

RECEIVED

STATE OF ALABAMA

COUNTY OF SHELBY

REINSTATEMENT AND REAFFIRMATION OF MORTGAGE

WHEREAS, Annette G. Holmes executed a mortgage to CBS Mortgage Company, Inc., dated August 2, 1986 and recorded in Book 085, page 795 of the records in the office of the Judge of Probate, Shelby County, Alabama in and to the following described real property located in Shelby County, Alabama:

Lot 9, according to the Survey of Dearing Downs, as recorded in Map Book 6, page 136, in the Office of the Judge of Probate of Shelby County, Alabama.

WHEREAS, Annette G. Holmes was divorced from Frederick D. Holmes and has subsequently married Daniel J. Duffy; and

WHEREAS, Frederick D. Holmes conveyed his interest in said property to Annette G. Holmes pursuant to said divorce by deed dated 1-12-89 and recorded in Book 224, page 711 of said Probate Court records; and

WHEREAS, said mortgage was assigned to Molton, Allen & Williams, Ltd., by instrument dated September 29, 1987 and recorded in Book 157, page 225, of said Probate Court records; and

WHEREAS, said mortgage was assigned by Molton, Allen & Williams, Ltd., to Molton, Allen & Williams Corporation by instrument dated January 2, 1989 and recorded in Book 249, page 416 of said Probate Court records; and

WHEREAS, said mortgage was cancelled of record by Molton, Allen & Williams Corporation by instrument dated December 12, 1991 and recorded in Book 381, page 328 of said Probate Court records; and

WHEREAS, said mortgage was erroneously, inadvertently and mistakenly cancelled, with the indebtedness secured thereby remaining due and unpaid; and

04/28/1992-6323
03:11 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 11.50

WHEREAS, it is the intention of the parties hereto to reaffirm the indebtedness, reinstate the mortgage and revoke the erroneous cancellation;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the premises, the undersigned agree as follows:

1. That certain cancellation of mortgage dated December 12, 1991 and recorded in Real Property Book 381, page 328 of said Probate Court records is hereby revoked and cancelled, the same having been executed erroneously; and

2. The mortgage dated August 2, 1986 and recorded in Book 085, page 795 of said Probate Court records and the indebtedness thereby secured as evidenced by promissory note of even date are hereby reaffirmed and reinstated with all of their terms, covenants and conditions to remain in full force and effect.

Dated this 6th day of April, 1992.


Frederick D. Holmes

MOLTON, ALLEN & WILLIAMS
CORPORATION

BY:
Its:



STATE OF Alabama
COUNTY OF Jefferson

I, the undersigned notary public in and for said state and county, hereby certify that Frederick D. Holmes, whose names are 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, executed the same voluntarily on the day the same bears date.

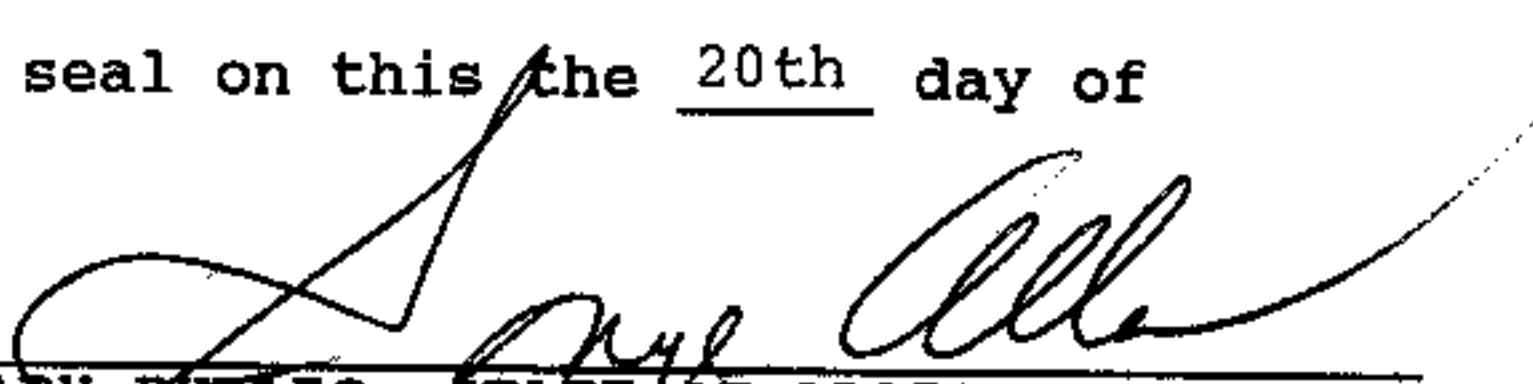
Given under my hand and seal on this the 6th day of April, 1992.


NOTARY PUBLIC, STATE OF ALABAMA AT LARGE
My commission expires: 2/26/96

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned notary public in and for said state and county, hereby certify that Gary L. Forbes, whose name as Vice President, of Molton, Allen & Williams Corporation, a 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 on the day the same bears date.

Given under my hand and seal on this the 20th day of April, 1992.


NOTARY PUBLIC, STATE OF ALABAMA AT LARGE
My commission expires: 11-19-94

The Mortgagee's address is:

Post Office Box 10025
Birmingham, Alabama 35202-0025

This Instrument Prepared By:

Beth McFadden Rouse
McFADDEN, LYON, WILLOUGHBY & ROUSE
718 Downtowner Boulevard
Mobile, Alabama 36609
(205) 342-9172

04/28/1992-6323
03:11 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 11.50