

Information

Effective date

July 29, 2005

Use

The *Commercial Deed to Secure Debt and Security Agreement – Georgia* (Form 630316) may be used when taking a first, second, or other subordinate Deed to Secure Debt (DSD) on commercial real property located in the state of Georgia.

Note: This form should not be used for construction loans or for loans secured by real property that is not located in the state of Georgia.

Instructions

The table below shows section names and descriptions for the items required in the Commercial Deed to Secure Debt and Security Agreement – Georgia (Form 630316).

Section	Description
Page 1	
Address (Heading implied)	<i>CCSC address.</i>
County of	<i>County in which the Commercial Deed to Secure Debt and Security Agreement is being executed.</i>
as of	<i>Date that the DSD is being executed.</i>
by and between	<i>Names of all of the Owners of the subject real property.</i> Notes: <ul style="list-style-type: none">• The name entered in this space is the name of the Owner exactly as the name is shown on the deed through which the Owner took title to the subject real property.• If an attorney is preparing the documentation and closing the loan for the Bank, then it will be the responsibility of the attorney to ascertain the proper name to enter in this space.• If the Loan officer is preparing the documentation and closing the loan, then it will be necessary for the Loan Officer to determine the proper name to enter in this space.• The name of the Owner should be the exact name as shown on the title search or attorney's opinion relative to the subject real property.• If for any reason a title search or attorney's opinion is not being obtained, then the name of the Owner should be the exact same name that appears on the deed (usually a warranty deed) through which the Owner took title.
Page 2	
dated	<i>Date upon which the secured promissory note was executed.</i>
executed by	<i>Name of each Borrower of the secured promissory note.</i> Notes: <ul style="list-style-type: none">• Name should be exactly as it appears on the promissory note.• If any maker of the promissory note is also an Owner of the real property covered by DSD (and will therefore also be signing the DSD), then the name used on the promissory note should be the exact same name used

Section	Description
	<p>on the DSD.</p> <ul style="list-style-type: none"> If the obligation which is to be secured by the DSD is not a promissory note (such as a Guaranty or other contractual obligation to the Bank), then you should consult a Bank attorney to discuss the proper description of the secured obligation.
amount of	<i>Original principal amount</i> of the secured promissory note (written and numeric).
final maturity date	<p><i>Final maturity date</i> of the secured promissory note.</p> <p>Note: If any part of the principal of the secured promissory note falls due in more than three (3) years, then it will be necessary to pay the intangible recording tax.</p>
Page 8	
GRANTEE address	<i>CCSC address.</i>
GRANTOR address	<i>Address of Owner(s) for purpose of notice.</i>
Page 9	
GRANTOR(S) Signatures	<p>Signature of all Owners of the property.</p> <p>Note: The DSD must be executed by all of the Owners of the subject real property and the names of all of the Owners appear both in the text of the DSD in Page 1 and on the signature line, exactly as the names of the Owners appear on the deed through which the owners took title. The Owners should also execute the deed on the signature line exactly as their names appear in Page 1.</p>
Unofficial Witness	<p><i>Signature</i> of an unofficial witness.</p> <p>Notes:</p> <ul style="list-style-type: none"> The unofficial witness may be any competent adult person except any of the Owners of the property or any maker of the secured promissory note. The unofficial witness should actually see each of the Owners execute the DSD.
Notary Public	<p><i>Signature, stamp, and seal</i> of a Georgia notary public.</p> <p>Notes:</p> <ul style="list-style-type: none"> A Georgia notary public may attest DSDs in any county of the state. The notary public should actually see each of the Owners execute the DSD. You should contact and consult a Bank attorney for advice if a DSD covering Georgia real property: <ul style="list-style-type: none"> will be executed by an official witness other than a Georgia notary public, and if a DSD covering Georgia real property is to be executed outside Georgia.
Exhibit A – Page 10	
dated	<p><i>Date</i> of the attached DSD.</p> <p>Note: This is the same as the date entered in Page 1.</p>
Grantor	<p><i>Names</i> of the Owners of the real property.</p> <p>Note: This are the same as those names entered in page 1.</p>
Legal Description (Heading implied)	<p>Complete and accurate <i>description</i> of the real property which will be subject to the DSD.</p> <p>Note: You should consult a Bank attorney for advice relative to the proper description if the Owner(s) have sold (or otherwise conveyed) any part of the real property since originally taking title.</p>
known as	<i>Street address</i> of the subject real property.

Section	Description														
	Note: The address should include the full <i>street address</i> and <i>city</i> .														
County	<i>County</i> of the subject real property.														
Superior Lien Information	<p>If the form is being used to take a second or other subordinate DSD, it is necessary to complete the paragraph following the legal description of the real property.</p> <p>Note: If the Loan Officer is preparing the DSD, the information relative to the prior DSD may be obtained from the applicable title search or attorney's opinion.</p> <p>Use the table below to complete the paragraph.</p> <table border="1" data-bbox="509 596 1408 915"> <thead> <tr> <th data-bbox="509 596 748 632">Field</th> <th data-bbox="748 596 1408 632">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="509 632 748 663">from</td> <td data-bbox="748 632 1408 663"><i>Name</i> of the Grantor of the prior DSD.</td> </tr> <tr> <td data-bbox="509 663 748 695">to</td> <td data-bbox="748 663 1408 695"><i>Name</i> of the Grantee of the prior DSD.</td> </tr> <tr> <td data-bbox="509 695 748 726">dated</td> <td data-bbox="748 695 1408 726"><i>Date</i> of the prior DSD.</td> </tr> <tr> <td data-bbox="509 726 748 758">Deed Book</td> <td data-bbox="748 726 1408 758"><i>Deed Book</i> at which the prior DSD was recorded.</td> </tr> <tr> <td data-bbox="509 758 748 821">Page</td> <td data-bbox="748 758 1408 821"><i>Page number</i> of the Deed Book at which the prior DSD was recorded.</td> </tr> <tr> <td data-bbox="509 821 748 915">County (Heading implied)</td> <td data-bbox="748 821 1408 915"><i>County</i> in which the prior DSD was recorded.</td> </tr> </tbody> </table>	Field	Description	from	<i>Name</i> of the Grantor of the prior DSD.	to	<i>Name</i> of the Grantee of the prior DSD.	dated	<i>Date</i> of the prior DSD.	Deed Book	<i>Deed Book</i> at which the prior DSD was recorded.	Page	<i>Page number</i> of the Deed Book at which the prior DSD was recorded.	County (Heading implied)	<i>County</i> in which the prior DSD was recorded.
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