

(3)

# TRANSFER OF AN INTEREST IN NOTE AND MORTGAGE WITH RECOURSE

STATE OF ALABAMA )

JEFFERSON COUNTY )

For value received the undersigned, Investors Trust, Inc, a corporation organized and existing under the laws of the State of Ala, does hereby grant, bargain, sell, convey, assign and deliver unto Fay & Clay Bernstein an interest in that certain mortgage executed by James C & Debbie Estes to Investors Trust, Inc, together with a promissory note as evidence of such indebtedness, the principal balance being in the sum of \$ 7,298 45, the note and mortgage being dated the 26 day of August, 19 85, and being filed for record on the 29 day of August, 19 85, in the office of the Judge of Probate of Shelby County, Alabama, in Volume 39 on page 517 (and in the event there have been any subsequent transfers of the said mortgage, the last of such subsequent transfers appears at Volume       , Page       ) together with the indebtedness reflected by said note and mortgage, and all interest of the undersigned in and to the lands and properties described in said mortgage.

By accepting and filing for record this assignment, in respect to the mortgage and debt referred to hereinabove, the assignee first recognizes and agrees that assignee is receiving an interest in the mortgage and the indebtedness to the extent of \$ 7,298 45, which interest in said mortgage and debt shall have the same priority and title protection as the full mortgage, but shall be ahead of and prior to any other interest in the said mortgage. Assignee recognizes, therefore, that assignee will be paid in full assignee's portion of the mortgage and debt before the complete mortgage and debt are paid in full and, necessarily, the assignee will at the time of such payment in full to assignee be required to reassign and retransfer the note, debt and mortgage. Assignee shall reassign and retransfer the note, debt and mortgage to the assignor within thirty days from such full payment to the assignee, and, in the event assignee fails to do so within such thirty day period, then assignee designates and appoints assignor as and for the true and lawful agent of assignee for the sole and only purpose of reconveying and retransferring the said note, debt and mortgage. Assignee agrees that the assignor may file for record in the same probate court where this assignment is filed and recorded an affidavit which shall identify the mortgage, note and debt and which shall recite, under oath, by assignor, or a duly authorized officer of assignor, that the portion of the debt assigned herein to the assignee has in fact been paid to the assignee. The filing and recording of such an affidavit shall constitute a reassignment and reconveyance of the note, mortgage and debt.

**RECOURSE AND ENDORSEMENT** — Recourse and endorsement of the said note and mortgage by the undersigned shall be to the extent of guaranteeing the full amount of the assigned mortgage to the assignee.

In consideration of the foregoing guarantee, the assignee, and any subsequent assignee, agree and consent that the assignor, undersigned, may charge, keep, have and retain any late charges additional interest charges, prepayment penalties and other benefits.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals this 18th day of October NOV, 19 85.

Investors Trust, Inc,  
a corporation

BY

Jordan P. OlshanITS SECRETARY/TREASURER

"Assignor shall have at all times the right to collect and manage the collection and the processing of the mortgage and note, and this right, privilege and control shall apply to any subsequent assignee."

STATE OF ALABAMA )

JEFFERSON COUNTY )

I the undersigned, a Notary Public in and for said County, in said State, hereby certify that Jordan P. Olshan, whose name as Secretary/Treasurer of Investors Trust, Inc, corporation, 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 said conveyance, 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 day of 18th October NOV, 19 85.

STATE OF ALABAMA  
JEFFERSON COUNTY  
NOTARY PUBLIC  
INSTRUMENT FILED

1985 DEC -3 AM 11:07

Notary Public

RECORDING FEES

Recording Fee 2.50Index Fee 1.003.50

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