

PARTIAL RELEASE FROM MORTGAGE INDENTURE  
AND DEED OF TRUST

2404

KNOW ALL MEN BY THESE PRESENTS: that,



19761225000124240 1/4 \$.00  
Shelby Cnty Judge of Probate, AL  
12/25/1976 12:00:00 AM FILED/CERT

WHEREAS, under date of April 1, 1971, FLETCHER PROPERTIES OF ALABAMA, INC., an Alabama corporation (herein called "Fletcher"), executed and delivered a Purchase Money Mortgage Indenture and Deed of Trust (herein called "PM Mortgage") to Exchange Security Bank (now known as FIRST ALABAMA BANK OF BIRMINGHAM), an Alabama corporation, as Trustee (herein called "the Trustee"), encumbering the lands therein more particularly described, to secure the payment of certain promissory notes held by the note holders (herein called "the Beneficiaries") in the aggregate principal amount of EIGHT HUNDRED NINETY-FIVE THOUSAND EIGHT HUNDRED and NO/100 DOLLARS (\$895,800.00), which PM Mortgage is recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Volume 316, Page 677; and

WHEREAS, Fletcher and its successors in interest have requested that the Trustee release certain land described in the PM Mortgage; and

WHEREAS, the Trustee is authorized by Section 5.2 of the PM Mortgage and the consents executed by the Beneficiaries to execute these presents and to release from the PM Mortgage the land described in Exhibit A annexed hereto and by this reference made a part hereof and identified by the initials of the officer of the Trustee executing these presents for the Trustee.



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NOW, THEREFORE, in consideration of the premises and of \$13,750 together with accrued interest thereon in hand paid to the Trustee and pursuant to Sections 5.2 of the PM Mortgage, the Trustee does hereby release the land described in said Exhibit A containing 5 acres, more or less, from the PM Mortgage, reserving, however, unto the Trustee, its successors and assigns, an easement for reasonable ingress and egress across said land to and from the road on which said land abuts and the land adjoining said land on the north thereof, but the PM Mortgage shall remain in full force and effect as to all other lands described therein and not heretofore released therefrom.

The Trustee executes these presents solely in its capacity as trustee as aforesaid, and nothing herein contained shall be construed to impose liability upon it in its individual or other capacities.

IN WITNESS WHEREOF, the Trustee has set its hand and seal this

21 day of December, 1976.

FIRST ALABAMA BANK OF BIRMINGHAM, as  
Trustee as aforesaid

ATTEST:

By

B. H. Brown

VICE PRESIDENT  
SENIOR TRUST OFFICER

Its

James L. Fox

Its Not. Trust Officer



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STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that R. L. BROWN, whose name as Trustee of First Alabama Bank of Birmingham, an Alabama corporation, as Trustee as aforesaid, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as Trustee as aforesaid.

Given under my hand and official seal, this 21<sup>st</sup> day of December, 1976.

Jeannette C. Harris  
Notary Public

[NOTARIAL SEAL]

My Commission Expires: MY COMMISSION EXPIRES MARCH 5, 1980

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EXHIBIT "A"

A part of the Southwest Quarter of Section 2, Township 19 South, Range 2 West, being more particularly described as follows: Commence at the Southwest corner of said Quarter Section and run East along the South line of said Quarter Section 602.86 feet; thence an angle left of  $73^{\circ} 14' 55''$  and run Northeasterly 183.60 feet; thence right  $3^{\circ} 29' 50''$  and run Northeasterly 924.31 feet; thence right  $37^{\circ} 04' 50''$  and run Northeasterly 376.74 feet; thence right  $84^{\circ} 06'$  and run Southeasterly 237.36 feet; thence left  $119^{\circ} 07'$  and run Northeasterly 130.01 feet; thence right  $11^{\circ} 41'$  and run Northeasterly 15.67 feet to the point of beginning; said point being on the Northerly right of way of the High Road; thence continue on the same course 551.00 feet; thence right  $90^{\circ} 00'$  and run Southeasterly 395.26 feet; thence right  $78^{\circ} 25'$  and run Southwesterly 12.42 feet; thence right  $13^{\circ} 55' 33''$  and run Southwesterly 529.05 feet to a point on the Northerly right of way of High Road; thence turn an angle right of  $71^{\circ} 03' 37''$  to tangent of a curve to the right having a radius of 725 feet and a central angle of  $30^{\circ} 04' 49''$  and run Northwesterly 380.62 feet to the point of beginning, for an area of 5.00 acres, situated in Shelby County, Alabama.

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BOOK

*Conrad J. H. H. H.*  
JUDGE OF PROBATE

1976 DEC 25 AM 7:06

STATE OF ALABAMA  
SHELBY COUNTY  
JUDGE OF PROBATE  
INSTRUMENT WAS FILED

*B & B*