

**ASSIGNMENT OF MORTGAGE**

STATE OF ALABAMA )  
SHELBY COUNTY )


KNOW ALL MEN BY THESE PRESENTS, that National Bank of Commerce of Birmingham, a national banking association, for value received to it in hand paid by Hibernia National Bank (the "Assignee") does hereby grant, bargain, sell and convey and assign unto the Assignee all its right, title and interest in and to a certain mortgage executed to it by STEVEN M. MCSWAIN AND VIVIAN L. MCSWAIN, HUSBAND AND WIFE on the 10TH day of DECEMBER, 19 97, and recorded in 1997, Page 41586, of the records of the Probate Office of SHELBY County, Alabama; and together with the debt secured thereby and all right, title and interest in and to the property therein described, including, but not limited to, that certain real property described as follows:

LOT 27, ACCORDING TO THE SURVEY OF ST. CHARLES PLACE, PHASE ONE, SECTOR TWO, AS RECORDED IN MAP BOOK 22 PAGE 59 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

IN WITNESS WHEREOF, National Bank of Commerce of Birmingham has caused this assignment to be signed by Steven D. Fleming, its Senior Vice-President, and attested by June H. Langston, its Mortgage Lending Officer (and its corporate seal to be hereto affixed), all as of the 10TH day of DECEMBER 19 97, although this assignment has actually been signed and attested on the date set forth in the acknowledgement below.

CORPORATE SEAL

NATIONAL BANK OF COMMERCE OF BIRMINGHAM

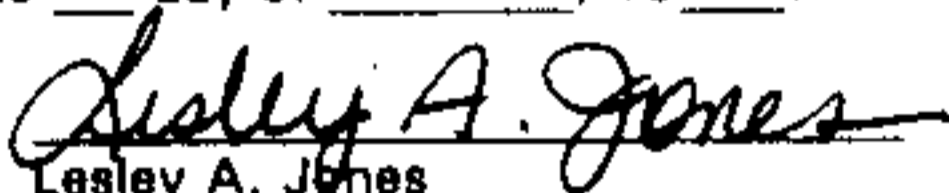
By:  /Steven D. Fleming  
Its Senior Vice-President

Attest:  
By:  June H. Langston  
Mortgage Lending Officer

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Steven D. Fleming, whose name as Senior Vice President of National Bank of Commerce of Birmingham, 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 this 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 the 10TH day of DECEMBER, 19 97.

  
Lesley A. Jones  
Notary Public

This instrument prepared by:  
ANGIE PHILLIPS

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Sept. 3, 2001.  
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

Inst # 1997-41587

12/23/1997-41587  
08:45 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 MCD 8.50

Inst # 1997-41587