

PARTIAL RELEASE

STATE OF ALABAMA

COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, that for value received, the undersigned, UNITED STATES FIDELITY AND GUARANTY COMPANY, a Maryland corporation ("Mortgagee"), does hereby release and discharge from the lien and operation of that certain Mortgage and Security Agreement dated November 7, 1989 executed by DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP, an Alabama limited partnership, in favor of Mortgagee, as recorded in Real 265, Page 374 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office"), which has been (i) amended by First Amendment to Mortgage and Security Agreement dated February 19, 1990 and recorded in Real 282, Page 85 in said Probate Office, (ii) amended and restated in its entirety by Amended and Restated Mortgage and Security Agreement dated September 28, 1990 and recorded in Real 312, Page 208 in said Probate Office, (iii) amended by First Amendment to Amended and Restated Mortgage and Security Agreement dated as of April 14, 1992 and recorded as Instrument No. 1992-4714 in said Probate Office and (iv) amended and restated in its entirety by Second Amended and Restated Mortgage and Security Agreement dated February 2, 1993 and recorded as Instrument No. 1993-3120 in said Probate Office (collectively, the "Mortgage"), the following described parcel of land situated in Shelby County, Alabama, to-wit:

See Exhibit A and Exhibit B attached hereto and incorporated herein, both of which have been executed by Mortgagee.

It is understood, however, that the execution of this release shall in no wise operate to release or impair the lien or security of the aforesaid Mortgage upon the property remaining subject thereto.

IN WITNESS WHEREOF, Mortgagee has caused this Partial Release to be executed by its proper officer who is duly authorized as of this the 7<sup>th</sup> day of December, 1993.

UNITED STATES FIDELITY AND  
GUARANTY COMPANY

By: [Signature]

Its: Vice President

STATE OF MARYLAND

COUNTY OF BALTIMORE

02/01/1994-03408  
03:32 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that [Signature] whose name as Vice President of UNITED STATES FIDELITY AND GUARANTY COMPANY, a Maryland corporation, 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 this instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this 7<sup>th</sup> day of December, 1993.

[Signature]  
Notary Public  
My Commission Expires: 1/21/96

NOTARY PUBLIC  
BALTIMORE CITY, MD

Inst # 1994-03408

EXHIBIT A

PARCEL 1A:

To locate the point of beginning commence at the northwest corner of the SE $\frac{1}{4}$  of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama; thence S1°25'11"W on the west boundary of said SE $\frac{1}{4}$  a distance of 1308.92 feet to a point; thence N89°20'05"W a distance of 403.00 feet to a point; thence S38°25'11"W a distance of 310.00 feet to the point of beginning; thence continue S38°25'11"W a distance of 355.03 feet to a point on the northeast right-of-way of U.S. Highway 280; thence S44°43'33"E on the northeast right-of-way of said U.S. Highway 280 a chord distance of 521.59 feet to a point on the north right-of-way of Hugh Daniel Drive, said point being on a curve to the right having a central angle of 15°31'25" and a radius of 683.69 feet; thence along said curve a distance of 185.24 feet; thence tangent to said curve N81°03'02"E a distance of 355.75 feet to a curve to the right having a central angle of 43°18'48" and a radius of 377.47 feet; thence run along curve a distance of 285.35 feet to a curve to the left having a central angle of 11°21'21" and a radius of 542.42; thence run along said curve a distance of 107.54 feet to a point on the west boundary of Lot 1D of the resurvey of Lot 1, Graystone Second Sector, thence N19°15'27"E on the west boundary of said Lot 1D a distance of 160.00 feet to a point; thence N28°57'00"W on the west boundary of said Lot 1D a distance of 125.96 feet to a point on the south boundary of Lot 1A of said resurvey of Lot 1, Graystone Second Sector; thence N88°48'02"W on the south boundary of said Lot 1A a distance of 85.68 feet to a point; thence N72°37'28"W on the south boundary of said Lot 1A a distance of 143.18 feet to a point; thence N29°28'13"E on the south boundary of said Lot 1A a distance of 30.00 feet to a point; thence N60°31'47"W on the south boundary of Lot 1A a distance of 100.00 feet to a point; thence S29°28'13"W on the south boundary of said Lot 1A a distance of 100.00 feet to a point; thence S65°18'23"W on the south boundary of said Lot 1A and Lot 1B a distance of 283.49 feet to a point; thence N66°14'56"W on the south boundary of said Lot 1B a distance of 231.08 feet to a point; thence N16°44'33"W on the west boundary of said Lot 1B a distance of 285.61 feet to a point; thence N51°04'36"W on the west boundary of said Lot 1B a distance of 176.49 feet to the point of beginning.

All lying and being in the S $\frac{1}{2}$  of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama, and containing 7.10 acres.

UNITED STATES FIDELITY AND  
GUARANTY COMPANY

By: *Ch. A. Wink*

Its: *Vice President*

PARCEL 1B:

For the point of beginning commence at the southeast most corner of Lot 1-D, being a resurvey of Lot 1, Greystone 2nd Sector, as recorded in Map Book 16 at Page 20 in the Office of the Judge of Probate of Shelby County, Alabama, said point being on the north right-of-way of Hugh Daniel Drive, said point being on a curve to the left having a central angle of  $43^{\circ}14'09''$  and a radius of 542.42 feet; thence run along said curve a distance of 409.31 feet to a point; thence tangent to said curve  $N63^{\circ}25'53''E$  a distance of 247.10 feet to a point; thence  $N3^{\circ}17'20''E$  a distance of 122.71 feet to a point; thence  $N24^{\circ}19'08''W$  a distance of 215.58 feet to a point; thence  $S63^{\circ}01'25''W$  a distance of 21.56 feet to a point; thence  $N22^{\circ}52'16''W$  a distance of 7.25 feet to a point; thence  $S70^{\circ}58'36''W$  a distance of 301.77 feet to a point on the south boundary of Lot 1-A of said resurvey; thence  $S30^{\circ}48'18''W$  on the south boundary of said Lot 1-A a distance of 35.00 feet to a point; thence  $S78^{\circ}21'39''W$  on the south boundary of said Lot 1-A a distance of 107.38 feet to a point on the east boundary of said Lot 1-D; thence  $S19^{\circ}15'27''W$  on the south boundary of said Lot 1-D a distance of 328.30 feet to the point of beginning.

All lying and being in the SE $\frac{1}{4}$  of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama and containing 4.59 acres.

UNITED STATES FIDELITY AND  
GUARANTY COMPANY

By: *G. A. W.*

Its: *Vice President*

Inst # 1994-03408

02/01/1994-03408  
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SHELBY COUNTY JUDGE OF PROBATE  
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