

3526

PARTIAL RELEASE OF LIEN

STATE OF ALABAMA

COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, that SMALL BUSINESS ADMINISTRATION, an Agency of the United States of America, pursuant to the Small Business Act (Public Law 536, 85th Congress, 2nd Session) is the holder and owner of one certain Promissory Note, dated August 17, 1964, in the original principal amount of TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00), executed and delivered to SMALL BUSINESS ADMINISTRATION by W. L. SMITH POULTRY CO., INC., which Note is secured by, among other things, the following security instrument:

Original Real and Personal Property Mortgage dated August 17, 1964, filed for record and recorded on August 17, 1964, in Book 289, Page 480 et seq., in the Office of the Probate Judge, Shelby County, Alabama.

FOR VALUE RECEIVED, SMALL BUSINESS ADMINISTRATION hereby releases from the lien of the aforesaid Mortgage, the following described real property only, to-wit:

TRACT A.

Commencing at the NE corner of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 9, Township 22, Range 2 West, and run thence south 86 deg. 45 min. West a distance of 172 feet, more or less to the West right of way line of the old Birmingham-Montgomery Highway; run thence south 12 deg. 25 min. West along the West side of said right of way a distance of 499.7 feet the point of beginning of the lands hereinafter described; run thence in a Northeasterly direction 312 feet, more or less, to a point on the East line of said NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  which is 391.5 feet south of the NE corner of said 40 acres; run thence south 2 deg. 30 min. East a distance of 205 feet; run thence in a Northwesterly direction a distance of 320 feet more or less to a point on the west right of way line of the old Birmingham-Montgomery Highway which point is 30 feet south from the point of the beginning; run thence north 12 deg. 25 min. East along the west line of said right of way a distance of 30 feet to the point of beginning containing .836 acres more or less, reserving, however, a 10 foot strip for a roadway along the SW side of said tract of land.

TRACT B.

Beginning at the NE corner of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 9, Township 22, Range 2 West and run thence south 86 deg. 45 min. West a distance of 172 feet more or less to the West right of way line of the Old Birmingham-Montgomery Highway; run thence south 12 deg. 25 min. west along the west line of said right

TRACT B., Cont'd.

of way a distance of 499.7 feet; run thence in a north-easterly direction a distance of 312 feet more or less to a point on the East line of said NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  which point is 391.5 feet south of the NE corner thereof; run thence North 2 deg. 30 min. West a distance of 391.5 feet to the point of beginning and containing 2.34 acres, more or less.

TRACT C.

The NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 9, Township 22, Range 2 West, except 10 acres in the SW corner thereof described as follows: Beginning at the SW corner of said NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section and run thence North 2 deg. 30 min. West a distance of 770 feet; then North 87 deg. East a distance of 567 feet; thence South 2 deg. 30 min. East a distance of 668.9 feet to the south line of said 40 acres; run thence south 87 deg. west along the south line of said 40 acres a distance of 567 feet to the point of beginning. The lands herein conveyed containing 30 acres more or less.

TRACT D.

That part of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 9, Township 22, Range 2 West described as commencing at the NE corner of said forty and running thence south 86 deg. 45 min. west, a distance of 162 feet more or less to the West right of way line of the old Birmingham-Montgomery Highway for a point of beginning; run thence south 12 deg. 25 min. west along the west right of way line of the old Birmingham-Montgomery Highway a distance of 358 feet, more or less, to the intersection with a settlement road running in a Northwesterly direction from the old Birmingham-Montgomery Highway to the new Birmingham-Montgomery Highway (U. S. Highway #31); and run thence in a Northwesterly direction along said settlement road to the point of intersection of said settlement road with the North line of said NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 9; run thence North 86 deg. 45 min. East along the North line of said 40 acres to the point of beginning.

All of the above lands situated in Shelby County, Alabama, less easement to Alabama Power Company.

BUT THIS IS A PARTIAL RELEASE ONLY, and it is expressly understood and agreed that this Partial Release is given upon the condition that neither this Partial Release nor anything herein contained shall in any wise release, diminish, alter or affect the lien upon the remaining property described in the aforesaid Mortgage, and any and all other security instruments executed by Mortgagor first hereinabove named, and/or any other firms or individuals, to secure said Note, and that this Partial Release is executed without representation, warranty or recourse, express or implied, upon the undersigned.

IN WITNESS WHEREOF, SMALL BUSINESS ADMINISTRATION has caused this Partial Release of Lien to be executed by MARVIN S. CROSS, Acting Branch Manager, Birmingham Branch Office of SMALL BUSINESS ADMINISTRATION,



pursuant to the authority contained in 64 FR 12607, the contents of which publication are to be judicially noticed pursuant to 44 United States Code Annotated 307.

THIS the 11th day of January, 1965.

SMALL BUSINESS ADMINISTRATION

Signed, sealed and delivered  
in the presence of:

By:

Marvin S. Cross  
MARVIN S. CROSS, Acting Branch Manager  
Birmingham Branch Office  
Birmingham, Alabama  
Region V

Peggy J. Baker  
Witness

Frederic J. Hunter  
Witness

STATE OF ALABAMA

COUNTY OF JEFFERSON

Before me, the undersigned Notary Public, in and for the said County in said State, personally appeared MARVIN S. CROSS, with whom I am acquainted, and who, upon oath, acknowledged himself to be Acting Branch Manager, Birmingham Branch Office, SMALL BUSINESS ADMINISTRATION, and that he, as such Acting Branch Manager, being authorized so to do, executed and delivered the foregoing Partial Release of Lien for the purposes therein expressed, by signing the name of said SMALL BUSINESS ADMINISTRATION by himself as Acting Branch Manager.

WITNESS MY HAND AND OFFICIAL SEAL of office in Birmingham, Alabama,

THIS the 11th day of January, 1965.

Rose C. Miller  
Rose C. Miller - Notary Public

My commission expires:

February 5, 1967

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON 5/1/65  
RECORDED & S. INC. TAX  
& \$ 1.00 DEED TAX HAS BEEN  
PD. ON THIS INSTRUMENT.  
- 3 -  
Conrad M. Fowler  
JUDGE OF PROBATE

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