

COLLATERAL ASSIGNMENT OF NOTE AND REAL ESTATE MORTGAGE

STATE OF ALABAMA

COUNTY OF Shelby

KNOW ALL MEN BY THESE PRESENTS, that for value received from
SouthTrust Bank of Alabama, National Association Birmingham, Alabama
 (Name of Bank) (City, State)

hereinafter referred to as the "Bank", the undersigned hereby grants a security interest in and transfers, conveys, bargains, sells, assigns, pledges and sets over unto the Bank, its successors and assigns, that certain indebtedness of John H. Pierce and his wife, Linda L. Pierce evidenced by a promissory note (the "Note") in principal amount of \$98,000.00 dated January 3, 1990, together with that certain real estate mortgage (the "Mortgage") securing the Note and recorded in Map Book 274 Page 264 in the Office of the Judge of Probate of Shelby County, Alabama, and all of the undersigned's right, title and interest in and to the following described real estate situated in the State of Alabama, Shelby County.

see exhibit "A" attached

TO HAVE AND TO HOLD unto the Bank, its successors and assigns, forever. The undersigned warrants to the Bank, its successors and assigns, that neither the Note, the Mortgage, nor the undersigned's interest in and to the above described real estate, nor any interest in any of them, has been assigned, pledged or otherwise transferred to any other party.

This assignment is given to secure payment and performance of all indebtedness and obligations now or at any time hereafter owing by the undersigned assignor to the Bank including, without limitation, that certain indebtedness evidenced by the undersigned's promissory note dated November 16, 19 90, payable to the Bank in the principal amount of \$150,000.00 with interest as therein stated and all renewals and extensions, in whole or part, of said note.

IN WITNESS WHEREOF this assignment is executed for and in the name of the undersigned assignor by its officer thereunto duly authorized this 16th day of November, 19 90.

(Name of Corp., Partnership or Firm)

By: Emmett David Bates, III

Title

(or)

Emmett David Bates, III
 (Name of individual assignor)

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STATE OF ALABAMA

COUNTY OF _____

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that _____ whose name as _____ of _____, a 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 such 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 _____, 19 ____.

(NOTARIAL SEAL)

Notary Public

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, the undersigned, authority, a Notary Public in and for said County in said State, hereby certify that Emmett David Bates, III whose name(s) _____ 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 the conveyance _____ has executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 16th day of November, 19 90.

(NOTARIAL SEAL)

Notary Public

SouthTrust Bank
PO 2554
Birmingham, AL

EXHIBIT "A"

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TRACT 1: All that part of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying South of Montevallo Road, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 23, Township 18 South, Range 1 East, described as follows: Beginning at the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23 go South 89° 16' 56" East along the South boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for 1345.57 feet to an existing iron pin and the SE corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence North 00° 21' 24" East along the East boundary of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the East Boundary of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 23 for 1892.91 feet to the South Boundary of the Montevallo Road; thence six (6) courses along said South Boundary as follows: go North 72° 43' 40" West for 249.40 feet; thence South 82° 27' 56" West for 115.68 feet to a point on a curve to the right, said curve having a central angle of 43° 40' 54" and a radius of 65.00 feet; thence Westerly along said curve for 49.56 feet to the point of tangent; thence North 87° 45' 16" West for 590.12 feet to the beginning of a curve to the left, said curve having a central angle of 24° 14' 37" and a radius of 235.00 feet; thence Westerly along said curve for 99.44 feet to the point of tangent; thence South 68° 00' 06" West for 272.39 feet to the West boundary of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 23 thence South 00° 36' 35" West along the West boundary of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the West boundary of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 23 for 1822.95 feet to the Point of Beginning.

TRACT 2: 0.6 acres, more or less, in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, Township 18 South, Range 1 East, Shelby County, Alabama, beginning at a point on the east line

of said $\frac{1}{4}$ - $\frac{1}{4}$ at a point 800 feet, more or less, north of the SE corner of said $\frac{1}{4}$ - $\frac{1}{4}$ where the 497 foot contour crosses said east line; thence with said 497 foot contour westerly 316 feet, more or less; thence continue with said contour easterly to the east line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence south with said east line 136 feet, more or less, to the place of beginning.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

90 DEC 10 PM 1:55

JUDGE OF PROBATE

1. Deed Tax	—
2. Adm. Tax	—
3. Recording Fee	5.00
4. Indexing Fee	3.00
5. Notary Fee	—
6. Certified Fee	1.00
Total	9.00