

This instrument prepared by:

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Birmingham, Alabama 35203

STATE OF ALABAMA) **PARTIAL RELEASE OF RECORDED LIEN**

COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS, That whereas the undersigned **SOUTHTRUST BANK**, an Alabama Banking Corporation ("SouthTrust"), is the owner and holder of record of the following documents (collectively the "Security Documents"):

a) That certain Mortgage and Security Agreement dated December 21, 2000 and executed by **DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP**, an Alabama limited partnership ("Borrower") as recorded in Instrument No. 2001-2190 with the Judge of Probate of Shelby County, Alabama, as amended by Amendment to Mortgage and Security Agreement dated September 8, 2003 and recorded as Instrument No. 20030911000608970 with said Probate Office, and as amended by that certain Cross-Collateralization and Cross-Default Agreement as recorded in Instrument No. 20030304000128480 with said Probate Office, as amended by Amendment to Cross-Collateralization and Cross-Default Agreement dated September 8, 2003 and recorded as Instrument No 20030911000608990 with said Probate Office; and

d) That certain UCC-1 Financing Statement recorded as Instrument No. 2001-2191 with said Probate Office; and

WHEREAS, for the consideration set forth below, SouthTrust, has agreed to release from the lien of said Security Documents the property more particularly described as follows:

Lots 1, 55, 56 and 57, according to the Survey of Greystone, 6th Sector, as recorded in Map Book 17, Pages 54 A, B and C, in the Office of the Judge of Probate of Shelby County, Alabama.

Lot 29A, according to a Resurvey of Lots 29 and 30, Greystone 6th Sector, as recorded in Map Book 32, Page 41, in the Office of the Judge of Probate of Shelby County, Alabama.

Lot 43A, according to a Resurvey of Lot 43, Greystone 6th Sector, as recorded in Map Book 32, Page 102, in the Office of the Judge of Probate of Shelby County, Alabama.

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, according to the Survey of Greystone, 6th Sector, Phase I, as recorded in Map Book 33, Page 57, in the Office of the Judge of Probate of Shelby County, Alabama.

NOW, THEREFORE, in consideration of \$10.00 and other good and valuable consideration, SouthTrust does hereby release from the lien, operation and effect of said Security Documents the real estate described hereinabove.

This is a partial release only. As to all other land described and conveyed in said Security Documents, the lien thereof shall remain in full force and effect unaffected by this release. Nothing herein shall be deemed a payment of the debt secured by said Security Documents. This partial release shall be recorded with the Judge of Probate of Shelby County, Alabama.

26th **IN WITNESS WHEREOF,** SouthTrust has executed this Partial Release on this the July day of July, 2004.

SOUTHTRUST BANK,
an Alabama Banking Corporation

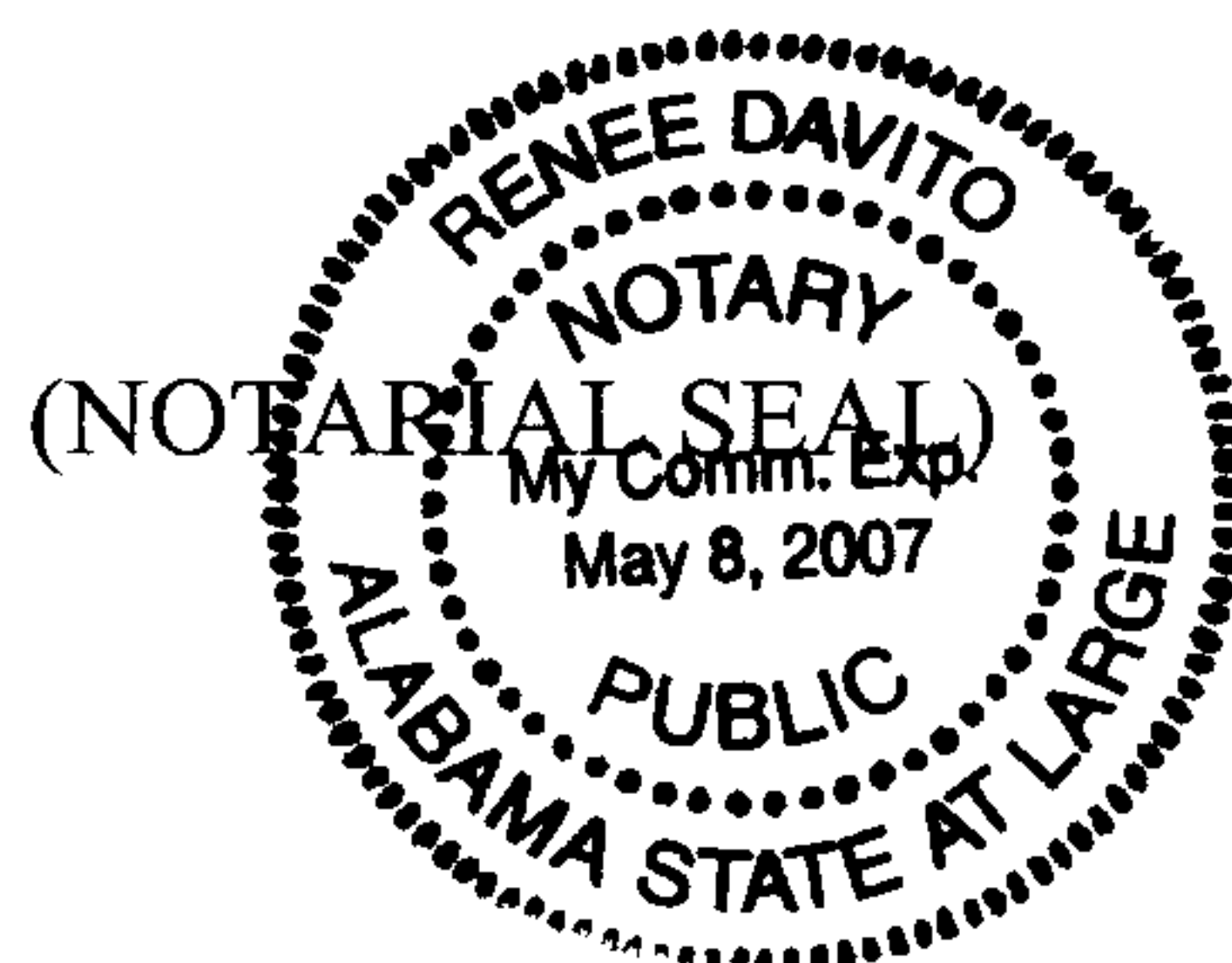
By: [Signature]
Its: Group Vice President

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Stephen T. Hodges, whose name as Group Vice President of SouthTrust Bank, 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, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said banking corporation.

Given under my hand and seal of office this 26th day of July, 2004.



[Signature]
Notary Public
My commission expires: 5/08/07