

This Instrument Prepared By:
Mary Thornton Taylor
Taylor & Smith, P.C.
P.O. Box 489
Orange Beach, Alabama 36561

STATE OF ALABAMA)
)
SHELBY COUNTY) **PARTIAL RELEASE OF PROPERTY FROM
MORTGAGE AND ASSIGNMENT OF RENTS**

KNOW ALL MEN BY THESE PRESENTS, That, the undersigned **NEXITY BANK** is Mortgagee under that certain real estate mortgage (the "Mortgage") executed by **CHESSER PLANTATION, LLC** ("Mortgagor"), dated May 25, 2001, which said Mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument # 2001-21358 (the "Mortgage"). Said Mortgage is additionally secured by the UCC Financing Statement recorded in Instrument # 2001-21360 in said Probate Office (the "UCC Financing Statement"). That, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy and sufficiency of which are hereby acknowledged, the undersigned does hereby release from the lien, operation and effect of said Mortgage and UCC Financing Statement and quitclaims and releases to Mortgagor the portion of the real property made the subject of said Mortgage and UCC Financing Statement which is described as follows:

Commencing at the Northeast Corner of Section 27, Township 19 South, Range 1 West; thence South 0 degrees 42 minutes 23 seconds East, a distance of 576.18 feet to the POINT OF BEGINNING; thence South 46 degrees 29 minutes 34 seconds West, a distance of 40.89 feet; thence South 0 degrees 42 minutes 23 seconds East, a distance of 218.01 feet; thence South 39 degrees 00 minutes 51 seconds West, a distance of 205.34 feet; thence South 73 degrees 27 minutes 27 seconds West, a distance of 216.84 feet; thence South 16 degrees 32 minutes 33 seconds East, a distance of 60.00 feet; thence North 73 degrees 27 minutes 27 seconds East, a distance of 235.44 feet; thence North 39 degrees 00 minutes 51 seconds East, a distance of 198.66 feet; thence North 0 degrees 42 minutes 23 seconds West, a distance of 303.57 feet to the POINT OF BEGINNING; being situated in Shelby County, Alabama (the "Property").

As to all other real property described and conveyed in said Mortgage and UCC Financing Statement, as amended from time to time, the lien and assignment thereof shall remain in full force and effect, unaffected by this release.

This release is given for the purpose of enabling Mortgagors to make a valid conveyance of said released Property free and clear of the lien of said Mortgage and UCC Financing Statement.

10th **IN WITNESS WHEREOF**, NEXITY BANK has caused these presents to be executed this day of September, 2002.

NEXITY BANK
By: Ken Vassey *sup*
Ken Vassey
Its Senior Vice President

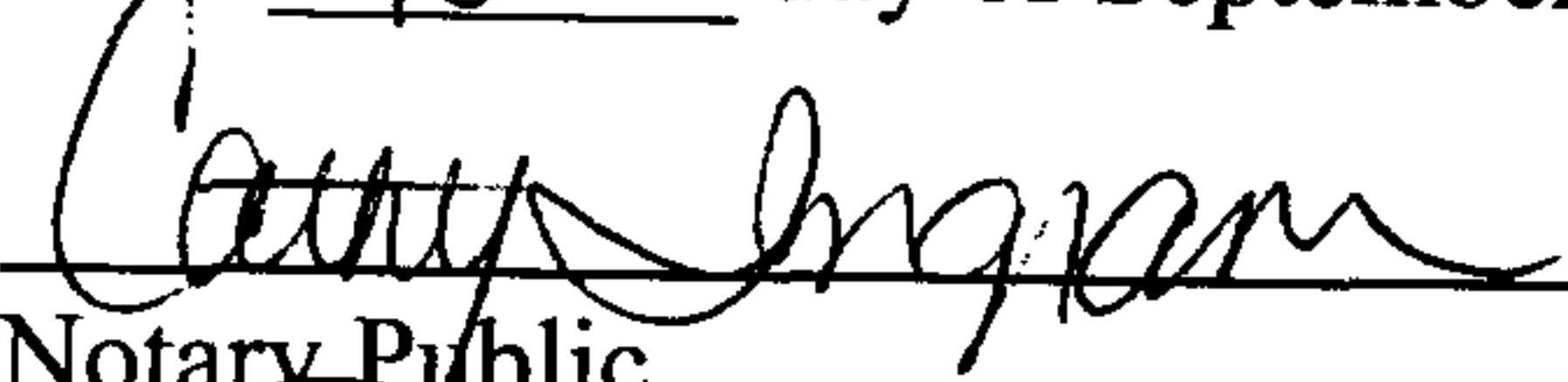
STATE OF ALABAMA)
)
SHELBY COUNTY)

I, the undersigned Notary Public, in and for said County in said State, hereby certify that

INBSC

KEN VASSEY, as Senior Vice President of NEXITY BANK, 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 as such officer and with full authority, executed the same voluntarily for and as the act of said bank.

Given under my hand and official seal this 10th day of September, 2002.


Notary Public

[SEAL]

My commission expires:

MY COMMISSION EXPIRES JULY 25, 2005