

PARTIAL RELEASE

STATE OF ALABAMA
SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS, that the undersigned First Commercial Bank, an Alabama banking corporation, does hereby release the real property mortgage executed by Empire Coal Sales, Inc and John C. Fay, Jr and Benita Y. Fay which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Inst # 1998-01343, and for good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned does hereby release, remise, quit claim, and convey unto Empire Coal Sales, Inc and John C. Fay, Jr and Benits Y. Fay all of the right, title, and interest of the undersigned in and to the real property described in and to the real property described below or on attached Exhibit "A".

Parcel #1: An undivided 10% interest in and to the following described property: That part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 21, Township 19 South, Range 1 West, lying Southeast of County Highway #43. That part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, in Section 22, Township 19 South, Range 1 West, lying Southwest of County Highway #43. Situated in Shelby County, Alabama.

It is expressly understood and agreed that this release shall not in any manner affect the lien of said mortgage as to the remainder of the property described in and secured by said mortgage.

IN WITNESS WHEREOF, the undersigned First Commercial Bank has hereunto set its hand and seal on this 6th day of January, 2000.

FIRST COMMERCIAL BANK

BY: 

W. Scott Mathews

ITS: Vice President (Title)

01/12/2000-01297

STATE OF ALABAMA
JEFFERSON COUNTY

09:39 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

I, the undersigned, a notary public in and for said county in said state, hereby certify that W. Scott Mathews, whose name as Vice President of First Commercial Bank, as Alabama banking corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this 6th day of January, 2000.


Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Mar. 4, 2001.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

Inst # 2000-01297