

This instrument prepared by:

Matthew S. Atkins, Esq.
Wallace, Jordan, Ratliff & Brandt, L.L.C.
800 Shades Creek Parkway, Suite 400
Birmingham, Alabama 35209

STATE OF ALABAMA)
SHELBY COUNTY)

Inst # 1999-46475

11/12/1999-46475
01:31 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
16.00
004 HHS

PARTIAL RELEASE OF MORTGAGE

THIS INDENTURE, made and entered into this 11 day of OCTOBER, 1999, by and between **JIM WHATLEY CONSTRUCTION CO., INC.**, an Alabama corporation ("Mortgagor"), and **CAHABA LUMBER & MILLWORK, INC.**, an Alabama corporation f/k/a **Cahaba Valley Millwork, Inc.** ("Mortgagee").

WITNESSETH:

WHEREAS, on the 20th day of October, 1995, Mortgagor executed and delivered in favor of Mortgagee that certain Real Estate Mortgage and Security Agreement (the "Mortgage") to secure the payment of the sum of ONE HUNDRED THIRTY THOUSAND AND NO/100 Dollars (\$130,000.00), which Mortgage was, on the 22nd day of November, 1995, duly recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 1995-33710, and;

WHEREAS, Mortgagor has requested Mortgagee to release from the lien and effect of said Mortgage the property hereinafter described;

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Mortgagee hereby releases from the lien and effect of said

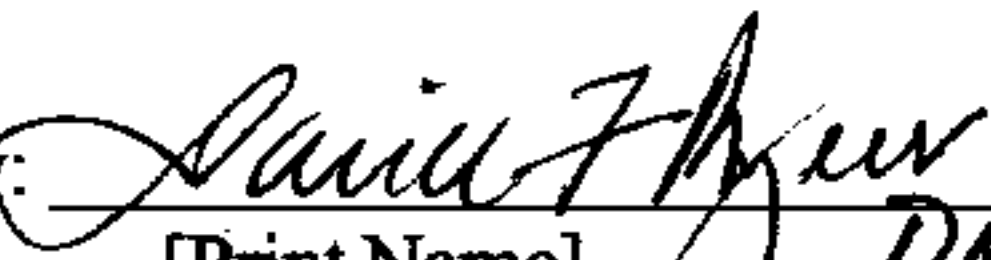
Mortgage the portion of said mortgaged premises situated in Shelby County, Alabama, as described on Exhibit A attached hereto.

FURTHERMORE, in consideration of such payment, the Mortgagee does hereby release, ~~remit~~ and forever quitclaim to Mortgagor, its successors and assigns, the above described premises, together with all tenements, hereditaments and appurtenances thereto, but it is expressly reserved and stipulated that the Mortgagee shall retain its lien on the remaining balance of the premises described in said Mortgage to secure the remaining principal sum unpaid, according to the terms and provisions of said Mortgage.

IN WITNESS WHEREOF, the Mortgagee has executed this instrument on the day and year first above written.

MORTGAGEE:

CAHABA LUMBER & MILLWORK, INC., an Alabama corporation f/k/a Cahaba Valley Millwork, Inc.

By: 
[Print Name] DAVID F. BYERS
Its: Vice President / owner

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that DAVID F. BYERS, whose name as VICE PRESIDENT/OWNER of Cahaba Lumber & Millwork, Inc., a corporation, is signed to the foregoing Partial Release of Mortgage, and who is known to me, acknowledged before me on this day, that being informed of the contents thereof, (s)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 the 11TH day of OCTOBER, 1999.

E. Stuart Conner

Notary Public

My Commission Expires: APRIL 18, 2000

EXHIBIT A

PROPERTY DESCRIPTION

Lot 524, according to the Survey of Highland Lakes, 5th Sector, Phase II, an Eddleman Community, as recorded in Map Book 19 page A & B in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

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