

STATE OF ALABAMA )

SHELBY COUNTY )

**PARTIAL RELEASE**

KNOW ALL MEN BY THESE PRESENTS, That, for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the undersigned, AmSouth Bank N.A. does hereby release and discharge from the lien and operation of that certain Mortgage, Security Agreement and Assignment of Rents and Leases executed by 119 Properties, Ltd., in favor of AmSouth Bank N.A. and recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Real Book 251, Page 57, as amended by First Amendment to Mortgage, Security Agreement and Assignment of Rents and Leases recorded in Real Book 263, Page 301, as further amended by Second Amendment to Mortgage, Security Agreement and Assignment of Rents and Leases recorded in Real Book 323, Page 44 and as further amended by Third Amendment to Mortgage, Security Agreement and Assignment of Rents and Leases recorded in Real Book 364, Page 192, the real estate described in Exhibit A attached hereto and made a part hereof.

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

IN WITNESS WHEREOF, AmSouth Bank, N.A. has caused these presents to be executed this 13<sup>th</sup> day of January, 1994, by its duly authorized officer.

AmSouth Bank N.A.

By: Dean H. Burgess  
Its: Assistant Vice President

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Dean H. Burgess, whose name as Assistant Vice President of AmSouth Bank N.A. is signed to the foregoing Partial Release and who is known to me, acknowledged before me on this day that, being informed of the contents of the Partial Release, he, in his capacity as such officer, executed the same voluntarily on the day the same bears date.

Given under my hand this 13 day of January, 1994.

Sharon K. Price  
Notary Public  
My Commission Exp: \_\_\_\_\_

THIS INSTRUMENT PREPARED BY:

David L. Silverstein  
Berkowitz, Lefkovits, Isom & Kushner, P.C.  
1600 SouthTrust Tower  
Birmingham, Alabama 35203  
Inst # 1994-01698

95507  
20447/1

01/18/1994-01698  
09:16 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 14.00

Inst # 1994-01698

EXHIBIT A - PARTIAL RELEASE  
EXECUTED BY 119 PROPERTIES, LTD.

Part of SE 1/4 of SE 1/4 of Section 31, Township 19 South, Range 2 West, SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE RUN EAST ALONG THE SOUTH LINE OF SAME FOR 1,826.71 FEET; THENCE 122°-59'-53" LEFT AND RUN NORTHWESTERLY FOR 399.97 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF OAK MOUNTAIN PARK ROAD; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE FOR 846.69 FEET; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY FOR 152.01 FEET; THENCE 90°-00'-00" LEFT AND RUN NORTHWESTERLY FOR 349.02 FEET; THENCE 90°-00'-00" LEFT AND RUN SOUTHWESTERLY FOR 160.00 FEET; THENCE 88°-41'-21" RIGHT AND RUN NORTHWESTERLY FOR 25.0 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ALABAMA HIGHWAY 119; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 253.07 FEET; THENCE 14°-02'-10" RIGHT AND CONTINUE NORTHEASTERLY FOR 9.51 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF A COUNTY ROAD; THENCE 30°-57'-50" RIGHT AND RUN EASTERLY ALONG SAID RIGHT OF WAY LINE FOR 62.56 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 45°-00'-00" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 390.67 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 90°-00'-00" LEFT AND RUN NORTHEASTERLY FOR 575.98 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OAK MOUNTAIN STATE PARK ROAD; THENCE 86°-19'-31" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY FOR 142.98 FEET; THENCE 22°-07'-10" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 266.08 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 3,579.72 FEET AND SUBTENDING A CENTRAL ANGLE OF 03°-16'-07" ; THENCE 08°-19'-34" RIGHT TO THE CHORD OF SAID CURVE AND RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE FOR 204.22 FEET; THENCE FROM SAID CHORD 09°-37'-54" LEFT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 46.32 FEET TO THE POINT OF BEGINNING OF SAID PROPERTY BEING DESCRIBED; THENCE CONTINUE SOUTHERLY ALONG THE LAST STATED COURSE AND ALONG SAID RIGHT OF WAY LINE FOR 49.76 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 3,599.42 FEET AND SUBTENDING A CENTRAL ANGLE OF 02°-19'-55"; THENCE 13°-55'-51" RIGHT TO THE CHORD OF SAID CURVE AND RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE FOR 146.49 FEET TO A POINT AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF SAID OAK MOUNTAIN STATE PARK ROAD AND THE NORTH RIGHT OF WAY OF A PROPOSED STREET; THENCE FROM THE CHORD OF SAID CURVE 97°-35'-27" RIGHT AND RUN SOUTHWESTERLY ALONG THE NORTH RIGHT OF WAY LINE OF SAID PROPOSED STREET FOR 300.49 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND SUBTENDING A CENTRAL ANGLE OF 17°-54'-41"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE FOR 15.63 FEET TO THE END OF SAID CURVE; THENCE FROM THE CHORD OF SAID CURVE 88°-10'-58" RIGHT AND RUN NORTHWESTERLY FOR 210.58 FEET TO A POINT ON THE FLOODWAY LINE OF BISHOPS CREEK; THENCE 58°-12'-05" RIGHT AND RUN NORTHEASTERLY ALONG SAID FLOODWAY LINE FOR 6.71 FEET; THENCE 06°-12'-14" RIGHT AND CONTINUE NORTHEASTERLY ALONG SAID FLOODWAY LINE FOR 71.34 FEET TO THE NORTHWEST CORNER OF THE PEACH HEAVEN SITE; THENCE 115°-35'-41" RIGHT AND RUN SOUTHERLY ALONG THE WEST LINE OF SAID PEACH HEAVEN SITE FOR 128.03 FEET TO THE SOUTHWEST CORNER OF SAID SITE; THENCE 95°-08'-53" LEFT AND RUN NORTHEASTERLY ALONG THE SOUTH LINE OF SAID PEACH HEAVEN SITE FOR 240.53 FEET TO THE POINT OF BEGINNING.

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