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STATE OF ALABAMA )  
SHELBY COUNTY )

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, THAT, for value received the undersigned does hereby release the hereinafter particularly described property from the lien of that certain mortgage executed by \_\_\_\_\_  
FOOTHILLS HOMES, INC.  
to the NATIONAL BANK OF COMMERCE OF BIRMINGHAM, a national banking association, dated 10-15-2003 and recorded in the Probate Office of SHELBY County, Alabama, in Real Volume SEE BELOW, Page SEE BELOW, and for such consideration, the receipt of which is hereby acknowledged the undersigned does hereby release all of its rights, title and interest in and to the following described property in SHELBY County, Alabama, to wit:

MORTGAGE RECORDED IN 20031016000692370  
RE RECORDED MORTGAGE IN 20031112000748870

LOT(S) 5,47 & 59, ACCORDING TO THE SURVEY OF FOOTHILLS POINT SECTOR 2, RECORDED IN MAP BOOK 32, PAGE 69, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

But it is expressly understood and agreed that this release shall in no wise, and to no extent whatever, affect the lien of said mortgage as to the remainder of the property described in and secured by said mortgage. The undersigned is now the owner of said mortgage and all of the unpaid notes secured thereby.

IN TESTIMONY WHEREOF, the undersigned has caused its name to be subscribed hereto by its proper Officer who is thereunto duly authorized on this the 5TH day of NOVEMBER 2004.

NATIONAL BANK OF COMMERCE OF BIRMINGHAM,  
a National Banking Association

BY: [Signature]  
G. E. GIATTINA

ITS: SENIOR VICE PRESIDENT

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that \_\_\_\_\_  
G. E. GIATTINA whose name as SENIOR VICE PRESIDENT of National Bank of Commerce, 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 association.

Given under my hand and official seal this 5TH day of NOVEMBER 2004.

THIS INSTRUMENT WAS PREPARED BY [Signature]  
NATIONAL BANK OF COMMERCE OF BIRMINGHAM  
P. O. BOX 10686  
BIRMINGHAM, AL 35202-0868

[Signature]  
NOTARY PUBLIC

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES MAY 16, 2007  
BONDED THIRD PARTY NOTARY PUBLIC

LN # 1137174