


STATE OF ALABAMA )  
COUNTY OF SHELBY )


  
20041104000607710 Pg 1/4 20.00  
Shelby Cnty Judge of Probate, AL  
11/04/2004 10:30:00 FILED/CERTIFIED

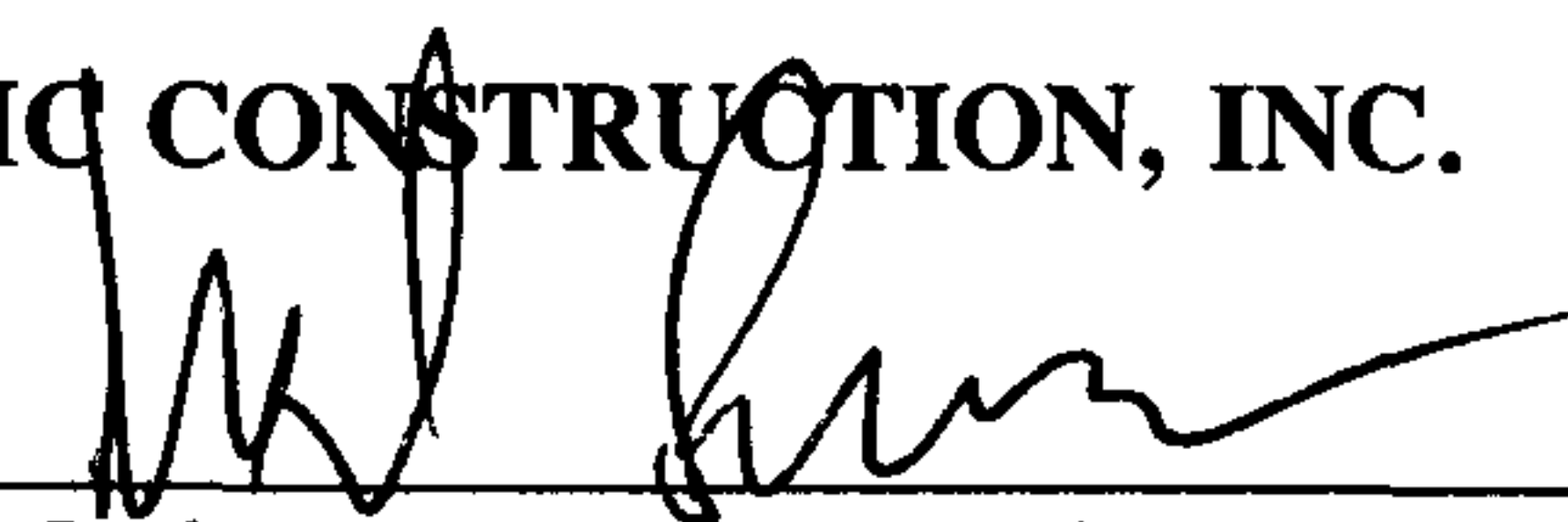
**ABSOLUTE ASSIGNMENT AND ASSUMPTION OF MORTGAGE**

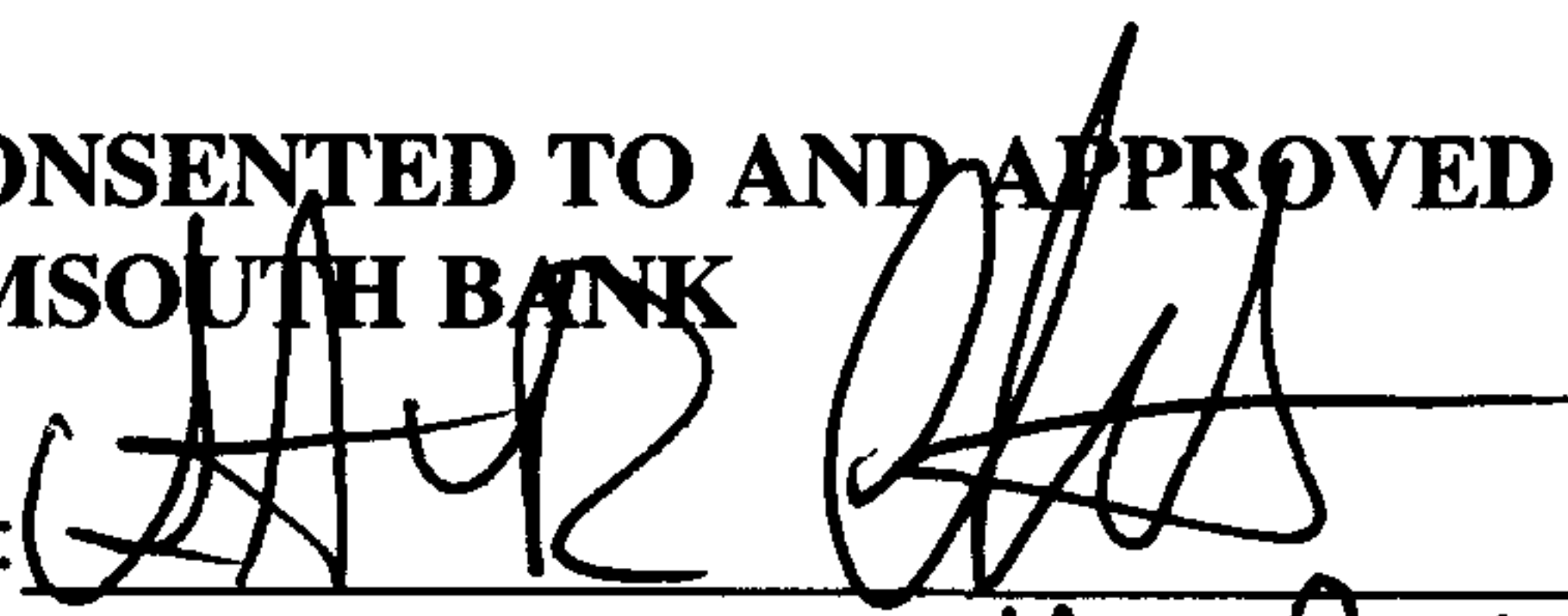
**KNOW ALL MEN BY THESE PRESENTS**, that Ashbury Associates, Ltd., an Alabama limited partnership (the "Assignor"), has heretofore granted a mortgage on certain property located in Shelby County, Alabama, as more particularly described on Exhibit A attached hereto and made a part hereof, to AmSouth Bank, an Alabama banking corporation, pursuant to that certain Mortgage executed by Assignor on March 21, 2002 and recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument # 2002-13451 (the "Mortgage"). Pursuant to a certain Assignment of Promissory Note and Related Loan Documents (the "Assignment") dated as of the date hereof between the Assignor and the Assignee, the Assignor transferred and assigned the loan secured by the Mortgage and the related loan documents (including the Mortgage) to the Assignee, on the terms and subject to the conditions set forth therein.

For value received to it in hand paid by Pacific Construction, Inc., an Alabama corporation (the "Assignee"), the Assignor does hereby grant, bargain, sell, convey and assign unto the Assignee all of its right, title and interest in and to the Mortgage, along with the corresponding duties and obligations thereunder, together with the debt secured thereby and all right, title and interest of the Assignor in and to the property therein described. Assignee hereby assumes all right, duties and obligations of Assignor under the Mortgage.

**IN WITNESS WHEREOF**, the Assignor has executed this instrument on this 29<sup>th</sup> day of October, 2004.

**ASHBURY ASSOCIATES, LTD.**  
By:   
Mark Beaver, Its general partner

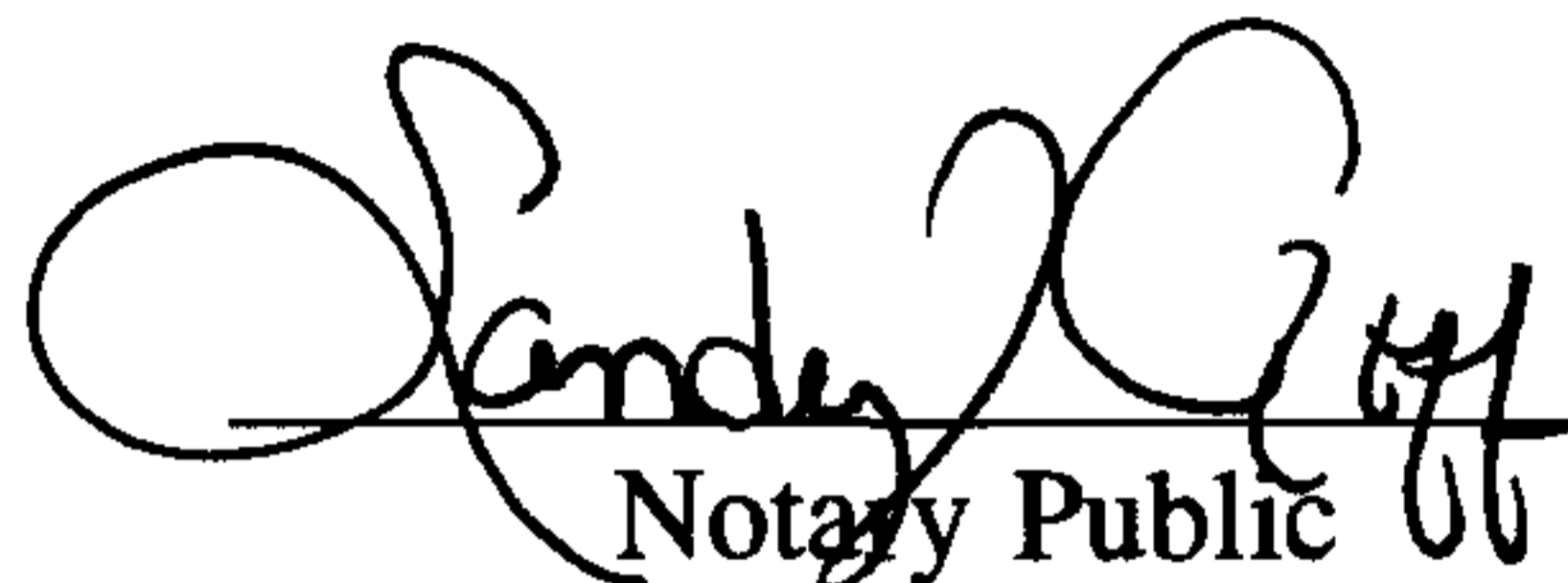
**PACIFIC CONSTRUCTION, INC.**  
By:   
Mark Beaver, Its President

**CONSENTED TO AND APPROVED BY:**  
**AMSOUTH BANK**  
By:   
Steve Chester, Its Vice President

STATE OF ALABAMA     )  
COUNTY OF MARSHALL )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Mark Beaver, whose name as General Partner of Ashbury Associates, Ltd., an Alabama limited partnership, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such General Partner, executed the same voluntarily on behalf of said limited partnership.

Given under my hand and official seal this the 26<sup>th</sup> day of October, 2004.

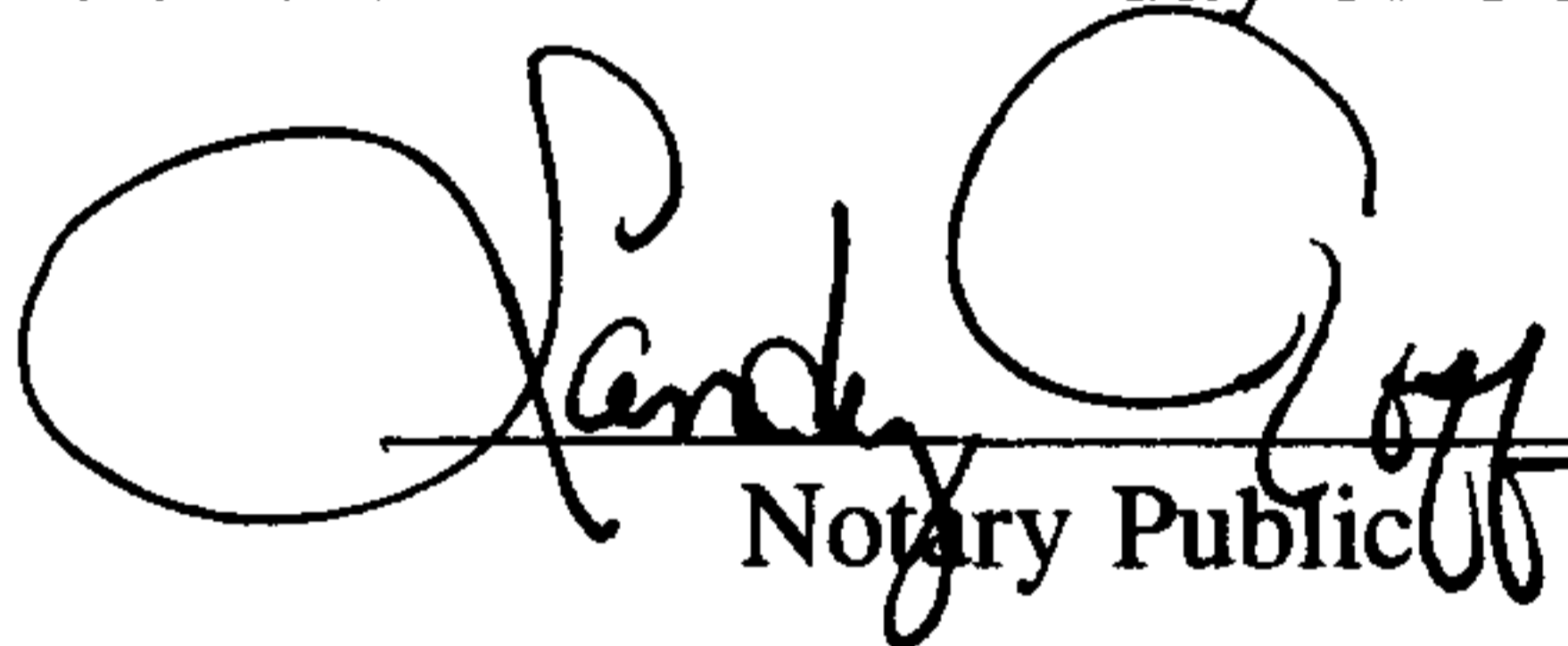
  
Notary Public

AFFIX SEAL

My commission expires: November 29, 2005

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Mark Beaver, whose name as President of Pacific Construction, Inc., an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such President, executed the same voluntarily on behalf of said corporation.

Given under my hand and official seal this the 29<sup>th</sup> day of October, 2004.

  
Notary Public

AFFIX SEAL

My commission expires: November 29, 2005

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Steve Chester, whose name as Vice President of AmSouth Bank, an Alabama banking corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer, executed the same voluntarily on behalf of said corporation.

Given under my hand and official seal this the 2nd day of November, 2004.



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Notary Public

AFFIX SEAL

My commission expires: 3-18-06

This instrument prepared by:  
Kelly B. Rushin, Esq.  
Maynard, Cooper & Gale, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203-2602  
(205) 254-1000

**EXHIBIT A**

(Legal Description)

Starting at the intersection of the north line of SW 1/4 of the SE 1/4 of Section 26, T-21-S, R-3-W, Shelby County, Alabama and the east right of way of Alabama Highway 119 (80' row), run along the north line of the SW 1/4 of the SE 1/4 and the SE 1/4 of the SE 1/4, South 89°-46'-53" East, 837.31 feet to the POINT OF BEGINNING; thence from said point of beginning, continue along the north line of the SE 1/4 of the SE 1/4, South 89°-46'-53" East, 600.00 feet; thence South 01°-03'-15" West, 677.85 feet to the south line of the N 1/2 of the SE 1/4 of the SE 1/4; thence along said south line, North 89°-56'-43" West, 843.03 feet; thence North 04°-45'-57" East, 228.71 feet; thence North 89°-59'-27" West, 571.67 feet to the east right of way of said Alabama Highway 119; thence along the east right of way of said highway, along a curve concave to the west (property line radius 2334.76 feet) a chord of North 01°-20'-03" East, 50.01 feet; thence South 89°-59'-27" East, 799.84 feet; thence North 01°-03'-15" East, 401.41 feet to the point of beginning. Said parcel lying in the SE 1/4 of Section 26, T-21-S, R-3-W, Shelby County, Alabama and containing 11.491 acres, more or less.