



20040806000441940 Pg 1/7 32.00  
Shelby Cnty Judge of Probate, AL  
08/06/2004 09:40:00 FILED/CERTIFIED

## RELEASE OF MORTGAGE

KNOW ALL PERSONS BY THESE PRESENTS: That THE BANK OF NEW YORK, a banking corporation duly organized under the laws of the State of New York, having its principal corporate trust office at 101 Barclay Street 8W, New York, New York 10286, as successor trustee pursuant to the Indenture dated as of February 26, 2003, as amended and supplemented, pursuant to which the Senior Secured Notes due 2005 were issued, between WICKES INC., as Issuer, a Delaware corporation, with a place of business at 706 Deerpath Drive, Vernon Hills, Illinois, 60061 and HSBC BANK USA, as Trustee, a banking corporation and trust company organized under the laws of the State of New York, with a business address at 452 Fifth Avenue, New York, New York 10018 and an Agreement of Resignation, Appointment and Acceptance dated as of February 11, 2004, by and among THE BANK OF NEW YORK, as the successor trustee, HSBC BANK USA, as the resigned trustee, and WICKES INC., as the issuer, does hereby acknowledge that the real property described on Exhibit A attached hereto has been released and discharged from the operation of the **Junior Mortgage and Absolute Assignment of Leases and Rents and Fixture Filing** recorded in the Probate Office of Shelby County, Alabama on March 3, 2003 as Inst. No. 20030303000126770, pursuant to the terms of the Order dated as of July 22, 2004 entered by the United States Bankruptcy Court for the Northern District of Illinois in the case captioned In re Wickes, Inc. and GLC Division, Inc., Chapter 11 Case No. 04 B 02221 (Jointly Administered)

28 IN WITNESS WHEREOF THE BANK OF NEW YORK, has executed this Release this day of July, 2004.

*[Signature page to follow.]*

*Cahaba Title, Inc.*

Signed and Acknowledged  
by both in the presence of:

  
\_\_\_\_\_  
Witness 1 - Signature

Michael J. Borro  
\_\_\_\_\_  
Witness 1 - Print or Type Name

  
\_\_\_\_\_  
Witness 2 - Signature

MARTINE F. G  
\_\_\_\_\_  
Witness 2 - Print or Type name

The Bank of New York, not individually, but  
solely as successor trustee

By:   
Its: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

**IRENE SIEGEL**  
VICE PRESIDENT

After recording return to:

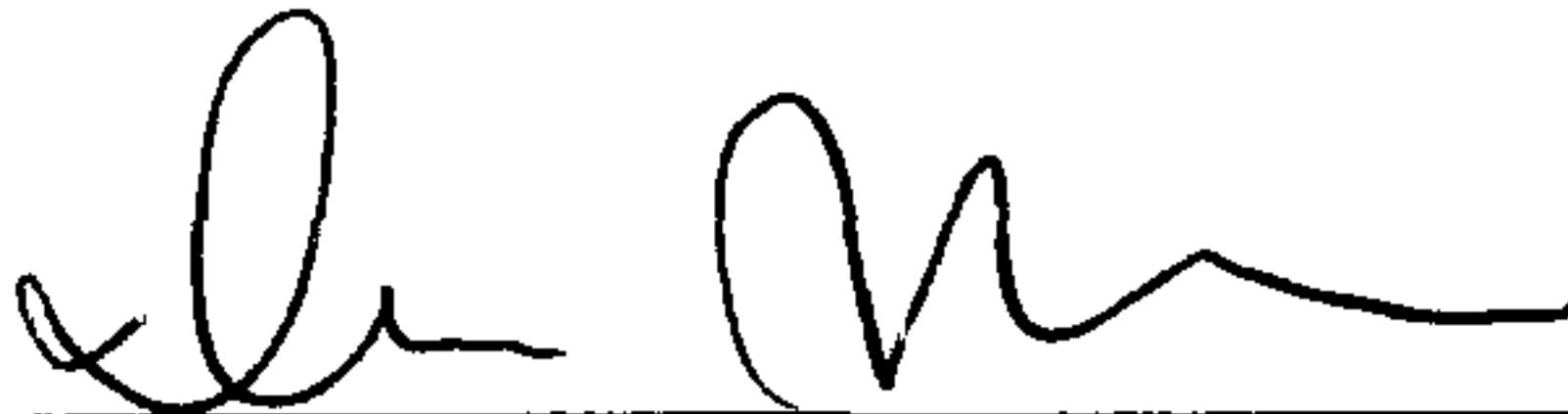
Michael D. Rothstein, Esq.  
Schwartz, Cooper, Greenberger & Krauss, Chtd.  
180 North La Salle - Suite 2700  
Chicago, IL 60601

Prepared by:

Schwartz, Cooper, Greenberger & Krauss  
180 N. LaSalle Street, Suite 2700  
Chicago, Illinois 60601

STATE OF NEW YORK           )  
  : SS.:  
COUNTY OF NEW YORK       )

On the 28<sup>th</sup> day of July in the year 2004, before me personally came  
Irene Siegel, to me known, who, being by me duly sworn, did  
depose and say that ~~he~~/she reside(s) in 8301 Bay Pkwy, Brooklyn, NY  
(if the place of residence is in a city, include the street and street number, if any, thereof); that  
~~he~~/she/~~they~~ is (~~are~~) the vice (president or other officer or director or  
attorney in fact duly appointed) of The Bank of New York, the corporation described in and  
which executed the above instrument as successor trustee as aforesaid; and that ~~he~~/she signed  
~~his~~/her name thereto by authority of the board of directors of said corporation.

  
\_\_\_\_\_  
Notary Public

[Notarial Seal]

IRENE MIKALEF  
NOTARY PUBLIC, State of New York  
No- [REDACTED]  
Qualified in Queens County  
Commission Expires August 20, 2005

**EXHIBIT A**  
**LEGAL DESCRIPTION**

## **EXHIBIT A**

### **Legal Description**

**Lot 7 of Block 41, and Lots 9 and 10 of Block 42, according to the survey of W. P. DeJarnette of the City of Greenville, Alabama.**

**Less and Except the following:**

- 1. That portion of Lot 9 sold to Southside Baptist Church, which deed is recorded in the Butler County Probate Office in Deed Book 183, at Page 194.**
- 2. All that part of Lot 7 of Block 41, according to the W. P. DeJarnette survey of the City of Greenville, Alabama, which lies North and West of King Street.**



**EXHIBIT A**

**Legal Description**

(cont.)

**Unit A:**

**Unit A of The Homecrafters Warehouse Building, a Condominium according to the Declaration of Condominium as recorded in Book 003 page 860 in the Office of the Judge of Probate of Shelby County, Alabama, together with an undivided fractional interest in the common elements as set out in the said Declaration of Condominium; being situated in Shelby County, Alabama.**

**Unit B:**

**Unit B of The Homecrafters Warehouse Building, a condominium, according to the Declaration of Condominium as recorded in Book 003 page 860 in the Office of the Judge of Probate of Shelby County, Alabama, together with an undivided fractional interest in the common elements as set out in the said Declaration of Condominium; being situated in Shelby County, Alabama.**

EXHIBIT A

Legal Description (cont.)

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PARCEL I:

Commence at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 11, Township 21 South, Range 10 West Huntsville Meridian, Tuscaloosa County, Alabama; thence in southerly direction, along and with the West line of said Quarter-Quarter section 484.15 feet to the Point of Beginning; thence with a deflection of 86°31'44" left, 370.00 feet to a point; thence with a deflection of 86°35'45" right 359.47 feet to the northerly right-of-way margin of U.S. Highway 82 By-Pass; thence with a deflection of 94°20'59" right, and along and with said right-of-way margin, 370.00 feet to a point; thence with a deflection of 85°35'00" right, leaving said right-of-way margin, 353.38 feet to the Point of Beginning.

PARCEL II:

Commence at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 11, Township 21 South, Range 10 West Huntsville Meridian, Tuscaloosa County, Alabama; thence in a southerly direction, along and with the West line of said Quarter-Quarter section 484.15 feet to a point; thence with a deflection of 86°31'44" left, 370.00 feet to the Point of Beginning; thence with a deflection of 86°35'45" right, 359.47 feet to the northerly right-of-way margin of U.S. Highway 82 By-Pass; thence with a deflection of 85°39'01" left, along and with said right-of-way margin 82.00 feet to a point; thence with a deflection of 94°16'18" left, leaving said right-of-way margin, 360.80 feet to a point; thence with a left deflection of 86°40'26" 82.40 feet to the Point of Beginning.