

1015468

When recorded, return to:

\*  
\* DONA ANA SAVINGS BANK FSB  
\* 1380 LAWRENCE STREET, SUITE 1410  
DENVER, CO 80204

Control# : 3330327.1  
Loan# : 01015477  
Fin# : 1227  
RTC Pool# : 0089  
Srvcr Ln # : 653701

CF 357247 178006902  
**ASSIGNMENT OF MORTGAGE**

This Assignment of **MORTGAGE** is made and entered into as of the 16th day of September, 1994, from **Birmingham FSB,** (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

**DONA ANA SAVINGS BANK, F.S.B.**  
**1380 LAWRENCE ST., SUITE 1410**  
**DENVER, CO 80204**

(the 'Assignee'), with an address of

under  
that certain Mortgage Loan Sale Agreement,  
dated as of September 16, 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:

5316 Meadow Garden Lane, Birmingham

Borrower Names:

Donald N. Hogan and wife, Donette D. Hogan

Original Lender: MortgageAmerica, Inc.

Date of Instrument: 4/15/88

Loan Amt: \$ 102,400.00

Date of Recording: 4/19/88

Book : 180

Page/Folio : 611

Inst # 1996-01245

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03:05 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MCD 13.50

Inst # 1996-01245

→ ASSIGNMENT OF MORTGAGE for 3330327.1 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: 9/16/94

Witness:

Name:

Tracy E. Toole

Witness:

Name:

Joanne Smith

**RESOLUTION TRUST CORPORATION**  
as Receiver of  
Birmingham FSB,  
as set forth above.

BY:

Dolly Laubach  
Its Attorney-in-Fact

State of Georgia  
County of Fulton

On 9/16/94, before me, 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.

Notary Name: J. David Porter

My Commission Expires:

Notary Public, DeKalb County, Georgia  
My Commission Expires October 10, 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 #: 3330327.1 Fin #: 1227  
Loan #: 01015477 RTC POOL#: 0089  
Srvcr Ln #: 653701

Whereas, on August 20, 1992, the Resolution Trust Corporation ("RTC") was appointed as Receiver for Birmingham Federal Savings and Loan Association, Birmingham, Alabama, by the Office of Thrift Supervision ("OTS") by Order No. 92-360; and

Whereas, on August 20, 1992, the OTS by Order No. 92-360 chartered a new association by the name of Birmingham Federal Savings Bank; and

Whereas, on August 21, 1992, the RTC as Receiver for Birmingham Federal Savings and Loan Association entered into a Purchase and Assumption Agreement with RTC as Conservator for Birmingham Federal Savings Bank, which agreement transferred certain assets from Birmingham Federal Savings and Loan Association to Birmingham Federal Savings Bank; and

Whereas, on August 20, 1992, the OTS by Order No. 92-360 appointed the RTC as Conservator for Birmingham Federal Savings Bank; and

Whereas, on August 6, 1993, the OTS by Order No. ATL-93-32 replaced the RTC as Conservator with the RTC as Receiver for Birmingham Federal Savings Bank.

Therefore, pursuant to the aforesaid OTS Orders 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 Conservator for Birmingham Federal Savings Bank 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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