



20080828000345510 1/3 \$23.00  
Shelby Cnty Judge of Probate, AL  
08/28/2008 02:04:18PM FILED/CERT

STATE OF ALABAMA  
SHELBY COUNTY

PARTIAL RELEASE OF MORTGAGES AND LIEN SUBORDINATION

KNOW ALL MEN BY THESE PRESENTS; that the undersigned, John C. Hearn being the mortgagee in those certain mortgages described as dated 4-7-06 in the amount of \$621,395.93 and recorded in Instrument Number 20060412000170720 with Modifications set out in Instrument Number 20060426000195970, Instrument Number 20060628000311020, Instrument Number 20061108000547730, Instrument Number 20070830000409420, Instrument Number 20071023000490790 and with corrected legal description recorded in Instrument Number 20060612000278510 all in the Probate Office of Shelby County, Alabama (the Mortgages)

Mortgagee does by his signature hereto, does hereby release that certain real property described on Exhibit A from the lien of the Mortgages and further, does hereby subordinate the Mortgages to the ingress/egress easement described on Exhibit B attached hereto and incorporated by reference herein.

This instrument is intended to be a partial release only and is not intended to affect the lien of the mortgages on the balance of the real property described in the Mortgages.

Done this 17<sup>th</sup> day of JULY, 2008.

John C. Hearn  
John C. Hearn

STATE OF HAWAII )  
HONOLULU COUNTY )

I, the undersigned, a Notary Public for the State of Alabama at Large do hereby certify that John C. Hearn, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 17 day of July, 2008.

Susan Yokomoto  
Notary Public  
My Commission Exp. 8/25/2010

This Instrument Prepared by:  
James F. Burford, III  
Attorney at Law  
1318 Alford Avenue, Suite 101  
Birmingham, AL 35226

NOTARY PUBLIC CERTIFICATION  
Susan Yokomoto  
First Circuit  
Doc. Description: PARTIAL RELEASE OF  
MORTGAGES AND LIEN SUBORDINATION

No. of Pages: 3 Date of Doc. JUL 17 2008  
Susan Yokomoto JUL 17 2008  
Notary Signature Date

LS

02-409

### LEGAL DESCRIPTION

A parcel of land being a portion of that certain tract of land as described in Inst. No. 20071228000583290 in the Judge of Probate Office of Shelby County, Alabama lying in the Southeast  $\frac{1}{4}$  of Section 13, Township 19 South, Range 1 East and being more particularly described as follows:

Commence at a 1 inch open top found in place at the Southeast corner of the Southeast  $\frac{1}{4}$  of Section 13, Township 19 South, Range 1 East; thence North 90 deg. 00 min. 00 sec. West along the South line of Section 13, a distance of 2,508.34 feet to a 2 inch open top found in place; thence North 86 deg. 18 min. 45 sec. West a distance of 50.15 feet to a  $\frac{1}{2}$  inch open top found in place at Southwest corner of said Southeast  $\frac{1}{4}$ ; thence North 02 deg. 09 min. 45 sec. West along the West line of said Southeast  $\frac{1}{4}$  a distance of 75.61 feet to the Point of Beginning; thence continuing North 02 deg. 09 min. 45 sec. West along said West line a distance of 1,250.46 feet to a 1 inch open top found in place at the Northwest corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence North 01 deg. 55 min. 19 sec. East a distance of 1,425.66 feet to a t-post found in place at the Northwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence South 88 deg. 54 min. 53 sec. East along the North line of said Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  a distance of 911.74 feet to a point; thence South 01 deg. 05 min. 07 sec. West a distance of 1,944.77 feet to the centerline of a creek; thence the following 12 courses along said creek centerline South 58 deg. 12 min. 26 sec. West a distance of 70.53 feet to a point; thence South 12 deg. 30 min. 14 sec. West a distance of 115.21 feet to a point; thence South 50 deg. 26 min. 26 sec. West a distance of 235.71 feet to a point; thence South 76 deg. 50 min. 19 sec. West a distance of 81.77 feet to a point; thence South 34 deg. 47 min. 57 sec. West a distance of 83.25 feet to a point; thence South 80 deg. 42 min. 23 sec. West a distance of 168.49 feet to a point; thence South 41 deg. 42 min. 42 sec. West a distance of 151.92 feet to a point; thence South 26 deg. 54 min. 43 sec. West a distance of 81.27 feet to a point; thence South 09 deg. 42 min. 09 sec. West a distance of 117.52 feet to a point; thence South 59 deg. 03 min. 31 sec. West a distance of 49.38 feet to a point; thence North 77 deg. 48 min. 36 sec. West a distance of 63.76 feet to a point; thence North 74 deg. 20 min. 51 sec. West a distance of 55.03 feet to the point of beginning; being situated in Shelby County, Alabama.

EXHIBIT 'A'



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# EXHIBIT B

## Ingress and Egress Easement (NON EXCLUSIVE)

An easement being a portion of that certain tract of land as described in Inst. No. 20071228000583290 in the Judge of Probate Office, Shelby County, Alabama lying in the Northeast  $\frac{1}{4}$  of Section 24, Township 19 South, Range 1 East, and being more particularly described as follows:

Commence at a 1 inch open top found in place at the Southeast corner of the Southeast  $\frac{1}{4}$  of Section 13, Township 19 South, Range 1 East; thence North 90 deg. 00 min. 00 sec. West, a distance of 2,508.34 feet to a 2 inch open top found in place and the Point of Beginning; thence South 02 deg. 52 min. 53 sec. West a distance of 1,050.98 feet to a point; thence South 86 deg. 57 min. 34 sec. East a distance of 49.90 feet to a point; thence South 03 deg. 23 min. 29 sec. West a distance of 1,292.42 feet to the Northerly right-of-way of Westover Road; thence along said right-of-way North 79 deg. 48 min. 37 sec. West a distance of 100.27 feet; thence leaving said right-of-way North 03 deg. 22 min. 32 sec. East a distance of 1,280.03 feet to a point; thence North 02 deg. 52 min. 30 sec. East a distance of 1,051.46 feet to a  $\frac{1}{2}$  inch open top found in place at the Southwest corner of the Southeast  $\frac{1}{4}$  of Section 13; thence North 2 deg. 09 min. 45 sec. West along the West line of said Southeast  $\frac{1}{4}$  a distance of 75.61 feet to a point on the centerline of a creek; thence South 74 deg. 20 min. 51 sec. East along said centerline 55.03 feet to a point; thence South 00 deg. 04 min. 59 sec. West a distance of 63.94 feet to the Point of Beginning; being situated in Shelby County, Alabama.



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