

This instrument prepared by:  
Charles A. J. Beavers, Jr.  
Bradley Arant Rose & White LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203-2104

STATE OF ALABAMA     )  
                                  :  
SHELBY COUNTY         )

**PARTIAL RELEASE**

KNOW ALL MEN BY THESE PRESENTS, That:

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **Compass Bank** ("Compass") does hereby release the real property described hereinbelow from the lien of (i) that certain mortgage (the "Mortgage") executed by **C&A Enterprises, L.L.C.** ("C&A") recorded as Instrument #20030714000443560 in the Probate Office of Shelby County, Alabama, and (ii) that certain Assignment of Rents and Leases (the "Assignment") between Compass and C&A recorded as Instrument #20030714000443570 in said Probate Office

Compass Bank does hereby release, remise, quit claim, and convey unto C&A all of its right, title, and interest in and to the following described real estate situated in Shelby County, Alabama, to-wit:

A parcel of land situated in the northwest quarter of the northwest quarter of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: Begin at the northwest corner of said Section 30, said point being the point of beginning; thence south 89° 26' 05" east along north line of said 1/4-1/4 section a distance of 625.00 feet; thence south 00° 26' 48" west a distance of 1310.02 feet; thence north 89° 22' 20" west a distance of 625.00 feet; thence north 00° 26' 48" east a distance of 1309.34 feet to the point of beginning. LESS AND EXCEPT the following: Commence at the northwest corner of Section 30, Township 20 South, Range 2 West, and thence south 89° 26' 05" east a distance of 586.51 feet to the point of beginning; thence south 89° 26' 05" east a distance of 38.49 feet; thence south 00° 26' 48" west a distance of 359.29 feet; thence with a curve turning to the right with an arc length of 364.74 feet, with a radius of 780.00 feet, with a chord bearing of north 05° 40' 02" west with a chord length of 361.42 feet, which is the point of beginning.

A non-exclusive easement for utilities over, across, through, under, and upon the following described real estate situated in Shelby County, Alabama, to-wit: Commence at the northwest corner of Section 30, Township 20 South, Range 2 West, and thence south 89° 26' 05" east a distance of 566.35 feet to the point of beginning; thence south 89° 26' 05" east a distance of 20.15 feet; thence with a curve turning to the left with an arc length of 364.74 feet, with a radius of 780.00

Land Title

feet, with a chord bearing of south 05° 40' 02" east, with a chord length of 361.42 feet thence south 00° 26' 48" west a distance of 54.87 feet; thence with a curve turning to the right with an arc length of 423.33 feet, with a radius of 800.00 feet, with a chord bearing of north 07° 36' 38" west, with a chord length of 418.41 feet, which is the point of beginning. Said easement was established pursuant to that certain Declaration of Utility Easement (the "Utility Easement") executed among C&A, Huntley Hall Apartments, Ltd., Cole Investment Realty, LLC, and Awtrey Investment Realty, LLC dated as of June 10, 2004, and recorded in the Office of the Judge of Probate of Shelby County, Alabama, simultaneously herewith, subject to and in accordance with the terms and provisions set forth in the Utility Easement.

A non-exclusive easement for utilities over, across, through, under, and upon the following described real estate situated in Shelby County, Alabama, to-wit: Commence at the northwest corner of Section 30, Township 20 South, Range 2 West, and thence south 89° 26' 05" east a distance of 566.35 feet to the point of beginning; thence with a curve turning to the right with an arc length of 350.54 feet, with a radius of 800.00 feet, with a chord bearing of north 20° 06' 07" east, with a chord length of 347.75 feet; thence with a curve turning to the left with an arc length of 142.09 feet, with a radius of 250.00 feet, with a chord bearing of north 16° 22' 20" east, with a chord length of 140.19 feet; thence north 00° 05' 23" east a distance of 622.22 feet; thence with a curve turning to the left with an arc length of 194.28 feet, with a radius of 250.00 feet, with a chord bearing of north 22° 10' 25" west, with a chord length of 189.43 feet; thence with a curve turning to the right with an arc length of 486.54 feet, with a radius of 350.00 feet, with a chord bearing of north 04° 36' 47" west, with a chord length of 448.30 feet; thence north 60° 03' 21" west a distance of 243.63 feet; thence north 13° 16' 13" east a distance of 41.76 feet; thence south 60° 03' 21" east a distance of 258.00 feet; thence with a curve turning to the right with an arc length of 34.12 feet, with a radius of 20.00 feet, with a chord bearing of south 11° 10' 51" east, with a chord length of 30.13 feet; thence south 37° 41' 38" west a distance of 4.97 feet; thence with a curve turning to the left with an arc length of 473.04 feet, with a radius of 330.00 feet, with a chord bearing of south 03° 22' 18" east, with a chord length of 433.57 feet; thence with a curve turning to the right with an arc length of 209.83 feet, with a radius of 270.00 feet, with a chord bearing of south 22° 10' 25" east, with a chord length of 204.59 feet; thence south 00° 05' 23" west a distance of 622.22 feet; thence with a curve turning to the right with an arc length of 153.46 feet, with a radius of 270.00 feet, with a chord bearing of south 16° 22' 20" west, with a chord length of 151.40 feet; thence with a curve turning to the left with an arc length of 339.33 feet, with a radius of 780.00 feet, with a chord bearing of south 20° 11' 30" west, with a chord length of 336.66 feet; thence north 89° 26' 05" west a distance of 20.15 feet, which is the point of beginning. LESS AND EXCEPT any property lying in the Shelby County Highway right-of-way as recorded in Instrument #200404080001834000 in said Probate Office. Said easement was established pursuant to that certain Declaration of Utility Easement (the "Utility Easement") executed among C&A, Huntley Hall Apartments, Ltd., Cole Investment Realty, LLC, and Awtrey

Investment Realty, LLC dated as of June 10, 2004, and recorded in the Office of the Judge of Probate of Shelby County, Alabama, simultaneously herewith, subject to and in accordance with the terms and provisions set forth in the Utility Easement.

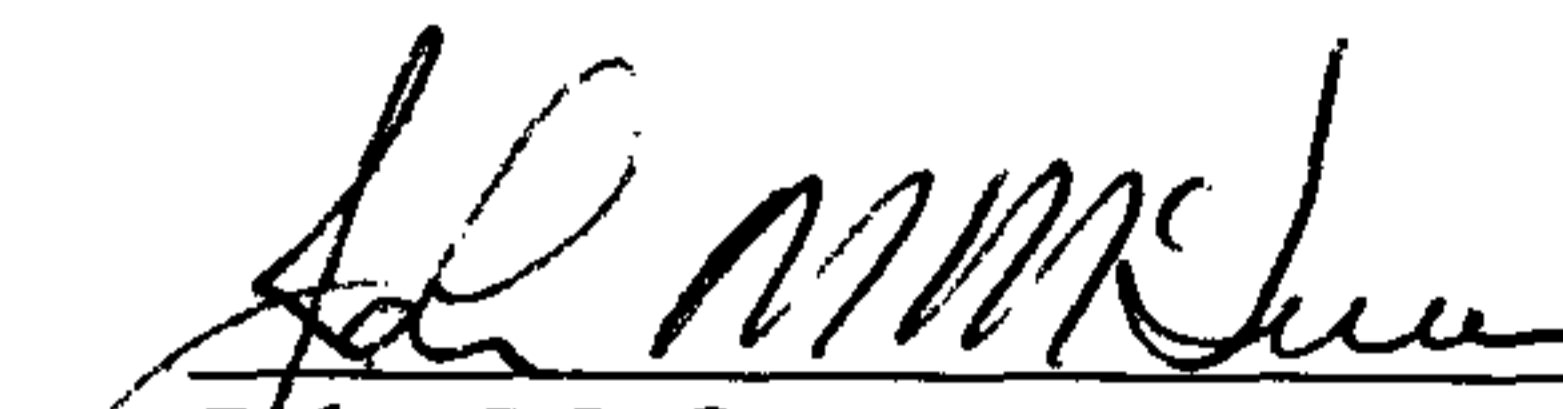
A non-exclusive easement for ingress, egress, and utilities over, across, through, under, and upon the following described real estate situated in Shelby County, Alabama, to-wit: Commence at the northwest corner of Section 30, Township 20 South, Range 2 West, and thence south 00° 26' 48" west a distance of 350.56 feet; thence south 89° 33' 12" east a distance of 653.28 feet to the point of beginning of a 60 feet wide ingress, egress, and utility easement lying 30 feet either side of the following described center line; thence with a curve turning to the right with an arc length of 676.99 feet, with a radius of 750.00 feet, with a chord bearing of north 06° 47' 45" east, with a chord length of 654.24 feet; thence with a curve turning to the left with an arc length of 170.51 feet, with a radius of 300.00 feet, with a chord bearing of north 16° 22' 20" east, with a chord length of 168.22 feet; thence north 00° 05' 23" east a distance of 622.22 feet; thence with a curve turning to the left with an arc length of 233.14 feet, with a radius of 300.00 feet, with a chord bearing of north 22° 10' 25" west, with a chord length of 227.32 feet; thence with a curve turning to the right with an arc length of 430.04 feet, with a radius of 300.00 feet, with a chord bearing of north 03° 22' 18" west, with a chord length of 394.15 feet; thence north 37° 41' 38" east a distance of 31.96 feet to the point of termination of said easement. LESS AND EXCEPT any property lying in the Shelby County Highway right-of-way as recorded in Instrument #200404080001834000 in said Probate Office. Said easement was established pursuant to that certain Easement, Joint Use, and Maintenance Agreement (the "Agreement") executed among C&A, Huntley Hall Apartments, Ltd., Cole Investment Realty, LLC, and Awtrey Investment Realty, LLC dated as of June 10, 2004, and recorded in the Office of the Judge of Probate of Shelby County, Alabama, simultaneously herewith, subject to and in accordance with the terms and provisions set forth in the Agreement.

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

IN WITNESS WHEREOF, Compass Bank has caused these presents to be executed for and in its corporate name by its duly authorized officer on or as of the \_\_\_\_\_ day of June, 2004.

COMPASS BANK

By

  
\_\_\_\_\_  
John McQueen  
Senior Vice President

STATE OF ALABAMA     )  
                                  :  
JEFFERSON COUNTY     )

I, the undersigned, a notary public in and for said county in said state, hereby certify that John McQueen, whose name as Senior Vice President of Compass 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 said 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 the 9<sup>th</sup> day of June, 2004.

Barbara Ann Moore  
Notary Public

[NOTARIAL SEAL]

My commission expires: 11-25-2006