

This instrument was prepared by:
Gary W. Farris
Burr & Forman
420 North 20th Street
Suite 3000 - SouthTrust Tower
Birmingham, Alabama 35203
(205) 251-3000

Inst # 1994-36721

12/16/1994-36721
08:30 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MCD 11.00

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned **SOUTHTRUST MORTGAGE CORPORATION** ("Assignor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to Assignor by **HEARTHSTONE BUILDERS & DEVELOPERS, INC.**, a corporation ("Assignee"), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey, assign, transfer, and deliver unto Assignee, its successors and assigns, all of Assignor's right, title, and interest in and to the following documents (the "Documents"):

(a) Construction Loan Mortgage Deed and Security Agreement dated December 30, 1993, from McCay Home Builders, Inc., a corporation ("McCay"), to Assignor, as recorded on January 6, 1994, as Instrument No. 1994-000343 in the Office of the Judge of Probate of Shelby County, Alabama;

(b) Promissory Note dated December 30, 1993, payable by McCay to the order of Assignor in the principal amount of \$345,000.00; and

(c) Construction Loan Agreement dated December 30, 1993, by and between McCay and Assignor.

TOGETHER with all money due and to become due under the Documents, with interest thereon, and all rights accrued or to accrue under the Document.

PROVIDED HOWEVER this Assignment is made **WITHOUT RECOURSE**, except that Assignor represents and warrants to Assignee that (i) the indebtedness owing under the Promissory Note secured by the Mortgage as of the date hereof is \$283,824.79, which sum is comprised of \$267,868.95 principal, \$12,469.84 interest, and \$3,486.00 attorney's fees, costs, and expenses, and (ii) the Assignor has good and unencumbered title to the Documents and has the full right to transfer and assign the Documents to the Assignee.

174546.

Cahaba Valley Millwork, Inc.
P.O. Box 380307
Birmingham, AL 35238-0307

IN WITNESS WHEREOF, Assignor has caused this conveyance to be executed by its duly authorized officer on this 15th day of December, 1994.

SOUTHTRUST MORTGAGE CORPORATION

By: W. Guy Warren
W. Guy Warren
Its Vice President

ACKNOWLEDGEMENT

STATE OF ALABAMA)
)
COUNTY OF JEFFERSON)

I, the undersigned Notary Public in and for said County, in said State, hereby certify that W. Guy Warren, whose name as Vice President of SouthTrust Mortgage Corporation, a corporation, is signed to the foregoing Assignment and who is known to me, acknowledged before me on this day that, being informed of the contents of the Assignment, 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 15th day of December, 1994.

Nancy B. Brulter
NOTARY PUBLIC
My Commission Expires: 9/20/97

[NOTARIAL SEAL]

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