

This instrument prepared by:

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800 Shades Creek Parkway, Suite 400  
Birmingham, Alabama 35209

STATE OF ALABAMA     )  
SHELBY COUNTY        )

**PARTIAL RELEASE OF MORTGAGE**  
**and ASSIGNMENT OF LEASES, RENTS AND PROFITS**

**THIS INDENTURE**, made and entered into this 26<sup>TH</sup> day of July, 1998, by and between  
NORTH PELHAM, L.L.C., Mortgagor, and FIRST COMMERCIAL BANK, Mortgagee.

**WITNESSETH:**

**WHEREAS**, on the 26th day of May, 1998, Mortgagor executed and delivered in favor of  
Mortgagee a certain Mortgage and Security Agreement (hereinafter the "Mortgage") and a certain  
Assignment of Leases, Rents and Profits (hereinafter the "Assignment") to secure the payment of  
the sum of One Million Six Hundred Thousand Forty and No/100 Dollars (\$1,600,040.00), which  
Mortgage was, on the 28th day of May, 1998, duly recorded in the Office of the Judge of Probate  
of Shelby County, Alabama, in Instrument Number 1998-19365, and which said Assignment was,  
on the 28th day of May, 1998, duly recorded in the Office of the Judge of Probate of Shelby County,  
Alabama, in Instrument Number 1998-19366;

**WHEREAS**, Mortgagor has requested Mortgagee to release from the lien and effect of said  
Mortgage and of said Assignment the property hereinafter described;

**NOW, THEREFORE**, in consideration of the payment of the principal sum of TWO  
HUNDRED THOUSAND and No/100 Dollars (\$200,000.00) by the Mortgagor, the Mortgagee

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hereby releases from the lien and effect of said Mortgage and effect of said Assignment that portion of said mortgaged premises situated in Shelby County, Alabama, and further described on Exhibit A attached hereto.

**FURTHERMORE**, in consideration of such payment, the Mortgagee does hereby release, remise and forever quitclaim to Mortgagor, its successors and assigns, the above described premises, together with all tenements, hereditaments and appurtenances thereto, but it is expressly reserved and stipulated that the Mortgagee shall retain its lien on the remaining balance of the premises described in said Mortgage and in said Assignment to secure the principal sum unpaid, according to the terms and provisions of said Mortgage and of said Assignment.

**IN WITNESS WHEREOF**, the Mortgagee has executed this instrument, all on the day and year first above written.

**MORTGAGEE:**

FIRST COMMERCIAL BANK

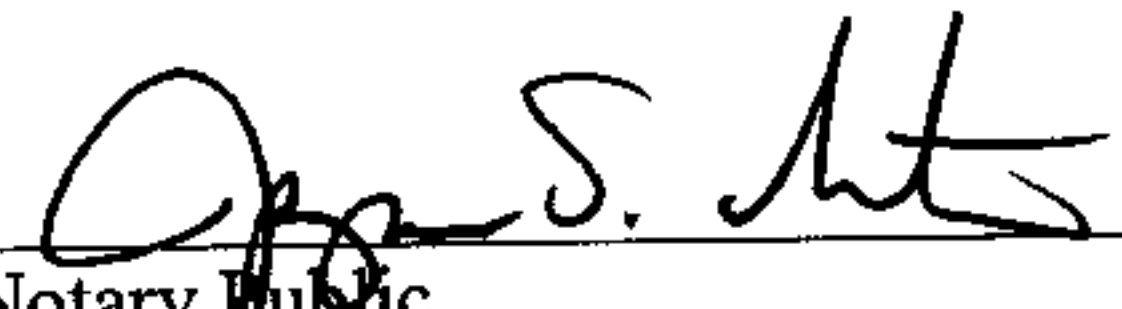
By:   
Thomas K. Genetti  
Its First Vice President

STATE OF ALABAMA )

COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Thomas K. Genetti, whose name as First Vice President of First Commercial Bank, an Alabama banking corporation, is signed to the foregoing Partial Release of Mortgage and Assignment of Leases, Rents and Profits, and who is known to me, acknowledged before me on this day, that being informed of the contents thereof, he, as such officer and with full authority, executed the same voluntarily for and as the act of said banking corporation.

Given under my hand and official seal, this the 24th day of July, 1998.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

**NOTARY PUBLIC STATE OF ALABAMA AT LARGE**  
**MY COMMISSION EXPIRES: MAR. 31, 2001**  
**BONDED THRU NOTARY PUBLIC UNDERWRITERS**

## EXHIBIT A

Commence at the Northeast corner of Section 36, Township 19 South, Range 3 West, Shelby County, Alabama, and run southerly along the east line of said Section 36 for 266.80 feet; thence turn  $117^{\circ}40'00''$  right and run northwesterly 165.21 feet to a point on the west right of way line of U.S. Highway #31; thence turn  $110^{\circ}55'05''$  left to the tangent of a curve to the left at said point, said curve having a radius of 1752.68 feet and run southerly along said curve and said right of way line 16.26 feet to a point; thence turn  $38^{\circ}37'06''$  right from the tangent to said curve at said point and run southwesterly 257.43 feet; thence turn  $3^{\circ}15'57''$  left and run southwesterly 186.73 feet; thence turn  $16^{\circ}12'13''$  right and run southwesterly 66.56 feet; thence turn  $45^{\circ}00'00''$  left and run southwesterly 42.43 feet; thence turn  $45^{\circ}00'00''$  right and run southwesterly 87.46 feet to the point of beginning of a curve to the left, said curve having a radius of 72.00 feet; thence run along said curve 18.96 feet to the point of a tangent to said curve; thence run southwesterly along the tangent to said curve at said point 60.75 feet to a point on the northeast right of way of Shelby County Highway No. 275; thence turn  $87^{\circ}33'27''$  right and run northwesterly along said right of way line 49.60 feet; thence turn  $94^{\circ}17'04''$  right and run northeasterly 123.00 feet; thence turn  $94^{\circ}17'40''$  left and run northwesterly 100.00 feet to the point of beginning of the tract of land herein described; thence turn  $85^{\circ}40'29''$  left and run southwesterly 123.01 feet to a point on said Highway No. 275 right of way; thence turn  $85^{\circ}17'21''$  right and run northwesterly along said right of way line 99.92 feet; thence turn  $40^{\circ}28'05''$  right and run northerly 26.75 feet to a point on the southeast right of way line of a public road right of way (Valleydale Road); thence turn  $64^{\circ}29'48''$  right and run northeasterly along said right of way line 129.28 feet; thence turn  $1^{\circ}30'35''$  right and run along said right of way line 22.27 feet; thence turn  $78^{\circ}11'04''$  right and run southeasterly 91.72 feet; thence turn  $86^{\circ}36'51''$  right and run southwesterly 33.58 feet to the point of beginning.

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