

STATE OF ALABAMA)
)
SHELBY COUNTY)

This Document Prepared By:
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Balch & Bingham LLP
Post Office Box 306
Birmingham AL 35201-0306


RELEASE OF MORTGAGE AND ASSIGNMENT OF RENTS AND LEASES

KNOW ALL MEN BY THESE PRESENTS, that for valuable consideration, the undersigned **CADENCE BANK, N.A.**, a national banking association (successor by way of Superior Bank, National Association, a national banking association, as purchaser and assignee from the Federal Deposit Insurance Corporation, as receiver of Superior Bank, a federal savings bank, formerly known as The Bank, a federal savings bank, successor by way of merger to The Bank, an Alabama banking corporation, pursuant to that certain Purchase and Assumption Agreement dated as of April 15, 2011) ("Cadence Bank"), being the holder of (i) that certain real estate mortgage dated **December 7, 2004**, executed by **JIM WHATLEY CONSTRUCTION CO., INC.** in favor of The Bank, a federal savings bank, recorded in **Instrument Number 20041216000687530** in the Office of the Judge of Probate of Shelby County, Alabama (the "Mortgage") and (ii) that certain Assignment of Rents and Leases ("Assignment of Rents") recorded in **Instrument Number 20041216000687540**, in the Office of the Judge of Probate of Shelby County, Alabama, does hereby release said Mortgage and Assignments of Rents.

The undersigned, Cadence Bank hereby releases only the Mortgage and Assignment of Rents described herein, and does not release Jim Whatley Construction Co., Inc., any guarantor of the obligations owed by Jim Whatley Construction Co., Inc. to Cadence Bank or any other real property or other collateral.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on the 24th day of Sept, 2012.

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Shelby Cnty Judge of Probate, AL
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CADENCE BANK, N.A., a national banking association

By: Cynthia A. Bush

Print Name: Cynthia A. Bush

Its: VP SAC

STATE OF Alabama)

COUNTY OF Tuftsboro)

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Cynthia A. Bush whose name as VP SAC of Cadence Bank, N.A., a national banking association, is signed to the foregoing release of mortgage and assignment of rents and leases and who is known to me, acknowledged before me on this day that, being fully informed of the contents of the above and foregoing release of mortgage and assignment of rents and leases, he/she, with full authority, executed the same voluntarily for and as the act of said national banking association on the day the same bears date.

Witness my hand and official seal, this the 24 day of September, 2012

Notary Public Sharon Kelgo

My Commission Expires: NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 23, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS



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