

**PARTIAL RELEASE OF LAND FROM MORTGAGE  
AND ASSIGNMENT OF RENTS AND LEASES**

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**KNOW ALL MEN BY THESE PRESENTS**, that

**WHEREAS**, the undersigned, **First Commercial Bank** (hereinafter referred to as "Lender"), is the owner and holder of record of that certain Mortgage and Security Agreement (hereinafter referred to as "Mortgage") executed by **EES JOINT VENTURE** (hereinafter referred to as "Borrower"), recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Book 285, Page 215 and amended in Book 362, Page 91 and is the owner and holder of record of that certain Assignment of Rents and Leases (hereinafter referred to as "Assignment") executed by Borrower, dated the 30th day of March, 1990 and recorded in the Office of the Judge of Probate of Shelby County, Alabama in Book 285, Page 242, in which "Mortgage" the following land is described and conveyed and in which "Assignment" the rents and leases on the following land is assigned; and

**WHEREAS**, for the consideration herein set out, the said "Lender", has agreed to release from the lien of said "Mortgage" the hereinafter described land and further release the hereinafter described land from the "Assignment".

**NOW, THEREFORE**, in consideration of the premises and the sum of One Dollar (\$1.00) paid to the said "Lender", by "Borrower" on the execution and delivery of this instrument, the receipt of which sum is hereby acknowledged, the said "Lender", does hereby release, remise, convey and quitclaim unto the said "Borrower", its heirs and assigns from the lien, operation, and effect of said "Mortgage" and "Assignment" the land described in said "Mortgage" and "Assignment" which is described as follows, to wit:

See Exhibit "A" attached hereto and made a part hereof.

As to all other land described and conveyed in said "Mortgage" and "Assignment", the lien thereof shall remain in full force and effect unaffected by this release.

**TO HAVE AND TO HOLD** said tract or parcel of land unto the said "Borrower", its heirs and assigns forever.

This release is given for the purpose of enabling "Borrower" to make a valid conveyance of said lands free and clear of lien of said "Mortgage" and "Assignment".


04/08/1997-10942  
03:15 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MCD 14.50

*Corlees*

Inst # 1997-10942

**IN WITNESS WHEREOF**, the "Lender", acting by and through Michael R. Washburn, its Senior Vice-President, its duly authorized officer, has caused this instrument to be signed, its name to be hereto affixed this 7th day of April, 1997.

**LENDER**

BY:  (SEAL)  
Michael R. Washburn  
Its Senior Vice-President

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a notary public in and for said county in said state, hereby certify that **Michael R. Washburn**, whose name as Senior Vice-President, of First Commercial Bank, is signed to the foregoing Partial Release of Land from Mortgage and Assignment of Rents and Leases and who is known to me, acknowledged before me on this day that, being informed of the contents of this Partial Release of Land from Mortgage and Assignment of Rents and Leases, he, as such officer and with full authority, executed the same voluntarily for and as the act of said bank.

Given under my hand this the 7th day of April, 1997.

  
NOTARY PUBLIC  
My Commission Expires: 1/13/2001

EXHIBIT "A"

Part of the NW 1/4 of the SW 1/4 of Section 30, Township 19 South, Range 2 West, being more particularly described as follows:

Commence at the NE corner of the NW 1/4 of the SW 1/4 of Section 30, Township 19 South, Range 2 West; thence run North  $87^{\circ}40'12''$  West 973.32 to a point; thence turn an angle to the left of  $93^{\circ}43'45''$  and run South  $01^{\circ}23'57''$  West for 663.70 feet; thence turn an angle to the right of  $90^{\circ}00'00''$  and run South  $88^{\circ}36'03''$  West for 30.00 feet; thence turn an angle to the left of  $90^{\circ}02'35''$ , record,  $90^{\circ}01'50''$ , measured, and run South  $01^{\circ}25'47''$  East for 215.58 feet to a point, said point being the beginning of a curve to the left, said curve subtending a central angle of  $00^{\circ}52'05''$  and having a radius of 1447.24 feet; thence run along the arc of said curve for 21.93 feet to the corner of said Lot 11, of said Southpark; thence turn an angle to the left of  $85^{\circ}53'54.5''$  to the chord of said curve and run North  $90^{\circ}00'00''$  East for 276.70 feet to a point, said point being the Northeastern corner of said Lot 11, Southpark and also being a point on the Westerly line of Lot 2 of Sunlink Subdivision as recorded in Map Book 14, Page 25, in the Office of the Probate Judge of Shelby County, Alabama; thence turn an angle to the right of  $90^{\circ}00'00''$  and run South  $00^{\circ}00'00''$  West for 200.0 feet along the Westerly line of said Lot 2 of Sunlink Subdivision and the Easterly line of said Lot 11 of Southpark to the Southeast corner of said Lot 11, Southpark; thence  $90^{\circ}00'00''$  right and run North  $90^{\circ}00'00''$  West for 267.70 feet to a point, said point being on the Easterly right of way line of Southpark Drive; thence turn an angle to the right of  $02^{\circ}50'29''$  and run North  $02^{\circ}50'29''$  West for 50.35 feet to a point on the Westerly right of way line of Southpark Drive and to the point of beginning; thence turn an angle to the left of  $90^{\circ}00'00''$  and run South  $87^{\circ}09'31''$  East along the Westerly right of way line of said Southpark Drive for 14.35 feet to a point; said point being on a curve to the right, said curve subtending a central angle of  $66^{\circ}48'11''$  and having a radius of 25.00 feet, thence run along the arc of said curve and along the Westerly right of way line of said Southpark Drive for 29.15 feet to a point, said point being on the Easterly right of way line of U.S. Highway 31 South, and said point being on a curve to the left, said curve subtending a central angle of  $02^{\circ}16'54''$  and having a radius of 5881.31 feet; thence turn an angle to the right of  $146^{\circ}35'54.5''$  to the chord of said curve and run along the arc of said curve and along the Easterly right of way line of U.S. Highway 31 South for 234.21 feet to a point; thence turn an angle to the right from the chord of said curve of  $88^{\circ}38'25''$  and run North  $00^{\circ}01'21''$  East for 2.28 feet to a point on the Westerly right of way line of Southpark Drive, said point being on a curve to the left, said curve subtending a central angle of  $03^{\circ}41'07''$  and having a radius of 1479.24 feet; thence turn  $85^{\circ}56'14.5''$  right to the chord of said curve and run along the arc of said curve and along the Westerly right of way line of said Southpark Drive for 96.30 feet to a point, said point being on a curve to the left, said curve subtending a central angle of  $08^{\circ}44'48''$  and having a radius of 628.79 feet; thence run along the arc of said curve and along the Westerly right of way line of said Southpark Drive for 95.99 feet to the end of said curve; thence run South  $87^{\circ}09'31''$  East for 5.67 feet to the point of beginning.

Inst # 1997-10942

04/08/1997-10942  
03:15 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MCD 14.50