

Prepared by and after recording return to:

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420 North 20th Street
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PARTIAL RELEASE OF MORTGAGE AND SECURITY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, That whereas the undersigned WACHOVIA BANK, NATIONAL ASSOCIATION, a national banking association (successor by merger to SouthTrust Bank) (the "Bank"), is the owner and holder of record of that certain Mortgage and Security Agreement dated as of November 26, 2003, executed by TIMBERLINE DEVELOPMENT, LLC, an Alabama limited liability company, and TIMBERLINE GOLF CLUB, LLC, an Alabama limited liability company (the "Borrowers") in favor of Bank, and recorded as Instrument No. 20031202000780020 the Office of the Judge of Probate of Shelby County, Alabama (as amended from time to time, the "Mortgage").

WHEREAS, for the consideration set forth below, Bank has agreed to release from the lien of the Mortgage the real property more particularly described on Exhibit A attached hereto.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, Bank does hereby release from the lien, operation and effect of the Mortgage the real property more particularly described on Exhibit A attached hereto.

This is a partial release only. As to all other land described and conveyed in the Mortgage, the lien thereof shall remain in full force and effect unaffected by this release. Nothing herein shall be deemed a payment in full of the debt secured by the Mortgage. This partial release shall be recorded with the Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, Bank has executed this Partial Release on this the 25th day of August, 2006.

WACHOVIA BANK, NATIONAL
ASSOCIATION

By: Tod Ferguson
Its: 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 TOD FERGUSON, whose name as VICE PRESIDENT of Wachovia Bank, National Association, a national banking association, 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/she, 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 and official seal, this the 25th day of August, 2006.

Sheree Brannett Hendon [SEAL]
Notary Public
My Commission Expires: January, 06, 2009



20061002000486060 2/5 \$23.00
Shelby Cnty Judge of Probate, AL
10/02/2006 12:11:31PM FILED/CERT

EXHIBIT A TO
PARTIAL RELEASE OF MORTGAGE AND SECURITY AGREEMENT

PARCEL A

COMMENCE at the Southeast corner of Fractional Section 22, Township 22 South, Range 2 West; thence N00°15'04"E, a distance of 412.50 feet to the POINT OF BEGINNING; thence continue northerly along said line, a distance of 88.16 feet; thence S 86°58'38" E a distance of 96.52 feet; thence N 46°3'25" E a distance of 90.56 feet; thence N 63°46'02"E a distance of 59.25 feet; thence N60°54'25"E, a distance of 171.14 feet; thence N43°05'53"E, a distance of 115.97 feet; thence N43°05'51"E, a distance of 124.90 feet; thence N42°49'30"E, a distance of 138.92 feet; thence N44°19'41"E, a distance of 88.00 feet; thence continue northeasterly along said line, a distance of 181.95 feet; thence N50°12'28"E, a distance of 115.94 feet; thence N50°15'00"E, a distance of 111.05 feet; thence N50°16'31"E, a distance of 43.98 feet; thence N40°25'13"E, a distance of 105.03 feet; thence N30°22'01"E, a distance of 147.99 feet; thence N30°22'47"E, a distance of 121.83 feet to a point, said point lying on the southerly Right-of-Way Line of Shelby County Road #306 (80' Right-of-Way); thence S50°40'21"E, along said Right-of-Way Line a distance of 130.02 feet; thence continue southeasterly along said bearing and along said Right-of-Way Line, a distance of 48.47 feet to the beginning of a curve to the left, having a radius of 781.90 feet, a central angle of 73°12'17", and subtended by a chord which bears S85°10'57"E, a chord distance of 932.42 feet; thence easterly along the arc of said curve and along said Right-of-Way Line a distance of 999.00 feet to the intersection of said Right-of-Way Line and the Southwesterly Right-of-Way Line of Shelby County Road #301 (80' Right-of-Way), thence, leaving said Southerly Right-of-Way Line and along said Southwesterly Right-of-Way Line S71°28'26"E a distance of 119.83' to the intersection of said Right-of-Way Line and the Northwesterly Right-of-Way Line of a Heart of Dixie Railroad Right-of-Way (100' Right-of-Way); thence, leaving said Southwesterly Right-of-Way Line and along said Northwesterly Right-of-Way Line S56°15'17"W a distance of 367.98 feet; thence S56°50'31"W, along said Right-of-Way Line a distance of 1,516.20 feet the beginning of a curve to the left having a radius of 2,500.00 feet, a central angle of 08°20'19", and subtended by a chord which bears S52°40'21"W, a chord distance of 363.52 feet; thence southwesterly along the arc of said curve and along said Right-of-Way Line a distance of 363.84 feet to the beginning of a compound curve to the left having a radius of 800.00 feet, a central angle of 11°46'30", and subtended by a chord which bears S42°36'57"W, a chord distance of 164.12 feet; thence southwesterly along the arc of said curve and along said Right-of-Way Line a distance of 164.41 feet to the beginning of a compound curve to the left having a radius of 1,801.93 feet, a central angle of 00°49'15", and subtended by a chord which bears S36°19'05"W, a chord distance of 25.82 feet; thence along the arc of said curve and along said Right-of-Way Line a distance of 25.82 feet; thence continue along the arc of last described curve through a central angle of 29°48'25", being subtended by a chord which bears S21°00'14"W, a chord distance of 926.88 feet, along said Right-of-Way Line for a distance of 937.42 feet to the beginning of a reverse curve to the right having a radius of 1719.83 feet, a central angle of 16°05'21", and subtended by a chord which bears S14°8'42"W, a chord distance of 481.36'; thence along the arc of said curve and along said Right-of-Way Line a distance of 482.94 feet; thence S22°11'26"W, along said Right-of-Way Line a distance of 8.91 feet to the beginning of a curve to the right having a radius of 400.00 feet, a central angle of 12°04'10", and subtended by a chord which bears N28°13'27"E, a chord distance of 84.10 feet; thence along the arc of said curve and along said Right-of-Way Line a distance of 84.26 feet; thence S34°15'31"W, along said Right-of-Way Line a distance of 52.11 feet to the beginning of a curve to the right having a radius of 900.00 feet, a central angle of 70°07'34", and subtended by a chord which bears S69°19'18"W, a chord distance of 1034.06 feet; thence westerly along the arc of said curve and along said Right-of-Way Line a distance of 1,101.54 feet; thence N75°36'54"W, along said Right-of-Way Line a distance of 1,302.18 feet to the beginning of a curve to the left having a radius of 1,600.00 feet, a central angle of 17°48'41" and subtended by a chord which bears N84°31'15"W, a chord distance of 495.38 feet; thence westerly along the arc of said curve and

along said Right-of-Way Line a distance of 497.38 feet; thence S86°34'25"W, along said Right-of-Way Line a distance of 112.86 feet to a point lying on the Easterly Right-of-Way Line of Interstate 65 (Variable Right-of-Way); thence leaving said Northerly Railroad Right-of-Way Line and along said Easterly Interstate 65 Right-of-Way Line N06°59'49"W, a distance of 107.65 feet; thence continue along last described course and along said Right-of-Way Line a distance of 907.45 feet; thence N22°21'46"E, along said Right-of-Way Line a distance of 51.54 feet; thence N06°47'09"W, along said Right-of-Way Line a distance of 371.44 feet; thence continue along last described course, and along said Right-of-Way Line a distance of 128.51 feet; thence N02°09'33"E, along said Right-of-Way Line a distance of 103.19 feet; thence N01°36'08"E, along said Right-of-Way Line a distance of 762.00 feet; thence, leaving said Right-of-Way Line S87°52'08"E, a distance of 703.51 feet; thence N00°34'53"E, a distance of 468.13 feet to the beginning of a curve to the right having a radius of 258.33', a central angle of 76°34'42", and subtended by a chord which bears N80°6'51"W, a chord distance of 320.13 feet; thence westerly along the arc of said curve a distance of 345.26 feet; thence N00°46'53"W, a distance of 132.57 feet to the beginning of a curve to the left having a radius of 198.33 feet, a central angle of 132°27'24" and subtended by a chord which bears S77°46'46"E, a chord distance of 363.00 feet; thence along the arc of said curve a distance of 458.49 feet; thence S89°43'56"E, a distance of 20.24 feet; thence N00°20'20"E, a distance of 112.45 feet; thence N03°24'26"W, a distance of 242.11 feet; thence N18°32'03"W, a distance of 24.83 feet to a point lying on the Southerly Right-of-Way Line of Alabama Highway #25 (Variable Right-of-Way), said point also lying on a curve to the left having a radius of 1482.75 feet, a central angle of 03°49'52", and subtended by a chord which bears N68°54'08"E, a chord distance of 99.13 feet; thence along the arc of said curve and along said Right-of-Way Line a distance of 99.15 feet; thence S21°23'52"E and leaving said Right-Of-Way, a distance of 161.58 feet to a point of curve to the right, having a radius of 235.00', a central angle of 43°07'09", and subtended by a chord which bears S00°09'42"W, a chord distance of 172.71 feet; thence along the arc of said curve, a distance of 176.85 feet; thence S21°%D43'16"W a distance of 143.49 feet to a point of curve to the left, having a radius of 640.00', a central angle of 20°48'58", and subtended by a chord which bears S11°18'47"W, a chord distance of 231.24 feet; thence along the arc of said curve, a distance of 232.52 feet; thence S00°54'18"W, a distance of 459.12' to a point of curve to the left, having a radius of 3840.00, a central angle of 04°22'04", and subtended by a chord which bears S01°16'43"E, a chord distance of 292.66 feet; thence along the arc of said curve, a distance of 292.73 feet; thence N86°32'15"E, a distance of 10.00 feet to a point of curve to the left, having a radius of 490.00', a central angle of 50°52'53", and subtended by a chord which bears S28°54'12"E, a chord distance of 420.98 feet; thence along the arc of said curve, a distance of 435.14 feet; thence S54°20'38"E, a distance of 253.03 feet to a point of curve to the left, having a radius of 380.00', a central angle of 17°45'52", and subtended by a chord which bears S63°13'34"E, a chord distance of 117.35 feet; thence along the arc of said curve, a distance of 117.82 feet; thence S72°06'29"E, a distance of 20.61 feet; thence S24°58'05"W, a distance of 137.95 feet; thence S63°38'35"E, a distance of 117.48 feet; thence S78°18'22"E, a distance of 51.10 feet; thence S64°02'13"E, a distance of 63.27 feet; thence S76°01'05"E, a distance of 116.50 feet; thence S82°04'39"E, a distance of 131.91 feet; thence S88°25'29"E, a distance of 138.36 feet; thence S03°58'06"E, a distance of 25.87 feet to a point of curve to the right, having a radius of 150.00', a central angle of 50°20'39", and subtended by a chord which bears S21°12'14"W, a chord distance of 127.60 feet; thence along the arc of said curve, a distance of 131.80 feet; thence S46°22'35"W, a distance of 69.82 feet; thence N83°11'16"W, a distance of 602.02 feet; thence S45°01'00"W, a distance of 205.43 feet; thence S03°06'26"W, a distance of 182.25 feet; thence S23°45'04"E, a distance of 256.21 feet; thence N86°30'17"E, a distance of 275.01 feet; thence N50°52'55"E, a distance of 645.91 feet; thence N73°11'13"E, a distance of 95.58 feet; thence N28°58'08"E, a distance of 119.03 feet; thence

S39°59'15"E, a distance of 41.35 feet; thence S02°47'08"E, a distance of 69.54 feet; thence S19°36'30"E, a distance of 179.21 feet; thence S41°09'37"W, a distance of 715.86 feet; thence S49°09'51"E, a distance of 391.49 feet; thence N47°03'16"E, a distance of 157.05 feet; thence S89°47'07"E, a distance of 171.95 feet; thence S79°55'28"E, a distance of 544.25 feet; thence N35°26'43"E, a distance of 229.77 feet; thence N21°57'38"E, a distance of 207.20 feet; thence N76°32'49"W, a distance of 130.63 feet; thence N02°02'51"E, a distance of 528.83 feet; thence N14°10'53"E, a distance of 461.54 feet; thence N30°44'14"W, a distance of 307.47 feet; thence S86°06'35"W, a distance of 709.30 feet; thence S88°53'40"W, a distance of 464.62 feet; thence S72°01'34"W, a distance of 38.52 feet; thence S49°13'10"W, a distance of 94.60 feet; thence S68°58'47"W, a distance of 30.98 feet; thence N74°48'01"W, a distance of 37.23 feet; thence S15°11'59"W, a distance of 64.48 feet; thence N72°06'29"W, a distance of 139.52 feet; thence N17°53'31"E, a distance of 5.00 feet; thence N72°06'29"W, a distance of 21.24 feet to a point of curve to the right, having a radius of 320.00, a central angle of 17°45'52", and subtended by a chord which bears N63°13'34"W, a chord distance of 98.82 feet; thence along the arc of said curve, a distance of 99.21 feet; thence N54°20'38"W, a distance of 253.03 feet to a point of curve to the right, having a radius of 430.00, a central angle of 50°52'53", and subtended by a chord which bears N28°54'12"W, a chord distance of 369.44 feet; thence along the arc of said curve, a distance of 381.86 feet; thence N86°32'15"E, a distance of 10.00 feet to a point of curve to the right, having a radius of 3760.00, a central angle of 04°22'04", and subtended by a chord which bears N01°16'43"W, a chord distance of 286.56 feet; thence along the arc of said curve, a distance of 286.63 feet; thence N00°54'18"E, a distance of 459.12 feet to a curve to the right, having a radius of 560.00, a central angle of 20°48'58", and subtended by a chord which bears N11°18'47"E, a chord distance of 202.34 feet; thence along the arc of said curve, a distance of 203.45 feet; thence N21°43'16"E, a distance of 143.49 feet to a point of curve to the left, having a radius of 315.00', a central angle of 43°07'09", and subtended by a chord which bears N00°09'42"E, a chord distance of 231.51 feet; thence along the arc of said curve, a distance of 237.06 feet; thence N21°23'52"W, a distance of 166.01 feet to a point lying on the Southerly Right-of-Way line of Alabama Highway #25 (Variable Right-of-Way), said point also lying on a curve to the left, having a radius of 1482.75', a central angle of 09°36'47", and subtended by a chord which bears N59°05'01"E, a chord distance of 248.48 feet; thence along the arc of said curve and said Right-of-Way line, a distance of 248.77 feet; thence, leaving said Right-of-Way Line S49°59'15"E, a distance of 122.97 feet; thence N16°19'05"E, a distance of 59.99 feet; thence N63°53'00"E, a distance of 246.67 feet to a point lying on the Southwesterly Right-of-Way Line of an Unnamed 40' Right-of-Way; thence S44°13'01"E, along said Right-of-Way Line a distance of 225.95 feet; thence S00°25'31"E, along said Right-of-Way Line a distance of 1,396.21 feet to the end of said Right-of-Way; thence S14°45'08"E, a distance of 206.79 feet; thence S89°50'13"E, a distance of 420.00 feet; thence S89°48'17"E, a distance of 236.49 feet; thence S89°49'11"E, a distance of 137.79 feet; thence S 89°49'14"E, a distance of 60.03 feet; thence S89°51'28"E, a distance of 134.94 feet; thence N89°43'30"E, a distance of 135.03 feet; thence N89°41'24"E, a distance of 135.01 feet; thence N89°41'16"E, a distance of 144.75 feet to the POINT OF BEGINNING.

PARCEL C

COMMENCE at the Southeast corner of Fractional Section 22, Township 22 South, Range 2 West, said corner lying on the Freeman Line; thence S89°56'14"E along the South line of Said Section 23 and along said Freeman Line a distance of 544.23' to a point lying on the Southeasterly Right-of-Way Line of Heart of Dixie Railroad (100' Right-of-Way), thence continue along the last described course and leaving said Right-of-Way line, a distance of 158.40 feet to the POINT OF BEGINNING; thence N89°04'01"E, a distance of 500.00 feet; thence N72°56'44"E, a distance of 626.12 feet; thence N55°13'05"E, a distance of 567.66 feet; thence S80°37'53"E, a distance of 105.32 feet; thence N70°28'43"E, a distance of 250.75 feet; thence S23°35'02"E, a distance of 100.25 feet; thence N70°28'43"E, a distance of 130.33 feet; thence N23°35'02"W, a distance of 100.25 feet; thence N12°04'01"E, a distance of 68.63 feet; thence N28°52'24"W, a distance of 670.63 feet to a point lying on the Southeasterly Right-of-Way Line of Heart of Dixie Railroad (100' Right-of-Way); thence S56°50'31"W, along said Right-of-Way Line a distance of 1831.89 feet to the beginning of a curve to the left having a radius of 2399.54 feet, a central angle of 8°20'19", and subtended by a chord which bears S52°40'21"W, a chord distance of 348.91 feet; thence along the arc of said curve and along said Right-of-Way Line a distance of 349.22 feet to the beginning of a compound curve to the left having a radius of 699.54 feet, a central angle of 7°39'42", and subtended by a chord which bears S44°40'21"W, a chord distance of 93.47 feet; thence along the arc of said curve and said Right-of-Way Line a distance of 93.54 feet to the POINT OF BEGINNING.

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