

989
PARTIAL RELEASE

STATE OF ALABAMA

COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, that for value received, the undersigned, UNITED STATES FIDELITY AND GUARANTY COMPANY, a Maryland corporation ("Mortgagee"), does hereby release and discharge from the lien and operation of that certain Mortgage and Security Agreement dated November 7, 1989 executed by DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP, an Alabama limited partnership, in favor of Mortgagee, as recorded in Real 265, Page 374 in the Probate Office of Shelby County, Alabama which has been (i) amended by First Amendment to Mortgage and Security Agreement dated February 19, 1990 and recorded in Real 282, Page 85 in said Probate Office and (ii) amended and restated in its entirety by Amended and Restated Mortgage and Security Agreement dated September 28, 1990 and recorded in Real 312, Page 208 in said Probate Office, the following described parcel of land situated in Shelby County, Alabama, to-wit:

See Exhibit A attached hereto
and incorporated herein by reference.

It is understood, however, that the execution of this release shall in no wise operate to release or impair the lien or security of the aforesaid Mortgage upon the property remaining subject thereto.

IN WITNESS WHEREOF, Mortgagee has caused this Partial Release to be executed by its proper officer who is duly authorized as of this the 30th day of October, 1991.

UNITED STATES FIDELITY AND
GUARANTY COMPANY

By: Charles R. Werhane

Its: Authorized Signatory

STATE OF MARYLAND
County
CITY OF BALTIMORE

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Charles R. Werhane whose name as Authorized Signatory of UNITED STATES FIDELITY AND GUARANTY COMPANY, a Maryland corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this 30th day of October, 1991.

Melissa M. Bowers
Notary Public

My Commission Expires: 11/1/95

✓ Jack H. Harrison

EXHIBIT A

To locate the point of beginning commence the southwest corner of Section 33, Township 18 South, Range 1 West, Shelby County, Alabama; thence run S88°48'29"E on the south boundary of said Section 33 a distance of 1401.00 feet to the point of beginning; thence N31°40'13"E a distance of 1824.61 feet to the southeast right of way of Hugh Daniel Drive; thence N57°29'25"E on the southeast right of way of said Hugh Daniel Drive a distance of 90.62 feet to a curve to the right having a central angle of 00°31'27" and a radius of 4460.00 feet; thence northeasterly a chord distance of 40.80 feet to a point; thence S33°50'39"E a distance of 92.52 feet to a point; thence N56°26'09"E a distance of 91.41 feet to a point; thence N33°50'39"W a distance of 88.62 feet to a point on the southeast right of way of said Hugh Daniel Drive said point being on a curve to the right having a central angle of 04°04'49" and a radius of 4460.00 feet; thence northeasterly a chord distance of 317.56 feet to a point; thence N63°16'12"E on the southeast right of way of said Hugh Daniel Drive a distance of 419.17 feet to a curve to the right having a central angle of 02°53'11" and a radius of 2539.92 feet; thence northeasterly a chord distance of 127.94 feet to a point; thence N66°09'23"E on the southeast right of way of said Hugh Daniel Drive a distance of 275.08 feet to a curve to the left having a central angle of 18°28'14" and a radius 960.00 feet; thence northeasterly a chord distance of 308.14 feet to a point; thence N47°41'09"E on the southeast right of way of said Hugh Daniel Drive a distance of 103.68 feet to a curve to the right having a central angle of 18°01'02" and a radius of 360.00 feet; thence northeasterly a chord distance of 112.74 feet to a point; thence N65°42'11"E on the southeast right of way of said Hugh Daniel Drive a distance of 74.87 feet to a curve to the left having a central angle of 13°58'11" and a radius 1019.47 feet; thence northeasterly a chord distance of 247.95 feet to a point; thence N51°44'01"E on the southeast right of way of said Hugh Daniel Drive a distance of 122.76 feet to a curve to the left having a central angle of 03°20'47" and a radius of 2093.94 feet; thence northeasterly a chord distance of 122.29 feet to a point; thence S41°36'47"E on the southeast right of way of said Hugh Daniel Drive a distance of 10.00 feet to a point; thence N48°23'13"E on the southeast right of way of said Hugh Daniel Drive a distance of 208.93 feet to a curve to the right having a central angle of 160°19'18" and a radius of 56.66 feet; thence southeasterly a chord distance of 111.66 feet to a point; thence S28°42'32"W on the northwest right of way of said Hugh Daniel Drive a distance of 193.23 feet to a curve to the left having a central angle of 06°52'10" and a radius of 1050.00 feet; thence southwesterly a chord distance of 125.81 feet to a point on a curve to the left having a central angle of 66°35'13" and a radius of 236.22 feet; thence southwesterly a chord distance of 259.33 feet to a point; thence S73°56'54"W a distance of 252.09 feet to a point; thence S36°30'36"W a distance of 700.31 feet to a point; thence S33°39'46"W a distance of 2223.21 feet to a point on the south boundary of said Section 33; thence N88°48'29"W on the south boundary of said section a distance of 1043.85 feet to the point of beginning. Less and except Exception Parcel #1 as conveyed to The Water Works and Sewer Board of the City of Birmingham pursuant to Final Order of Condemnation dated November 15, 1990 in Civil Action No. CV-89-460 entered by the Circuit Court of Shelby Co., Alabama and recorded in Book 325, Page 868. Property also subject to easement Parcels #2 and #3 as conveyed in same Civil Action No. CV-89-460.

All lying and being in the S½ and the NE½ of Section 33, Township 18 South, Range 1 West, Shelby County, Alabama and containing 52.00 acres.

BOOK 373 PAGE 527

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

91 NOV 18 AM 10:50

JUDGE OF PROBATE

1. Deed Tax	\$	
2. Mig. Tax	\$	
3. Recording Fee	\$	5.00
4. Indexing Fee	\$	5.00
5. No Tax Fee	\$	
6. Certified Fee	\$	1.00
Total	\$	9.00