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This instrument prepared by:
J. Dennis Bailey
9636 Parkway East
Birmingham, Alabama 35215

PARTIAL MORTGAGE RELEASE

STATE OF ALABAMA)
SHELBY COUNTY)

WHEREAS, Union State Bank ("USB") is the owner and holder of that certain Promissory Note dated February 20, 1995, in the original amount of \$500,000.00, executed and delivered to USB by Frank C. Ellis, Jr. and Interstate Restaurant Investors ("Interstate"), which said Note is secured by that certain mortgage executed by Frank C. Ellis, Jr. and Interstate Restaurant Investors in favor of USB, and filed for record, in Instrument No. 1995-4568 with Assignments of Rents and Leases in Inst. No. 1995-4569 and Amendment in Inst. No. 1995-18758 and Amendment to Mortgage in Inst. No. 1996-10324, in the Probate Office in Shelby County, Alabama; and

WHEREAS, FOR VALUE RECEIVED, USB does hereby release from the lien of said Mortgage, and the amendments thereto, if any, the following described real property only, to-wit:

That parcel as shown on the Right of Way Map of Project No. STPAA-7136(1) of record with the Alabama Department of Transportation, a copy of which is also deposited in the Office of the Judge of Probate of Shelby County, Alabama, as an aid to persons and entities interested therein, and as shown on the property plat attached to the Warranty Deed dated October 16, 1997, and filed of record on 3-3-98, 1997, in Instrument No. 1998-07163 in said Probate Office, being more particularly described:

A part of the SE ¼ of the SW ¼ of Section 31, Township 19 South, Range 2 West identified as Tract No. 3 on Project No. STPAA-7136(1) in Shelby County, Alabama and being more fully described as follows:

Commencing at the southeast corner of said SE ¼ of the SW ¼; thence north along the east line of said SE ¼ of the SW ¼ a distance of 830 feet, more or less, to the present south right-of-way line of Alabama Highway 119; thence westerly along said right of way line a distance of 1097 feet, more or less, to the northeast property line and the point of beginning of the property herein to be conveyed; thence continue westerly along said south right of way line a distance of 148 feet, more or less, to the west property line; thence southerly along said property line a distance of 30 feet, more or less, to a point that is 70 feet southerly of and at right angles to the centerline of said project; thence easterly, parallel with said centerline, a distance of 148 feet, more or less, to the east property line; thence northeasterly along said east property line a distance of 30 feet, more or less, to the point of beginning.

Containing 0.10 acres, more or less.

BUT THIS IS A PARTIAL RELEASE ONLY, and it is expressly agreed and understood that this Partial Release is given upon the condition that neither this Partial Release nor anything contained herein shall in any wise release, diminish, alter or affect the lien upon the remaining property described in the aforesaid Mortgage, or the amendments thereto, if any, or any and all other security instruments securing said Note, and that this Partial Release is executed without representation, warranty or recourse,

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expressed or implied, upon the undersigned; and

WHEREAS, all other terms and conditions of the aforementioned Mortgage, and the amendments thereto, if any, are to remain unchanged and said amendment to the Mortgage, if any, or this Partial Release shall not alter, change or affect the validity of the lien of the said remaining described real property.

IN WITNESS WHEREOF, USB, by and through its authorized officer, has executed this instrument on this the 17 day of DECEMBER, 1997.

UNION STATE BANK.

BY:

Roy V. Alford
Its Pres.

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that ROY V. ALFORD, whose name as District Manager of UNION STATE BANK, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 17 day of DECEMBER, 1997.

NOTARY PUBLIC

[Signature]

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