

STATE OF ALABAMA)
SHELBY COUNTY)

PARTIAL RELEASE OF MORTGAGE

FOR VALUE RECEIVED, NATIONAL BANK OF COMMERCE OF BIRMINGHAM, a national banking association (the "Mortgagee"), which is the owner and holder of that certain Mortgage dated July 15, 1997 executed to the Mortgagee by G.B.S. Development Company, L.L.C., and filed for record on July 22, 1997 in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 1997-22974 (the "Mortgage"), and of the indebtedness secured thereby, does hereby release from the lien of the Mortgage the following described property:

All property described on Exhibit A attached hereto and made a part hereof.

Provided, however, that nothing contained in this Partial Release of Mortgage shall affect the lien of the Mortgage as to the remainder of the premises described in the Mortgage, and the Mortgage shall remain in full force and effect in accordance with its terms with respect to all of such remaining premises.

The undersigned further consents to (i) the execution and delivery by G.B.S. Development Company, L.L.C. of a deed conveying to BW Leasing Company, L.L.C. the property described on Exhibit A and (ii) the granting of certain non-exclusive easements for ingress and egress and the installation, use and maintenance of utilities (the "Easements") as more particularly described in said conveyance, on, over, across, under and through the property described on Exhibit B. The undersigned further agrees that (i) the Mortgage shall be junior to the Easements and (ii) the foreclosure of the Mortgage shall not extinguish the Easements.

IN WITNESS WHEREOF, the Mortgagee has executed this instrument, as of December 15, 1997.

**NATIONAL BANK OF COMMERCE OF
BIRMINGHAM**

By _____


Robert B. Aland,
Its Senior Vice President

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Robert B. Aland, whose name as Senior Vice President of National Bank of Commerce of Birmingham, 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 Partial Release of Mortgage, he, as such officer and with full authority, executed the same voluntarily for and as the act of said banking association.

Given under my hand and official seal, this the 15th day of December, 1997.

Stephan Williams
Notary Public

[AFFIX SEAL]

My commission expires: 9-2-2001

This instrument prepared by:
Thomas C. Clark III, Esq.
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
Suite 2400, AmSouth/Harbert Building
Birmingham, Alabama 35203-2602
(205) 254-1000

EXHIBIT A

(Description)

Part of the South 1/2 of the S.E. 1/4 of the N.W. 1/4 of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Begin at a 2 1/2 inch capped iron at the Southwest corner of the S.E. 1/4 of the N.W. 1/4 of Section 15, Township 19 South, Range 2 West; thence run northerly along the West line of said 1/4 1/4 Section for 331.15 feet to an old axle, said axle being on the North line of said South 1/2 of South 1/2 said 1/4 1/4 Section; thence turn an angle to the right of 90° 38' 26" and run Easterly along the North line of the said South 1/2 of the South 1/2 for 953.28 feet to a rebar on the westerly right of way line of Caldwell Mill Road; thence turn an angle to the right of 50°24'38" and run southeasterly along the westerly right of way line of Caldwell Mill Road for 37.77 feet to a rebar; thence turn an angle to the right of 101°01'51" and run southwesterly for 204.69 feet to a nail; thence turn an angle to the left of 88°35'37" and run southeasterly for 234.21 feet to a 1 1/2 inch crimp iron, said iron also being on the South line of said South 1/2 of the South 1/2; thence turn an angle to the right of 117°17'38" and run westerly along the South line of said South 1/2 of the South 1/2 for 524.31 feet to the POINT OF BEGINNING; thence 90°00'00" to the right and run northerly for 220.38 feet; thence 90°00'00" left and run westerly for 263.42 feet to a point; thence 90°00'00" left and run southerly for 49.00 feet; thence 46°44'38" left and run southeasterly for 45.31 feet to a point; thence 46°44'38" right and run 140.43 feet southerly to the South line of said 1/2 of the South 1/2 of said 1/4 1/4 Section, said point being 146.00 feet east of the S.W. corner of the S.E. 1/4 of the N.W. 1/4 of Section 15, Township 19 South, Range 2 West; thence 90°00'00" left and run 230.42 feet along said South line of the South 1/2 of the South 1/2 of said 1/4 1/4 Section line to the POINT OF BEGINNING.

LESS AND EXCEPT ANY PORTION OF THE ABOVE-DESCRIBED PROPERTY WHICH LIES WITHIN THE FOLLOWING PROPERTY:

Part of the South 1/2 of the S.E. 1/4 of the N.W. 1/4 of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 2 1/2 inch capped iron at the Southwest corner of the S.E. 1/4 of the N.W. 1/4 of Section 15, Township 19 South, Range 2 West; thence run northerly along the West line of said 1/4 1/4 Section for 333.15 feet to an old axle, said axle being on the North line of said South 1/2 of the South 1/2 of said 1/4 1/4 section; thence turn an angle to the right of 90°38'26" and run easterly along the North line of the said South 1/2 of the South 1/2 for 953.28 feet to a rebar on the westerly right of way line of Caldwell Mill Road; thence turn an angle to the right of 50°24'38" and run southeasterly for 19.37 feet to the POINT OF BEGINNING of a 28 foot wide easement for ingress/egress for said proposed Lots 1, 2, 3, and 4; thence turn an angle to the right of 112°30'34" and run southwesterly for 269.86 feet along the center line of said easement to a point, said point being on a curve to the right, said curve

subtending a central angle of $27^{\circ}53'20''$ and having a radius of 68.25 feet; thence run along the arc of said curve for 33.22 feet to the end of said curve; thence at tangent to said curve run westerly for 578.39 feet along the center line of said 28.0 foot wide easement to the end of said easement.

Exhibit B

(Easement Property)

Part of the South 1/2 of the S.E. 1/4 of the N.W. 1/44 of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 2 1/2 inch capped iron at the Southwest corner of the S.E. 1/4 of the N.W. 1/4 of Section 15, Township 19 South, Range 2 West; thence run northerly along the West line of said 1/4 1/4 Section for 333.15 feet to an old axle, said axle being on the North line of said South 1/2 of the South 1/2 of said 1/4 1/4 section; thence turn an angle to the right of 90°38'26" and run easterly along the North line of the said South 1/2 of the South 1/2 for 953.28 feet to a rebar on the westerly right of way line of Caldwell Mill Road; thence turn an angle to the right of 50°24'38" and run southeasterly for 19.37 feet to the POINT OF BEGINNING of a 28 foot wide easement for ingress/egress for said proposed Lots 1, 2, 3, and 4; thence turn an angle to the right of 112°30'34" and run southwesterly for 269.86 feet along the center line of said easement to a point, said point being on a curve to the right, said curve subtending a central angle of 27°53'20" and having a radius of 68.25 feet; thence run along the arc of said curve for 33.22 feet to the end of said curve; thence at tangent to said curve run westerly for 578.39 feet along the center line of said 28.0 foot wide easement to the end of said easement.

Inst # 1997-41322

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10:24 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 SWA 18.50