

4372
PARTIAL RELEASE OF LAND FROM JUDGMENT

STATE OF ALABAMA)
JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That

Whereas, On or about the 25th day of March, 1988, Altus Bank, A Federal Savings Bank, formerly known as First Southern Federal Savings and Loan Association, as Plaintiff (hereinafter referred to as "the Plaintiff"), recovered of Franklin Properties, Inc., Franklin D. Smith and Diane Smith, as Defendants, in the Circuit Court of Shelby County, Alabama, Case No. CV-88-015, a judgment with waiver of exemptions as to personal property, for the sum of Eighty Three Thousand Five Hundred Ninety Nine and 46/100 Dollars (\$83,599.46) and the further sum of One Hundred Seventeen Dollars (\$117.00) costs of suit; and

Whereas, the Plaintiff has recorded a Certificate of Judgment in, among other places, both the Office of the Judge of Probate of Shelby County, Alabama, in Real Book 181, page 859, and in the Office of the Judge of Probate of Jefferson County, Alabama, in Real Volume 3420, page 452; and

Whereas, the Defendants Franklin D. Smith and Diane Smith are desirous of conveying the property described herein, free of certain liens and encumbrances including, among others, the lien described hereinabove; and

Whereas, the Plaintiff is willing to release the property described herein upon condition that the Defendants reduce the amount of their debt to the Plaintiff by the sum of Three Thousand and No/100 Dollars (\$3,000.00) cash, and that the Defendant, Franklin Properties, Inc., properly endorse, transfer and assign to the Plaintiff a note in the principal sum of Three Thousand Five Hundred and No/100 Dollars (\$3,500.00); but the Plaintiff is not willing to release other property from its lien, nor any of the Defendants from the continuing lien described hereinabove;

Now Therefore, in consideration of the premises and the sum of Three Thousand and No/100 Dollars (\$3,000.00) cash paid to the Plaintiff and the proper endorsement, transfer, assignment and delivery of the aforementioned note, on the execution and delivery of this instrument, the receipt of which is hereby acknowledged, the said Altus Bank, A Federal Savings Bank, does hereby release from the lien, operation and effect of the aforesaid judgment and lien the land described as follows:

Parcel I:

Part of the Southeast Quarter of the Northeast Quarter of Section 13, Township 19 South, Range 3 West, more particularly described as follows: Commence at the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 13, and run thence east along the north boundary line thereof 252 feet to the point of beginning; thence continue east along the north boundary of said Quarter-Quarter for a distance of 270.80 feet; thence turning an angle to the right of 88 degrees 57 minutes 15 seconds and run south parallel with the west boundary of said Southeast Quarter of Northeast Quarter 549.26 feet; thence west and parallel with the north boundary of said Quarter-Quarter 270.80 feet; thence turning an angle to the right of 88 degrees 57 minutes 15 seconds and run in a northerly direction 549.26 feet to the point of beginning, all being situated in Jefferson County, Alabama.

L. M. Smith

An easement is reserved by Dora Gladys Lamb for a road over the north fifteen (15) feet of the property herein described which shall be appurtenant to and run with the land.

Less and except that part of above property known as Lots 1 and 2, Diamond Estates, as recorded in Map Book 127, page 18, Jefferson County, Alabama.

Parcel II:

Lot 24, according to the survey of Quail Run, Phase II, as recorded in Map Book 7, page 113, in the Office of the Judge of Probate of Shelby County, Alabama, being situated in Shelby County, Alabama.

Parcel III:

Lot 24, according to the survey of Quail Run, Phase I, as recorded in Map Book 7, page 22, in the Office of the Judge of Probate of Shelby County, Alabama, being situated in Shelby County, Alabama.

As to any and all other lands, the lien thereof shall remain in full force and effect, unaffected by this partial release, and in no wise shall this instrument be deemed as a release of any Defendant from the judgment described herein; and, it is further understood and agreed that this partial release applies only to the property described above and in no wise affects the lien of said judgment with respect to any other property.

In Witness Whereof, the undersigned, Larry R. Newman, as Attorney for Altus Bank, A Federal Savings Bank, has caused these presents to be executed on this the 20th day of September, 1989.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

89 OCT 26 AM 8:55

STATE OF ALABAMA
JEFFERSON COUNTY

JUDGE OF PROBATE

Larry R. Newman
Larry R. Newman
Attorney for Altus Bank, A Federal
Savings Bank

I, the undersigned authority, a Notary Public, in and for said County in said State, hereby certify that Larry R. Newman, whose name as Attorney for Altus Bank, A Federal Savings Bank, 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 attorney, executed the same voluntarily on the day the same bears date.

Given under my hand this the 21th day of September, 1989.

William A. Shaker
Notary Public
My Commission expires:

This instrument prepared by:
Larry R. Newman, Attorney at Law
3021 Lorna Road, Suite 310
Birmingham, Alabama 35216