

**PARTIAL RELEASE FROM MORTGAGE AND ASSIGNMENT OF RENTS**

KNOW ALL MEN BY THESE PRESENTS: That whereas the undersigned Wachovia Corporation, North Carolina banking corporation, f/k/a SouthTrust Bank ("Wachovia") is the owner and holder of record of that certain Mortgage executed by AIG Baker Brookstone, L.L.C., Brookstone Townhomes, L.L.C., and AIG Baker Brookstone, L.L.C., to Wachovia, filed in the Office of the Judge of Probate of Shelby County, Alabama, under Instrument Number 20040322000146300 (the "Mortgage") and that certain Assignment of Rents and Leases executed by AIG Baker Brookstone, L.L.C.; Brookstone Townhomes, L.L.C. and AIG Baker Brookstone, L.L.C., to Wachovia, filed in the Office of the Judge of Probate of Shelby County, Alabama, under Instrument Number 20040322000146310 (the "Assignment"); and

WHEREAS, for the consideration herein set out, the undersigned has agreed to release from the lien of said Mortgage and the lien of the said Assignment the hereinafter described property.

NOW THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00) paid to the undersigned, on the execution and delivery of this instrument, the receipt and sufficiency of which sum is hereby acknowledged, the undersigned does hereby RELEASE, REMISE, CONVEY AND QUITCLAIM unto AIG Baker Brookstone, L.L.C. and its successors and assigns from the lien, operation and effect of said Mortgage and said Assignment that part of the property described in said mortgage which is described in **Exhibit A**, attached hereto and incorporated herein by reference (the "Property").

As to all other land described and conveyed in said Mortgage and Assignment, the lien thereof shall remain in full force and effect, unaffected by this release.

TO HAVE AND TO HOLD said Property unto the said AIG Baker Brookstone, L.L.C., its successors and assigns forever.

This release is given for the purpose of enabling AIG Baker Brookstone, L.L.C., to make a valid conveyance of said Property free and clear of the lien of said Mortgage and Assignment.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

CLAYTON T. SWEENEY, ATTORNEY AT LAW

IN WITNESS WHEREOF, Wachovia, has caused this release to be executed by its duly authorized officer this 29<sup>th</sup> day of Jan., 2007.

**Wachovia Corporation**, f/k/a SouthTrust Bank, an  
Alabama banking corporation

By: Margaret Bullitt

Name: MAYNARD BROTHERS

Title: VICE PRESIDENT

STATE OF Alabama )  
 ) SS:  
COUNTY OF January )

On this 29<sup>th</sup> day of January, 2007, before me appeared Maynard Brothers, to me personally known, who being by me duly sworn, did say that he is the Vice President of Wachovia Corporation, a North Carolina banking corporation, f/k/a SouthTrust Bank and that said instrument was signed and sealed on behalf of said corporation with full authority, and said officer acknowledged said instrument to be the free act and deed of said corporation.

Margaret Christopher  
Print Name: Margaret Christopher  
Notary Public, State at Large, Alabama  
My Commission Expires: May 9, 2010





20070206000055480 3/3 \$18.00  
Shelby Cnty Judge of Probate, AL  
02/06/2007 12:28:15PM FILED/CERT

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

**Pad B**

Lot 4B, according to the a re-subdivision of the Village at Lee Branch as recorded in Map Book 31, page 130 A and 130 B, in the Probate Office of Shelby County, being a re-subdivision of the Village at Lee Branch, Section 1, revision 1.