

STATE OF ALABAMA)

SHELBY COUNTY)

**PARTIAL RELEASE OF RECORDED MORTGAGE
AND UCC-1 FINANCING STATEMENT**

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned **WACHOVIA BANK, NATIONAL ASSOCIATION**, a national banking association (successor by merger of SouthTrust Bank) ("Lender"), does hereby release the real property described below from the lien of that certain Mortgage and Security Agreement dated November 26, 2003, executed by Timberline Development, LLC, an Alabama limited liability company (the "Borrower") which is recorded in the Judge of Probate Office of Shelby County, Alabama (the "Mortgage") at Instrument Number 20031202000780020 and from that UCC-1 Financing Statement which is recorded in said Probate Office at Instrument Number 20031202000782120. Lender does hereby release, remise, quit claim, and convey unto Borrower, its successors, heirs and assigns all of the right, title, and interest of the undersigned in and to the following described real estate situated in Shelby County, Alabama, to-wit set forth on Exhibit A attached hereto and made a part hereof.

It is expressly understood and agreed that this release shall not in any manner affect the lien of the Mortgage as to the remainder of the property described in the Mortgage or the lien created by any of the other documents described above or the indebtedness secured thereby.

[The Remainder of This Page Intentionally Left Blank.]

IN WITNESS WHEREOF, Lender has caused this Partial Release to be executed by its duly authorized officer on this 13th day of April, 2006.

WACHOVIA BANK, NATIONAL ASSOCIATION,
a national banking association

By: Tod Ferguson
Print Name: TOD FERGUSON
Its: VICE PRESIDENT

STATE OF ALABAMA)
JEFFERSON COUNTY)


I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that TOD FERGUSON, whose name as VICE PRESIDENT of Wachovia Bank, National Association, a national banking association, is signed to the foregoing Partial Release, and who is known to me, acknowledges before me on this date that, being informed of the contents of the release, he, as such officer and with full authority, executed the same voluntarily for and as the act of said national banking association.

Given under my hand the 13th day of April, 2006.

[Signature]
Notary Public


MY COMMISSION EXPIRES
AUGUST 22, 2007.

EXHIBIT A


20060419000181390 3/5 \$23.00
Shelby Cnty Judge of Probate, AL
04/19/2006 08:29 36AM FILED/CERT

Lots 3-9, 11, 13, 16-25 of The Reserve at Timberline as recorded in Map Book 34, Page 117 as recorded in the Office of the Judge of Probate of Shelby County, Alabama.

EXHIBIT "A"
LEGAL DESCRIPTION


20060419000181390 4/5 \$23.00
Shelby Cnty Judge of Probate, AL
04/19/2006 08:29:36AM FILED/CERT

TIMBERLINE VILLAGE SECTOR III

Commencing at the Northeast Corner of LOT 125, THE RESERVE AT TIMBERLINE as recorded in MAP BOOK 34, PAGE 117 in the Office of the Judge of Probate of Shelby County, Alabama; thence North 88 ° 13'48" East a distance of 98.02 feet to the POINT OF BEGINNING; thence North 01 ° 43'02" West a distance of 480.78 to a IPF; thence North 01 ° 47'17" West a distance of 362.61 to a "T" POST; thence North 01 ° 16'01" West a distance of 345.24 to a CORNER; thence North 74 ° 28'03" West a distance of 192.70 to a CORNER; thence South 17 ° 21'38" West a distance of 17.54 to a CORNER; thence North 70 ° 48'42" West a distance of 110.90 to a CORNER; thence South 14 ° 42'08" West a distance of 55.23 to a CORNER; thence South 12 ° 35'14" West a distance of 68.00 to a CORNER; thence South 12 ° 35'14" West a distance of 38.58 to a CORNER; thence North 59 ° 07'04" West a distance of 189.25 to a CORNER; thence South 30 ° 52'56" West a distance of 1.87 to a CORNER; thence North 59 ° 07'04" West a distance of 120.00 to a CORNER; thence South 30 ° 52'56" West a distance of 348.31 to a EXISTING IRON; thence South 40 ° 45'01" West a distance of 52.47 to a EXISTING IRON; thence South 59 ° 06'29" East a distance of 129.02 to a 154; thence North 30 ° 46'54" East a distance of 16.17 to a EXISTING IRON; thence South 59 ° 07'04" East a distance of 170.00 to a EXISTING IRON; thence North 30 ° 52'56" East a distance of 50.00 to a EXISTING IRON; thence South 53 ° 10'44" East a distance of 216.63 to a EXISTING IRON; thence South 40 ° 25'18" West a distance of 122.69 to a EXISTING IRON; thence North 49 ° 34'42" West a distance of 15.90 to a EXISTING IRON; thence South 40 ° 25'18" West a distance of 185.00 to a EXISTING IRON; thence South 49 ° 34'42" East a distance of 140.20 to a EXISTING IRON; thence South 61 ° 31'33" East a distance of 173.37 to a EXISTING IRON; thence South 56 ° 07'40" East a distance of 119.34 ;thence North 32 ° 54'05" East a distance of 2.73 to a EXISTING IRON; thence South 56 ° 48'10" East a distance of 50.03; thence along a curve to the right having a radius of 304.62 feet 34.78 feet along said curve; thence South 40 ° 18'51" West a distance of 62.76 to a EXISTING IRON; thence South 49 ° 34'42" East a distance of 203.98 to a EXISTING IRON; thence North 88 ° 13'48" East a distance of 98.02 to a EXISTING IRON; to the Point of Beginning; containing 13.40 acres or 583743.22 square feet more or less.

EXHIBIT "A"
LEGAL DESCRIPTION

20060419000181390 5/5 \$23.00
Shelby Cnty Judge of Probate, AL
04/19/2006 08:29:36AM FILED/CERT

DESCRIPTION

Beginning at a Point being the northwest corner of Lot 35 of The Reserve at Timberline as recorded in Map Book 34, Page 117; thence North 11°49'38" East a distance of 70.00 to a Point; thence North 09°15'08" East a distance of 46.15 to a Point; thence North 09°15'08" East a distance of 71.11 to a Point; thence North 06°19'05" East a distance of 87.12 to a Point; thence North 13°45'32" East a distance of 82.04 to a Point; thence North 24°20'12" East a distance of 82.04 to a Point; thence North 35°54'52" East a distance of 97.49 to a Point; thence North 48°29'32" East a distance of 97.49 to a Point; thence North 60°04'12" East a distance of 82.04 to a Point; thence North 70°38'52" East a distance of 82.04 to a Point; thence North 80°08'59" East a distance of 71.43 to a Point; thence North 82°27'53" East a distance of 60.00 to a Point; thence North 82°27'53" East a distance of 60.00 to a Point; thence North 82°31'20" East a distance of 75.42 to a Point; thence South 10°06'51" East a distance of 118.72 to a Point; thence North 79°53'09" East a distance of 95.00 to a Point on a curve to the left; concave Northwesterly having a radius of 25.00 feet and a central angle of 90°00'00"; thence 39.27 feet along said curve; thence North 79°53'09" East a distance of 50.00 to a Point on a curve to the left; concave Northeasterly having a radius of 25.00 feet and a central angle of 90°00'00"; thence 39.27 feet along said curve; thence South 10°06'51" East a distance of 50.00 to a Point; thence North 79°53'09" East a distance of 120.00 to a Point; thence South 10°06'51" East a distance of 159.65 to a Point; thence South 10°06'51" East a distance of 142.39 to a Point; thence South 10°06'51" West a distance of 185.69 to a Point; thence North 84°42'58" West a distance of 196.01 to a Point on a curve to the right; concave Westerly having a radius of 1225.00 feet and a central angle of 4°05'57"; thence 87.64 feet along said curve to the P.C. of a curve to the left; concave Northeasterly having a radius of 25.00 feet and a central angle of 87°42'27"; thence 38.27 feet along said curve to a Point; thence South 11°40'32" West a distance of 50.00 to a Point on a curve to the right; concave Southeasterly having a radius of 25.00 feet and a central angle of 87°42'27"; thence 38.27 feet along said curve; to a on a curve to the left; concave Westerly having a radius of 1225.00 feet and a central angle of 3°58'49"; thence 85.10 feet along said curve; thence South 72°03'06" East a distance of 147.26 to a Point; thence South 21°14'18" West a distance of 58.91 to a Point; thence North 69°10'25" West a distance of 145.04 to a Point; thence North 70°15'25" West a distance of 50.01 to a Point; thence North 68°45'42" West a distance of 119.71 to a Point; thence North 19°11'36" East a distance of 46.34 to a Point; thence North 19°11'36" East a distance of 10.46 to a Point; thence North 19°11'36" East a distance of 3.79 to a Point; thence North 15°26'20" East a distance of 49.78 to a Point; thence North 15°26'20" East a distance of 4.48 to a Point; thence North 13°03'46" East a distance of 6.19 to a Point; thence North 75°41'01" West a distance of 119.33 to a Point; thence South 14°30'21" West a distance of 6.10 to a Point; thence North 75°18'19" West a distance of 50.00 to a Point; thence North 75°18'19" West a distance of 160.33 to a Point; thence South 13°53'26" West a distance of 4.88 to a Point; thence South 13°53'26" West a distance of 60.49 to a Point; thence South 13°53'26" West a distance of 16.58 to a Point; thence North 78°10'22" West a distance of 143.93 to a Point; thence South 11°49'38" West a distance of 21.70 to a Point; thence North 78°10'22" West a distance of 50.00 to a Point; thence North 78°10'22" West a distance of 140.00 to a Point; to the Point of Beginning; containing 14.08 acres or 613563.93 square feet more or less.