

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

PARTIAL RELEASE OF MORTGAGES

KNOW ALL MEN BY THESE PRESENTS, that **First Commercial Bank**, a banking corporation, the owner and holder of the indebtedness secured by (i) that certain Mortgage, Security Agreement and Assignment of Rents and Leases executed by **Michael R. Summers**, an individual (the "First Mortgage"), which said First Mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument #1996-25910, as amended by that certain First Amendment to Mortgage, Security Agreement and Assignment of Rents and Leases dated July 23, 1998 and recorded in the Office of the Judge of Probate of Shelby County as Instrument #1998-30361; and (ii) that certain Mortgage, Security Agreement and Assignment of Rents and Leases executed by **Michael R. Summers**, an individual and **GRADCO, Inc.**, an Alabama corporation (the "Second Mortgage"), which said Second Mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument #1999-45252 and (iii) that certain Mortgage, Security Agreement and Assignment of Rents and Leases executed by **Michael R. Summers**, an individual and **GRADCO, Inc.**, an Alabama corporation (the "Third Mortgage"), which said Third Mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument #1999-45252, does hereby fully release the property described on **Exhibit A**, which is incorporated herein as if set out in full, from the lien and operation of the aforesaid First Mortgage, the aforesaid Second Mortgage and the aforesaid Third Mortgage and all related security documents, including UCC Financing Statements, and the undersigned does hereby quitclaim and release said property to the mortgagors, their heirs, representatives, successors or assigns.

This Partial Release shall not release the remaining property ("Remaining Property") described on **Exhibit B** and referred to in the First Mortgage, Second Mortgage and Third Mortgage, and, as to such Remaining Property, the First Mortgage, Second Mortgage and Third Mortgage shall remain in full force and effect, which shall be the only property securing the same and encumbered thereby.

IN WITNESS WHEREOF, the undersigned, has executed this Partial Release of Mortgages, this 17th day of June, 2002.

FIRST COMMERCIAL BANK

By: Nelson S. Bean
Name: NEELSON S. BEAN
Its: E.V. P.

STATE OF ALABAMA)
)
COUNTY OF _____)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Nelson S Bean, whose name as EVP of **First Commercial Bank**, a banking corporation, is signed to the foregoing Full Satisfaction and Release of Mortgage and who is known to me, acknowledged before me on this day that, being informed of the contents of said Release, he/she, in his/her capacity as such officer and with full authority, executed the same voluntarily for and as the act of said banking corporation on the day the same bears date.

Given under my hand and Official seal this day of June, 2002.

Katherine J. Metzger
Notary Public

My Commission Expires: 10-20-2003

**NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 20, 2003
BONDED THRU NOTARY PUBLIC UNDERWRITERS**

[Notary Seal]

THIS INSTRUMENT PREPARED BY :
ADAM J. SIGMAN
BERKOWITZ, LEFKOVITS, ISOM & KUSHNER, P.C.
420 NORTH 20TH STREET
SOUTHTRUST TOWER, SUITE 1600
BIRMINGHAM, ALABAMA 35203

Exhibit A

(Legal Description for Released Property)

A parcel of land situated in the SE ¼ of Section 29 and the SW ¼ of Section 28, Township 18 South, Range 1 West, Shelby County, Alabama, being a part of Lot 3 and a part of Lot 2 in Bigler's Resurvey as recorded in Map Book 8 on Page 106 in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Commence at the SW corner of said SE ¼ section; thence run North along the West line of said SE ¼ section for a distance 1,460 feet to a point; thence turn an angle to the right of 123 deg. 00 min. 00 sec. and run in a Southeasterly direction for a distance of 581.68 feet to a point on the Southeast line of an 80 foot wide right of way for Alabama Highway No. 119; thence turn an angle to the left of 98 deg. 31 min. 00 sec. and run in a Northeasterly direction along said Southeast line for a distance of 23.23 feet to the intersection of the Southeast right of way line of Alabama Highway No. 119 and the Northeast line of a 60 feet right of way for a county road; thence continue along last stated course for a distance of 549.91 feet to an iron pin found; thence continue along last stated course for a distance of 211.29 feet to an iron pin found at the Southwest corner of Harris Cemetery; thence turn an angle to the right of 90 deg. 23 min. 57 sec. and run in a Southeasterly direction along the South line of said Harris Cemetery for a distance of 116.54 feet to an iron pin found at the Southeast corner of Harris Cemetery; thence turn an angle to the left of 89 deg. 35 min. 56 sec. and run in a Northeasterly direction along the East side of said Harris Cemetery for a distance of 62.00 feet to an iron pin found at the point of beginning; thence turn an angle to the right 0 deg. 26 min. 34 sec. and run in an Northeasterly direction along the East side of said Harris Cemetery for a distance of 72.17 feet to an iron pin found at the Northeast corner of said Harris Cemetery; thence turn an angle to the left of 86 deg 20 min. 19 sec. and run in a Northwesterly direction along the North side of said Harris Cemetery for a distance of 112.79 feet to an iron pin found, said found, said iron pin found being on the Southeast right of way line of Alabama Highway No. 119 also known as Cahaba Valley Road, said iron pin found also being on a curve to the right having a central angle of 1 deg. 09 min. 26 sec. and a radius of 10,373.33 feet; thence turn an angle to the right of 88 deg. 20 min. and 18 sec. to the chord of said curve and run in a Northeasterly direction along the arc of said curve and also along said Southeasterly right of way line of Alabama Highway No. 119 for a distance of 209.51 feet to an iron pin found; thence run tangent to last stated curve in an Northeasterly direction along said Southeast right of way line of Alabama Highway No. 119 for a distance of 207.07 feet to an iron pin found; thence turn an angle to the left of 00 deg. 03 min. 43 sec. and run in a Northeasterly direction along said Southeast right of way line of Alabama Highway No. 119 for a distance of 60.05 feet to an iron pin found; thence turn an angle to the right of 92 deg. 32 min. 42 sec. and run in an Southeasterly direction for a distance of 2,221.26 feet to an iron pin

found; thence turn an angle to the right of 102 deg. 44 min. 09 sec. and run in a Southwesterly direction for a distance of 61.44 feet to an iron pin found; thence turn an angle to the right of 00 deg. 01 min. 34 sec. and run in a Southwesterly direction for distance of 138.24 feet to an iron pin found; thence turn an angle to the left of 00 deg. 45 sec. and run in a Southwesterly direction for a distance of 154.96 feet to an iron pin found; thence turn an angle to the left of 1 deg. 00 min. 33 sec. and run in a Southwesterly direction for a distance of 203.08 feet to an iron pin found; thence turn an angle to the right of 78 deg. 11 min. 27 sec. and run in a Northwesterly direction for a distance of 1040.19 feet to an iron pin set; thence turn an angle to the right 81 deg. 54 min. 07 sec. and run in a Northeasterly direction for a distance of 115.00 feet to an iron pin set; thence turn an angle to the left of 79 deg. 38 min. 49 sec. and run in a Northwesterly direction for a distance of 294.24 feet to an iron pin set; thence turn an angle to the left of 95 deg. 21 min. 43 sec. and run in a Southwesterly direction for a distance of 115.00 feet to an iron pin set; thence turn an angle to the right of 92 deg. 17 min. 41 sec. and run in a Northwesterly direction for a distance of 615.60 feet to the point of beginning. Also less and except a 60 feet by 60 tower sight located in the Northeast corner of same parcel of land.

Exhibit B

(Legal Description for Remaining Property)

A parcel of land situated in the Southeast Quarter of Section 29, Township 18 South, Range 1 West, Shelby County, Alabama, being more described as follows:

Commence at the Southwest corner of said Quarter Section, thence run North along the West line of said Quarter Section for a distance of 1,460.00 feet to a point; thence turn an angle to the right of 123 degrees 00 minutes 00 seconds and run in a southeasterly direction for a distance of 581.68 feet to a point on the Southeast line of an 80 foot wide right-of-way for Alabama Highway No. 119; thence turn an angle to the left of 98 degrees 31 minutes 00 seconds and run in a northeasterly direction along said Southeast line for a distance of 23.23 feet to the intersection of the Southeast right-of-way line of Alabama Highway No. 119 and the Northeast line of a 60 foot right-of-way for a county road; thence continue along last stated course for a distance of 549.91 feet to an iron pin found at the point of beginning; thence continue along last stated course for a distance of 211.29 feet to an iron pin set at the Southwest corner of Harris Cemetery; thence turn an angle to the right of 90 degrees 23 minutes 57 seconds and run in a southeasterly direction for a distance of 116.54 feet to an iron pin set at the Southeast corner of Harris Cemetery; thence turn an angle to the left of 89 degrees 35 minutes 56 seconds and run in a northeasterly direction for a distance of 62.00 feet to an iron pin set; thence turn an angle to the right of 95 degrees 29 minutes 26 seconds and run in a southeasterly direction for a distance of 885.32 feet to an iron pin set; thence turn an angle to the right of 90 degrees 00 minutes 00 seconds and run in a southwesterly direction for a distance of 100.00 feet to an iron pin set; thence turn an angle to the right of 90 degrees 00 minutes 00 seconds and run in a northwesterly direction for a distance of 34.49 feet to an iron pin set; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds and run in a southwesterly direction for a distance of 183.69 feet to an iron pin found; thence turn an angle to the right of 90 degrees 00 minutes 00 seconds and run in a northwesterly direction for a distance of 937.67 feet to the point of beginning.