

## COLLATERAL ASSIGNMENT OF NOTE AND REAL ESTATE MORTGAGE

STATE OF ALABAMA )  
COUNTY OF SHELBY )

KNOW ALL MEN BY THESE PRESENTS, that for value received from SouthTrust Bank, N.A., a national banking association, hereinafter referred to as the "Bank," the undersigned hereby grants a security interest in and transfers, conveys, bargains, sells, assigns, pledges and sets over unto the Bank, its successors and assigns, that certain indebtedness of James R. Gardner, evidenced by a promissory note (the "Note") in principal amount of \$300,000.00 dated November 18, 1997, together with that certain real estate mortgage (the "Mortgage") securing the Note and recorded in Instrument No. 1997-39193 in the Office of the Judge of Probate of Shelby County, Alabama, and all of the undersigned's right, title and interest in and to the following described real estate situated in the State of Alabama, Shelby County:

Lot 3, according to the Survey of Bear Creek Ridge, as recorded in Map Book 22, Page 44, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD unto the Bank, its successors and assigns, forever. The undersigned warrants to the Bank, its successors and assigns, that neither the Note, the Mortgage, nor the undersigned's interest in and to the above-described real estate, nor any interest in any of them has been assigned, pledged or otherwise transferred to any other party.

This assignment is given to secure payment and performance of all indebtedness and obligations now or at any time hereafter owing by the undersigned assignor to the Bank, including, without limitation, that certain indebtedness evidenced by the undersigned's promissory note dated November 18, 1997, payable to the Bank in the principal amount of \$300,000.00 with interest as therein stated and all renewals and extensions, in whole or part, of said note.

IN WITNESS WHEREOF, this assignment is executed for and in the name of the undersigned assignor this 18<sup>th</sup> day of November, 1997.

ASSIGNOR:

David P. Bruno

David P. Bruno

STATE OF ALABAMA )  
COUNTY OF Hunt Jefferson

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that David P. Bruno whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 18<sup>th</sup> day of November, 1997.

Christina DeBandi

Notary Public

My commission expires: 6/4/2001

02/10/1998-04491  
08:39 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 NCD 8.50

Inst # 1998-04491