

STATE OF ALABAMA

COUNTY OF SHELBY

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

THE TRAVELERS INSURANCE COMPANY, a Connecticut corporation, hereby releases the following instruments INSOFAR AND ONLY INSOFAR as said instruments constitute a lien against the real property described in **Exhibit A** attached hereto and incorporated by reference herein:

- (1) Mortgage dated December 16, 1987 from Western Pocahontas Properties Limited Partnership to The Travelers Insurance Company, of record in the Office of the Judge of Probate of Shelby County, Alabama in Mortgage Book No. 165, at Page 339, as modified by Loan Document Modification Agreement dated July 10, 1992 of record in said Office as Instrument No. 1992-14084, and as further modified by Second Loan Document Modification Agreement dated February 26, 1998, of record in said Office as Instrument No. 1998-07311.
- (2) Assignment of Leases and Rentals dated December 16, 1987 from Western Pocahontas Properties Limited Partnership to The Travelers Insurance Company, of record in the Office of the Judge of Probate of Shelby County, Alabama in Mortgage Book No. 165, at Page 387, as modified by Loan Document Modification Agreement dated July 10, 1992 of record in said Office as Instrument No. 1992-14084, and as further modified by Second Loan Document Modification Agreement dated February 26, 1998, of record in said Office as Instrument No. 1998-07311.

Except as specifically herein released as a lien against the real property described in **Exhibit A**, the above described Mortgage and Assignment of Leases and Rents remain in full force and effect and this instrument is not to be construed as a release of the indebtedness secured thereby, which indebtedness remains outstanding.

IN WITNESS WHEREOF, The Travelers Insurance Company has caused this writing to be signed by its proper officer thereunto duly authorized, all as of this 20th day of August, 2001.

ATTEST:

THE TRAVELERS INSURANCE COMPANY,
a Connecticut corporation

By: *[Signature]*

Its: Assistant Secretary

By: *[Signature]*

Its: First Vice President

08/30/2001-37298
08:20 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MSB 23.00

Inst # 2001-37298

Calaba Title

STATE OF Tennessee

COUNTY OF Shelby

I, Paulette Okmer, a notary public in and for said county in said state, hereby certify that S. Peter Heady, whose name as 1st Vice President of **THE TRAVELERS INSURANCE COMPANY**, a Connecticut 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 such instrument, [he/she], 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 20th day of August, 2001.

Paulette Okmer
Notary Public

[Notarial Seal]

My Commission expires 11-15-2003

This Instrument Prepared By:

Randolph H. Lanier

BALCH & BINGHAM LLP

1901 Sixth Avenue North, Suite 2600

Birmingham, Alabama 35203

EXHIBIT A
to
PARTIAL RELEASE OF MORTGAGE AND ASSIGNMENT OF LEASES AND RENTS

HOOVER PROPERTY

Tract 1:

Part of the South $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 5, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest Corner of Section 5, Township 20 South, Range 3 West; thence in an Easterly direction along the South Line of the SW $\frac{1}{4}$ of said Section 5 a distance of 128.27 feet to the Point of Beginning, said point being on the Southeast Right-of-Way line of a Seaboard Coastline Railroad; thence continue along the last stated course a distance of 2522.62 feet to a point at the Southeast Corner of said SW $\frac{1}{4}$; thence $91^{\circ}59'07''$ to the left in a Northerly direction along the East Line of said SW $\frac{1}{4}$ a distance of 1321.47 feet to a point at the Northeast Corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 5; thence $87^{\circ}59'34''$ to the left in a Westerly direction along the North Line of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 5 a distance of 1724.64 feet to a point on the Southeast Right-of-Way line of said Seaboard Coastline Railroad; thence $61^{\circ}11'13''$ to the left in a Southwesterly direction along said Right-of-Way line a distance of 1380.17 feet to the P.C. (Point of Curve) of a curve to the left having a radius of 2925.00 feet and a central angle of $2^{\circ}24'55''$; thence in a Southwesterly direction along the arc of said curve and along said Right-of-Way line a distance of 123.30 feet to a point; thence $90^{\circ}00'00''$ to the right (Angle Measured from Tangent) in a Northwesterly direction along said Right-of-Way line a distance of 25.00 feet to a point, said point being on a curve to the left having a radius of 2950.00 feet and a central angle of $0^{\circ}18'26''$; thence $90^{\circ}00'00''$ to the left (Angle Measured to Tangent) in a Southwesterly direction along the arc of said curve and along said Right-of-Way line a distance of 15.82 feet to the Point of Beginning. Less and except any Rights-of-Way which may exist. Containing 64.032 acres.

Tract 4:

The E $\frac{1}{2}$ of NE $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 7, Township 20 South, Range 3 West, Shelby County, Alabama.

Tract 5:

All of Section 8, Township 20 South, Range 3 West, Shelby County, Alabama, less and except any land lying within Rights-of-Way which may exist. Containing 621.256 acres.

Tract 6:

The E ½ of the NE 1/4; the NE 1/4 of the SE 1/4; the SW 1/4 of the SE 1/4; the SE 1/4 of the SW 1/4 of Section 18, Township 20 South, Range 3 West and part of the NW 1/4 of the NE 1/4 and part of the N ½ of the NW 1/4 of said Section 18, being more particularly described as follows:

Begin at the Southeast Corner of the NW 1/4 of the NE 1/4 of Section 18, Township 20 South, Range 3 West; thence North along the East Line of said 1/4 – 1/4 section a distance of 1329.27 feet to the Northeast Corner of said 1/4 – 1/4 section; thence 89°52'16" to the left in a Westerly direction along the North Line of said Section 18 a distance of 3980.73 feet to the Northwest Corner of said Section 18; thence 90°38'51" to the left in a Southerly direction along the West Line of said Section 18 a distance of 1325.29 feet to a point; thence 89°13'34" to the left in an Easterly direction a distance of 9.39 feet to a point; thence 37°17'21" to the left in a Northeasterly direction a distance of 234.81 feet to a ½" rebar; thence 37°17'21" to the right in an Easterly direction a distance of 824.47 feet to a ½" rebar; thence 89°57'50" to the right in a Southerly direction a distance of 142.38 feet to a ½" rebar; thence 90°03'28" to the left in an Easterly direction a distance of 2947.99 feet to the Point of Beginning. Less and Except any Rights-of-Way which may exist. Containing 318.028 acres.

Tract 7:

The NW 1/4 of NE 1/4 of Section 19, Township 20 South, Range 3 West, Shelby County, Alabama. Less and except any Rights-of-Way which may exist. Containing 39.369 acres.

It is the intent of the Grantor to convey to Grantee all of Grantor's "deferred interest" in the Property herein described, which deferred interest was reserved by Grantor in that certain Conveyance from Grantor to Western Pocahontas Properties Limited Partnership ("WPP") dated December 31, 1986, of record in the Office of the Probate Judge of Shelby County, Alabama in Deed Book 112, at Page 876, as corrected by Corrective Conveyance from Grantor to WPP dated November 16, 1990, recorded in Deed Book 328, at Page 1, and is further set forth in that certain Deferred Interest Agreement of record in the Office of the Probate Judge of Shelby County, Alabama in Real Volume 247, Page 599, as amended at Real Volume 247, Page 636.

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SHELBY COUNTY JUDGE OF PROBATE