

This instrument prepared by:
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Gordon, Silberman, Wiggins &
Childs, P. C.
1400 SouthTrust Tower
Birmingham, Alabama 35203

PARTIAL RELEASE AND AMENDMENT TO SECOND MORTGAGE

WHEREAS, the undersigned CREST RIDGE ASSOCIATES, L.L.C., an Alabama limited liability company ("Mortgagor") executed and delivered to CHARLES W. DANIEL, an individual ("Mortgagee") a Second Mortgage and Security Agreement dated June 7, 1994 ("Second Mortgage") which Second Mortgage was recorded in Instrument 1994-18518, in the office of the Judge of Probate of Shelby County, Alabama and is second and subordinate to that certain Mortgage and Security Agreement dated June 7, 1994, by and between the Mortgagor and Crest Ridge, Inc.; and

WHEREAS, the Mortgagee and the Mortgagor have agreed to release from the Second Mortgage the following parcels of property (the "Released Parcels"):

Lots 16, 17 and 18 according to the Survey of The Crest at Greystone, First Addition, as recorded in Map Book 19, page 52 in the Probate Office of Shelby County, Alabama.

and to substitute in lieu of the Released Parcels to become a part of the Mortgaged Property, as defined in the Second Mortgage, the following parcels of property (the "Replacement Parcels"):

Lots 1, 3, 12 and 13, according to the survey of The Crest at Greystone, Second Addition, as recorded in Map Book 19, Page 53 in the Probate Office of Shelby County, Alabama.

NOW, THEREFORE, Mortgagor and Mortgagee hereby agree as follows:

1. That the Mortgagee does hereby release, remise, convey and quitclaim unto the said Mortgagor, its successors and assigns the Released Parcels from the lien, operation and effect of the Second Mortgage.

As to all other Mortgaged Property described and conveyed in said Mortgage, the lien thereof shall remain in full force and effect.

2. That the Mortgage is hereby amended to include in the Mortgaged Property the Replacement Parcels, the same as if they had been included as part of the Mortgaged Property when the

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Second Mortgage was executed on June 7, 1994, and recorded on June 9, 1994, in 1994-18518 in the Office of the Judge of Probate of Shelby County, Alabama.

3. Except as hereinabove expressly amended, including the release of the Released Parcels, the terms of the Second Mortgage shall remain unaffected and are hereby ratified and affirmed.

Dated this 14th day of August, 1995.

MORTGAGOR:

CREST RIDGE ASSOCIATES, L.L.C.,
an Alabama limited liability company

By Charles W. Daniel
Its Managing Member

MORTGAGEE:

Charles W. Daniel
Charles W. Daniel

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SHELBY COUNTY JUDGE OF PROBATE
002 MCD 11.00

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Charles W. Daniel, whose name as Managing Member of CREST RIDGE ASSOCIATES, L.L.C., an Alabama limited liability company, 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 said instrument, he, as such managing member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this the 14th day of August, 1995.

Martha Allison
Notary Public
My Commission Expires: 4-20-97

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Charles W. Daniel, whose name 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 14th day of August, 1995.

Martha Allison
Notary Public
My Commission Expires: 4-20-97