

This instrument prepared by:

William W. Brooke, Esq.
Harbert Corporation
P.O. Box 1297
Birmingham, Alabama 35201

STATE OF ALABAMA)
SHELBY COUNTY)

PARTIAL RELEASE OF MORTGAGE

THIS INDENTURE, made and entered into this 30th day of December, 1993, by and between Harbert Properties Corporation, Mortgagor, and Continental Bank, N.A., as agent for itself and other lenders, Mortgagee.

WITNESSETH:

WHEREAS, on the 19th day of March, 1993, Mortgagor executed and delivered in favor of Mortgagee that certain *Future Advance Mortgage, Assignment of Leases and Rents, Security Agreement and Financing Statement* (the "Mortgage"), which Mortgage was, on the 26th day of March, 1993, duly recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument Number 1993-08142, and;

WHEREAS, Mortgagor has requested Mortgagee to release from the lien and effect of said Mortgage the property hereinafter described;

NOW, THEREFORE, in consideration of the payment and reduction of the principal sum secured under said Mortgage by the amount of One Hundred and Five Thousand and no/100 Dollars (\$105,000.00) by the Mortgagor, the Mortgagee hereby releases from the lien and effect of said Mortgage the following portion of said mortgaged premises situated in Shelby County, Alabama, to-wit:

01/04/1994-00005
08:44 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

Part of the S.E. 1/4 of the N.E. 1/4 of Section 31, Township 19 South, Range 2 West, more particularly described as follows:

Commence at P.C. Station 13+54.43 on the West line of Block 3 of Cahaba Valley Park North as recorded in map book 13 page 140 in the Probate Office of Shelby County, Alabama; thence run Southeasterly along the Westerly line of said Block 3 and along the Easterly right of way line of Cahaba Valley Parkway for 237.74 feet; thence 90°-00'-00" left and Northeasterly for 766.75 feet to a point on the Easterly line of said Block 3, said point also being the point of beginning; thence continue Northeasterly along the same course for 291.65 feet to a point on the Westerly right of way line of Interstate Highway I-65; thence 110°-26'-35" right and run Southerly along said right of way line for 478.30 feet to a point on East line of said Block 3, said point also being at the angle point of the Easterly line of said Block 3 where it diverges Westerly from said right of way line; thence 144°-01'-18" right and run Northwesterly along said Easterly line of said Block 3 for 465.17 feet to the point of beginning. Said parcel contains 1.50 acres, or 65,354 square feet, more or less (the "Property").

Sidney Lawder

Inst # 1994-00005

FURTHERMORE, in consideration of such payment, the Mortgagee does hereby release, remise and forever quitclaim to Mortgagor, its successors and assigns, the above described Property, together with all tenements, hereditaments and appurtenances thereto, but it is expressly reserved and stipulated that the Mortgagee shall retain its lien on the remaining balance of the premises described in said Mortgage to secure the remaining principal sum unpaid, according to the terms and provisions of said Mortgage.

This Release does not release any covenants, warranties, indemnities or other obligations of Borrower or any other party under the Mortgage Documents which by their terms expressly survive the release or termination of such Mortgage Documents; provided, however, that this Release shall act as a full Release and termination of all liens, claims and interests Bank possesses under the Mortgage Documents in and to the Released Real Estate.

CONTINENTAL BANK N.A., as Agent
for Itself and Other Lenders, as
Described in the Mortgage

ATTEST:

By: _____
Title: _____

By:

Its: Vice President

Inst # 1994-00005

STATE OF ILLINOIS)
COUNTY OF COOK) SS

01/04/1994-00005
08:44 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 RCD 11.00

I, Shelly A. Scinto, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Charles Gonzales, Vice President of the within named CONTINENTAL BANK N.A., a national banking association, and _____ of said Bank, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and _____, respectively, and to me personally known to be such officers of said Bank, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and deed of said Bank, for the uses and purposes therein set forth; and the said Banking Officer did also then and there acknowledge that he, as custodian of the corporate seal of said Bank, did affix the said corporate seal of said Bank to said instrument, as his own free and voluntary act, and as the free and voluntary act, and as the free and voluntary act and deed of said Bank, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 30th day of December, 1993.

Shelly A. Scinto
Notary Public

My commission expires:

8/5/97

