

ASSIGNMENT OF MORTGAGE

(STATE OF ALABAMA)

(SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee for National Bank of Commerce of Birmingham, a national banking association, for value received to it in hand paid by Hibernia National Bank (the "Assignee") does hereby grant, bargain, sell and convey and assign unto the Assignee all its right, title and interest in and to a certain mortgage executed to it by LEROY HOWTON, JR. AND CYNTHIA R. HOWTON, HUSBAND AND WIFE on the 10TH day of DECEMBER, 2001, and recorded in 2002, Page 00723, of the records of the Probate Office of SHELBY County, ALABAMA; and together with the debt secured thereby and all right, title and interest in and to the property therein described, including, but not limited to, that certain real property described as follows:

Inst # 2002-00734

SEE ATTACHED EXHIBIT "A"

IN WITNESS WHEREOF, Mortgage Electronic Registration Systems, Inc. has caused this assignment to be signed by Steven D. Fleming, its Assistant Secretary, and attested by Traci C. Dollar, all as of the 10TH day of DECEMBER, 2001, although this assignment has actually been signed and attested on the date set forth in the acknowledgement below.

Mortgage Electronic Registration Systems, Inc.

By: [Signature]
Steven D. Fleming
Its: Assistant Secretary

Attest:

By: [Signature]
Traci C. Dollar

(STATE OF Alabama)

(Jefferson COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Steven D. Fleming, whose name as Assistant Secretary of Mortgage Electronic Registration Systems, Inc. signed to the foregoing assignment, and who is known to me, acknowledged before me on this day, that being informed of the contents of this assignment, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 5th day of December 2001

[Signature]
Notary Public

This instrument prepared by:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Aug. 18, 2003
BONDED THRU NOTARY PUBLIC UNDERWRITERS

KATHERINE PAYNE
NATIONAL BANK OF COMMERCE
1927 1ST AVENUE NORTH
BIRMINGHAM, ALABAMA 35203

01/04/2002-00734
10:27 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MEL 14.00

EXHIBIT "A"

A PARCEL OF LAND IN THE NE 1/4 OF THE SE 1/4 OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 4 WEST, SHELBY COUNTY, ALABAMA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NE CORNER OF THE NE 1/4 OF THE SE 1/4 OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 4 WEST, SHELBY COUNTY, ALABAMA, AND RUN THENCE SOUTHERLY ALONG THE EAST LINE OF SAID 1/4-1/4 333.00 FEET TO A POINT; THENCE TURN 89 DEGREES 29' 38" RIGHT AND RUN WESTERLY 555.00 FEET TO A POINT; THENCE TURN 89 DEGREES 29' 38" LEFT AND RUN SOUTHERLY 313.95 FEET TO A POINT; THENCE TURN 89 DEGREES 29' 38" RIGHT AND RUN WESTERLY 354.00 FEET TO A STEEL PIN CORNER AND THE POINT OF BEGINNING (POINT OF BEGINNING) OF THE PROPERTY BEING DESCRIBED; THENCE CONTINUE ALONG LAST DESCRIBED COURSE 175.00 FEET TO A STEEL PIN CORNER; THENCE TURN 89 DEGREES 29' 32" LEFT AND RUN SOUTHERLY 278.57 FEET TO A STEEL PIN CORNER; THENCE TURN 90 DEGREES 30' 23" LEFT AND RUN EASTERLY 175.00 FEET TO A STEEL PIN CORNER; THENCE 89 DEGREES 29' 38" LEFT AND RUN NORTHERLY 30.96 FEET TO A STEEL PIN CORNER; THENCE TURN 14 DEGREES 23' 59" LEFT AND RUN NORTH-NORTHWESTERLY 174.69 FEET TO A STEEL PIN CORNER; THENCE TURN 43 DEGREES 23' 22" RIGHT AND RUN NORTHEASTERLY 89.64 FEET TO THE POINT OF BEGINNING; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

Inst # 2002-00734

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10:27 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MEL 14.00