

**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 JOHN P. KOVAC AND PATRICIA A. KOVAC, HUSBAND AND WIFE on the 11TH day of OCTOBER, 2001 and recorded in 2001, Page 49231, 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:

LOT 40, ACCORDING TO SURVEY OF HEATHERWOOD, 4TH SECTOR, AS RECORDED IN MAP BOOK 9, PAGES 161, 162, AND 163 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

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 11TH day of OCTOBER, 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:   
Steven D. Fleming *inst* 2002-03245  
Its: Assistant Secretary

Attest:

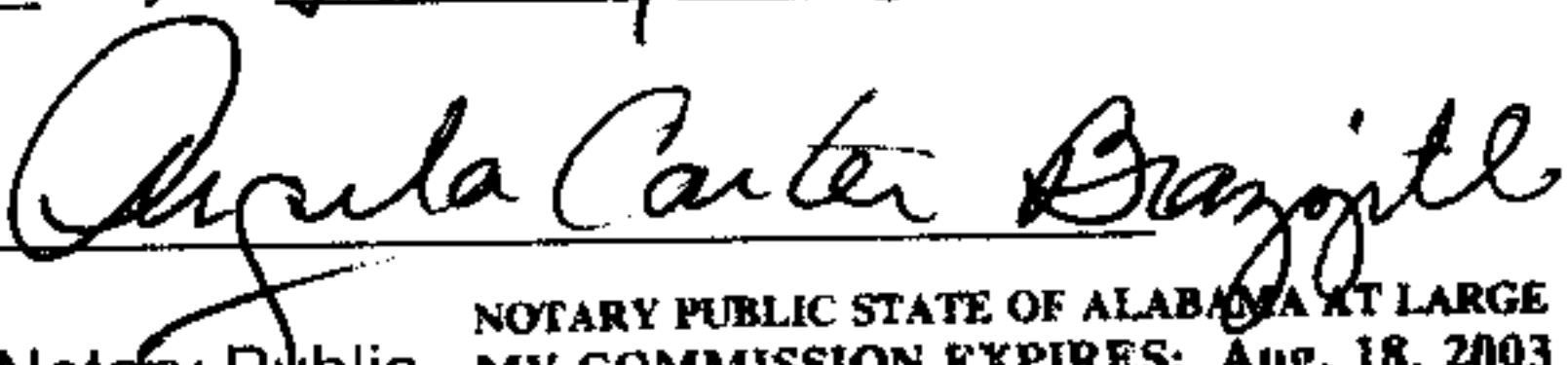
By:   
Traci C. Dollar

01/18/2002-03245  
08:53 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 CH 11.00

(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 10th day of January, 2002

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

This instrument prepared by:  
**KATHERINE PAYNE**  
~~NATIONAL BANK OF COMMERCE~~  
1927 1ST AVENUE NORTH  
BIRMINGHAM, ALABAMA 35203