

## ASSIGNMENT OF NOTE AND SECURITY

STATE OF ALABAMA  
SHELBY COUNTY

FOR VALUE RECEIVED, the undersigned hereby transfers, sets over, and assigns (without recourse as to First American Exchange Corporation) unto COLONIAL BANK all of its right, title, and interest in and to the following:

1. Promissory Note dated August 30, 1995, in the original principal amount of \$752,740.00, executed by DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP in favor of FIRST AMERICAN EXCHANGE CORPORATION for the benefit of SAEID C. GIVIANPOUR.
2. Promissory Note dated August 30, 1995, in the original principal amount of \$47,260.00, executed by BARBARA M. TICKLE in favor of FIRST AMERICAN EXCHANGE CORPORATION for the benefit of SAEID C. GIVIANPOUR.
3. Guaranty Agreement dated August 30, 1995 pertaining to the Obligations of DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP to SAEID C. GIVIANPOUR evidenced by the above referenced Promissory Note, and executed by DANIEL REALTY CORPORATION in favor of FIRST AMERICAN EXCHANGE CORPORATION for the benefit of SAEID C. GIVIANPOUR
4. Purchase Money Mortgage and Security Agreement dated August 30, 1995 and executed by BARBARA M. TICKLE and DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP in favor of FIRST AMERICAN EXCHANGE CORPORATION for the benefit of SAEID C. GIVIANPOUR, and which has been filed for record as Instrument No. 1995-20463, in the Office of Judge of Probate of Shelby County, Alabama.
5. First Amendment to Purchase Money Mortgage and Security Agreement dated September 15, 1995, and executed by BARBARA M. TICKLE and DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP in favor of FIRST AMERICAN EXCHANGE CORPORATION for the benefit of SAEID C. GIVIANPOUR, and which has been filed for record as Instrument No. 1995-27824, in the Office of Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed and sealed this 29 day of November, 1995.

FIRST AMERICAN EXCHANGE CORPORATION

By: Michelle Roche

(Its Regional Administrator  
Inst # 1995-37025)

C-S \_\_\_\_\_ L.S.  
Saeid C. Givianpour

STATE OF LOUISIANA  
COUNTY OF ORLEANS

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Michelle Roche, whose name as Regional Administrator of **FIRST AMERICAN EXCHANGE 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/she, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in his/her capacity as aforesaid.

Given under my hand and official seal, this the 29 day of November, 1995.

Barbara S. Wrobel  
NOTARY PUBLIC  
My Commission Expires: for life

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Saeid C. Givianpour, whose name 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 27 day of <sup>December</sup> ~~November~~, 1995.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 6/7/99

THIS INSTRUMENT PREPARED BY:  
William B. Hairston, III  
ENGEL, HAIRSTON & JOHANSON, P.C.  
P.O. Box 370027  
Birmingham, Alabama 35237  
(205)328-4600

Inst # 1995-37025

12/28/1995-37025  
10:13 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 SNA 11.00