

This instrument prepared by:

Michael W. Lindsey
Sirote & Permutt, P.C.
2311 Highland Avenue South
P.O. Box 55727
Birmingham, Alabama 35255
(205) 930-5279

STATE OF ALABAMA)

COUNTY OF SHELBY)

RELEASE OF MATERIALMEN'S LIEN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Gill Plumbing Company, Inc., releases that certain materialmen's lien executed by Mike Gill, the President of Gill Plumbing Company, Inc. which said lien was recorded in the Office of the Judge of Probate of Shelby County, Alabama, as Document #20050519000242950, and the undersigned does hereby release and satisfy said lien upon the following real property, situated in Shelby County, Alabama, to-wit:

See attached Exhibit A

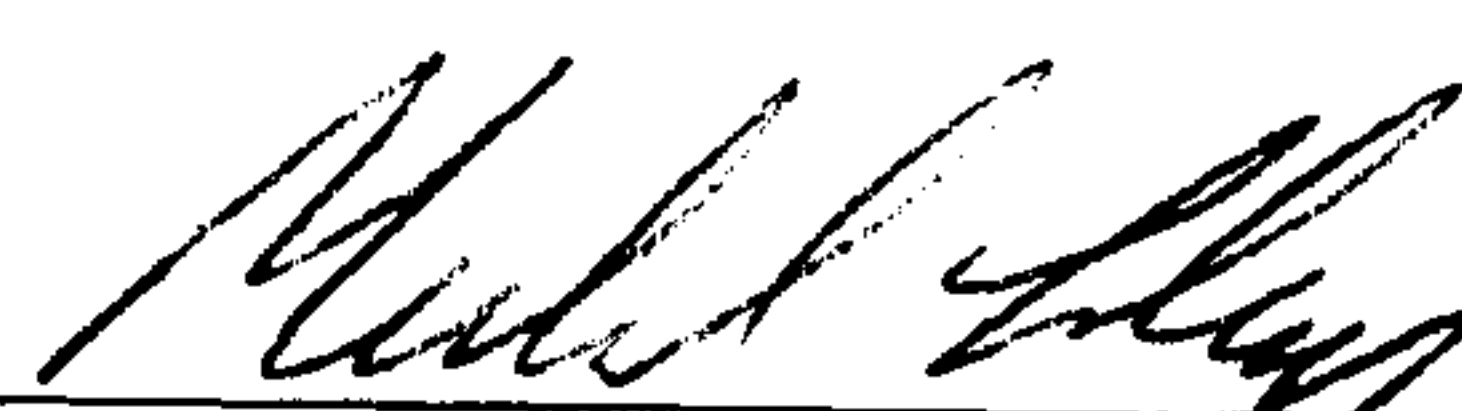
also known as

**The Bluffs at Riverview
2801 Riverview Drive
Birmingham, Al 35242**

This Release is provided merely to release any lien on the real property described in said Verified Statement of Lien and does not release any person, firm or corporation from any obligation which they, or any of them, may have regarding the indebtedness made the subject of said lien.

The name of the owner or proprietor of the aforesaid property is The Bluffs at Birmingham, L.P..

IN WITNESS WHEREOF, the undersigned, Michael W. Lindsey, Attorney for Gill Plumbing Company, Inc., has caused these presents to be executed this 4th day of October, 2004.



Michael W. Lindsey
Attorney for Gill Plumbing Company, Inc.

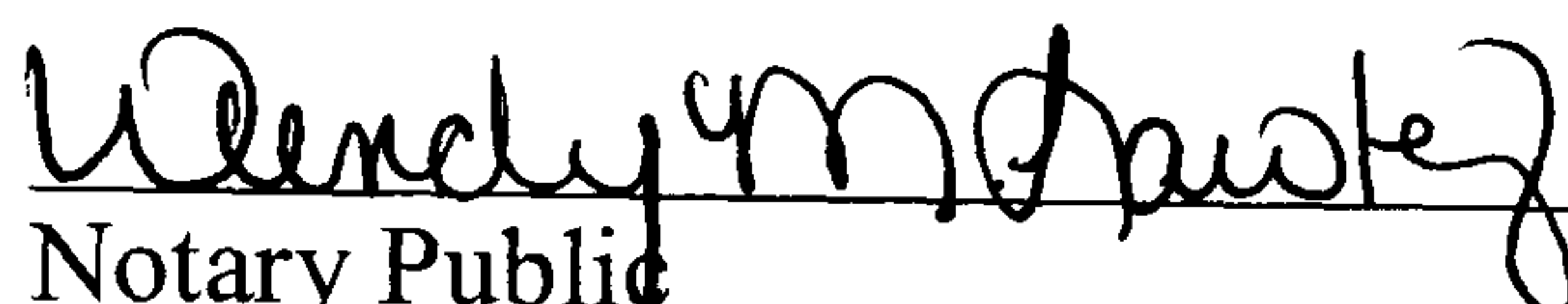
OF COUNSEL:

SIROTE & PERMUTT, P.C.
2311 Highland Avenue South
Birmingham, Alabama 35205
(205) 930-5100
(205) 930-5101 facsimile

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, Wendy M. Hawley, a Notary Public in and for said State and County, hereby certify that Michael W. Lindsey, Attorney at Law of the law firm of Sirote & Permutt, P.C., known to me, acknowledged before me on this day that, being informed of the contents of the Release of Materialmen's Lien, he, as attorney for Gill Plumbing Company, Inc., and with full authority, executed the same voluntarily for and as an act of said corporation.

Given under my hand and official seal this the 4th day of October, 2005.



Notary Public
My Commission Expires: 2-21-07



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EXHIBIT A

LOT 2B – CAHABA RIVER PARK FIRST ADDITION – PHASE II LEGAL DESCRIPTION

Lot 2B, Cahaba River Park First Addition - Phase II, as recorded in Map Book 32, Page 77 in the office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Begin at the Northwest corner of said Lot 2B, said point lying on the West line of the NW 1/4 of the NE 1/4 of Section 35, Township 18 South, Range 2 West, Shelby County, Alabama, said point also being a common corner of Lot 1B, Cahaba River Park First Addition – Phase II, and lying on the Easterly line of Lot 16, Cahaba River Lake Estates First Sector, as recorded in Map Book 67, Page 13 in the office of the Judge of Probate of Jefferson County, Alabama; thence North 90°00'00" East along the common line of said Lot 2B and Lot 1B a distance of 240.00 feet to a found W.S. capped iron; thence South 39°30'23" East along the common line of said Lot 2B and Lot 1B a distance of 508.99 feet to a found rebar, said point being the P.C. (Point of Curve) of a curve to the left having a radius of 377.38 feet, a central angle of 39°05'50" and a chord bearing of South 59°03'18" East; thence in a Southeasterly direction along the arc of said curve and along the common line of said Lot 2B and Lot 1B a distance of 257.51 feet to a found rebar; said point lying on a curve to the left having a radius of 75.00 feet, a central angle of 151°28'09" and a chord bearing of South 89°47'47" East; thence in a Southeasterly, Easterly, and Northeasterly direction along the arc of said curve and along the common line of said Lot 2B and Lot 1B a distance of 198.27 feet to a found rebar; thence North 81°27'42" East along the common line of said Lot 2B and Lot 1B a distance of 185.70 feet to a found rebar, said point being the P.C. (Point of Curve) of a curve to the right having a radius of 197.54 feet, a central angle of 37°15' and a chord bearing of South 79°54'48" East; thence in an Easterly and Southeasterly direction along the arc of said curve and along the common line of said Lot 2B and Lot 1B a distance of 128.43 feet to a found rebar being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 61°17'08" East along the common line of said Lot 2B and Lot 1B a distance of 14.61 feet to a found rebar lying on the Northwesternly Right-of-Way line of Riverview Road, said point also lying on a curve to the right having a radius of 3779.83 feet, a central angle of 1°29'07" and a chord bearing of South 29°49'50" West; thence in a Southwesterly direction along the arc of said curve and said Northwesternly Right-of-Way line a distance of 97.98 feet to a set W.S. capped iron being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 30°34'20" West along said Northwesternly Right-of-Way line a distance of 80.84 feet to a found rebar, being the P.C. (Point of Curve) of a curve to the right having a radius of 228.06 feet, a central angle of 53°38'30" and a chord bearing of South 57°23'35" West; thence in a Southwesterly direction along the arc of said curve and said Northwesternly Right-of-Way line a distance of 213.52 feet to a found rebar being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 84°12'50" West along said Northwesternly Right-of-Way line a distance of 95.62 feet to a found rebar, said point being the P.C. (Point of Curve) of a curve to the left having a radius of 499.28 feet, a central angle of 27°06'30" and a chord bearing of South 70°39'35" West; thence in a Southwesterly direction



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along the arc of said curve and along said Northwesternly Right-of-Way line a distance of 236.22 feet to a found rebar being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 57°06'20" West along said Northwesternly Right-of-Way line a distance of 565.19 feet to a found rebar, being the P.C. (Point of Curve) of a curve to the right having a radius of 256.63 feet, a central angle of 43°19'57" and a chord bearing of South 78°46'18" West; thence in a Southwesterly and Westerly direction along the arc of said curve and along the Northwesternly, Northerly and Northeasterly Right-of-Way line of said Riverview Road a distance of 194.09 feet to a found rebar, being the P.T. (Point of Tangent) of said curve; thence tangent to said curve North 79°33'43" West along said Northeasterly Right-of-Way line a distance of 7.35 feet to a found rebar lying on the West line of the NE 1/4 of said Section 35; thence North 00°01'06" East along the West line of said 1/4 section, the West line of said Lot 2B and along the East line of Lots 26, 25, 24, 23, 22 and 21 of Cahaba River Lake Estates Second Sector, as recorded in Map Book 70, Page 43 in the office of the Judge of Probate of Jefferson County, Alabama, and along the East line of the aforementioned Lot 16 of Cahaba River Lake Estates First Sector a distance of 1219.81 feet to a found W.S. capped iron and the Point of Beginning.

Containing 756,405 square feet or 17.365 acres.