

This instrument was prepared

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3670  
1.00  
B.L.H. & C.M.D.  
PARTIAL MORTGAGE RELEASE

STATE OF ALABAMA )

SHELBY COUNTY )

WHEREAS, the title of Bill L. Harbert and Edwin M. Dixon as joint trustees under a certain declaration of trust dated September 18, 1968 to the hereinafter described property is subject to the lien of mortgage dated September 30, 1968, executed by Bill L. Harbert and Edwin M. Dixon as said joint trustees in favor of Bryan A. Chace, Forrest Arthur Chace and George W. Chace, as mortgagees, said mortgage being recorded in the Probate Office of Shelby County in Mortgage Book 309 at page 760; and

WHEREAS, Bryan A. Chace, Forrest Arthur Chace and George W. Chace desiring to establish a trust in order to provide for the efficient and convenient ownership, management, collection, control and servicing of said mortgage and certain promissory notes and debts secured in said mortgage entered into an Indenture of Trust dated March 5, 1969 (recorded in Mortgage Book 311, page 454 in the Probate Office of Shelby County, Alabama) whereby Bryan A. Chace, Forrest Arthur Chace and George W. Chace sold, assigned, set over, transferred and conveyed unto Bryan A. Chace as Trustees said mortgage, debt and notes and conveyed unto Bryan A. Chace as Trustees all of their rights, titles, claims and interests in and to the real property conveyed in and by said mortgage; and

WHEREAS, pursuant to the provisions of said mortgage, Bill L. Harbert and Edwin M. Dixon as said joint trustees have requested Bryan A. Chace, as trustee, to release from the lien of said mortgage that certain portion of the mortgaged property described therein which is hereinafter described in this instrument; and

WHEREAS, Bill L. Harbert and Edwin M. Dixon, as said joint trustees are not in default in any payment or in respect to any of the covenants contained in said mortgage and are otherwise entitled to said release;

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NOW, THEREFORE, in consideration of the premises and One Dollar (\$1.00) in hand paid to them and other good and valuable consideration, the receipt of which is acknowledged, Bryan A. Chace, as trustee under Indenture of Trust dated March 5, 1969 (recorded in the Probate Office of Shelby County, Alabama in Mortgage Book 311 at page 454) does hereby release and quitclaim from the lien of said mortgage all right, title and interest in and to the following described property located in Shelby County, Alabama, to-wit:

Begin at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 35, Township 19 South, Range 3 West (said beginning point being as established by survey of James H. Seale December, 1969); thence West along the North line of said quarter-quarter section 38.0 feet; thence 90 degrees 30 minutes left 73.8 feet to a rock bluff; thence 65 degrees 43 minutes right 28.0 feet; thence 18 degrees 07 minutes right 36.6 feet; thence 14 degrees 23 minutes right 119.3 feet to a point on a line that is 180.0 feet West of and parallel to the East line of said quarter-quarter line; thence 98 degrees 13 minutes left Southerly along said line 260.0 feet; thence 89 degrees 30 minutes left 180.0 feet to the East line of said quarter-quarter section line; thence 90 degrees 30 minutes left along said quarter-quarter line 333.8 feet to the point of beginning.

Reserving and excepting, however, the right to cover and flood that part of the lands hereinabove described which would be covered with waters of the Dodd Branch of the Cahaba River should such Branch be raised and backed up to that certain datum plane of 420 feet above mean sea level as established by the United States Coast and Geodetic Survey as adjusted in January 1955.

Further reserving and excepting, however, right of way for roadway purposes along, across and over a strip of land 50 feet in width, together with all the rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right to construct, maintain, repair, improve and use such roadway, and together with the right to dedicate such strip of land for public roadway purposes. Said 50 foot wide strip of land reserved and excepted herein is more particularly described as follows:

To reach a point of beginning, commence at the Northeast corner of the Southeast quarter of Northwest quarter of Section 35, Township 19 South, Range 3 West; thence run South along the East boundary line of said quarter-quarter section for a distance of 187.83 feet to a point, such point being the point of beginning of the right of way hereafter described (the East boundary of which is parallel with and contingent

