH 47 DEGREES 50 MINUTES 46 SECONDS WEST A DISTANCE OF 25.85 FEET
SOUTH 55 DEGREES 11 MINUTES 42 SECONDS EAST A DISTANCE OF 42.22 FEET
SOUTH 04 DEGREES 25 MINUTES 46 SECONDS WEST A DISTANCE OF 16.70 FEET
SOUTH 31 DEGREES 49 MINUTES 07 SECONDS WEST A DISTANCE OF 26.82 FEET
SOUTH 53 DEGREES 45 MINUTES 38 SECONDS WEST A DISTANCE OF 26.58 FEET
SOUTH 02 DEGREES 20 MINUTES 49 SECONDS WEST A DISTANCE OF 67.69 FEET
SOUTH 53 DEGREES 00 MINUTES 06 SECONDS WEST A DISTANCE OF 27.01 FEET
SOUTH 28 DEGREES 50 MINUTES 35 SECONDS WEST A DISTANCE OF 25.93 FEET
SOUTH 63 DEGREES 19 MINUTES 55 SECONDS WEST A DISTANCE OF 44.13 FEET
NORTH 73 DEGREES 32 MINUTES 19 SECONDS WEST A DISTANCE OF 24.56 FEET
SOUTH 43 DEGREES 35 MINUTES 48 SECONDS WEST A DISTANCE OF 18.16 FEET
SOUTH 31 DEGREES 50 MINUTES 38 SECONDS WEST A DISTANCE OF 45.04 FEET
SOUTH 86 DEGREES 10 MINUTES 55 SECONDS WEST A DISTANCE OF 22.19 FEET
SOUTH 42 DEGREES 08 MINUTES 47 SECONDS WEST A DISTANCE OF 41.48 FEET

TO A POINT; RUN THENCE NORTH 30 DEGREES 32 MINUTES 55 SECONDS WEST A DISTANCE OF 638.31 FEET TO A 1/2 INCH CONDUIT FOUND; RUN THENCE NORTH 60 DEGREES 05 MINUTES 06 SECONDS EAST A DISTANCE OF 142.56 FEET TO A 1/2 INCH CONDUIT FOUND; RUN THENCE NORTH 28 DEGREES 25 MINUTES 41 SECONDS WEST A DISTANCE OF 728 TO A POINT AND THE POINT OF BEGINNING.
BEING 12.8 ACRES AND SHOWN AS TRACT 2 ON A PLAT OF SURVEY PREPARED BY BREWER & DUDLEY, LLC, JOHN F. BREWER REGISTERED LAND SURVEYING LICENSE NO. 2905, DATED MARCH 3, 2003, FOR JOHN BAGLEY.

Exhibit " B "

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ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 102 & 103 OF THE 3RD DISTRICT OF WALTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE CENTER LINE OF YOUNG STREET AND THE SOUTHERN RIGHT OF WAY LINE OF GOOD HOPE ROAD A/K/A CHURCH STREET (HAVING A 80 FOOT RIGHT OF WAY), RUN THENCE NORTH 77 DEGREES 04 MINUTES 21 SECONDS EAST A DISTANCE OF 735.78 FEET TO AN IRON ROD FOUND AND THE POINT OF BEGINNING; RUN THENCE NORTH 72 DEGREES 50 MINUTES 37 SECONDS EAST A DISTANCE OF 51.65 FEET TO A POINT; RUN THENCE NORTH 71 DEGREES 32 MINUTES 26 SECONDS EAST A DISTANCE OF 207.41 FEET TO A POINT; RUN THENCE 71 DEGREES 04 MINUTES 36 SECONDS EAST A DISTANCE OF 210.84 FEET TO A POINT; RUN THENCE NORTH 70 DEGREES 48 MINUTES 05 SECONDS EAST A DISTANCE OF 107.09 FEET TO A POINT; RUN THENCE NORTH 70 DEGREES 20 MINUTES 23 SECONDS EAST A DISTANCE OF 224.07 FEET TO AN IRON ROD; LEAVING THE RIGHT OF WAY LINE OF CHURCH STREET RUN SOUTH 18 DEGREES 30 MINUTES 00 SECONDS EAST A DISTANCE OF 1864.49 FEET TO THE CENTER LINE OF GRUBBY CREEK, SAID CENTER LINE IS THE PROPERTY LINE; RUN THENCE ALONG SAID CENTER LINE THE FOLLOWING DISTANCE AND COURSES;

SOUTH 80 DEGREES 29 MINUTES 48 SECONDS WEST A DISTANCE OF 8.85 FEET
 NORTH 86 DEGREES 03 MINUTES 21 SECONDS WEST A DISTANCE OF 106.77 FEET
 NORTH 53 DEGREES 15 MINUTES 17 SECONDS WEST A DISTANCE OF 27.62 FEET
 NORTH 51 DEGREES 22 MINUTES 34 SECONDS WEST A DISTANCE OF 44.35 FEET
 NORTH 81 DEGREES 57 MINUTES 41 SECONDS WEST A DISTANCE OF 36.29 FEET
 SOUTH 66 DEGREES 49 MINUTES 53 SECONDS WEST A DISTANCE OF 71.84 FEET
 NORTH 75 DEGREES 23 MINUTES 34 SECONDS WEST A DISTANCE OF 32.26 FEET
 NORTH 72 DEGREES 04 MINUTES 00 SECONDS WEST A DISTANCE OF 40.08 FEET
 NORTH 78 DEGREES 40 MINUTES 39 SECONDS WEST A DISTANCE OF 41.58 FEET
 SOUTH 84 DEGREES 50 MINUTES 39 SECONDS WEST A DISTANCE OF 44.13 FEET
 SOUTH 62 DEGREES 16 MINUTES 35 SECONDS WEST A DISTANCE OF 101.28 FEET
 NORTH 81 DEGREES 08 MINUTES 02 SECONDS WEST A DISTANCE OF 67.84 FEET
 SOUTH 85 DEGREES 21 MINUTES 16 SECONDS WEST A DISTANCE OF 60.56 FEET
 SOUTH 33 DEGREES 22 MINUTES 57 SECONDS WEST A DISTANCE OF 100.05 FEET
 SOUTH 67 DEGREES 25 MINUTES 19 SECONDS WEST A DISTANCE OF 69.53 FEET

TO A POINT; RUN THENCE NORTH 18 DEGREES 19 MINUTES 32 SECONDS WEST A DISTANCE OF 17.49 FEET TO A REBAR FOUND;

RUN THENCE NORTH 18 DEGREES 19 MINUTES 32 SECONDS WEST A DISTANCE OF 1503.84 FEET TO A REBAR SET; RUN THENCE NORTH 26 DEGREES 08 MINUTES 01 SECONDS WEST A DISTANCE OF 163.00 FEET TO A ROD FOUND ON THE RIGHT OF WAY LINE OF CHURCH STREET AND THE POINT OF BEGINNING; BEING 30 618 ACRES AS SHOWN ON A PLAT OF SURVEY PREPARED BY BREWER & DUDLEY, LLC, JOHN F. BREWER REGISTERED LAND SURVEYING LICENSE NO. 2905, DATED AUGUST 12, 2002, PREPARED FOR TERRAMAX, LLC.

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Exhibit " B "