

References herein to AmSouth Bank N.A.
shall be deemed to refer to AmSouth Bank
of Alabama.

STATE OF ALABAMA)

SHELBY COUNTY)

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, AmSouth Bank N.A. does hereby release and discharge from the lien and operation of that certain Mortgage, Security Agreement and Assignment of Rents and Leases executed by 119 Properties, Ltd., in favor of AmSouth Bank N.A. and recorded in the Office of the Judge of Probate of Shelby County, Alabama in Real Book 251, Page 57, as amended by First Amendment to Mortgage, Security Agreement and Assignment of Rents and Leases and recorded in Real Book 263, Page 301, as further amended by Second Amendment to Mortgage, Security Agreement and Assignment of Rents and Leases and recorded in Real Book 323, Page 44, and as amended by Third Amendment to Mortgage, Security Agreement and Assignment of Rents and Leases recorded in Real Book 364, Page 192, the real estate described in **Exhibit A** attached hereto and made a part hereof.

It is expressly understood and agreed that this Partial Release shall in no way and to no extent whatever release, impair or otherwise affect the lien of said mortgage as to the remainder of real estate described in and secured by said mortgage.

IN WITNESS WHEREOF, the undersigned, AmSouth Bank N.A. by through its duly authorized officer, has executed this release of property from the mortgage and the amendments thereto, this 29th day of July, 1994.

AMSOUTH BANK N.A.

By:
Its:

Dean H. Burgess
Vice President

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Dean H. Burgess, whose name as Vice President of AmSouth Bank N.A., a national banking association, is signed to the foregoing Partial Release of Mortgage, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 29th day of July, 1994.

Anna L. Vacarella
Notary Public MY COMMISSION EXPIRES OCTOBER 12, 1996
My Commission Expires: _____

Inst # 1994-24347

08/04/1994-24347
09:13 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 18.00

EXHIBIT A

PARCEL A

DESCRIPTION:

PART OF S.E. 1/4 SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE RUN EAST ALONG THE SOUTH LINE OF SAME FOR 1,826.71 FEET; THENCE 122°-59'-53" LEFT AND RUN NORTHWESTERLY FOR 399.97 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF OAK MOUNTAIN PARK ROAD; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE FOR 846.69 FEET; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY FOR 152.01 FEET; THENCE 90°-00'-00" LEFT AND RUN NORTHWESTERLY FOR 349.02 FEET; THENCE 90°-00'-00" LEFT AND RUN SOUTHWESTERLY FOR 160.00 FEET; THENCE 88°-41'-21" RIGHT AND RUN NORTHWESTERLY FOR 25.0 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ALABAMA HIGHWAY 119; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 253.07 FEET; THENCE 14°-02'-10" RIGHT AND CONTINUE NORTHEASTERLY FOR 9.51 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF A COUNTY ROAD; THENCE 30°-57'-50" RIGHT AND RUN EASTERLY ALONG SAID RIGHT OF WAY LINE FOR 62.56 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 45°-00'-00" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 390.67 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 90°-00'-00" LEFT AND RUN NORTHEASTERLY FOR 575.98 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OAK MOUNTAIN STATE PARK ROAD; THENCE 86°-19'-31" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 142.98 FEET; THENCE 22°-07'-10" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 266.08 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 3,579.72 FEET AND SUBTENDING A CENTRAL ANGLE OF 03°-16'-07"; THENCE 08°-19'-34" RIGHT TO THE CHORD OF SAID CURVE AND RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE FOR 204.22 FEET; THENCE FROM SAID CHORD 09°-37'-54" LEFT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 96.08 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 3,599.42 FEET AND SUBTENDING A CENTRAL ANGLE OF 02°-19'-55"; THENCE 13°-55'-51" RIGHT TO THE CHORD OF SAID CURVE AND RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE FOR 146.49 FEET TO A POINT AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF SAID OAK MOUNTAIN STATE PARK ROAD AND THE NORTH RIGHT OF WAY LINE OF A PROPOSED STREET; THENCE FROM THE CHORD OF SAID CURVE 97°-35'-27" RIGHT AND RUN SOUTHWESTERLY ALONG THE NORTH RIGHT OF WAY LINE OF SAID PROPOSED STREET FOR 300.49 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND SUBTENDING A CENTRAL ANGLE OF 17°-54'-41"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE FOR 15.63 FEET TO THE END OF SAID CURVE, SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE FROM THE TANGENT OF SAID CURVE 97°-08'-18" RIGHT AND RUN NORTHWESTERLY FOR 210.58 FEET TO A POINT ON THE APPROXIMATE FLOODWAY LINE OF BISHOPS CREEK; THENCE 121°-47'-55" LEFT AND RUN SOUTHWESTERLY ALONG SAID APPROXIMATE FLOODWAY LINE FOR 442.86 FEET; THENCE 87°-23'-54" LEFT AND RUN SOUTHEASTERLY FOR 200.21 FEET; THENCE 92°-36'-06" LEFT AND RUN NORTHEASTERLY FOR 276.49 FEET TO A POINT ON THE RIGHT OF WAY LINE OF SAID PROPOSED STREET, SAID POINT BEING ON A CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 50.00 FEET AND SUBTENDING A CENTRAL ANGLE OF 85°-26'-04"; THENCE 60°-46'-27" LEFT TO BECOME TANGENT TO SAID CURVE AND RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID PROPOSED RIGHT OF WAY LINE OF SAID PROPOSED STREET FOR 74.55 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 75,922.13 SQUARE FEET, MORE OR LESS, OR 1.74 ACRES, MORE OR LESS.

PARCEL B

DESCRIPTION:

PART OF S.E. 1/4 SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE RUN EAST ALONG THE SOUTH LINE OF SAME FOR 1,826.71 FEET; THENCE 122°-59'-53" LEFT AND RUN NORTHWESTERLY FOR 399.97 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF OAK MOUNTAIN PARK ROAD; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE FOR 846.69 FEET; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY FOR 152.01 FEET; THENCE 90°-00'-00" LEFT AND RUN NORTHWESTERLY FOR 349.02 FEET; THENCE 90°-00'-00" LEFT AND RUN SOUTHWESTERLY FOR 160.00 FEET; THENCE 88°-41'-21" RIGHT AND RUN NORTHWESTERLY FOR 25.0 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ALABAMA HIGHWAY 119; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 253.07 FEET; THENCE 14°-02'-10" RIGHT AND CONTINUE NORTHEASTERLY FOR 9.51 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF A COUNTY ROAD; THENCE 30°-57'-50" RIGHT AND RUN EASTERLY ALONG SAID RIGHT OF WAY LINE FOR 62.56 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 45°-00'-00" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 390.67 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 90°-00'-00" LEFT AND RUN NORTHEASTERLY FOR 575.98 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OAK MOUNTAIN STATE PARK ROAD; THENCE 86°-19'-31" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 142.98 FEET; THENCE 22°-07'-10" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 187.31 FEET TO THE SOUTH EAST CORNER OF THE WAFFLE HOUSE SITE, SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE SOUTHEASTERLY ALONG THE LAST STATED COURSE FOR 78.77 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 3579.72 FEET AND SUBTENDING A CENTRAL ANGLE OF 00°-33'-45"; THENCE 11°-36'-42" RIGHT TO THE CHORD OF SAID CURVE AND RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SAID RIGHT OF WAY LINE FOR 35.15 FEET TO A POINT AT THE NORTHEAST CORNER OF THE PEACHES AND CREAM SITE; THENCE 62°-14'-05" RIGHT FROM THE CHORD OF SAID CURVE AND RUN SOUTHWESTERLY ALONG THE NORTH PROPERTY LINE OF SAID PEACHES AND CREAM SITE AND ALONG THE NORTH LINE OF THE S.D.P. MOTEL SITE FOR 321.34 FEET; THENCE 06°-12'-14" LEFT AND RUN SOUTHWESTERLY ALONG THE NORTH LINE OF SAID S.D.P. MOTEL SITE AND ALONG THE NORTH LINE OF THE COCK OF THE WALK SITE FOR 449.57 FEET TO THE NORTHWEST CORNER OF SAID COCK OF THE WALK SITE; THENCE 92°-36'-06" RIGHT AND RUN NORTHWESTERLY FOR 506.69 FEET; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY FOR 78.38 FEET TO THE SOUTHWEST CORNER OF THE SEARS SERVICE CENTER SITE; THENCE 25°-10'-15" RIGHT AND RUN EASTERLY ALONG THE SOUTH LINE OF SAID SEARS SERVICE CENTER SITE AND ALONG THE SOUTH LINE OF THE TRUSTHOUSE FORTE HOTEL SITE FOR 620.32 FEET; THENCE 07°-52'-59" RIGHT AND RUN SOUTHEASTERLY ALONG SAID TRUSTHOUSE FORTE HOTEL SITE AND ALONG THE WAFFLE HOUSE SITE FOR 219.42 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 263,353.50 SQUARE FEET, MORE OR LESS, OR 6.04 ACRES, MORE OR LESS.

PARCEL C

Bishop Circle Description

Public Road known as Bishop Circle as shown on plat recorded in Map Book 18, Page 108, in the Probate Office of Shelby County, Alabama.

Inst # 1994-24347

**08/04/1994-24347
09:13 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 18.00**