

1073

STATE OF ALABAMA)

SHELBY COUNTY )

RELEASE

THIS RELEASE, made this 5<sup>TH</sup> day of AUGUST, 1986 by STEPHENS WHOLESALE BUILDING SUPPLY COMPANY, INC. in favor of the parties hereinafter designated.

WHEREAS, the undersigned, STEPHENS WHOLESALE BUILDING SUPPLY COMPANY, INC. (herein called "Plaintiff"), has commenced the following action in the Circuit Court of Shelby County (hereinafter referred to as the "Lawsuit") as follows:

Case No. CV 85-111  
STEPHENS WHOLESALE BUILDING SUPPLY COMPANY, INC. VS. JIMNI CONSTRUCTION, INC., BIRMINGHAM FEDERAL SAVINGS AND LOAN ASSOCIATION, ALLIANCE MORTGAGE COMPANY, JOSE M. BONNIN, LARRY W. McBRIDE, KATHY P. McBRIDE, JAMES M. GREEN and MORTGAGE CORPORATION OF THE SOUTH.

WHEREAS, the Lawsuit seeks to establish and enforce mechanics' and materialmen's liens (the "Liens") against various parcels and lots of real estate (the "Real Estate") situated in Jefferson and Shelby County, Alabama and more particularly described in the Complaints filed in the Lawsuit.

WHEREAS, in consideration of the sum of Two Thousand Two Hundred fifteen and 60/100 Dollars (\$2,215.60) being paid by American Title Insurance Company to the Plaintiff on behalf of said Real Estate and Defendants (except JimNi Construction, Inc. and Jim Green, individually), contemporaneously with the execution of this Release, the Plaintiff has agreed to release,

*American Title*

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with prejudice, Alliance Mortgage Company and certain other parties from the Lawsuit and to release and satisfy of record the Liens.

NOW, THEREFORE, for the consideration described in the foregoing recitals, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Plaintiff does hereby release, discharge and dismiss Alliance Mortgage Company, Larry W. McBride, and Kathy P. McBride (collectively referred to herein as the "Released Parties") and the said "Real Estate", more particularly described as:

Lot 54, according to the Survey of Meadow Brook, 11th Sector, as recorded in Map Book 9, page 6 A & B, in the Probate Office of Shelby County, Alabama. Mineral and mining rights excepted. Subject to existing easements, restrictions, set back lines, rights of way, limitations, if any, of record,

from any and all claims, damages and causes of action, known or unknown, direct or indirect, which the Plaintiff may now or hereafter have against any one or more of the Released Parties arising out of, or associated with, directly or indirectly, the Real Estate, including, without limitation, claims for payment of money or enforcement of liens arising from Plaintiff's supplying construction materials to the Real Estate.

For the same consideration described above, Plaintiff warrants to the Released Parties that it shall provide to the Released Parties' attorney, Claiborne P. Seier, a recordable Full Satisfaction of Recorded Materialmen's Lien and will cause the lawsuit to be dismissed with prejudice

in respect to all claims asserted therein against the Released Parties.

The Plaintiff warrants to the Released Parties that Plaintiff has not transferred any of the claims hereinabove described to third parties and that Plaintiff has the full right and authority to execute this Release and to consummate the transactions herein contemplated. The Plaintiff acknowledges that it has employed legal counsel, Greggory M. Deitsch, Esquire, to review this Release prior to Plaintiff's execution hereof, and that this Release is being executed by the Plaintiff under its own free will and for full and adequate consideration.

IN WITNESS WHEREOF, the undersigned, Stephens Wholesale Building Supply Company, Inc., has caused this Release to be executed under its seal and on his behalf by its duly authorized officer the day and year first above written.

STEPHENS WHOLESALE BUILDING

SUPPLY COMPANY, INC.

BY: Arthur E. Miller  
Its Vice-President

STATE OF ALABAMA)

SHELBY COUNTY )

ACKNOWLEDGMENT

I, the undersigned authority, in and for said County in said State, hereby certify that Arthur E. Miller whose name as Vice President of

Stephens Wholesale Building Supply Company, Inc., a corporation, is signed to the foregoing Release, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Release, he, as such officer, and with full authority, executed the same voluntarily and as the act of said corporation.

Given under my hand and official seal, this 5<sup>th</sup> day of August, 1986.



Linda Lail Rabe  
Notary Public 7-6-89

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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1986 AUG 14 PM 1:07

Thomas G. [Signature]  
JUDGE OF PROBATE

RECORDING FEES

|               |                 |
|---------------|-----------------|
| Recording Fee | \$ 10.00        |
| Index Fee     | 7.00            |
| <b>TOTAL</b>  | <b>\$ 17.00</b> |