## After recording, please return to:

Mark E. Hoffman, P.C.
2229 First Avenue North
Birmingham, AL 35203

## This instrument prepared by:

Stephanie Chaharbaghi, Esq.
U.S. Department of Housing and Urban Development
Office of General Counsel
451 7<sup>th</sup> Street SW, Room 9230
Washington, DC 20410

## RELEASE OF REGULATORY AGREEMENT

FHA Project No.: 062-22033 Project Name: Maplewood Ridge City, State: Pelham, Alabama

THIS RELEASE is made by the SECRETARY OF HOUSING AND URBAN DEVELOPMENT ("HUD").

## WITNESSETH:

WHEREAS, HUD insured or coinsured a mortgage loan (the "Mortgage Loan") evidenced by a Mortgage Note dated March 12, 2009, in the original amount of \$2,134,800.00 (the "Mortgage Note"), and secured by a Mortgage dated March 12, 2009, as assigned, amended or modified from time to time (the "Mortgage"), on Project No. 062-22033, located in Shelby County, Alabama (the "Project");

WHEREAS, in consideration of the Mortgage Loan, the original mortgagor, Pelham Senior Living Triple Net, LLC (the "Mortgagor"), executed a Regulatory Agreement, which was recorded as Instrument Number 20090312000089760 in the Probate Office of Shelby County, Alabama (including any and all amendments thereto, the "Regulatory Agreement"); and

WHEREAS, HUD has entered into a certain Loan Sale Agreement with Bank of Camden (the "Purchaser"), dated as of February 23, 2011, (the "Loan Sale Agreement"), pursuant to which HUD is selling, assigning and transferring the Mortgage Loan to the Purchaser; and

WHEREAS, pursuant to the Loan Sale Agreement, HUD has agreed to release the Regulatory Agreement as provided below.

20110329000098130 1/3 \$18.00 Shelby Cnty Judge of Probate, AL 03/29/2011 12:56:49 PM FILED/CERT NOW, THEREFORE, for and in consideration of the sale, assignment and transfer of the Mortgage Loan, and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, HUD does hereby release and terminate, but on a prospective basis only, the Regulatory Agreement in effect with respect to the Project and does hereby agree that the Mortgagor and its successors and assigns are released, on a prospective basis only, from all obligations set forth in the Regulatory Agreement (including, without limitation, obligations relating to the maintenance of any reserve fund for replacements referenced in the Regulatory Agreement); provided, however, that (i) this Release shall be of no further force or effect and the Regulatory Agreement shall not be released if HUD rescinds the sale, assignment and transfer of the Mortgage Loan pursuant to the Loan Sale Agreement; and (ii) nothing in this Release shall waive, compromise, impair or prejudice any right that HUD might have to seek judicial, administrative or other recourse for any breach of the Regulatory Agreement that might have occurred or accrued prior to the date of this Release.

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IN WITNESS WHERE by its duly authorized agent as of	EOF, HUD has caused this Release to be executed and delivered under seal fithe, 2011.
WITNESS:	SECRETARY OF HOUSING AND URBAN DEVELOPMENT
Mada aprel Wello Nikers MARCENE EL MOS	the Japaner who group of the W. Jum
MARLENE L RA	Authorized Agent Jh. W. Lucy
	ACKNOWLEDGEMENT
DISTRICT OF COLUMBIA, ss	
The foregoing instrum  John W. Lucey  Development.	ent was acknowledged before me on <u>March 10</u> , 2011, by as Authorized Agent of the Secretary of Housing and Urban
	Peggy A. Russo Peggy A. Russo Peggy A. Russo
[SEAL]	My commission expires  Peggy A. Russo  Notary Public, District of Columbia  My Commission Expires 03/14/2011
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