

When recorded, Return to:

* BancBoston Mortgage
* P. O. Box 45298
* Jacksonville, FL 32232

Control# : 1110258.1
Loan# : 01004490
Fin# : 6978
RTC Pool# : 3G1RFW
Srvcr Ln # : 33260975

ASSIGNMENT OF MORTGAGE

This Assignment of **MORTGAGE** is made and entered into as of the 27th day of October, 1994, from **Guaranty Savings and Loan Association, (the 'Assignor')** by and through the **Resolution Trust Corporation** acting in its capacity as Receiver for the Assignor (the Resolution Trust Corporation being authorized and empowered to do so, as described on Exhibit 'A' which is attached hereto and incorporated herein by this reference) to

BEAL BANC, S.A.
(the 'Assignee'), with an address of **15770 DALLAS PARKWAY, LB-66**
DALLAS, TX 75248

under
that certain Mortgage Loan Sale Agreement,
dated as of October 27, 1994.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor does by these presents hereby grant, bargain, sell, assign, convey, transfer and set over unto the Assignee, its successors, transferees, and assigns forever, all of the rights, title and interest owned or held by said Assignor in and to the following instrument, duly recorded in the Judge of Probate of **Shelby** County, State of **AL**, described as follows:

Borrower Names:

Timothy Wendell Phillips and wife, Jo Nell Phillips

Original Lender: Real Estate Financing, Inc.

Date of Instrument: 3/28/75 Loan Amt: \$ 38,900.00

Book: 345

Page: 138

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SHELBY COUNTY JUDGE OF PROBATE
004 MCD 16.00

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→ ASSIGNMENT OF MORTGAGE for 1110258.1 continued

Together with any and all notes and obligations therein described or referred to, the debt respectively secured thereby and all sums of money due and to become due thereon, with interest thereon, and attorney's fees and all other charges.

This Assignment is made without recourse, representation or warranty.

Dated: 10/27/94

Witness:

Name:

J. David Porter

Witness:

Name:

KIMMIE FRADY

RESOLUTION TRUST CORPORATION
as Receiver of
Guaranty Savings and Loan Association,
as set forth above.

BY:

Dolly Laubach

Its Attorney-in-Fact

State of Georgia
County of Fulton

On 10/27/94, before me, **SONYA HENDERSON** personally appeared **Dolly Laubach**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument who acknowledged that she is the authorized representative of the **Resolution Trust Corporation** as Its Attorney-in-Fact and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument, the person, or the entity on behalf of which the person acted, executed the instrument.

Sonya Henderson
Notary Name: *Sonya Henderson*

My Commission Expires:

Notary Public, DeKalb County, Georgia

My Commission Expires Feb. 8, 1997

Prepared by S. Richardson

The Richardson Consulting Group, Inc. 505 San Marin Drive, #110A, Novato, CA, 94945*415-898-7200

—> ASSIGNMENT OF MORTGAGE, continued

Exhibit 'A',

Control #: 1110258.1 Fin #: 6978
Loan #: 01004490 RTC POOL#: 3G1RFW
Srvcr Ln #: 33260975

Whereas, on July 31, 1981, Troy Federal Savings and Loan Association, Troy, Alabama, merged with Guaranty Savings and Loan Association, Birmingham, Alabama, under the name and charter of Guaranty Savings and Loan Association; and

Whereas, on August 1, 1981, Investors Federal Savings and Loan Association, Montgomery, Alabama, merged with Guaranty Savings and Loan Association under the name and charter of Guaranty Savings and Loan Association; and

Whereas, on November 1, 1981, First Federal Savings and Loan Association of Birmingham, Birmingham, Alabama, merged with Guaranty Savings and Loan Association under the name and charter of Guaranty Savings and Loan Association; and

Whereas, Guaranty Savings and Loan Association, Mobile, Alabama, merged with Guaranty Savings and Loan Association, Birmingham, Alabama, under the name and charter of Guaranty Savings and Loan Association, Birmingham, Alabama; and

Whereas, on November 16, 1982, Guaranty Savings and Loan Association converted from a state charter to a federal charter and the name changed to Guaranty Federal Savings and Loan Association; and

Whereas, on February 16, 1989, the Federal Home Loan Bank Board ("FHLBB") found the Guaranty Federal Savings and Loan Association, Birmingham, Alabama, to be insolvent and by Resolution Nos. 89-257-P and 89-260-P appointed the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for Guaranty Federal Savings and Loan Association; and

Whereas, on August 9, 1989, the Resolution Trust Corporation ("RTC") succeeded to all right, title and interest in the assets of Guaranty Federal Savings and Loan Association as successor to the FSLIC as Conservator by Operation of Law pursuant to 12 U.S.C. Section 1441a(b)(6) of the Federal Home Loan Act as added by Section 501 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"); and

Whereas, on May 4, 1990, the Office of Thrift Supervision ("OTS") by Order No. 90-741 replaced the RTC as Conservator with the RTC as Receiver for Guaranty Federal Savings and Loan Association.

Therefore, pursuant to the aforesaid FHLBB Resolutions, OTS Order and by Operation of Law pursuant to 12 U.S.C. §1821(d)(2) (1989) and 12 U.S.C. §1441a(b) (1991), the RTC as Receiver for Guaranty Federal Savings and Loan Association succeeded to all right, title, and interest in and to the assets, including, without limitation, the promissary note and the mortgage, deed of trust or security deed for the loan referenced above, with full power to transfer and convey same.

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