

ASSIGNMENT OF MORTGAGE

STATE OF ALABAMA)
) ss.:
 COUNTY OF SHELBY)

This ASSIGNMENT OF MORTGAGE is made and entered into as of the 14th day of August, 1991, from Resolution Trust Corporation ("RTC"), duly organized and existing under the laws of the United States of America, as Receiver for Gibraltar Savings, F.A., as assignor, (hereinafter referred to as "Assignor"), to MARINE MIDLAND BANK, N.A. AS TRUSTEE, having an office at 140 BROADWAY, NEW YORK, NY 10015, as assignee (hereinafter referred to as "Assignee").

WHEREAS, in accordance with the Financial Institution Reform, Recovery and Enforcement Act ("FIRREA") of 1989, Pub. L. No. 101-73, 103 Stat. 183 (1989), the Director of Office of Thrift Supervision ("OTS"), pursuant to Order No. 89-350 dated October 30, 1989, appointed RTC as Receiver of Gibraltar Savings; and

WHEREAS, under duly delegated authority of OTS, RTC as Receiver of Gibraltar Savings applied for and was granted a charter so as to form a new federal mutual association named Gibraltar Savings, F.A.; and

WHEREAS, RTC, as Receiver of Gibraltar Savings, and Gibraltar Savings, F.A. entered into a certain Purchase and Assumption Agreement dated as of October 31, 1989 wherein Gibraltar Savings, F.A. purchased certain assets and assumed certain liabilities of Gibraltar Savings, including the mortgage(s), and the note(s) and obligations described therein, which are the subject matter of this instrument; and

WHEREAS, OTS, pursuant to Order No. 89-352 dated October 30, 1989, appointed RTC as conservator of Gibraltar Savings, F.A.; and

WHEREAS, OTS, pursuant to Order No. 90-1277 dated June 28, 1990, replaced RTC as Conservator of Gibraltar Savings, F.A. with RTC as Receiver of Gibraltar Savings, F.A. for the purpose of liquidation; and

WHEREAS, RTC as Receiver of Gibraltar Savings, desires to confirm the assignment and transfer of the mortgage(s), and the note(s) and obligations described therein, which are the subject matter of this instrument to Gibraltar Savings, F.A. (as evidenced by its signature below); and

WHEREAS, Assignor desires to assign and transfer to Assignee all right, title and interest in, to and under the mortgage(s) described below and the note(s) and other obligations described therein and all other instruments, documents and agreements evidencing, securing or relating to such mortgage(s) and note(s) [including but not limited to deeds of trust or mortgages, security agreements, financing statements, collateral assignments of leases and rents, title insurance policies or binders, and loan files], herein collectively referred to as the "mortgage(s)"; and

WHEREAS, the undersigned J. Darrell Rocke is authorized and empowered as Attorney-in-Fact for RTC, as Receiver of Gibraltar Savings and as Receiver of Gibraltar Savings, F.A., by virtue of a certain Power of Attorney dated January 16, 1991, which was filed for record on February 19, 1991, and is recorded as document no. 91-020767, in the records maintained in the Office of the Official Records of Ventura County, State of California

NOW, THEREFORE, in accordance with the foregoing premises and for good and valuable consideration,

- (a) Resolution Trust Corporation, as Receiver of Gibraltar Savings does hereby confirm and ratify the assignment and transfer set forth in the Purchase and Assumption Agreement unto Gibraltar Savings, F.A. of all the right, title and interest of RTC, as Receiver of Gibraltar Savings in and to the mortgage(s) below described; and
- (b) Assignor, FOR VALUE RECEIVED, does by these presents hereby grant, bargain, sell, assign, transfer and set over unto Assignee, its successors, transferees and assign forever, all the rights, title and interest of said Assignor in and to the following mortgage(s), duly recorded in the Office of the Judge of Probate of Shelby County, State of Alabama, as follows:

Mortgagor:	Hunter of Alabama Associates, an Iowa limited partnership
Mortgagee:	Gibraltar Savings, a California corporation
Original Amount of Mortgage:	\$2,500,000
Date of Mortgage:	February 29, 1988
Date of Recording:	February 29, 1988
Mortgage:	Book 173, Page 49

The real property encumbered by the above described mortgage is described in Exhibit A attached hereto and incorporated herein.

Together with that certain Collateral Assignment of Leases and Rents, duly filed for record in said office described as follows:

Assignor: Hunter of Alabama Associates, an Iowa limited partnership

Assignee: Gibraltar Savings, a California corporation

Dated of Record: February 29, 1988

Recorded at: Judge of Probate of Shelby County, Alabama on February 29, 1988. Book 173, Page 76.

Together with any and all notes and obligations therein described, the debt respectively secured thereby and all sums of money due and to become due thereon, with the interest, and Assignor hereby appoints Assignee its attorney irrevocable to collect and receive said debt, and to foreclose, enforce, and satisfy said mortgage the same as it might or could have done were these presents not executed but at the cost and expense of said Assignee.

This Assignment is made without recourse, representation or warranty, except as provided in that Commercial Mortgage Loan Sale Agreement dated as of July 17, 1991 by and between Daiwa Finance Corp. and Assignor.

IN WITNESS WHEREOF, Assignor has caused these presents to be executed in its proper name by its Financial Inst. Specialist this 14th day of August, 1991.

RESOLUTION TRUST CORPORATION, as
Receiver of Gibraltar Savings and as
Receiver of Gibraltar Savings, F.A.

By: 

Name: J. Darrell Rocke

Title: Financial Institution
Specialist

This document prepared by:

RESOLUTION TRUST CORPORATION
Name

WESTERN REGIONAL OFFICE
Firm

EXHIBIT A

A parcel of land located in Section 1, Township 20 South, Range 3 West, more particularly described as follows: Begin at the NE corner of said Section 1; thence South along the East line thereof, a distance of 1326.0 feet; thence 45 degrees 51 minutes right, in a Southwesterly direction a distance of 2025.0 feet; thence 90 degrees right, in a North-westerly direction, a distance of 682.0 feet; thence 81 degrees, 04 minutes right, in a Northeasterly direction, a distance of 663.0 feet; thence 90 degrees left, in a Northwesterly direction, a distance of 500.0 feet; thence 90 degrees right, in a Northeasterly direction, a distance of 1807.34 feet to a point on the North line of said Section 1; thence 55 degrees right, in an Easterly direction, a distance of 844.43 feet to the point of beginning.

Situated in Shelby County, Alabama.

Inst # 1992-17857

08/24/1992-17857
10:54 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 NCD 16.50