

STATE OF ALABAMA )  
SHELBY COUNTY )

**PARTIAL RELEASE**

KNOW ALL MEN BY THESE PRESENTS, that for good and valuable consideration, **First Commercial Bank** does hereby release and discharge from the lien and operation of that certain Mortgage and Security Agreement executed by **E. R. Development, Inc.**, dated March 25, 2004, and recorded in the Probate Office of Shelby County, Alabama as Instrument No. 20040325000153390, as amended by First Amendment recorded as Instrument 20060317000124860 and that certain Assignment of Leases and Rents recorded as Instrument 20040325000153400 a amended by the First Amendment recorded as Instrument No 20060317000124870, the following:

Lots 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662 and 2663 according to the Survey of Weatherly Highlands The Ledges Sector 26 - Phase Two, as recorded in Map Book 38, Page 16 in the Probate Office of Shelby County, Alabama

It is understood, however, that the execution of this Partial Release shall in no way operate to release or impair the lien or security of said Mortgage and Security Agreement upon the property remaining subject thereto.

IN WITNESS, First Commercial Bank, the undersigned, has caused these presents to be executed this 28<sup>th</sup> day of December, 2006, by its duly authorized officer.

**FIRST COMMERCIAL BANK**

By [Signature]  
Its Sr. Vice President

STATE OF ALABAMA )  
Jefferson COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John A. Marks, whose name as Sr. Vice President of First Commercial Bank, a state 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 Partial Release, he/she, 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 official seal this the 28<sup>th</sup> day of December, 2006.

[Signature]  
Notary Public

**AFFIX SEAL**

My commission expires

**NOTARY PUBLIC STATE OF ALABAMA AT LARGE**  
**MY COMMISSION EXPIRES: Feb 21, 2010**  
**BONDED THRU NOTARY PUBLIC UNDERWRITERS**

This instrument prepared by:  
William R. Sylvester, Esq.  
Walston, Wells & Birchall, LLP  
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