

RETURN TO:  
CHICAGO TITLE INSURANCE CO.  
6060 POPLAR AVE-SUITE LL37  
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6/04/09 11:19:06  
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DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

PREPARED BY AND RETURN TO::

David J. Burge, Esq.  
Smith, Gambrell & Russell, LLP  
1230 Peachtree Street, N.E.  
Suite 3100  
Atlanta, Georgia 30309-3592c

# 2137400 *mjb*

*mjb*  
6/04/09 11:19:30  
DK P BK 132 PG 280  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

### RELEASE OF CROSS-COLLATERALIZATION AND CROSS-DEFAULT AGREEMENT

Wachovia Bank, National Association (successor in interest to SouthTrust Bank) declares that it is the true and lawful owner of the note and indebtedness secured by a Cross-Collateralization and Cross-Default Agreement (the "Cross-Agreement") executed by Panattoni Investments, LLC, Carmel River, LLC and Memphis Oaks 3, LLC, dated April 27, 2005 and recorded May 4, 2005 in Book 2209, page 385 in the Office of the Chancery Clerk for DeSoto County, Mississippi, to which Cross-Agreement reference is hereby made, and for a valuable consideration, Wachovia Bank, National Association does hereby **RELEASE** and terminate the Cross-Agreement. Nothing herein shall constitute a release and discharge of the note and indebtedness secured by the Cross-Agreement or the release any other collateral and security therefor. Without limiting the foregoing, Wachovia restates and ratifies that certain Cross-Collateralization and Cross-Default Agreement dated December 8, 2004 and recorded in Book 106, page 434 and re-recorded in Book 107, page 503 in the Office of the Chancery Clerk for DeSoto County, Mississippi.

**Bank**

Wachovia Bank, National Association,  
successor in interest to SouthTrust Bank

CORPORATE  
SEAL

By: *Daniel Allman*  
Daniel Allman, Associate



*Chicago Title*

*2*

STATE OF GEORGIA

COUNTY OF FULTON

Before me, the undersigned Notary Public in and for the aforesaid jurisdiction, personally appeared Daniel Allman, personally known to me or proven upon satisfactory evidence to be the person described in the foregoing instrument, and who, being first duly sworn, acknowledged himself to be an Associate of Wachovia Bank, National Association a national banking association; the within named bargainer, and who further acknowledged that, being duly authorized, he executed and delivered the foregoing instrument for the purpose therein contained on behalf of the company by himself as such officer.

Witness my hand and Official Seal at office, this the 28 day of May, 2009.

Daughn L Sage  
Notary Public  
Daughn L Sage  
My Commission Expires.

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

