

Borrower: Tacala, Inc.
Store No: 2012

ASSIGNMENT OF MORTGAGE

FOR VALUE RECEIVED, FMAC LOAN RECEIVABLES TRUST 1996-B ("assignor") having an office at c/o Wilmington Trust Company, Rodney Square North, 1100 N. Market Street, Wilmington, DE 19890 does hereby irrevocably grant, bargain, sell, convey and assign to FIRST BANK NATIONAL ASSOCIATION ("assignee") 180 East Fifth Street, St. Paul, Minnesota, 55101, its successors and assigns absolutely and not as collateral security, without recourse, warranty, express or implied, all its right, title and interest in and to that certain instrument or instruments described in Exhibit "A" hereto, together with the debt secured thereby, and all its right, title and interest in and to the property therein described.

IN WITNESS WHEREOF, this assignment has been duly executed as of the day of
1996.

FMAC LOAN RECEIVABLES TRUST 1996-B
Wilmington Trust Company as Trustee

By: 
Name: Emmett R. Harmon
Title: Vice President

Attest: 

(SEAL)

Witness: 

Witness: 

This document prepared by: Susan Gismondi

Franchise Mortgage Acceptance Company LLC
Five Greenwich Office Park
Greenwich, CT 06831

Inst # 1997-09546

03/28/1997-09546
08:19 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 16.00

Inst # 1997-09546

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EXHIBIT A

1. That certain MORTGAGE dated November 17, 1995 in the amount of \$930,000 executed by Tacala, Inc. a Corporation (hereinafter referred to as "Mortgagor") to Franchise Mortgage Acceptance Company LLC (hereinafter referred to as "Mortgagee"), filed for record on November 21, 1995 in the Office of the Recorder, Shelby County, AL as Instrument No. 1995-33443 in Book none , Page none .
2. That certain Pledge and Security Agreement dated November 17, 1995 executed by Mortgagor, as Debtor, and Mortgagee as Secured Party.
3. All other instruments and documents evidencing, securing, or otherwise related to the Secured Promissory Mortgage Note made by Mortgagor to Mortgagee dated November 17, 1995 in the original amount of \$930,000.

A part of Lot 12, Block 1, George's Subdivision of Keystone as recorded in Map Book 3, Page 63 and a part of Lot 1, Block 4, Sector Two, of a Resurvey of George's Subdivision of Keystone as recorded in Map Book 4, page 11 in the Probate Office of Shelby County, Alabama, and situated in the Southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 25, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Begin at the northeast corner of said Lot 1, Block 4; thence south $13^{\circ}39'30''$ west for 221.86 feet to a point on the northerly right of way line of Brown Circle said point being on a curve having a radius of 261.24 feet; thence turn right $61^{\circ}50'53''$ to tangent and run thence southwesterly and westwardly along the arc of said curve as it curve to the right and along said right of way line for 62.51 feet; thence south $89^{\circ}13'$ west and along said right of way line for 120 feet to a point on the southeasterly right of way line of U.S. Highway #31; thence north $13^{\circ}39'39''$ east and along last said right of way line for 99.53 feet; thence north $89^{\circ}13'$ east for 120 feet to a point on the northwesterly line of said Lot 1, Block 4; thence north $13^{\circ}39'30''$ east for 130.02 feet; thence north $89^{\circ}13'$ east for 60 feet to the point of beginning.

State of: New York

SS:

County of: New York

I hereby certify that on this 27th day of December, 1996, before me, a Notary Public in aforesaid County, personally appeared Emmett R. Harmon personally known to me, who being by me duly sworn did say that he/~~she~~ is Vice President of the entity which executed the above instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said entity and acknowledged said instrument to be his/~~her~~ free act and deed of said entity.

(SEAL)

Debra R. Lamb
Notary

Debra R. Lamb
Print Name

My Commission expires:

DEBRA R. LAMB
NOTARY PUBLIC, State of New York
No. 01LA4913466
Qualified in Kings County
Certified Filed in New York County
Commission Expires Nov. 23, 1997

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