

**PARTIAL RELEASE OF  
FUTURE ADVANCE MORTGAGE, ASSIGNMENT OF RENTS AND LEASES  
AND SECURITY AGREEMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

That **COMPASS BANK**, hereby releases all that property described on **Exhibit A** attached hereto and made a part hereof from that certain Future Advance Mortgage, Assignment of Rents and Leases, and Security Agreement from **ARBOR HILLS, LLC**, an Alabama limited liability company, dated June 28, 2002, and filed of record at Instrument No. 20020701000308190, Pages 1-19, in the Probate Office of Shelby County, Alabama (the "**Mortgage**").

The indebtedness secured by said Mortgage remains outstanding. **This is a partial release limited only to the real property described on Exhibit A hereto**, and, except for the partial release set forth above, the Mortgage remains in full force and effect.

**IN WITNESS WHEREOF**, this partial release is executed on this the 22<sup>nd</sup> day of October, 2004.

**COMPASS BANK**

By: [Signature]  
Its: SENIOR Vice President

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, Felicia L. Redd, a notary public in and for said county in said state, hereby certify that John M. McQueen, whose name as SENIOR Vice President of **COMPASS 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 such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 14<sup>th</sup> day of October, 2004.

[Signature]  
Notary Public

[ Notarial Seal ]

My Commission Expires: 2/1/07

This instrument was prepared by:  
Jennifer R. McCain  
BALCH & BINGHAM LLP  
1901 Sixth Avenue North, Suite 2600  
Birmingham, Alabama 35203  
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## **Exhibit A**

### **Legal Description**

Lots 73 through 98, inclusive, Lots 157 through 167, inclusive, Lots 179 through 190, inclusive, Lots 192 through 198, inclusive, Lots 214 through 225, inclusive, and Lot 228, according to the Final Plat of Arbor Hill, Phase III, as recorded in Map Book 33, page 142, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.