

EXCLUDED PROPERTYIN THE STATE OF TENNESSEE

Exhibit 9 - Real Estate located in Davidson County, Tennessee.

Exhibit 10 - Personal Property located in Davidson County, Tennessee

IN THE STATE OF GEORGIA

Exhibit 11- Real Estate located in Hall County, Georgia.

Said exhibits are hereby incorporated herein by reference as fully as if specifically set forth herein at this point. It is the intention of the parties that this instrument should be recorded where appropriate in each county above mentioned, in Exhibits 1 through 7 and 9 through 11, but that only the exhibits pertaining to each such county should be therein recorded. In addition Exhibit 8 above specified is to be recorded in each of the counties specified in Exhibits 1 through 7. Appropriate Uniform Commercial Code filings will also be made.

TO HAVE AND TO HOLD the encumbered real estate and the encumbered personal property (herein sometimes collectively called "the encumbered property") unto the Trustee, its successors and assigns forever, subject, however, with respect to the encumbered property, to the lien of a separate Deed of Trust of even date herewith (to which, as well as to any renewals or extensions thereof, or any indebtedness secured thereby, the lien of this Deed of Trust is subordinate, junior and inferior), from Grantor herein to Trustee herein to secure the payment of the total sum of \$2,250,000.00 owed upon three separate notes also of even date herewith, one note payable to the order of Northwestern National Life Insurance Company in the amount of \$1,200,000.00; another note payable to the order of Life and Casualty Insurance Company of Tennessee in the amount of \$300,000.00; and the third note payable to the order of the Hamilton National Bank of Chattanooga in the amount of \$750,000.00; all of said three notes being on a parity pro rata with the indebtedness due upon same in the event of default by Grantor; subject also with respect to the encumbered real estate, to (i) the exceptions hereinabove noted or noted on said exhibits, (ii) the lien of any current taxes.