

STATE OF ALABAMA :  
:SS  
COUNTY OF SHELBY :

SPACE ABOVE LINE FOR  
RECORDER'S USE

### PARTIAL TERMINATION AND RELEASE OF EASEMENT

**THIS PARTIAL TERMINATION AND RELEASE OF EASEMENT** is executed as of April /2, 2002, by **BAPTIST HEALTH SYSTEMS, INC.**, an Alabama not-for-profit corporation, d/b/a Shelby Baptist Medical Center (herein called the "Owner"), **SMCMOB II, L.L.C.**, an Alabama limited liability company (herein called the "Tenant"), and **SOUTHTRUST BANK OF ALABAMA**, an Alabama banking corporation (the "Bank").

WHEREAS, the Owner's predecessor in interest, Shelby County Health Care Authority d/b/a Shelby Medical Center executed a Declaration of Easement dated as of April 29, 1998, and recorded as Instrument # 1998-15828 (the "Declaration") in the office of the Judge of Probate of Shelby County, Alabama, whereby certain easement rights were created in favor of the Tenant over land owned by the Owner;


WHEREAS, Tenant has executed a Leasehold Mortgage/Mortgage and Security Agreement in favor of the Bank, as recorded in Instrument Number 1998-15830 (the "Mortgage"); and

WHEREAS, Shelby MOB III, LLC (the "New Tenant"), has leased or is about to lease a portion of the property which is subject to the Declaration, as more particularly described on Exhibit "A" (the "New Leasehold Property") attached hereto.

NOW THEREFORE, for and in consideration of \$10.00 and other good and valuable consideration paid by the New Tenant, the receipt and sufficiency of which are hereby acknowledged, the undersigned Owner, Tenant and Bank hereby disclaim, release, quitclaim and discharge any easement, restriction, covenant or right of way or other rights or interest, created by or arising out of the Declaration over, along and through the New Leasehold Property.

IN WITNESS WHEREOF, the undersigned Owner, Tenant and Bank have caused this instrument to be executed by their duly authorized officers and managers and have executed this instrument as of the date first written above.

**BAPTIST HEALTH SYSTEMS, INC.**

By: 

Name: Charles C Colver

Title: Pres. Spmc

**STATE OF ALABAMA     )**  
**COUNTY OF SHELBY    )**

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Charles C. Colver, whose name as President + Spmc of Baptist Health Systems, Inc., 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 said instrument, 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 11<sup>th</sup> day of April, 2002.

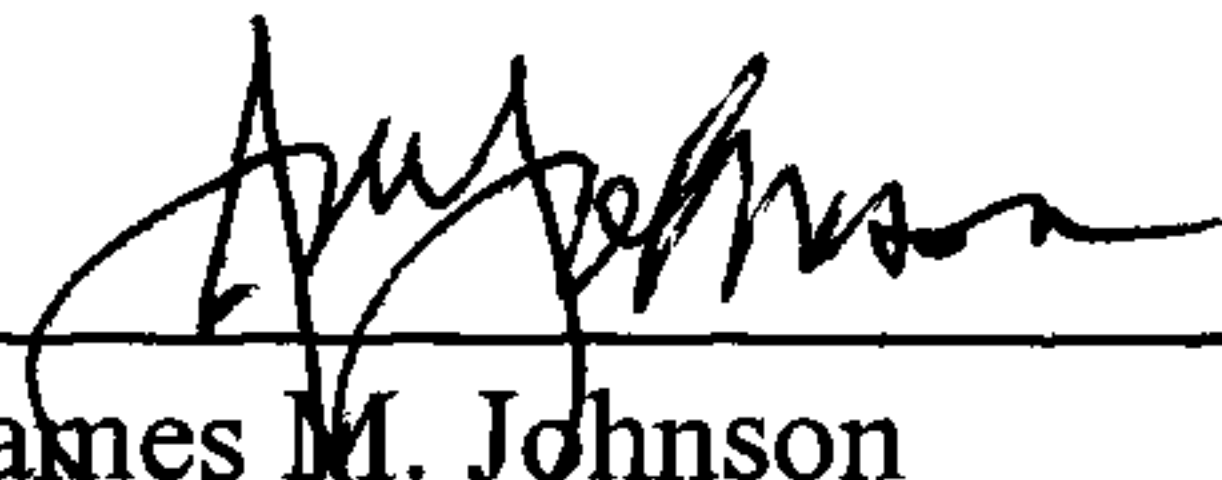
[ NOTARIAL SEAL ]



Notary Public

My Commission expires: 3/25/2006

**SMCMOB II, LLC**


By   
James M. Johnson  
Manager

STATE OF ALABAMA     )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James M. Johnson, whose name as Maanger of SMCMOB II, LLC, an Alabama limited liability company, 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 said instrument, she, as such manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this the 12 day of April, 2002.

[SEAL]

  
Notary Public     Notary Public, Jefferson County, Alabama  
My Commission Expires: March 10, 2004

"Bank:"

**SOUTHTRUST BANK OF ALABAMA**

By: *James A. Barnes*

Name: James A. Barnes

Title: Group 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 JAMES A. BARNES, whose name as Group Vice President of SOUTHTRUST BANK OF ALABAMA, an 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 said instrument, she, as such manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this the 5 day of April, 2002.

[ NOTARIAL SEAL ]

*Robert L. Demit*

Notary Public     Notary Public, Jefferson County, Alabama  
My Commission expires] My Commission Expires March 10, 2004

### **Legal Description**

Commence at the Southwest corner of the Northwest quarter of the Northwest quarter of Section 36, Township 20 South, Range 3 West and run in an Easterly direction along the North line of said quarter-quarter line a distance of 316.16 feet to a point; thence deflect  $88^{\circ}34'47''$  and run to the right and in a Southerly direction a distance of 262.86 feet to a point; thence deflect  $136^{\circ}48'41''$  and run to the left and in a South-Easterly direction a distance of 86.47 feet to the point of beginning of the herein described parcel; thence deflect  $50^{\circ}35'59''$  and run to the right and in a Southerly direction a distance of 120.67 feet to a point; thence turn an interior angle of  $90^{\circ}00'00''$  and run to the right and in a Westerly direction a distance of 184.00 feet to a point; thence turn an interior angle of  $90^{\circ}00'00''$  and run to the right and in a Northerly direction a distance of 120.67 feet to a point; thence turn an interior angle of  $90^{\circ}00'00''$  and run to the right and in an Easterly direction a distance of 184.00 feet to the point of beginning of the herein described parcel, containing 0.5 acres, more or less.

THIS INSTRUMENT PREPARED BY  
AND WHEN RECORDED MAIL TO:

Thomas A. Ansley  
Sirote & Permutt, P.C.  
2311 Highland Avenue South  
Birmingham, Alabama 35205