

This Instrument Prepared By:

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Birmingham, Alabama 35209
(205) 879-5959

**PARTIAL RELEASE OF LAND
FROM MORTGAGE AND SECURITY AGREEMENT
AND UCC-1 FINANCING STATEMENT**

STATE OF ALABAMA)
JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, the undersigned **FIRST COMMERCIAL BANK, a State Bank**, (hereinafter referred to as "Bank"), is the owner and holder of record of that certain Mortgage and Security Agreement executed by **KOO, LLC, an Alabama Limited Liability Company** (hereinafter referred to as "Mortgagor"), to the Bank dated November 22, 2000, and recorded in the Office of the Judge of Probate of Shelby County, Alabama at Inst. # 2000-40519, in which mortgage the following described land and other land is described and conveyed; and

WHEREAS, the undersigned Bank is the Secured Party of that certain UCC-1 Financing Statement recorded at Inst. # 2000-40521 in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, for the consideration herein set out, the Bank has agreed to release from the lien of said Mortgage and the said UCC-1 Financing Statement the hereinafter described land.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00) paid to said Bank by Mortgagor on the execution and delivery of this instrument, the receipt of which sum is hereby acknowledged, the said Bank, does hereby release, remise, convey and quitclaim unto the said Mortgagor, its successors and assigns from the lien, operation, and effect of said Mortgage and UCC-1 Financing Statement the land described in said Mortgage and UCC-1 Financing Statement which is described as follows, to wit:

See attached Exhibit "A".

As to all other land described and conveyed in said Mortgage and UCC-1 Financing Statement, the lien thereof shall remain in full force and effect unaffected by this release.

TO HAVE AND TO HOLD said tract or parcel of land unto the said Mortgagor, its successors and assigns forever.

This release is given for the purpose of enabling Mortgagor to make a valid conveyance of said lands free and clear of said Mortgage and UCC-1 Financing Statement.

09/05/2001-38204
11:11 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 CH 23.00

Inst # 2001-38204

IN WITNESS WHEREOF, the Bank, acting by and through its duly authorized officer, has caused this instrument to be executed as of the 30th day of August, 2001.

FIRST COMMERCIAL BANK, a State Bank

By: T. Lane Wooley [SEAL]
T. Lane Wooley
Its Vice President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that T. Lane Wooley, Vice President of **FIRST COMMERCIAL BANK, a State Bank**, is signed to the foregoing Partial Release of Land From Mortgage and UCC-1 Financing Statement, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Bank.

Given under my hand and seal this 30th day of August, 2001.

Cheryl A. Robinson
NOTARY PUBLIC
My Commission Expires: 7/10/03

[NOTARIAL SEAL]

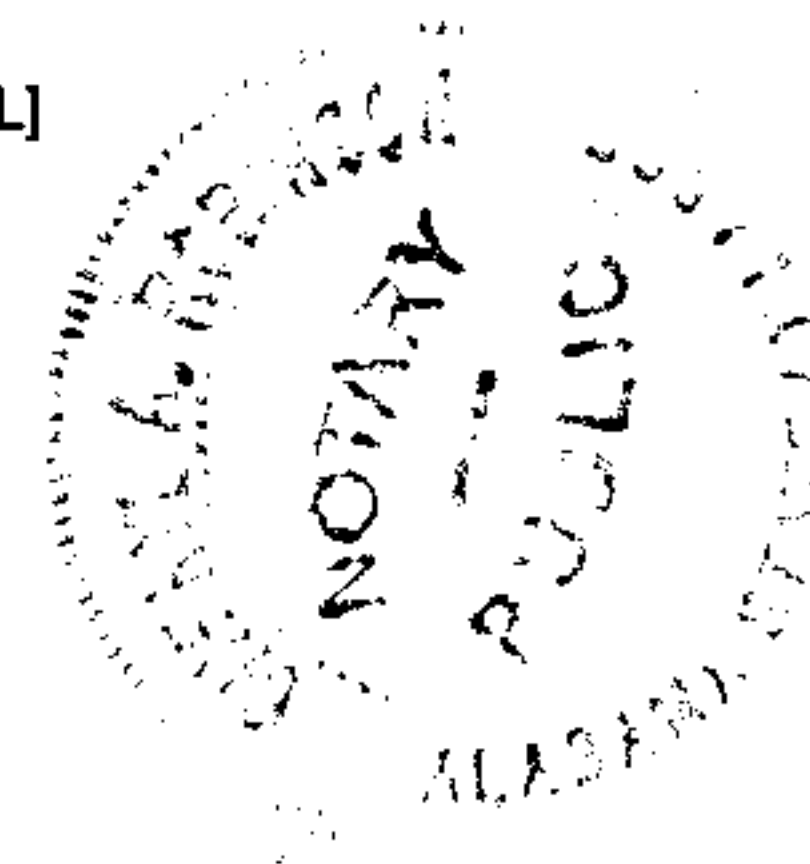


EXHIBIT "A"

PARCEL 1 - AUGMENTATION POND PARCEL

STATE OF ALABAMA
SHELBY COUNTY

A parcel of land situated in the SW 1/4 of the NW 1/4, the SE 1/4 of the NW 1/4, and the NW 1/4 of the SW 1/4 of Section 20, Township 19 South, Range 1 West, being more particularly described as follows:

Commence at the SW corner of said SW 1/4 of NW 1/4; thence run in an Easterly direction along the South line of said 1/4-1/4 section on a bearing of N 89°16'06" E, a distance of 30.00 feet to a point, said point being the POINT OF BEGINNING of parcel herein described; thence turn an angle to the left and run in a Northerly direction on a bearing of N 00°16'28" W, a distance of 339.13 feet to a point; thence turn an angle to the right and run in a Northeasterly direction on a bearing of N 72°56'54" E, a distance of 650.10 feet to a point; thence turn an angle to the left and run in a Northeasterly direction on a bearing of N 58°45'14" E, a distance of 443.83 feet to a point; thence turn an angle to the left and run in a Northeasterly direction on a bearing of N 41°12'26" E, a distance of 96.63 feet to a point; thence turn an angle to the right and run in a Northeasterly direction on a bearing of N 48°30'28" E, a distance of 435.59 feet to a point; thence turn an angle to the right and run in a Northeasterly direction on a bearing of N 67°52'15" E, a distance of 160.10 feet to a point; thence turn an angle to the left and run in a Northeasterly direction on a bearing of N 43°48'37" E, a distance of 134.85 feet to a point; thence turn an angle to the right and run in a Southeasterly direction on a bearing of S 08°12'17" E, a distance of 97.89 feet to a point; thence turn an angle to the right and run in a Southwesterly direction on a bearing of S 27°36'49" W, a distance of 58.90 feet to a point; thence turn an angle to the left and run in a Southeasterly direction on a bearing of S 06°57'28" E, a distance of 369.08 feet to a point; thence turn an angle to the right and run in a Southwesterly direction on a bearing of S 14°07'31" W, a distance of 455.62 feet to a point; thence turn an angle to the right and run in a Northwesterly direction on a bearing of N 85°54'49" W, a distance of 323.17 feet to a point; thence turn an angle to the left and run in a Southwesterly direction on a bearing of S 66°30'58" W, a distance of 1338.77 feet to a point; thence turn an angle to the right and run in a Northwesterly direction on a bearing of N 00°16'28" W, a distance of 188.86 feet the POINT OF BEGINNING. Said parcel containing 21.44 acres, more or less.

EXHIBIT "A"

PARCEL 2 - SCENIC PRESERVE PARCEL

STATE OF ALABAMA
SHELBY COUNTY

A parcel of land situated in the Southwest 1/4 of the Northeast 1/4 of Section 20, Township 19 South, Range 1 West, being more particularly described as follows:

Commence at the Northwest corner of said Southwest 1/4 of the Northeast 1/4 of said Section 20; thence run in an Easterly direction on a bearing of N 89°32'53" E a distance of 784.92 feet to the POINT OF BEGINNING of the parcel herein described, said point also being on the Easterly right-of-way of Old Hwy. 280; thence continue along said North line in the same direction as last described course on a bearing of N 89°32'53" E a distance of 191.23 feet to a point, said point being on the Westerly right-of-way of new U.S. Hwy. 280; thence turn an angle to the right and run in a Southeasterly direction along said right-of-way on a bearing of S 31°35'26" E a distance of 674.84 feet to a point, said point being on the East line of the Southwest 1/4 of the Northeast 1/4 of said Section 20; thence turn an angle to the right and run in a Southerly direction along said East line on a bearing of S 00°17'33" E a distance of 424.39 feet to a point, said point being on the Northeasterly right-of-way of Old Hwy. 280, said point also being on a curve to the left; thence turn an angle to the right and run along said right-of-way and along the arc of said curve, having a radius of 995.10 feet, a central angle of 03°01'21", an arc length of 52.49 feet, and a chord bearing of N 66°28'08" W to a point; thence continue tangent to last described curve in a Northwesterly direction and along said right-of-way on a bearing of N 67°58'48" W a distance of 102.50 feet to a point, said point being on a curve to the right; thence continue along said right-of-way and along the arc of said curve, having a radius of 319.26 feet, a central angle of 74°01'00", an arc length of 412.43 feet, and a chord bearing of N 30°58'18" W to a point; thence continue tangent to last described curve and along said right-of-way in a Northeasterly direction on a bearing of N 06°02'12" E a distance of 66.50 feet to a point, said point being the beginning of a curve to the left; thence continue along said right-of-way and along the arc of said curve, having a radius of 614.98 feet, a central angle of 47°22'00", an arc length of 508.41 feet and a chord bearing of N 17°38'48" W; thence continue tangent to last described curve and along said right-of-way in a Northwesterly direction on a bearing of N 41°19'48" W a distance of 95.68 feet to the POINT OF BEGINNING; said parcel containing 5.3433 acres, more or less.

Inst # 2001-38204

Page 2 of 2 09/05/2001-38204

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SHELBY COUNTY JUDGE OF PROBATE

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