

After recording return to:  
Calloway Title & Escrow, LLC  
Attn: David Dudley 2-16677  
4800 Ashford Dunwoody Rd. Ste. 240  
Atlanta, Georgia 30338

*Jay C. Stephenson*  
Jay C. Stephenson  
Clerk of Superior Court Cobb Cty. Ga.

PREPARED BY AND UPON  
RECORDATION RETURN TO:  
Dechert LLP  
30 Rockefeller Plaza  
New York, New York 10112  
Attention: Joseph Philip Forte, Esq.

RE  
3/14

**NOTICE OF INTEREST**

Pursuant to Section 19 of that certain Easements with Covenants and Restrictions Affecting Land ("ECR") by and between Wal-Mart Real Estate Business Trust, Jacoby Lindbergh Properties II, L.L.C., Austell Shops Associates, L.L.C. and Gipson/East-West, L.L.C. dated as of January 14, 1999 and recorded in Deed Book 12108, Page 162, Records of Cobb County, Georgia (the "Records"); as affected by that certain Notice of Interest by SouthTrust Bank, National Association dated January 14, 1999 and recorded in Deed Book 12108, Page 82 of said Records; as amended by First Amendment to Easements With Covenants and Restrictions Affecting Land dated as of January 31, 2000 and recorded in Deed Book 13239, Page 4333 of said Records; as affected by that certain Notice of Interest by 998, LLC and 1133 Shops, LLC dated July 31, 2001 and recorded in Deed Book 13402, Page 4513 of said Records; as amended by First Amendment to Easements with Covenants and Restrictions Affecting Land dated June 16, 2003 and recorded in Deed Book 13798, Page 884 of said Records; and as further affected by that certain Notice Statement by Austell WM Property Group, LLC dated as of June 26, 2004 and recorded in Deed Book 14003, Page 3279 of said Records, the undersigned hereby gives notice as follows:

- 1. Mortgage Electronic Registration Systems, Inc.. ("Mortgagee") has acquired a mortgage interest, in its capacity as nominee for Bank of America, N.A. ("Lender") in Tract 1 (as defined in the ECR) pursuant to the following instrument:

Deed to Secure Debt and Security Agreement of even date herewith from Austell WM Property Group, LLC in favor of Mortgagee.

- 2. Lender's address for Notices:

Bank of America, N.A.  
Capital Markets Servicing Group  
NC1-027-20-03  
214 North Tryon Street, 20<sup>th</sup> Floor  
Charlotte, North Carolina 28255-0001  
Attention: Servicing Manager

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3. Mortgagee's address for Notices:


MERS Commercial  
P. O. Box 2300  
Flint, Michigan 48501-2300  
Attention: Corporate Secretary  
Facsimile No.: (703) 748-0183

4. Nature of Mortgagee's Interest: Security Interest

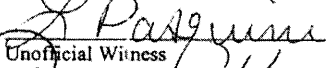
5. Date Interest Acquired: August 20, 2004

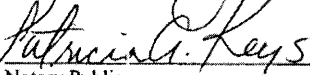
IN WITNESS WHEREOF, Lender has caused this Notice of Interest to be executed, as of this 20th day of August, 2004.

BANK OF AMERICA, N.A.,  
a national banking association

By:   
Name: RICHARD A. ISBELL  
Title: PRINCIPAL

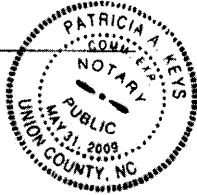
Signed, sealed and delivered  
in the presence of:

  
Unofficial Witness

  
Notary Public

My Commission expires:

[NOTARIAL SEAL]



[Signature Page to Wal-Mart (Austell) Notice of Interest]