

PARTIAL RELEASE

57

STATE OF ALABAMA

COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, that for value received, the undersigned, AMSOUTH BANK N.A., a national banking association ("Mortgagee"), does hereby release and discharge from the lien and operation of that certain (i) Mortgage, Security Agreement and Assignment of Rents and Leases dated June 6, 1991 executed by DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP in favor of Mortgagee, as recorded in Real 348, Page 208 in the Probate Office of Shelby County, Alabama, as the same may be amended from time to time; (ii) Mortgage and Security Agreement dated November 7, 1989 recorded in Real 265, Page 415 in the Probate Office of Shelby County, Alabama, as amended by First Modification thereto dated February 16, 1990 recorded in Real 281, Page 4 in said Probate Office, Second Modification thereto dated August 29, 1990 recorded in Real 312, Page 189 in said Probate Office, Third Modification thereto dated September 7, 1990 recorded in Real 312, Page 194 in said Probate Office, Fourth Modification thereto dated September 28, 1990 recorded in Real 312, Page 199 in said Probate Office, Fifth Modification thereto dated June 6, 1991 recorded in Real 348, Page 187 in said Probate Office and as may be further amended from time to time; (iii) Assignment of Rents and Leases dated November 7, 1989 recorded in Real 265, Page 443 in the Probate Office of Shelby County, Alabama, as amended by First Amendment thereto dated June 6, 1991 recorded in Real 348, Page 168 in said Probate Office and as may be further amended from time to time; (iv) Mortgage and Security Agreement dated September 28, 1990 recorded in Real 312, Page 331 in the Probate Office of Shelby County, Alabama, as the same may be amended from time to time and (v) Assignment of Rents and Leases dated September 28, 1990 recorded in Real 312, Page 372 in the Probate Office of Shelby County, Alabama, the following described parcel of land situated in Shelby County, Alabama, to-wit:

BOOK 380 PAGE 713

Lot 139, according to the Map and Survey of Greystone - 1st Sector, Phase II, as recorded in Map Book 15, Pages 58, 59, 60 and 61 in the Probate Office of Shelby County, Alabama.

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 Mortgages 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 18 day of December, 1991.

- 1. Deed Tax _____ \$ _____
- 2. Mtg. Tax _____ \$ _____
- 3. Recording Fee _____ \$ 2.50
- 4. Indexing Fee _____ \$ 3.00
- 5. No Tax Fee _____ \$ _____
- 6. Certified Fee _____ \$ 1.00
- Total _____ \$ 6.50

AMSOUTH BANK N.A.,
a national banking association

By: Mary B Voorhees
Its: Vice President

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

91 DEC 31 PM 4:20

STATE OF ALABAMA

COUNTY OF JEFFERSON

JUDGE OF PROBATE

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Mary B Voorhees whose name as Vice President of AMSOUTH BANK N.A., a national banking association, 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 18 day of December, 1991.

THIS INSTRUMENT PREPARED BY AND UPON RECORDING SHOULD BE RETURNED TO:
SHEILA D. ELLIS
DANIEL CORPORATION
P. O. BOX 385001
BIRMINGHAM, ALABAMA 35238-5001

Sharon K. Pierce
Notary Public

My Commission Expires: _____
MY COMMISSION EXPIRES SEPTEMBER 25, 1995