

STATE OF ALABAMA     )  
                                 :  
SHELBY COUNTY         )

**TERMINATION AND RELEASE OF ASSIGNMENT OF MORTGAGE**

**(Cross Reference: Instrument No. 20080313000104440)**

This TERMINATION AND RELEASE OF ASSIGNMENT OF MORTGAGE (this "Termination") is made this 5 day of January, 2009, by **FIRST COMMERCIAL BANK**, an Alabama banking corporation ("First Commercial").

**W I T N E S S E T H:**

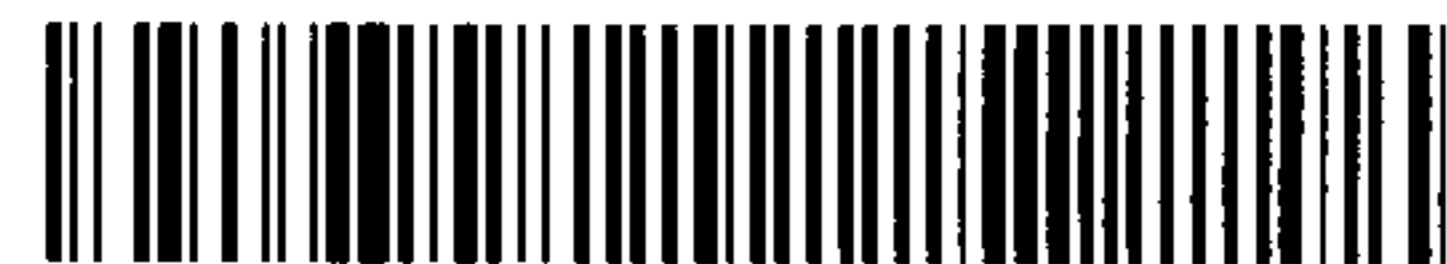
WHEREAS, Saiia Construction, L.L.C., an Alabama limited liability company ("Saiia"), executed that certain Assignment of Mortgage dated February 28, 2008, and recorded on March 13, 2008, as Instrument No. 20080313000104440 in the Office of the Probate Judge of Shelby County, Alabama (the "Assignment"), whereby Saiia assigned to First Commercial that certain Mortgage granted by American Land Development Corp. and American Homes and Land Corporation in favor of Saiia dated February 28, 2008, and recorded on February 29, 2008, as Instrument No. 20080229000082420 in said Probate Office (the "Mortgage"); and

WHEREAS, First Commercial has agreed to terminate the Assignment.

NOW, THEREFORE, for an in consideration of the premises and Ten and no/100 Dollars (\$10.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, First Commercial does hereby state, covenant, represent, affirm and agree as follows:

**Agreement**

1. **Termination.** The Assignment is hereby fully and forever terminated and released and shall be null and void hereafter.
2. **Reassignment of Mortgage.** First Commercial does hereby assign, transfer, sell and convey to Saiia the Mortgage, together with all the rights, powers, privileges and options of First Commercial thereunder.
3. **Conveyance of Interest in Property.** First Commercial does hereby remise, release, quitclaim and convey to Saiia any interest in the real property which is subject to the Mortgage that First Commercial may have received pursuant to the Assignment.
4. **Binding Effect.** This Termination shall be binding upon and shall inure to the benefit of Saiia and First Commercial and their respective successors and assigns.



20090122000020480 2/2 \$14.00  
 Shelby Cnty Judge of Probate, AL  
 01/22/2009 01:38:54PM FILED/CERT

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the day and year first written above.

**FIRST COMMERCIAL BANK**

By: David W. Bowman

Name: David W. Bowman

Title: Vice President

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned, a notary public in and for said county in said state, hereby certify that David W. Bowman, whose name as Vice President of FIRST COMMERCIAL BANK, an Alabama 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 the instrument, he, 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 15<sup>th</sup> day of January, 2009.

David Jennings Sanford  
 Notary Public

[NOTARIAL SEAL]

My commission expires 6-6-09

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
 MY COMMISSION EXPIRES: June 6, 2009  
 BONDED THRU NOTARY PUBLIC UNDERWRITERS

This instrument prepared by:

Meade Whitaker, Jr., Esq.  
 1819 5<sup>th</sup> Avenue North  
 Birmingham, Alabama 35203