

Prepared by:  
J. Keith Windle  
Bradley Arant Boult Cummings LLP  
1819 Fifth Avenue North  
One Federal Place, 4<sup>th</sup> Floor  
Birmingham, Alabama 35203

  
20090813000311280 1/4 \$22.00  
Shelby Cnty Judge of Probate, AL  
08/13/2009 11:47:19 AM FILED/CERT

Return to:  
Clayton T. Sweeney  
Attorney At Law  
2700 Highway 280 East Suite 160  
Birmingham, AL 35223

STATE OF ALABAMA )

COUNTY OF SHELBY )

### ASSIGNMENT

This Assignment is entered into by and between **REGIONS BANK**, an Alabama banking corporation ("Assignor"), with an address at 1901 6<sup>th</sup> Avenue North, 19<sup>th</sup> Floor, Birmingham, Alabama 35203, and **DONALD E. HINKS** ("Assignee") with an address of 2612 Santa Barbara Blvd., Units 1 and 2, Cape Coral, Florida 33914.

### RECITALS:

A. Assignor and Assignee entered into that certain Purchase and Sale Agreement dated as of July 31, 2009 (the "Purchase and Sale Agreement").

B. The Purchase and Sale Agreement provides for the sale and transfer by Assignor to Assignee of certain Notes (such term and all other capitalized terms used herein and not otherwise defined herein have the definitions ascribed to them in the Purchase and Sale Agreement) and Loan Documents.

CLAYTON T. SWEENEY, ATTORNEY AT LAW



For \$10.00 and other good and valuable consideration, Assignor hereby assigns, sells and conveys to Assignee all of Assignor's right, title and interest in and to the following:

1. Mortgage executed by Cena Homes, Inc. (the "Mortgagor") in favor of Assignor and recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument 20080708000275810.

2. Construction Mortgage executed by Mortgagor in favor of Assignor and recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument 20070330000144280 and modified in Instrument #20071031000504220.

3. Construction Mortgage executed by Mortgagor in favor of Assignor and recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument 20070330000144270 and modified in Instrument #20071031000504210.

This Assignment is subject to such other additional limitations, disclaimers, waivers and qualifications as may be further set forth in the Purchase and Sale Agreement.

DATED this 31<sup>st</sup> day of July, 2009.

[SIGNATURE PAGES FOLLOW]

  
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**REGIONS BANK,**  
an Alabama banking corporation

Witnessed by:

J. Keith Windle  
Print Name: J. Keith Windle

Ginger L. Carroll  
Print Name: Ginger L. Carroll

By: Thomas A. Neely  
Name: Thomas A. Neely  
Its: Executive Vice President

STATE OF ALABAMA                     )  
                                                     :  
JEFFERSON COUNTY                    )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Thomas A. Neely, whose name as Executive Vice President of Regions 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 and with full authority, executed the same voluntarily for and as the act of said banking corporation.

Given under my hand and official seal this 31<sup>st</sup> day of July, 2009.

Deanna Ann Sanders  
Notary Public

[NOTARIAL SEAL]

My commission expires: 10-8-2009

  
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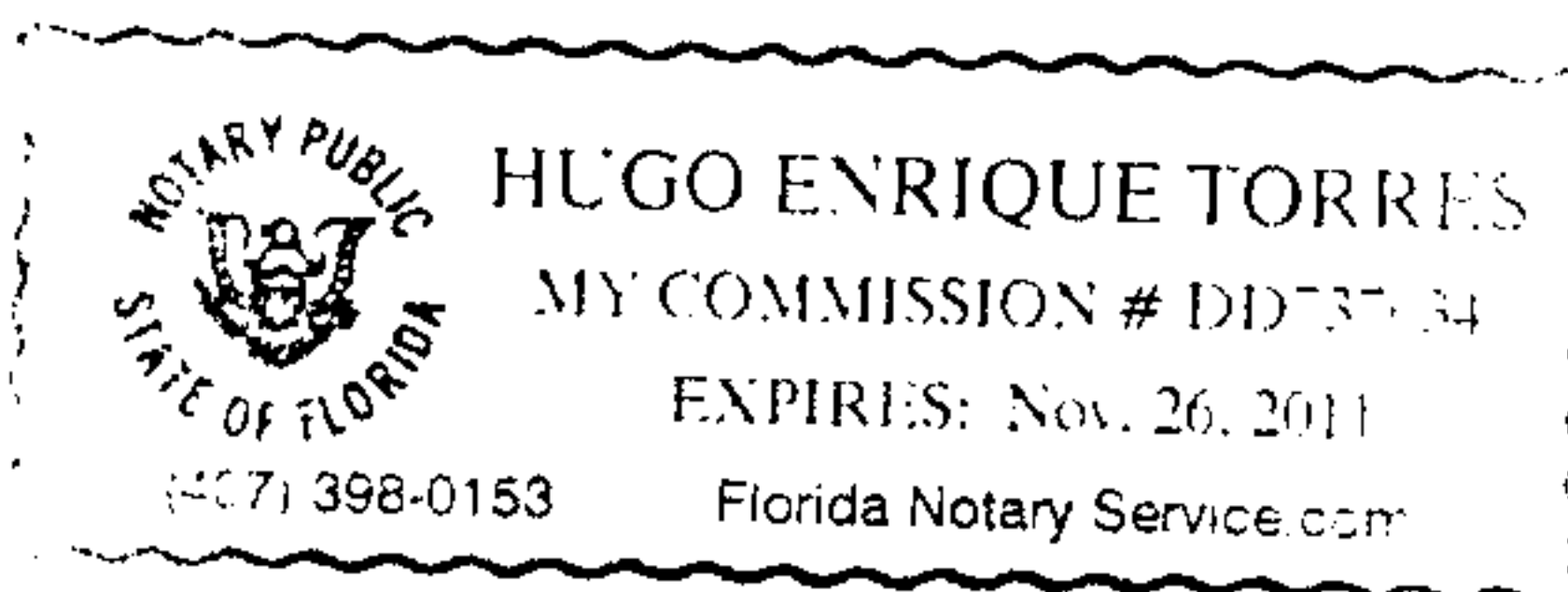


By: Donald E. Hinks  
Donald E. Hinks

STATE OF Florida )  
:  
Lee COUNTY )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Donald E. Hinks, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 31<sup>st</sup> day of July, 2009.



Hugo Enrique Torres  
Notary Public

[NOTARIAL SEAL]

My commission expires: 11/26/11

ok