

This Instrument Prepared By:  
Gail L. Mills, Esq.  
BURR & FORMAN  
420 North 20th Street, Suite 3100  
Birmingham, Alabama 35203

STATE OF ALABAMA ) PARTIAL RELEASE OF RECORDED LIEN  
COUNTY OF SHELBY )

KNOW ALL MEN BY THESE PRESENTS, That SOUTHTRUST BANK OF ALABAMA, NATIONAL ASSOCIATION, a national banking association ("SouthTrust"), is owner and holder of the following documents, each dated January 17, 1996, from DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP, an Alabama limited partnership (collectively, the "Security Documents"):

- (a) That certain Mortgage and Security Agreement dated January 17, 1996 and recorded as Instrument #1996-1842 in the Office of the Judge of Probate of Shelby County, Alabama;
- (b) That certain Assignment of Rents and Leases dated January 17, 1996 and recorded as Instrument No. 1996-1843 in said Probate Office; and
- (c) That certain U.C.C.-1 Financing Statement recorded as Instrument #1996-1844 in said Probate Office.

NOW, THEREFORE, in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, SouthTrust does hereby release from the lien of each of the above Security Documents the following property:

Lots 8+9, according to the Map and Survey of Greystone, 4th Sector, Phase II, as recorded in Map Book 22, Page 27, in the Office of the Judge of Probate of Shelby County, Alabama (the "Subject Lot").

This is a PARTIAL RELEASE only, and the lien and effect of each of the Security Documents shall remain in full force and effect as to all property encumbered by the Security Documents other than the Subject Lot and any other property specifically released in writing by SouthTrust.

IN WITNESS WHEREOF, SouthTrust has cause this instrument to be properly executed this the 31st day of January, 1997.

SOUTHTRUST BANK OF ALABAMA,  
NATIONAL ASSOCIATION, a national banking association

BY: [Signature]

Its: Vice President

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said State, in said County, hereby certify that Stephen T. Hobbins, whose name as Vice President of SouthTrust Bank of Alabama, National Association, a national banking association, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the instrument, he, as such officer, executed the same voluntarily and with full authority for and as the act of said association.

Given under my hand and seal this the 31st day of January, 1997.

My Commission expires:

My Commission Expires  
October 23, 2000

NOTARY PUBLIC

Kurri W. Shotts  
02/11/1997-04450

09:01 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 NC9 8.50