

4469

STATE OF ALABAMA )  
COUNTY OF SHELBY )

**RE:** Lot 51, according to the survey of Third Sector, Portsouth, as recorded in Map Book 7, Page 110, in the Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

**RECORD OWNER:** Altus Bank, a federal savings bank

**LIENHOLDER:** Swope Alabaster Supply, Inc.

#### RELEASE OF LIEN AND SETTLEMENT

**THIS RELEASE** is entered into this 3rd day of October, 1989 between **SWOPE ALABASTER SUPPLY, INC.**, an Alabama corporation ("Swope Alabaster"), and **ALTUS BANK** in connection with real property described as follows and hereafter referred to as the "Property":

Lot 51, according to the survey of Third Sector, Portsouth, as recorded in Map Book 7, Page 110, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

WHEREAS, on April 22, 1987, Kerry W. Seale Construction Company, Inc. ("Seale") executed a Mortgage (the "Mortgage") on the Property in favor of First Southern Federal Savings and Loan Association of Mobile, now known as Altus Bank, a federal savings bank, which Mortgage is recorded in Book 126, Page 936, in the Office of the Judge of Probate of Shelby County, Alabama;

WHEREAS, on July 16, 1987, Swope Alabaster filed a Verified Claim of Lien claiming a materialsman lien on the Property, which lien was recorded in Book 139, Page 829, in the Office of the Judge of Probate of Shelby County, Alabama, which Verified Claim of Lien was filed to collect an indebtedness in the amount of \$13,390.15 owing to Swope Alabaster;

WHEREAS, on October 20, 1987, Swope Alabaster filed Civil Action No. 87-494NJ, captioned Swope Alabaster Supply, Inc. v. Kerry W. Seale Construction, Inc., et al. in the Circuit Court of Shelby County, Alabama for the purpose of collecting the indebtedness owed by Seale to Swope Alabaster;

WHEREAS, on April 26, 1988, Altus Bank duly and properly conducted a foreclosure sale of the Property, and Altus Bank purchased the Property at the foreclosure sale, which purchase is evidenced by foreclosure deed recorded at Book 183, Page 726, in the Office of the Judge of Probate of Shelby County, Alabama;

WHEREAS, Altus Bank is the record owner of the Property;

WHEREAS, Swope Alabaster claims that its lien against the Property has priority over the Mortgage of Altus Bank;

HASKELL SLAUGHTER & YOUNG  
PROFESSIONAL ASSOCIATION  
800 FIRST NATIONAL-SOUTHERN NATURAL BUILDING  
BIRMINGHAM, ALABAMA 35203

WHEREAS, Altus Bank claims that the Mortgage has priority over the lien claimed by Swope Alabaster and that the lien was extinguished by foreclosure of the Mortgage;

WHEREAS, Swope Alabaster and Altus Bank are desirous of settling all matters of dispute between them through settlement and compromise;

NOW THEREFORE, in consideration of the sum of \$9,500.00 in hand paid by Altus Bank to Swope Alabaster, the receipt and sufficiency of which is hereby acknowledged, Swope Alabaster hereby releases (i) the Verified Claim of Lien recorded at Book 139, Page 829, (ii) all claims and interest of Swope Alabaster in, to or against the Property, including but not limited to any lien claimed pursuant to Alabama Code § 35-11-210, et seq., (iii) all claims and interest against Altus Bank or the Property arising out of Civil Action No. 87-494NJ, and (iv) all other claims against Altus Bank or the Property arising in connection with the indebtedness owed by Seale to Swope Alabaster and Swope Alabaster hereby agrees to dismiss Civil Action No. 87-494NJ and to record this Agreement in order to satisfy and release its lien against the Property.

**SWOPE ALABASTER SUPPLY, INC.**

By: Mari L. Steward  
Its: Attorney-in-fact

**ALTUS BANK**

By: Tom Allen  
Its: Assistant Vice President

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STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Marvin L. Stewart, Jr., whose name as Attorney-in-Fact of SWOPE ALABASTER SUPPLY, INC., a corporation under the laws of the State of Alabama, 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 within instrument, he, as such officer and with full authority executed the same voluntarily on the day the same bears date for and as the act of said corporation.

GIVEN under my hand and official seal of office, this 3rd day of ~~September~~ October 1989.

[NOTARIAL SEAL]

Jo Ann Pittman  
Notary Public

My Commission Expires: 4-17-91

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Tom Allen, whose name as Assistant Vice-President of ALTUS BANK, a national banking association, 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 within instrument, he, as such officer and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said banking association.

GIVEN under my hand and official seal of office, this 23rd day of ~~September~~ October 1989.

[NOTARIAL SEAL]

Shirley Breaux  
Notary Public

My Commission Expires: 3/23/92

This Instrument Prepared By:  
Gwen L. Windle  
Haskell Slaughter & Young  
Professional Association  
800 AmSouth-Sonat Tower  
Birmingham, Alabama 35203  
(205) 251-1000

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
**89 OCT 27 AM 9:51**  
Thomas A. Snowden, Jr.  
JUDGE OF PROBATE

1. Deed Tax -----	\$	-----
2. -----	\$	-----
3. -----	\$	7.50
4. -----	\$	3.00
5. -----	\$	-----
6. -----	\$	1.00
Total -----	\$	11.50