

This instrument prepared by:

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**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:

See **EXHIBIT A** attached hereto and incorporated herein by reference.

**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.

20<sup>th</sup> IN WITNESS WHEREOF, SouthTrust has executed this Partial Release on this the  
day of October, 2004.

**SOUTHTRUST BANK,**  
an Alabama Banking Corporation

By: [Signature]  
Its: Group Vice President

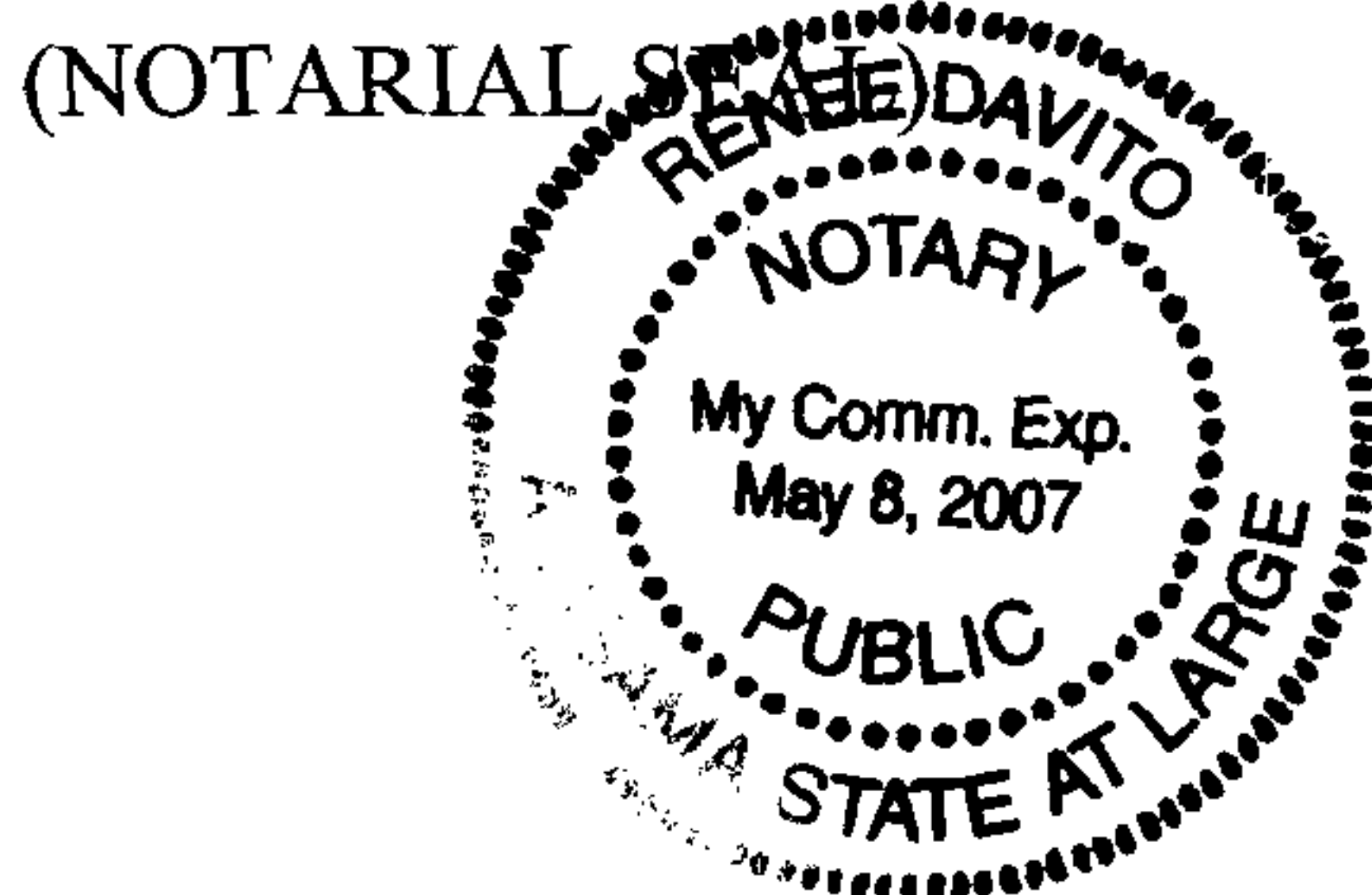
STATE OF ALABAMA )

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 20<sup>th</sup> day of October, 2004.

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





## EXHIBIT A

### Legal Description of Property

A parcel of land located in the Southwest ¼ of Section 33, Township 18 South, Range 1 West, in Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Southwest ¼ of Section 33, Township 18 South, Range 1 West, Shelby County, Alabama; thence east along the south line of said quarter section a distance of 745.00 feet to the Point of Beginning; thence 69 deg. 32 min. 04 sec. left, in a northeasterly direction and along the western boundary line a distance of 159.19 feet to an Iron Pin Found; thence continue along the last described course for a distance of 692.54 feet to a point on the southerly right of way of Hugh Daniel Drive and the point of curvature (PC) of a curve to the left, said curve having a radius of 1000.40 feet and a central angle of 29 deg. 22 min. 23 sec.; thence 56 deg. 48 min. 10 sec. right (angle measured to tangent), in a northeasterly direction along the arc of said curve on said right of way, a distance of 512.86 feet to the point of tangency (PT) of said curve; thence continue tangent to said curve in a northeasterly direction, along said right of way a distance of 49.58 feet to the point of PC of a curve to the right, said curve having a radius of 460.00 feet and a central angle of 8 deg. 28 min. 00 sec.; thence in a northeasterly direction along the arc of said curve on said right of way a distance of 67.97 feet to the PT of said curve; thence continue tangent to said curve in a northeasterly direction along said right of way a distance of 190.65 feet to the PC of a curve to the left, said curve having a radius 1632.50 feet and a central angle of 7 deg. 47 min. 45 sec.; thence in a northeasterly direction along the arc of said curve on said right of way a distance of 222.12 feet to the PT of said curve; thence continue tangent to said curve in a northeasterly direction along said right of way a distance of 138.87 feet to the PC of a curve to the right, said curve having a radius of 250.49 feet and a central angle of 29 deg. 57 min. 09 sec.; thence in a northeasterly direction along the arc of said curve on said right of way a distance of 130.95 feet to the Point of Reverse Curve of said curve and the PC of a curve to the left, said curve having a radius of 520.91 feet and a central angle of 22 deg. 21 min. 34 sec.; thence in a northeasterly direction along the arc of said curve on said right of way a distance of 203.28 feet to end of said curve; thence leaving said right of way, 154 deg. 13 min. 59 sec. right (angle measured from tangent) in a southwesterly direction and along the eastern boundary line a distance of 1825.60 feet; thence 59 deg. 36 min. 29 sec. right in a westerly direction and along the southern boundary line a distance of 591.68 feet to an Iron Pin Found; thence continue along said the last described course a distance of 64.35 feet to the Point of Beginning; being situated in Shelby County, Alabama.