

PARTIAL RELEASE OF MORTGAGE/DEED

STATE OF ALABAMA )

COUNTY OF SHELBY )

FOR VALUE RECEIVED, receipt of which is hereby acknowledged, SouthTrust Bank, being the owner and holder of that certain First Mortgage/Deed and Security Agreement (hereinafter sometimes referred to as the "Mortgage"and/or "Security Deed")from THORNTON CONSTRUCTION COMPANY, INC to SouthTrust Bank in the principal sum of TEN MILLION AND NO/100 DOLLARS(\$10,000,000.00) Dollars, recorded in Mortgage Book 20040311000125760 and Amended in Mortgage Book 20040514000254830 and the Note secured thereby, does hereby release and forever discharge the premises herein described from the lien of said Mortgage/Deed. Otherwise, the terms and conditions of said Note and Mortgage/Deed shall remain unchanged and in full force and effect. The premises to be released are described as follows:

**Lots 11 and 72, according to the Final Record Plat of Narrows Peak Sector, as recorded in Map book 31 Page 125 A & B in the Probate Office of Shelby County, Alabama.**

Together with the nonexclusive easement to use the Common Area as more particularly described in The Narrows Residential Declaration of Covenants, Conditions and Restrictions recorded as Instrument No. 2000-9755, as amended by instruments recorded in Inst. No. 2000-17136, Inst. No. 2000-36696 and Inst. No. 2001-38328, and Inst. #200209050000424180 and Inst# 20021017000508250 and inst. No. 20030716000450980 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter referred to as the "Declaration").

IN WITNESS WHEREOF, SouthTrust Bank has caused these presents to be executed by its duly authorized officer and its corporate seal to be affixed hereto this 10<sup>th</sup> day of September, 2004.

Witness Carolyn R. Walker  
CAROLYN R. WALKER

SOUTHTRUST BANK (SEAL)

By: Steven B. Smith

Print Name: Steven B. Smith  
Its: Assistant Vice President

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within mortgagee/security deed signed, sealed and as his act and deed deliver the within written Release, and that (s)he with the other witness subscribed above witnessed the execution thereof

Donald Wells  
Witness

SWORN to before me this 10th day of September, 2004.

Donald Wells (SEAL)  
Notary Public for  
My commission expires: 8/16/08