

Prepared by: Seth T. Stark, Esq.  
Pls. return to: GLAZE BOX



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DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEE

PRESENTED FOR  
REGISTRATION  
AND RECORDED

'95 AUG 21 P3:06

BRK1868 P3169

WHEREAS, by Deed of Trust and Security Agreement dated April 9, 1987 and recorded on April 28, 1987 in Book 1605, Page 72 in the Forsyth County North Carolina Registry (the "Deed of Trust"), B&BB Limited Partnership, a Maryland limited partnership (Borrower), conveyed the following real estate situate in the state of North Carolina:

See Schedule "A" attached

to Jimmy L. Hickman and Larry S. Lindenmeyer, Trustees, to secure a loan made to Borrower as evidenced by certain promissory notes (such notes, together with all extensions, renewals and modifications thereof, and substitutions therefor, the "Note"), payable to the order of The Bank of Baltimore as Beneficiary; and

WHEREAS, by Assignment of Deed of Trust and Security Agreement dated May 31, 1995 and recorded on June 2, 1995 in Trust Book 1859, Pages 3164 in the Forsyth County, North Carolina, Registry, First Fidelity Bank, N.A., successor-by-merger to The Bank of Baltimore, assigned all of its rights, title, and interest in, to and under said Deed of Trust to Allied Capital Commercial Corporation and Business Mortgage Investors, Inc. (collectively, "Lenders"); and

WHEREAS, Lenders, as the present holders of the said promissory note desires to appoint a Substitute Trustee in the place and stead of the originally appointed Trustees under said Deed of Trust; and

WHEREAS, the Deed of Trust provides that the holder of the Note may remove, substitute or add a Trustee or Trustees, by a duly executed, acknowledged and recorded instrument.

NOW THEREFORE, Lenders, as the present holders of the Note as aforesaid, does hereby appoint, constitute and name Thomas R. Salley, as Sole Substitute Trustee under the aforementioned Deed of Trust, with all of the rights, powers and duties of the originally named Trustees under said Deed of Trust.

IN TESTIMONY WHEREOF, Lenders have had their corporate seals hereto affixed, and have caused these presents to be signed by John J. Hall, their Vice President, and attested by Thomas R. Salley, their Secretary and do hereby appoint John J. Hall, to be their attorney in fact, the same to acknowledge and deliver these presents according to law.

Done this 31 day of May, 1995.

BK1868 P3170

ALLIED CAPITAL COMMERCIAL CORPORATION

[SEAL]  
Attest: Thomas R. Salley, Secretary

By: John J. Hall  
John J. Hall, Vice President

BUSINESS MORTGAGE INVESTORS, INC.

[SEAL]  
Attest: Thomas R. Salley, Secretary

By: John J. Hall  
John J. Hall, Vice President

DISTRICT  
OF  
COLUMBIA

TO WIT:

I, K.M. Schlee, a Notary Public in and for the aforesaid jurisdiction, DO  
HEREBY CERTIFY that John J. Hall, who is personally well known to me as the person named as  
attorney in fact in the foregoing and annexed Instrument, bearing date of the 31<sup>st</sup> day of  
May, 1995, personally appeared before me in said jurisdiction and by virtue of the authority  
vested in him, acknowledged the same to be the act and deed of Allied Capital Commercial  
Corporation and Business Mortgage Investors, Inc..

GIVEN under my hand and seal this 31<sup>st</sup> day of May, 1995.

Kentene M. Schlee  
K.M. Schlee, Notary Public

My commission expires: 4/13/2000

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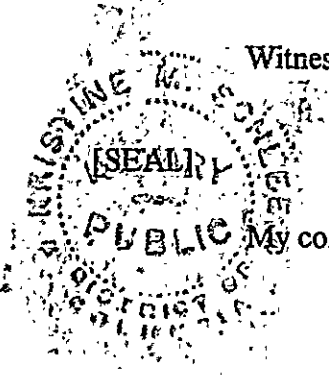
BK1868 P3171

DISTRICT )  
OF )  
COLUMBIA )

TO WIT:

This 31st day of May, 1995, personally came before me Kristine M. Schlee, a Notary Public for said jurisdiction, John J. Hall, who, being by me duly sworn, says that he is Vice President of ALLIED CAPITAL COMMERCIAL CORPORATION, a Maryland corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said company, and that said writing was signed and sealed by him on behalf of said corporation by its authority duly given. And the said John J. Hall acknowledged the said writing to be the act and deed of said corporations.

Witness my hand and official seal, this the 31st day of May, 1995.



Kristine M. Schlee  
Notary Public

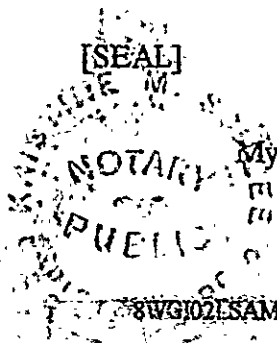
My commission expires: 5/31/2000

DISTRICT )  
OF )  
COLUMBIA )

TO WIT:

This 31st day of May, 1995, personally came before me Kristine M. Schlee, a Notary Public for said jurisdiction, John J. Hall, who, being by me duly sworn, says that he is Vice President of BUSINESS MORTGAGE INVESTORS, INC., a Maryland corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said company, and that said writing was signed and sealed by him on behalf of said corporation by its authority duly given. And the said John J. Hall acknowledged the said writing to be the act and deed of said corporations.

Witness my hand and official seal, this the 31st day of May, 1995.



Kristine M. Schlee  
Notary Public

My commission expires: 5/31/2000

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STATE OF NORTH CAROLINA—Forsyth County

The foregoing (or annexed) certificate s of Kristine M. Schlee, N.P. District  
of Columbia  
(here give name and official title of the officer signing the certificate, passed upon)

is (are) certified to be correct. This the 21 day of Aug. 1995

John Holleman Register of Deeds

By Karen D. Dyer Deputy Assistant

Probate and Filing Fee \$\_\_\_\_\_ paid.

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SCHEDULE A

Description of Property

BEGINNING at an iron stake at the Northeast corner of Clemmons Road and Ebert Street; thence along the East side of Ebert Street N 06°-36'-56" E, 305.00 feet to an iron stake; thence along the Southern line of Laurel L. Robbins S 88°-19'-09" E, 206.41 feet to an iron stake passing over an iron stake 6.00 feet from the corner; thence S 03°-30'-56" W, 190.04 feet to an iron stake; thence N 84°-47'-44" W, 27.86 feet to an iron stake; thence S 21°-19'-58" W, 215.39 feet to a nail and cap in the pavement of Waughtown-Clemmons Road. Said line passing over an iron stake 16.00 feet back from the corner; thence N 53°-41'-54" W, 153.50 feet to a nail and cap in the pavement the point of beginning containing 1.531 acres and being lots 4-A and 5-E, Block 2308, Forsyth County, N.C. tax map and being also the same property described in Deed Book 742, page 246, Forsyth County, N.C. Registry.

Being known as 2121 Clemmons Road, which property is subject to the terms and conditions of a certain Memorandum of Lease between LZ Co., lessor, and Circle K General, Inc., tenant, dated March 1, 1985 and recorded at the Registry of Forsyth County at Book 1473, Page 698, as assigned by an Assignment and Assumption of Lease from LZ Co. to B & BB Limited Partnership, dated July 31, 1986 and recorded at the Registry of Forsyth County at Book 1560, Page 1058.