

STATE OF MISSISSIPPI
COUNTY OF DESOTO

SUBSTITUTION OF TRUSTEE

WHEREAS, on the 13TH day of October, 2006, Jason Morris Construction, LLC executed a Deed of Trust to L. Hugh Tate, Jr. as Trustee for Bank of New Albany, (now known as BNA Bank), said Deed of Trust in the original amount of \$190,000 and appearing in Deed Book 2,585 at Page 756, in the records of the Chancery Clerk's office of Desoto County, Mississippi, giving to the said Bank of New Albany a lien on certain real property more particularly described as follows:

INDEXING: LOT 294, PHASE 6, OF FOREST HILL COMMUNITY, LOCATED IN SECTION 8 & 17, TOWNSHIP 2 SOUTH, RANGE 5 WEST, DESOTO COUNTY, MISSISSIPPI, and being more particularly described as follows:

Lot 294 Phase 6, Forest Hill Community, situated in Section 8 and 17, Township 2 South, Range 5 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 90, Page 19, in the office of the Chancery Clerk of DeSoto County, Mississippi.

SOURCE DEED: This is a part of the same land and property as conveyed to KOSTKA INVESTMENT CO., INC., a Tennessee Corporation, by Warranty Deed from Forest Hill Properties, Inc., dated January 25, 2005, and recorded in Land Deed Book 491, at page 689 in the office of the Chancery Clerk of DeSoto County, Mississippi.

SUBJECT TO: Rights of way and easements for public road and utilities. Specifically subject to Declaration of Covenants, Conditions and restrictions of record in Book 325, Page 686; Book 325, Page 719; Book 361, Page 678; Book 434, Page 209; all in the office of the Chancery Clerk of DeSoto County, Mississippi; and further subject to 25% Oil, Gas, and minerals reserved in Deed Book 109, Page 95 in said Clerk's Office.

SUBJECT TO: Laws, ordinances and regulations which govern the use and occupancy of this land enacted by the United States of America, the State of Mississippi and its political subdivisions, and particularly including the subdivision regulations and zoning ordinances adopted by

ordinances of the Board of Supervisors of DeSoto County, Mississippi, none of which render title unmarketable.

WHEREAS, said deed of Trust subsequently renewed and extended by that certain Deed of Trust from Jason Morris Construction, LLC, to L. Hugh Tate, Jr., Trustee for Bank of New Albany, dated April 19, 2007, in the original amount of \$25,127 and appears in Book Number 2,703 at Page 550, in the records of the Chancery Clerk's office of Desoto County, Mississippi.

The indebtedness was further renewed and extended by that certain Deed of Trust from Jason Morris Construction, LLC to L. Hugh Tate, Trustee for Bank of New Albany, dated June 8, 2007, in the original amount of \$170,000 and appearing in Deed Book 2,734 at Page 408 in the records of the Chancery Clerk's office of Desoto County, Mississippi.

WHEREAS, IT IS THE DESIRE OF BNA Bank, (formerly known as Bank of New Albany), to substitute Thomas D. McDonough as Trustee under the terms and conditions of said Deed of Trust and by the power vested in BNA Bank in said Deed of Trust, I, L. Hugh Tate, Jr., Vice-President of BNA Bank, do hereby substitute and appoint Thomas D. McDonough as Substituted Trustee in place of L. Hugh Tate, Jr., vesting in him all powers, rights and duties held by the previous Trustee of that certain deed of trust dated October 13, 2006, from Jason Morris Construction, LLC, to Bank of New Albany, filed for the record on the 17th day of October, 2006 and appears in Deed Book 2,585 at Page 756 in the records of the Office of the Chancery Clerk of Desoto County, Mississippi.

WITNESS my signature this the 6th, day of March, 2009.

BNA Bank

BY: *L. Hugh Tate, Jr.*
L. HUGH TATE, JR.
VICE-PRESIDENT

STATE OF MISSISSIPPI
COUNTY OF UNION

Personally appeared before me, the undersigned authority at law, in and for said County and State, the within named L. Hugh Tate, Jr., Vice-President of BNA Bank, who acknowledged that he signed and delivered the foregoing Substitution of Trustee on the day and year therein mentioned as this free and voluntary act and deed for and on behalf of, having been duly authorized so to act

SWORN to and subscribed before me, this 6th day of March, 2009.

Ashley Gooch
NOTARY PUBLIC

MY COMMISSION EXPIRES:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Nov 14, 2009
BONDED THRU NOTARY PUBLIC UNDERWRITERS

